STATE LEVEL WORKSHOP ON

Decentralised Forest Governance: Beyond JFM

14th – 15th October, 2011

Organised By:

Regional Centre for Development Cooperation (RCDC)

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REPORT OF THE STATE LEVEL WORKSHOP ON

Decentralised Forest Governance: Beyond JFM

Background :

'Forest' is a complex socio-cultural-economic-ecological construct. Different 'forest' management systems provide different mix of benefits to different sections of society. These beneficiaries are located at varying distances from local to global. The notion of 'beneficiary' or 'stakeholder' has both material and cultural dimensions, and is historically shaped. Framing and implementing forest policy has therefore always been (and will always be) a political process (though informed by the ecology), as it tries to balance and priorities between different benefits and beneficiaries of different kinds of forest use systems. It is also profoundly socio-political in the way it sets up structures for achieving and maintaining this balance.

The new forest debate coincided with the emergence of wildlife concerns in the early 70s, but was modified by the general increase in the environmental rhetoric and the social movements that emerged simultaneously. Thus, one sees four different trajectories of state intervention emerging from this period, these include: (a) the Wildlife Act and the consequent expansion of the Protected Area network, (b) the Forest Conservation Act (FCA) -which is seemingly about curtailing the conversion of forest land to non-forest uses, c) Joint Forest Management (JFM)—which is about making forest management more participatory, (d) The schedule tribe and Other Traditional Forest Dwellers (Recognisation of Forest Rights) Act, 2006 (FRA)-which is about recognition of individual and community rights over forest and forest land resources. On all four fronts, the success has been limited, initiatives have been floundered. Broadly, the reasons for this state of affairs are:

- The driving concern of forest policies continues to be an oversimplified notion of 'conservation' and 'ecological balance' that leaves local communities and livelihoods out of the equation, except FRA and Panchyat Extension to Schedule Areas (PESA) Act.
- The state initiatives have often overlooked ground realities, including the complexity of local forest rights and settlements, the often fractured nature of 'local community', the changing relationship between people and forests, and the narrow notion of 'forests' that leaves out other common lands.
- The thinking about the process of implementation continues to be stuck in the rut of centralised bureaucracies and single-template laws, which for a country of the diversity and social differentiation of India is simply unworkable.

Rationale

- Twenty three years after the adoption of the landmark National Forest Policy there are several issues and challenges confronted by the forest sector. A plethora of resolutions (like JFM resolution of 1990, 1993, 1994, 1996, 2005, 2008 and 2011), notifications, and amendments have been passed since, purportedly, to facilitate involvement of forest fringe communities in forest management. No doubt the new JFM resolution 2011 looks optimistic but if we analyses the overall policy developments relating to participatory forest management in the state, many key issues have been bypassed. The question that faces the state today is where JFM should be heading?

- FRA has been a step forward to undo the historical injustice, but the whole implementation rests with a ministry and departments that is far from strong, hence would require much support.

- Numerous researches, forest officials and others have observed that Community Forest Management (CFM) has positive impact on ecological, institutional, and socio-economy of local communities and others. But there is no mention in the recent guideline (JFM resolution 2011) to recognise self initiated groups as a legitimate form of PFM.

- The democratic forest governance that is sensitive to the needs of multiple stakeholders and particularly the locals is the only viable approach for managing the forests for future and this is only possible through capacity building and decision making at appropriate levels.

Participants :

Sixty participants from various sectors had attended the workshop. They include NGO staff members, activists, journalists, PRI representatives, community members, CFM/JFM members, deliberated at length about forest-related legislations and its problems and prospects in the larger context of conservation and development.

Inaugural Session:

Mr. Kailash Dash, the Executive Director of Regional Centre for Development Cooperation (RCDC) welcomed the participants and introduced the guests before sharing the importance of decentralised forest governance in the present context. He told that since the year 2011 is observed as the 'International Year of Forests', efforts should be made at the grassroots level to enhance the forest resources and the communities dwelling in forest and forest fringe villages can play a vital role in delivering the goods. Besides, coordination is required among different stakeholders to minimize the interest conflicts and to see what the ends available to enhance cooperation are.

The Government should focus on the rights of the forest dwelling communities and take them in to confidence for forest protection, conservation and management.

Mr. Ghasiram Panda, Programme Manager of RCDC and moderator of the workshop, shared the aims and objectives of the workshop in brief. He shared that now the forest governance is in a state of confusion. Forest department is not in a mood to allow community rights over the forest. While the department continues to insist on the Indian Forest Act, Forest Conservation Act and Rules on Minor Forest Produces etc where as the community and Civil society is thinking in terms of FRA and PESA. The role of forest department should be reviewed and the role of community should be expanded. Merely decentralizing forest governance to the Gramsabha level is not enough. It should be operationalised and all the obstacles in accessing the rights should be facilitated properly. The level of governance at different stages is also different as the need varies. Taking all that in to consideration, the workshop was poised to have three sessions dealing with governance at the local level, in case of mining areas and development project areas; and in national and international level where Reduction of Emission from Deforestration and Forest Degradation (REDD+) is going to be implemented. Mr Panda laid out the objectives of the workshop this way:

- To present a more wide-ranging, constructive but provocative perspective on different dimensions of the forest problem, with the objective of sparking some fresh thinking in policy-making, practitioner and research circles.
- To explore the ways and means for promotion of decentralised forest governance with the help of PESA, CFM, JFM, FRA and Biodiversity Act (BDA).

