

**National Workshop  
on  
Biodiversity and Environmental Governance:  
Safeguarding Ecosystems for Human Well-being**

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## SUMMARY

The two-day workshop brought together over 70 participants from state and central government, donors, NGOs, researchers and local communities. Its aims were to take stock of the implementation of environment and biodiversity policies; identify key lessons and challenges; and promote dialogue and collective action.

India has a number of policies and laws on environment and biodiversity, but there is a significant gap in their implementation. Participants raised serious concerns about the rapid industrialisation process and the impacts this is having on the poorest people in particular. India risks becoming a rich country full of poor people. Poverty increased from 26 to 28% between 1999 and 2004/05, and unemployment has risen sharply from 6 to 9% in the last decade. Environmental problems have also increased: pollution, water scarcity, declining forest cover, biodiversity loss etc. A new culture is emerging which places high emphasis on consumption. These problems need to be addressed first if we are to achieve sustained economic growth. Some of them are immediate and are threatening health and livelihoods, with grave implications for poverty alleviation.

The SEZ Act (2005) and Rules (2006) designates Special Economic Zones (SEZ) as a foreign territory designed to boost exports in a “hassle-free environment” – this means exemption from stringent labour and environment regulations. SEZ are tax-free, enjoy various subsidies and are spreading very rapidly including on agricultural

land, coastal fishing areas and conservation areas (eg. mangroves). First the people (poor farmers, fishermen etc) need to be displaced to get the land, but the Act is silent on land acquisition procedures. It is also unclear on environment concerns. EIA is required for demarcation of an SEZ, but public hearing and disclosure of the proposed use are not required. Furthermore, the SEZ law will have an overriding effect on all other laws in the country. The implications are a large scale acquisition of land and common property resources, loss of livelihoods for the poorest people and loss of biodiversity. Compensation schemes are not sufficient to make up for this loss. Both economists and ecologists have criticised the SEZ law - an overall decline in jobs is predicted.

The last few years have seen a trend towards a weakening of environmental safeguards – as evident from the 2006 EIA notification and Environment Policy and the proposed Coastal Management Zone regulations, all of which were developed with very little input from civil society. The assessment and clearance process for industry has been fast-tracked and avenues for public participation have been narrowed. The MoEF itself seems to have become pro-industry in recent years.

Participatory democracy and consensus is the basis for political support in India, yet governance is getting worse and many of India's problems are due to this. The lack of accountability and transparency needs to be addressed at all levels in order to reduce corruption and serve the needs of the people. Panchayats should be made accountable to local people, for example by collecting taxes directly from them, rather than being accountable only to higher levels of government.

Participants also raised serious concerns about the livelihood costs suffered by the poor and landless – eg. pastoralists, collectors of non-timber forest products (NTFPs), tribals - as a result of National Parks and Sanctuaries established without consultation. Biodiversity is a real source of life for 100s of millions of people in India, but peoples' customary rights are not recognised, and so they take all they can. Biodiversity is largely addressed as a wildlife and forest conservation issue, separate from the cultures, traditions and livelihoods of local people who have sustained biodiversity for centuries. The notion that in order to achieve conservation in protected areas there is a need to stop all local livelihoods, including customary resource use, is very misguided. The pre-existing rights of use to forests and common land should first be identified and consent from the Gram Sabha obtained.

Where rights are curtailed, adequate compensation must be provided, for example a share in tourism revenues or employment as tourist guides. The ban on NTFP collection in parks has had serious impacts – eg. 22 people including 12 children have died of malnutrition in Satkosia Gorge Sanctuary of Anugul District ('EC Watch', India). The ban was imposed by the MoEF in response to a Supreme Court Order which in fact banned the Forest Department from collecting dead vegetation in parks. And while JFM marks an important step in decentralisation of forest management, it has succeeded in joint forest protection but not Joint Management.

Participants welcomed the progress being made by state governments in implementing the National Biodiversity Act (NBA) and State Biodiversity Action Plans. 17 states have established State Biodiversity Boards (SBB). However, a number of issues were also raised. The SBBs identified limited funding and support from the NBA as a key constraint. Only one SBB includes representatives of local communities – the Act allows 'experts' on SBB, so why have community experts not

been included? The Act mandates the government to protect traditional knowledge, but the Rules do not reaffirm this. They give very limited powers to local Biodiversity Management Committees (BMCs), beyond developing Peoples' Biodiversity Registers (PBRs). PBRs are being developed very rapidly, but will only facilitate external access and bio-piracy in the absence of legal protection of community rights over the traditional knowledge in the registers.

India's National Biodiversity Strategy and Action Plan (NBSAP) which places strong emphasis on livelihood security, was developed through a highly participatory and decentralised planning process covering all states and involving nearly 200,000 people. This was the most bottom-up planning process ever in India, building on inputs from local farmers, CBOs etc as well as experts and scientist. But 3 years since its completion, the NBSAP has still not been adopted by the government.

