

OTHER

Displacement fears

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In a village in the Sariska Tiger Reserve in Rajasthan. The residents of the villages in and around the reserve have helped to regenerate forests and conserve wildlife. -PICTURES: ASHISH KOTHARI

Apparently, in India the rights of people living in and around national parks and sanctuaries are ignored, while the rest of the world moves towards policies that reconcile wildlife conservation with human rights and justice.

NEARLY four million people in India are threatened with displacement and dispossession by a series of Central government and Supreme Court orders on wildlife conservation. Tragically, both wildlife and people are likely to suffer unless immediate action is taken to withdraw these orders. While the rest of the world moves towards environmental policies that reconcile wildlife conservation with human rights and justice, India is headed in the opposite direction.

In June 2004, the Ministry of Environment and Forests (MoEF) brought out a publication, "Handbook of FCA, 1980; FC Rules, 2004 and Guidelines and Clarifications", in which it declared: "The Supreme Court has passed an order on 14.2.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any national park or game sanctuary... . In view of this, rights and concessions cannot be enjoyed in the Protected Areas (PAs)."

In February 2000, the Supreme Court had indeed passed such an order. But it did so in the context of a proposal by the Karnataka and Uttar Pradesh governments to allow the removal of timber from areas protected for wildlife (national parks and sanctuaries) under the guise of it being dead, dying or diseased. The court intended to stop some activities that were obviously destructive and meant for commercial profit. But the MoEF interpreted it differently to ask for the stoppage of all activities, including resource use for survival and livelihood by local communities.

About 5 per cent of India's territory is notified as national parks or sanctuaries (collectively called 'protected areas'), meant predominantly for wildlife conservation. The Wild Life Act, 1972, provides the legal backing for this. Undoubtedly, such designation has saved many ecologically critical areas and threatened wildlife species from being wiped out by dams, mines, cities, and expanding agricultural land. What many conservationists have ignored, however, is that the protected areas are also inhabited by people, some of them ancient Adivasi or tribal communities.

A recent survey suggests that almost four million people live inside India's protected areas. Most of them belong to families that have lived in these areas before they were notified as protected. All these people (and many million more who live in regions adjacent to the protected areas) are dependent on local resources for fuel, fodder, medicines, non-timber forest produce, fish and other aquatic produce, water and cultural sustenance. In many cases the collection of non-timber forest produce contributes to more than half of the household's earnings; more importantly, up to 100 per cent of the daily requirements of such families come from forest or aquatic produce. Many of the activities related to the collection of forest produce are recorded in government documents as rights or concessions; many are also not recorded. And in States such as Orissa, villages that have existed for generations are treated as "encroachments" because they were simply never surveyed and did not enter into government records.

Matters were made worse by a letter from the Central Empowered Committee (CEC) of the Supreme Court, dated July 2, 2004 to senior administrative and forest officials of all States and Union Territories, which stated: "A number of instances have come to the notice of the Central Empowered Committee where felling of trees/ bamboo, digging of canals, mining, underground mining, collection of sand/boulders... cutting of grass, collection of minor forest produce, grazing, construction, widening of roads, etc. have been allowed to be undertaken in protected areas without obtaining permission from the Hon'ble Supreme Court on the plea that these activities are part of the management plans.... You are requested to ensure strict compliance of the Hon'ble Supreme Court's order so that none of the above prohibited activities are allowed to be undertaken in protected areas".

THE impacts of these orders are already beginning to be felt. Vasundhara, a non-governmental organisation (NGO) in Orissa, reports that tens of thousands of people inside the State's protected areas, most of them Adivasis, are faced with unemployment, destitution and even starvation. Detailed studies it has done in protected areas such as the Satkosia Gorge Sanctuary and the Sunabeda Sanctuary reveal an alarming state of affairs, with mass out-migration having begun in search of jobs and sustenance. From Rajasthan, there are reports of stoppage of grass removal from protected areas such as the Kumbalgarh Sanctuary and the Keoladeo (Bharatpur) National Park, with serious consequences for the residents of the villages, especially those critically dependent on animal husbandry. Some States such as Orissa have reportedly passed orders banning the collection of any non-timber forest produce from all their protected areas. As such steps spread across the country and their impact begins to be felt by communities, there is going to be the inevitable rise in trauma, hostility, resentment, desperation and conflict.

Conservationists who believe that wildlife can be protected in such circumstances are deluding themselves. Moves towards political decentralisation are gaining ground in India. Local communities everywhere are beginning to organise and empower themselves. Demands for doing away with protected areas, or with unpopular wildlife laws, are likely to increase. Acts of subversion, deliberate violation of conservation laws, and quiet collaboration with poachers and timber thieves, will rise. Demands such as those from Naxalite groups to abolish Forest Acts seen as draconian, spurred by the socially unjust way in which such Acts have been implemented, will also increase. How can an inadequately staffed and funded Forest Department, charged with protecting India's wildlife, possibly cope with this?