The Chief Guest of the workshop **Dr. Aurobindo Behera**, IAS, Principal Secretary, Department of Forest and Environment, Govt of Odisha, in his inaugural speech called for a people centric approach to management of forests. According to him, the management concept should be "Forests for the people". He informed that since the year is celebrated as the international year of forests with the same theme, the Government of Odisha has undertaken a number of initiatives to reform the forest sector. The Chief Minister of Odisha has declared support to 5000 CFM/VSS groups for their capacity building. More than 2.5 lakh forest dependent people have

availed individual forest rights. Dwelling further on the importance of forest management he said that Odisha has 58,000 square km of forest and forest land which is one third of our total geographical area. Over 10 million people depend upon forest resources, next only to agriculture. Forest has different perspectives to different stakeholders. People at village level see it as the source of livelihood and their rights over it and speak about PESA, FRA, WPA and JFM where as the National scenario is focusing on REDD – payment for ecological services. The communities those who are safeguarding forests should prepare their forest management plan which will be a part and parcel of the forest working plan. Similarly, FRA provides the communities ownership over MFPs and the communities should prepare their MFP harvesting, trading plan and conserve the species for a sustainable income. He said that the government is proactive to this issue. Government has conducted a survey of the forest area and the consolidation of various forests is going on. Using the DGPS (Differential Geo Positioning System) accurate maps are prepared which will provide a clear picture of the forest scenario.

He added, traditionally and culturally people are protecting and monitoring the forests within their local limit. Forest conservation is a traditional and cultural history in Odisha. People have thought the utility and merits of forest before the government. It has made an impact for policy changes. Forest is a common property resource and its degradation will definitely lead to conflict. It has become a habit of some people to encroach the common property resources leading to further conflicts. Here the community has a role and responsibility to get rid of those and exercise the rights. It can be possible through unity and community participation in government Programmes.

Highlighting the salient features of the recently passed JFM resolution 2011 he informed that it allows ample scopes for the CFM/VSS. Now the community can exercise 90% control over the forest to protect, regenerate, conserve and manage the forest. The Government has 10% control so far as legality is concerned. The management system which benefits us should be accepted. Referring to confrontation over 'Community Forest Management (CFM) Vs Joint Forest Management (JFM) he said that fighting over name immaterial. The divisional working plan includes all the forest area beyond the reserve area and shall be shared with the local people to enhance participation and inclusion of the traditional knowledge. A mixture of indigenous knowledge and academic knowledge can make the plan holistic.

He further said that nothing should be imposed on the communities by the forest department. This is because imposition always leads to failure. Discussion with the people is a prerequisite and the process should continue.

Dr Behera thanked RCDC for its endeavor to enhance the capacity of the communities as well as the capacities of the forest department. He told that, a

collaborative approach is also needed between UNDP, PRIs, NGOs and CBOs for the actualization of the objectives. 'Regular communication, videoconferencing is going on among the forest department and communities. Exploration of various possibilities and efforts to make it further better will continue', he concluded.

The honourable guest of the occasion **Dr. Ambika Prasad Nanda**, State Program Officer of UNDP focused on a benign supervision. According to him, there is a huge thinking gap between the thought at higher and the grass-root level staff of the forest department. The 12th five year plan document should be seen as a perspective document which has a democratic space between government and the community. It speaks about empowered community and resilient nation. Dr. Nanda reiterated that community based disaster preparedness and management has no alternative and similar kind of intervention is needed in case of forestry sector because forest resources are in constant pressure due to multiplicity use of forests. He suggested following measures that can be put in to practice.

- Coordination committees of state and non-state actors at various levels are needed. Unified approach to the governance issue is required.

- Human resource development through training and allied intervention is needed for the Forest Dwelling Schedule Tribes and Other Traditional Forest Dwellers. He cited the example of UNDP's experience in cane nursery involving 23% tribals and 47% BPL to have increased access and control over the natural resources.

- Study, Research and documentation should be taken up in different perspectives and work plan should be made in association with the people.

- Preach and preen that community conservation is successful. In order to exhibit that stalls may be prepared in various exhibitions or in a large fair kind of thing. Let us have a larger meeting involving more than 6000 community conserved area, he urged.

With this the inaugural session came to end and technical sessions began.

First Session:

"**Theme-I: Governing Local Forest**
Forest governance and existing legal framework (FRA, PESA, JFM Resolution etc);
Policies vs Practices"

Mr. S. C. Mohanty. IFS, Ex. PCCF

 Mr Mohanty's started by saying that forest is an arena of conflicts. So many stakeholders view the forest with different interest making consensus a very difficult proposition. In such context, there is an urgency to see if any structural and systemic changes are needed. Forest has a multiple role and it is defined at different levels. The local role is MFP based and is meant for livelihood purposes, the national role focuses on timber need fulfillment, biodiversity and wildlife habitat. The global role speaks about carbon sequestration to prohibit the negative impacts of climate change. Meeting the local requirement is the priority as per the National Forest policy. But the competing and conflicting needs should be resolved. A win-win situation in a policy shall be well accepted.

Degraded forests should be regenerated. Plantation may be profitable than regenerating a degraded forest. The forest patches where there are not a single tree may be selected for plantation by the local communities, CFM or VSS.

There is a transition with regard to forest governance. Nothing is fixed and change is the only constant and truth.

Community Forest Resources should be developed with the involvement of people with the forests. Sustainable management of forests is needed otherwise "no forests – no rights". In case of FRA, Gramsabha decides and determines the nature and extent of forest rights of the individuals as well as the community which is an exclusive arrangement but not an inclusive arrangement. VSS constituted under JFM is now a unit of Gramsabha where the villagers jointly sit and decide a system to formalise. Divisional Forest Officers, Range Officers, District Magistrate & Collector and other authorities should not decide on behalf of the villagers whereas they can facilitate the process. Hence, a mutual understanding and unison is needed.

JFM Resolution 1990, 1993, 2002, 2006, 2008 and 2011 is based on the conservation principle which has people's participation in the process and community benefit with less cost. This is otherwise known as incentivisation of the communities.

Law is not an answer to everything. Law, policies are very weak instruments. Policy is in a state of flux. Collective gain should be given priority over individual gain. Gain should be decided collectively. Ecological security and inclusive growth is gaining priority and for this more investment is needed.

Country like German practices decentralised forest governance and there is no pressure on forests. The communities dwelling in forests and forest fringe villages should ask themselves a question - what is their own role and responsibility towards forests. Forests now become a low priority sector. Advocacy is needed in this respect.

Mr. Prasanta Mohanty, Forest Expert

In his power point presentation Mr Prashanta Mohanty highlighted the historical development in forestry sector and its major outcomes. He also briefed on the existing forest governance framework and the issues related to local communities. He emphasized more on the devolution of power in true sense rather than the mere decentralization of governance. The salient points of his presentation were:

- Decentralization defined as "relocating administrative functions away from a central location". Not necessarily changing the locus of decision making.
- Devolution – "relocating power away from central location" eg. regional or local offices of forest bureaucracy
- Local political structure sub-dist, village level.
- Problem of devolution true power to implement- eg. Community is given responsibility to mange forest without authority to make to day to day decisions to perform this responsibility.

Mr Mohanty went on to dwell more on the Historical developments. His narration was as follows:
- Forest areas declared as Reserve Forest (RF), Protected Forest (PF), Protected Area (PA) etc using IFA,1927; MFA,1882; OFA,1972; WLPA,1972 etc and on the principles of eminent domain.
- Procedural lapses observed in proper survey and settlement of rights as per law before declaration of legal forest categories.

- Blanket declaration of vast tracts of wasteland having scarce forest growth as recorded Khesra forests, PF and other forests
- Procedural lapses equally prominent in most of the princely states having varied forest rules based on either IFA,1927 or MFA,1882
- Access of communities restricted to these forest areas and most of traditional tribal and forest dwellers considered as illegal encroachers
- Enactment of FCA,1980 and subsequent interpretation of forest by the Apex Court through Godaverman case further centralized forest governance structure

He then elaborated about the 'Outcome' of the 'Process'. Some of the outcomes as identified by Mr Mohanty were:
- Tribal/ forest dwellers were displaced from forest land without any compensation
- Many forest areas still remain as deemed forests without final notification
- Human habitation or settled cultivation exist on forest areas without proper record
- Tribal/ forest dwellers displaced from forest land without any compensation
- No scope remained for settlement of forest land to genuine forestland occupiers like Tribal and forest dwelling communities

Mr Mohanty further elaborated about existing Forest Governance Frameworks:
- FRA firstly include communities and grassroots institution like Gram Sabha in governance structure
- FRA is a law that reflects democratic aspirations of people as it was framed after lots of consultations, involvement of people's representatives (JPC), people's movements etc.
- JFM is policy resolution framed by FD with limited involvement of people during drafting or any democratic process of consultation
- The process of framing of JFM resolution still continues with same practices with limited consultation involving smaller and powerful groups to show involvement of CSO.
- FRA gives authority to communities to protect forests while JFM is a privilege offered by FD to communities for forest protection and management on its own terms.
- FRA provides for empowering framework with detail laid out procedure for all institutional arrangements like GS, SDLC, DLC making them accountable for recognition of rights and violation of rights by any govt. authority.
- Unlike JFM and PESA, FRA provides for issuance of legal title deeds on forest resources which can be defended in the court of law in case of forcible eviction, displacement etc.
- FRA defines clear roles for communities for protection and management of CFR while JFM prescribes specific roles as decided by FD.