Experience throughout the world shows that where conservation is done involving local people, it is more effective and less expensive. Indeed the National Wildlife Action Plan and even some elements of the Wild Life Act such as the provision to set up Sanctuary Management Advisory Committees reflect the realisation that local communities need to be involved, not alienated. And yet the Central powers that be are going in the opposite direction.

Even the direct ecological impact of some of these steps can be negative in some situations, though positive in others. The Kumbalgarh Sanctuary in Rajasthan has reportedly been affected by severe fire because grass was not cut. The Keoladeo National Park had several years ago introduced grass-cutting to stop the wetlands from turning into grasslands (a threat that arose as a result of a previous mistaken decision to stop grazing buffaloes); if this is now stopped, what will become of the wetlands that harbour one of the world's greatest waterbird spectacles? Blanket bans such as this are not even based on sound ecological sense, since they mistakenly assume that all ecosystems and species everywhere respond in the same way to all human activities.

IN a sense, the recent circulars are the offspring of earlier policy moves. They can be traced to the Wild Life Act, 1972, and related conservation programmes, which in their zeal to protect as much as possible in as fast a manner completely ignored the social aspect of natural resource management. A Western model of conservation that "excludes" human beings was adopted wholesale, even though it was inappropriate for the Indian situation where the entire landscape has human interaction. Nevertheless, for three decades there remained some space that allowed traditional human communities to continue to live within protected areas (barring some areas where physical displacement took place), albeit with reduced resource access.

In 2002, this changed, when an amended Wild Life Act brought in much more severe restrictions. It mandated State governments to "provide alternatives" for all resource use activities as soon as intention was declared to notify an area as a sanctuary (thereby assuming that no rights could continue inside the protected area, which actually contradicted another provision within the same Act which explicitly provided for such continuation). It also prohibited any form of extraction of resources for commercial use. This was necessary to stop industrial-level extraction (for example, of bamboo), but it also brought under its purview non-destructive local activities such as the removal of grasses and medicinal plants, some of which were used for earning livelihoods by local people.

ATREE and other organisations have shown that in the case of three medicinal plants in the Biligiri Sanctuary (Karnataka), such activities by the local Adivasis are not ecologically detrimental; this would be the case of many (but certainly not all) resource uses by local populations across India's protected areas, so there simply is no justification for making such a blanket prohibition. Already a ban on extraction has been issued in Biligiri, reportedly because Karnataka officials want tiger reserve status for this sanctuary though there is actually nothing in any law that requires tiger reserves to be free of human resource use. This ban has put the future of several thousand Soliga Adivasis in jeopardy.

What is strange is that in February 2004, the MoEF committed the Central government to an ambitious target under the Convention of Biological Diversity (CBD): moving towards full participation of Adivasis and other local communities in the management of wildlife conservation, and in receiving benefits from such conservation, by 2008. It did so under a Programme of Work (POW) on Protected Areas, agreed to by all the signatory countries of the CBD. This POW seeks action by governments to get away from former exclusionary and anti-people policies. It commits them to recognising the rights of local communities to participate in planning and management of protected areas, to provide communities full benefits from such areas, to respect the communities' traditional rights to territories and resources, and to seek prior consent before considering any resettlement of communities from within protected areas. The recent circulars and orders violate all these provisions of the international agreement, to which India is legally bound.

Ironically enough, the very government that has taken such draconian steps against some of the poorest communities in the name of conservation has no compunctions in giving up ecologically critical areas for so-called development projects. In November 2004, for instance, it gave clearance for the construction of the Lower Subansiri project in Arunachal Pradesh, despite strong evidence that the project would destroy a crucial wildlife habitat. In October 2004, 40 organisations from across India signed an "open letter" to the MoEF, expressing dismay at the Ministry's action of continuing to sign away wildlife habitats to such projects on the basis of sub-standard and often fraudulent environmental impact assessments. Indeed, many protected areas from where traditional communities are being moved out, are being opened up for large-scale commercial tourism (called "ecotourism", as if adding the prefix "eco" will magically transform a destructive activity into a benign one).

Clearly, the government has to take some drastic steps to undo the damage caused by the recent circulars and orders. The MoEF and CEC orders need to be summarily withdrawn. A clarification should be sought from the Supreme Court in order to permit the continuation of traditional bona fide and livelihood activities by communities within protected areas, as customary rights. Some NGOs are preparing a legal intervention to seek such a clarification. But in the longer term, the government needs to alter its policies to move towards what it has committed itself to under the Convention on Biological Diversity - a system of participatory conservation that empowers citizens to protect nature - rather than be alienated from it. And if it is really interested in conservation, it needs to stop selling off wilderness lands to industry or catering to wasteful consumerist demands.

Only a genuine and respectful partnership among local communities, NGOs, and official conservation agencies will save India's biodiversity.

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