- FRA gives the scope to the communities for determining the area of traditional/customary use through participatory and democratic framework, while JFM grants forest areas for protection and management to villages as decided by FD.
- There is a likely chance of potential claim for CFR under FRA being affected if JFM resolution is implemented in same areas
- This could lead to further confusion as the fundamental principles of JFM and FRA contradict
- PESA has more empowering provisions like role of panchayat/Gram sabha in the control and management of natural resources like land, forests, NTFPs etc. Yet it lacks clear framework and procedures, even rules for vesting such rights.
- PESA does not specify either any procedure or any institutional arrangement for transfer of power to panchayats to govern forests.
- PESA does not clarify the role of FD thus leading to lack of clarity in roles of both institutions for governance of forests.
- In compare with old JFM resolutions, the 2011 resolution has only progressive idea- Removing FD staff in JFM committee
- FRA forest land, PESA cover revenue land wider perspective-land alienation, NRM etc.
- FRA cover Non-scheduled areas in compare with PESA
- PESA does not have central rule. State will make its own rule. But many state govt. didn't take initiatives of effective implementation
- PESA spirit and diluted and violated: Gramsabha decisions are overlooked. Secretary presence is mandatory

Towards the end he highlighted about the following issues:
- PESA-Power of Gramsbaha - selection of beneficiaries and decisions are changed
- All the corresponding Act has not been changed after PESA. eg. Kendu Leaf and Bamboo etc
- Decision are taken in Panchayat in appropriate level-
- Consent Vs. Consultation in FRA and PESA
- Quorum 1/10th and 2/3 rd in PESA &FRA
- Drawbacks: 2/3 rd quorum have been violated

Mr Mohanty then concluded with the following recommendations:

- PESA in Odisha: Progressive provision
- Banned total transfer of pvt. Land of tribals in 2002
- State should revisit the JFM arrangement in the changing context
- The perspective of state govt. should have necessary changes in context of FRA and PESA.

The first technical session ended with this.

Second Session:

Theme-II: Conflict: Forest vs Non Forest use
Forest Conversion and governance issues in the context of FCA, FRA & PESA

Mr. **Deepak Mohanty**, IFS, Additional Secretary, Department of Forest and Environment, Govt. of Odisha

Mr Mohanty gave a prospect to governance issues vis-à-vis current legislations and provisions from the governments' perspective. FRA & PESA aim at safeguarding and preserving the traditions and customs of the people. It also empowers and strengthens the local self governance. These acts integrate conservation and livelihood rights of the people. On the other hand FCA aims at ensuring the conservation of Forests.

So far as coordination PESA and FRA at the operational level is concerned the major issues are:-
- Functioning of Gramsabha / Pallisabha
- Facilitation at the ground level
- Section 4 (5) under FRA – no eviction till finalisation of process of verification
- Section 4 (7) under FRA – No clearance under FCA required for conferring forest rights
- Section 3 (2) under FRA – Diversion of forest land for community facilities
- MoEF, GoI's instruction on processing of diversion proposals (dt. 03.08.2009)

Besides, he referred about the enabling provisions and executive instructions as well as the status of FRA in Odisha.

Mr. Sanjoy Patnaik, State Director, Rural Development Institute (RDI), Odisha

Mr. Patnaik started with a presentation about the background of FRA and the history of forest administration in Odisha and India. Then he elaborated about the various links between FRA, PESA, FCA and Wild Life Protection Act.

Narrating about Forest Conservation Act, 1990 guidelines, Godaverman case and pre – FRA debates, he identified sequence as follows:

- FCA restricted non-forest use in forest areas – diversion was possible with prior permission of MoEF
- Prominent use of the term 'encroacher' where rights were not settled
- National Forest Policy 1988
- NFP led to coming up of a set of circulars, known as 1990 guidelines for regularisation of encroachment, conversion of forest villages, etc
- The Godavarman case 1995
- Definition of forest in 1996/SCI
- PESA also in December 1996 where rights over forest resources was specifically indicated
- 2001, IA 703 – forest encroachment by powerful people – led Supreme Court forbidding MoEF recognise encroachments without permission
- This was interpreted by MoEF as a direction by Apex Court to evict encroachers
- May 2002 MoEF circular to evict caused eviction of1.68 lakh families from over 1.5 lakh hectares
- Oct 2002 Govt to consider settlement of disputed claims of tribals over forest lands
- Feb 2004 – new guidelines for regularisation of of tribals on forest lands – 31.12.1993 cut off
- June 2004 : Tribals have a definite right over the forests and any sort of forest diversion or eviction should have their informed consent
- Oct 2004 – NAC convened a dialogue between MoEF and civil society groups
- 21 Dec 2004 circular not to evict tribals and forest dweller other than ineligible encroachers
- 24 Dec 2004, affidavit by GoI - 'historical injustice' - to the tribal forest dwellers –
- Definite trend towards devolution of power
- Judicial activism in forest– windows of opportunity
- Context of law making is critical, therefore needs to be dynamic
- Judicial process largely focused on rights of tribals over forest lands - 'Encroachment' to 'Unsettled claims' to 'rights over forestland'
- Critical contributions to environmental jurisprudence
- Coincided with the era of liberalization

Mr Patnaik then discussed about Conversion and governance interface in PESA and FRA, especially the context and conflicts within. His arguments were as follows:
- PESA provides a **governance framework** that identifies subjects/themes where the Gram Sabha is the final decision making authority –
- Resource ownership design with GS centre stage

- FRA however is more definitive and exact that more or less uses the same governance frameow0rk
- FRA changed forest land use without attracting the provisions of FCA - Conservation as a right and a duty
- States were asked to frame rules for PESA, whereas centre framed the rules for FRA. Mr Patnaik distinguished and make comparison between PESA and FRA as follows.

PESA	FRA
• Definition of '<u>community resources</u>' - land, water, forest, minerals and other resources located in the territorial domain of the community and insertion of the word 'mandatory' for consultation	• <u>Definition of 'community forest resource</u>' – rights over customary common forest land within the traditional and customary boundaries – forests of all types including protected areas
• Gram Sabha to make regulations to impose conditions for protecting environment – forest	• Holders of forest rights, GS and village level institutions are empowered to; protect forests and wildlife, preserve from destructive practices, regulate access to CFR
The Gram Sabha recommendations 'binding' on all authorities unless otherwise decided by the State Government for reasons to be recorded in writing	• Gram Sabha to initiate the process of determination of individual and community forest rights
Ownership over MFP	Definition of MFP

Continuing, Mr Patnaik, elaborated on the possibilities of Conversion and governance interface in PESA and FRA in regard to context and conflict areas:

- Complementarities and possible areas of conflict?
- What are the possible areas of conflict – JFMC, land acquisition, forest diversion and so on
- Conflict in legal mandates for PRI's and JFMCs – lack of effective coordination between the legal and administrative framework for PR and Forestry Institutions
- Overlapping of function of PRI's with JFMCs
- Relative institutional dominance – one over other
- Competition over management and control and disputes over benefit sharing

Forest Rights Act (FPC) –JFM

- Right to conserve…..any CFR….traditionally protecting …sustainable use – CFR delineation and JFM ?
- Community Forest Right over CFR (Section 3(i))
- Forest Protection Committees under FRA as per Rule 4 (e) and its link to forest protection and duties under FRA and its linkage to existing JFM, PFM CFM? Not clear
- Empowered to perform duties and CFR
- Competence of Gram Sabha – whether MFP or forest management, GS plays a supervisory role
- New ownership framework *versus* established management structure
- Varying perceptions of the central ministries on NRM especially forests at the village level
- While MoRD pushes devolution of functions to the Panchayat including forestry related functions, MoEF doesn't recognise any legal claims of PRI's for the management of forests and forest resources
- Whether it is MFP, JFMC, CWLH, the statutory provisions and management designs don't match
- Working Plan and Micro-plan – high technical competence areas, no role for local communities but common understanding is WP and MP should be as per PESA prescriptions
- Involvement of GS in MP and WP may challenge provisions of FCA – non-forest use (med plants)
- No prior permission from GS for felling operation as per WP prescriptions
- When land has to be acquired for a specific purpose – FRA, 4(e) – free informed consent,
  PESA, mandatory consultation of Gram Sabha
- Whether devolution of power is only transfer managerial functions/burden on panchayats or ownership of the resources?
- Panchayat's interface with Forest Department for technical support – issue of authority and capacity
- FRA – individual rights- CFR and FCA
- FRA, Ch III, section 5 - ….no FDST/OTEFD to be evicted from the forestland under his/her occupation till the recognition and verification process is over
- Growing area of concern especially in mining areas
- Limited role of Gram Sabha in restricting forest diversion
- Ownership, endowment of ownership, managerial functions are still inadequately defined

Areas needing attention and further insight:
- The trend is forest management cannot be kept out of the purview of panchayats
- How does specific jurisdictions and roles are defined – PRIs, JFMC and FD
- Areas without clarity of boundaries or areas under JFM overlap–there are a need to evolve functional linkages for Panchayat bodies.

- FPCs under FRA may be the most appropriate institutions in such areas
- Lack of political and executive will to implement PESA and FRA
- Implementation of PESA has been a federal issue – states have different views, ways of implementation, silence
- Varying interpretations of law
- Need for a central authority to ensure implementation of PESA
- PESA being the hub legislation related laws needs to change like FCA, LA Act, CAMPA etc
- PESA Rules

Mr. Sanjoy Patnaik suggested that the local governance should be a blending at appropriate level, for example Grampanchyat, Community and Forest department. Decentralisation has taken place but there is lack of political will to implement.

Third Session:

Theme-III: The Local governance Vs Global Interference

Impact of global development like REDD in local governance of natural resources and community rights; areas of concerns

Mr. Pranab Choudhury, Forest Expert

Initiating the discussion in the second day Mr Pranab Choudhury clarified some of the basic and fundamental conceptual gaps and approaches with regard to REDD+. He discussed on the "Impact of global development like REDD in local governance of natural resources and community rights; areas of concerns". He clarified the concept of Reduction of emission from deforestation and forest degradation (REDD) and other developments through a power point presentation in the following manner.

Journey towards REDD+
- Kyoto- 2005-CDM-LULUCF -AR
- REDD (13th CoP, Bali 2007)
- REDD + (Cancun, 2010)
    - Push by ITTO – to add logging /forest extraction through SFM
    - India – Compensatory Conservation – Rewarding Zero Deforestation

- China - 'Enhancement of carbon stocks' (ECS) - grow new plantations of introduced species while at the same time continue to deforest natural forests
- To be Operational after 2012
- REDD is no longer some sort of optional nice little flexibility mechanism on the side. It is a fundamental mainstream mitigation strategy"

In his presentation he defined REDD+ as below:
- The REDD"+" is more than Just avoided deforestation and forest degradation
- REDD strategy need not refer solely to the establishment of national parks or protected areas;
- It also includes
    - the possibility of offsetting emissions through "sustainable forest management", "conservation" and "increasing forest carbon stocks". by the careful design of rules and guidelines,
    - REDD could include land use practices such as shifting cultivation by indigenous communities and reduced-impact-logging, provided sustainable rotation and harvesting cycles can be demonstrated

Drivers of REDD :
Oversimplification or Economization?
- Tropical deforestation considered as the single largest emission source
- Deforestation is Market Failure, an Economic Problem
    - "forests are worth more dead than alive"; in the absence of revenues streams from standing forests, communities and governments in many developing nations have little incentive to prevent deforestation"
    - pursuit of economic development and poverty alleviation is the key driver of forest clearing
    - Rising poor population puts pressure on scarce forest and lead to deforestation
- Neoliberal Influence : international climate regime is not to regulate, but to determine the terms of trade

Approaches
- Market based Approach
    - Through Establishing National Baselines & Project Baselines
    - Limitations: Measurement, Permanence, undermining the market, leakage, additionality, and sovereignty and rights to land.

- Non-market based Approaches
  - Financial incentives to national governments that demonstrates, using national reference scenarios, in a transparent and credible manner, a reduction in their emissions from deforestation
- Basket Approach

Seeing Green
- World Bank's Forest Carbon Partnership Facility FCPF)
- UN-REDD Program (UNDP, FAO & UNEP)
- Norway's International Climate and Forest Initiative

Seeing Red
- Extension of Green Capitalism & CO2lonization
  - opening the door to logging operations
  - displacement of local populations for "conservation",
  - increase of tree plantations
  - expropriation and enclosure at the hands of polluting companies and market speculators
  - Invasion of Poor's Ecological Space by Rich Off setters
- Threat Perceptions
  - weak (or inexistent) consultation processes with communities
  - Lack of criteria to determine *reddiness* of a country
  - the negative impacts such as deforestation and loss of biodiversity (due to fast agreements and lack of planning);
  - the lack of safeguards to protect Indigenous Peoples' rights;
  - the lack of regional policies to stop deforestation
- UNFCC Forest Definition – Natural Forest & Plantation same status
- Commercial interests taking precedence over environmental and social objectives

- The International Indigenous Peoples Forum on Climate Change (IIPFCC)
  - REDD/REDD+ will not benefit Indigenous Peoples, but in fact will result in more violations of Indigenous Peoples' rights.
  - Will increase the violation of our human rights, our rights to our lands, territories and resources, steal our land, cause forced evictions, prevent access and threaten indigenous agricultural practices, destroy biodiversity and cultural diversity and cause social conflicts.

- Under REDD/REDD+, states and carbon traders will take more control over our forests.

And the Orange
- Developing REDD activities with communities and developing benefit-sharing mechanisms to ensure REDD funds reach rural communities as well as governments.
    - Grassroots Initiatives like Plan Vivo projects in Mexico, Mozambique and Cameroon
    - CFI initiative in Cambodia, Meghalaya – Plan Vivo
    - Some Community Forestry Groups in Nepal in association with FCPF, UN-REDD

But the Colour Blinds…
- Indigenous Peoples and forest-dependent communities whose livelihoods derive from forests
- Success /failure of REDD activities will largely depend on their engagement
- How do they see?

Mr Choudhury highlighted on some of the issues:

- Who is going to get the benefit
    - State? Corporate? Or Local Communities?
- Who own the forest? Who Protects? Who Manage? Whose life is dependent?
- Environmental Justice :
    - Do these communities provide 'Cheap labour' to Global Environmental Service Industry?
    - Reward or Rights Recognition

CF & REDD: NEGATIVES (Nepal)
- Forest Fire
- Missing Livelihoods & biodiversity for Carbon
- Land rights & reforms
- Availability and use of Fund
- Negotiation, Power & Control
- Weak Governance
- Long term Tenure
- Convincing Communities

- Negotiating user rights
- Carbon Rights

CF & REDD: POSITIVES (Nepal) :
- Low preparation cost for community forestry
- Community forests solve equity issues
- Have established funding channel
- Control of Illegal harvest
- Inclusiveness and transparency in processes
- Issues can be tackled
    - Measurement – Local Resource Person
    - Permanence – with assured Right
    - Price Stabilization – Bargaining Power of Fed
    - Leakage -

Re(a)ding Benefit :
- Participation of Indigenous peoples and Forest-Dependent Communities in the design, implementation and monitoring of REDD activities, and respect for their human rights
- Strategies to prevent "carbon leakage", caused by the displacement of deforestation to other areas
- Achieving multiple benefits, for example the conservation of biodiversity and ecosystem services (such as watersheds), and social benefits (for example income and improved forest governance).

CF in Nepal : Expected benefits – Mid Hills
- ANSAB, 2006 estimated
    - CF can sequester an average of 2.1 tons CO2/ha/yr. At US $13 per t carbon, 100 ha could yield about US $2,730
- LFP , 2009
    - Rate of Carbon capture is (sequestration rate) approximately 1.3 tons/ha/year

Questions – Deforestation?
- Is deforestation a market failure?
- Is deforestation caused due to underdevelopment and lead to development?

Questions – REDD+?

- Is REDD more technical and methodological than political, social and governance?
- Is REDD an appropriate response to deforestation?
    - Is Forest all about Carbon?
    - Can economic or monetary incentives alone stop deforestation/degradation?
- Is REDD a threat to decentralized forest Governance?
    - Increased commercial value of forest re-centralise governance?
- Is REDD about Commercialization of forest and taking control from locals?
    - What are the costs of monitoring and measuring carbon with increasing accuracy requirements?
    - Who will bear the cost of reddiness and who will pay the transaction cost?

Odisha Context
- Status of Natural Resources
- Issues of Rights and Governance
- Issues of Management
- Issues of Livelihoods & Sustainability
- Institutional & Legal Framworks
    - CFM, JFM, FRA, PESA

Mr. Tusar Dash, Programme Officer, Vasundhara

Mr. Dash started with questioning that shall we prefer REDD or Right. Basically his discussion centred around impact of global development like REDD on local governance of natural resources and community rights. Forests are treated as carbon sinks and all over the world forest sequestrates 20% carbon alone. The rich nations of the world compound more carbons without any reduction in their standard of living. According to President Bush in Rio Earth Summit, the American way of life is not up for negotiation. On the other hand they are advocating paying the poorer nations to grow forest for carbon sequestration and the polluters are ready to pay for that. The poorer countries shall be used as carbon cleaning mediums for the rich countries. This is a question of value and ethics.

He tried to compare the politics behind REDD in the following manner:

What is REDD? Official version	What REDD really means?
• REDD (Reducing Emissions from Deforestation and Forest Degradation) is the global endeavour to create an incentive for developing countries to protect, better manage and save their forest resources, thus contributing to the global fight against climate change	• REDD shifts responsibility and burden of over- consumption from polluters to poor communities or from developed and industrialized countries (USA, Europe) to developing/underdeveloped countries (South American, African and South Asian countries)
• REDD+ goes beyond merely checking deforestation and forest degradation, and includes incentives for positive elements of conservation, sustainable management of forests and enhancement of forest carbon stocks.	• The economic considerations of forests may lead to conversion of forests, customary land and territories, sacred groves, land use of indigenous communities into a *carbon market* and pump in money through international agencies
• REDD+ conceptualizes flow of positive incentives for demonstrated reduction in deforestation or for enhancing quality and expanse of forest cover.	• The commercial and market driven forest management will ignore indigenous peoples' rights and it will manifest itself in the form of relocation and land grabbing.
It works on the basis of creating a **financial value** for the **carbon** stored and enhanced in biomass and soil of standing forests. Countries that reduce emissions and undertake sustainable management of forests will be entitled to receive funds and resources as incentives.	• Governments could again favor a "fences and fines" approach and centralization. There will be an increase of zoning of forests by governments, companies and conservation NGOs, and increase of demarcation of protected areas.

Mr Dash told that in Odisha a lot of value is attached to forest. The perspective of forest protection and conservation is not seen as monetary terms. Even, people pay Chulichanda and perform watch and ward on their behalf voluntarily without

depending upon money from any other source. Implementation of REDD may fraught with dangerous consequences like the following:

- The increased value of forests and the anticipated benefits from REDD schemes will lead to conflicts over boundaries between communities
- Perspective towards forests will change (forest will be identified with carbon and money)-Forest Carbon market and Green Capitalism
- Complex procedures of valuation of forests, measurement of reduction of carbon and compensation (incentive) will further bureaucratize forest management at the cost of community conservation and decentralization

Targeting indigenous peoples land use practices: Banning a way of life

- The UK based Forest Peoples Programme (FPP) and FERN have studied nine concepts for government programs on Reducing Emissions from Deforestation and Forest Degradation (REDD). Eight of these identify traditional agriculture or shifting cultivation as a major cause of forest loss (Griffiths 2008 20)
- Not only shifting cultivation, but also other forms of land use practiced by indigenous peoples such as controlled burning of forests, collection of fuel wood, gathering of non-timber forest products are now considered a form of forest degradation under REDD programs.
- And since REDD aims at reducing deforestation and forest degradation, indigenous communities are and will increasingly be targeted in such programs. This will have a severe impact on the way of life and the livelihood security of the affected communities.

Citing the example of Uganda, Tushar said that rush for REDD could undermine local forest rights evictions. More than 20,000 evicted and made homeless in Uganda due to a REDD (plantation) project by New Forests Company.

As part of it's REDD+ strategy, currently India favours a comprehensive REDD+ approach. India is underlying the following initiatives related to REDD+

- India has made a submission to UNFCCC on "REDD, Sustainable Management of Forest (SMF) and Afforestation and Reforestation (A&R)" in December 2008
- A Technical Group has been set up to develop methodologies and procedures to assess and monitor contribution of REDD+ actions
- A National REDD+ Coordinating Agency is being established

- A National Forest Carbon Accounting Programme is being institutionalized
- Green India Mission programme under National Action Plan on Climate Change (The Mission targets 10 m ha of forest/non-forest lands)

Proposed institutions for implementation of REDD (TERI)
- Ministry of Environment & Forests
- State Forest Departments
- Joint Forest Management Committees and FDAs (GIM)

Mr Dash highlighted some of the REDD Issues in India:

- Despite the Forest Rights Act of 2006, rights of STs /OTFDs particularly community forest rights, minor forest produce, habitat rights etc are still not being recognised. Without legally recognised community forest rights, it will be easy for companies and the government to grab and sell community forests and resources for REDD credits.
- There is no agreed upon method by which carbon absorption or storage in a forest can be measured.
- If, as the government is demanding, afforestation is made part of REDD, dangers increase
- Possibility of institutionalisation of JFM through REDD will cause even more conflict and marginalisation of forest dwellers
- Carbon trading model involving private companies will create a huge financial incentive for wholesale takeovers of forests.

However, the implementation of REDD is going only in Meghalaya and till date there is not any comprehensive REDD implementation strategy in India. The impact of REDD+ on the tribal and forest dependent communities may be adverse. Hence prior consultations are needed befores going to implement REDD+ activities.

- Negotiations, decisions and actions on REDD+ have profound impact on rights, livelihoods, community conservation and governance of resources and therefore are very much political, but so far remain within the **scientific-technical-bureaucratic** domain
- These negotiations have so far kept out the local communities and representative civil society groups and thereby sidelining a democratic process

- Information on REDD and related issues need to be shared with the communities by government and Civil society groups to facilitate informed debate on the issue
- Forest communities and civil society organizations should ask the government not to engage in the climate change negotiations without the mandate of concerned groups

Major Findings:

- The communities who plays a pivotal role in nurturing the forests should exercise their rights in governing the local resource and for that the stakeholders at the village level should be united and devise a common strategy. Their requirements and needs should be seen on the priority basis. The local governance framework may be followed if it delivers the good.
- Land and forest alienation (development projects, mines, SEZ etc) should be collectively dealt under existing laws, effective documentation of rights is needed.
- Political participation is needed at all levels. The GP Act, FRA, PESA and OSATIP acts should be respected while land acquisition is taking place. The community leaders should be vigilant and protect their community rights instead of individual gains.
- Effective networking among all stakeholders (political people, bureaucrats, NGOs, CBOs and activists)
- Some governance model creation and advocacy should be done in that line.
- At the GP level multi stakeholder groups are needed to deal with the operational issues.
- A larger exhibition of various effective governance models may be done collectively to show the forest conservation, wildlife conservation, community reserves and community conserves etc.

Conclusion:

The summary of the workshop was shared by Pravat Mishra, Programme Officer RCDC to the plenary. Rangadhar Behera, Programme Officer, RCDC extended vote of thanks at the end.