The workshop made the following recommendations:

1. The SEZ Act should be repealed, or considerably revised with local peoples' active involvement, in order to stem the deepening rural poverty and environmental degradation across India and provide real avenues for affected people to give their consent.
2. The current EIA Notification should be revised after full and widespread public consultation, to include tighter regulations and greater public participation in its processes.
3. Rather than diluting the Coastal Regulation Zone Notification through the proposed Coastal Management Zone regime, the existing CRZ notification should be strengthened to protect the coast and traditional fisherfolk.
4. The pre-existing customary use rights of local people should be recognised in National Parks and Sanctuaries and reinstated. Where this is not possible, customary users should be given adequate compensation for loss of livelihood (eg. tourism revenues, employment etc)
5. The MoEF should play an active role in safeguarding the environment and associated livelihoods, rather than having a pro-industry stance. It should proactively seek integration of environmental concerns in economic policy and planning (eg. by producing a review of the environmental impacts of other ministries every year).
6. The Planning Commission should give priority to schemes which do not harm the livelihoods of the poorest people or the environmental or biodiversity resources on which they depend. Schemes in the 11<sup>th</sup> Five Year Plan should be financed according to sustainable development criteria.
7. State Biodiversity Boards (SBBs) should be given far more funding to implement the Biodiversity Act and Biodiversity action plans, and enhance their influence over other sectors. The Biodiversity Rules should give SBBs a pro-active role to promote integration of biodiversity in economic policy and planning.
8. The Biodiversity Rules should mandate the legal protection of traditional knowledge, and ensure local communities can participate in decisions regarding access to their knowledge and biodiversity. They should also give BMCs a clear mandate for decentralised biodiversity management.
9. The MoEF should ensure no further delay in the adoption of the NBSAP, which was finalised three years ago, given India's commitments under the Convention on Biodiversity and the expectations raised through the process to develop it.
10. Civil society organisations should become more politically astute, enhance efforts to engage and raise awareness of Members of Parliament, and raise the profile of environment and biodiversity concerns as social justice issues.

# FULL REPORT

## Session 1 - Objectives and Introduction

The two-day workshop was attended by over 70 participants, including State Biodiversity Boards (SBB), the Planning Commission, Members of Parliament, international donors, research centres, national, state and local NGOs, local communities and central government (see Annex for participants list). The rich gathering of eminent thinkers and diverse experiences brought important insights on key biodiversity and environmental governance challenges and practical ways to address them.

In the context of India's rapid industrialisation process, the main objectives of the workshop were:

- 1) To take stock of environmental and biodiversity policies and laws and their implementation at central and state level (eg. EIA, the National Biodiversity Act, biodiversity action plans);
- 2) To examine the integration of environment and biodiversity in development policy and planning (11<sup>th</sup> five year plan, SEZ)
- 3) To examine the decentralisation of biodiversity management and how to reduce the negative impacts of conservation on peoples' livelihoods;
- 4) To bring together different actors to better understand each others' perspectives and work towards collective action.

The *Executive Secretary to the Convention on Biological Diversity* sent a message of support to the workshop. He noted that India is one of the great megadiverse countries of the world, and is committed to implementing the Biodiversity Convention (CBD) – including the 2010 target of significantly reducing the rate of biodiversity loss. The ecosystem approach for integrated land and resource management is the primary framework for action under the CBD. Guidelines have been prepared for incorporating biodiversity into EIA laws. He stressed the paramount importance of mainstreaming biodiversity into national development and economic agendas (see <http://www.rupfor.org/nbsap.asp>)

*Kinsuk Mitra, Director of WII*, opened the workshop with a reference to recent conversation he had with Nobel Laureate Joseph Stiglitz – “If India succeeds in its pursuit of economic development with ecosystem degradation, it will be a rich country full of poor people”. He noted the plethora of environmental and social problems reported daily in the news; and the need to strengthen the implementation of environment policies and laws. This means looking outside environment sector to other sectors which are causing the impacts. He referred to various studies by leading economists which point out that up to an estimated 10% of India's GDP is wasted because of environmental degradation. He also noted the need to strengthen the decentralisation of natural resource management and promote institutional change and capacity building to achieve this.

*Krystyna Swiderska, IIED*, explained that the workshop forms part of the IIED project ‘Policy that works for biodiversity and poverty reduction’ which also entails research in Peru and Tanzania. ‘Governance’ is about who decides what and how – ie. about policies, institutions, processes and power. Experience with governance shows that the better the decision-making *process*, the better the decision will be. The process should be open to wide participation, informed by local experience and regularly

reviewed. Poor governance is a key cause of environmental degradation, biodiversity loss and poverty; while better governance is needed for real improvements in environment and poverty reduction.

She highlighted some key lessons from environmental governance over the last 20 years:

1. Governance is often poor because decisions involve a small group of elites. Local managers of environment and biodiversity – who are best placed to perceive impacts, have valuable local knowledge and tend to be most motivated to act – are often absent. There is a need to improve their voice in all levels of governance.
2. Policies should support local adaptive management where farmers, forest dwellers, fisherfolk etc are central in analysis, planning, negotiation and action; and should be flexible enough to allow for spatial variability.
3. Achieving real participation in decision-making often requires building counter-veiling power – one way to do this is through the regional federation of local organisations of the rural poor which represent a large number of people.
4. Environmental governance requires coordination across different sectors and levels of government.

### **Community Perspectives on Biodiversity and Environmental Governance**

Presentations by local communities and NGOs showed the real livelihood and health problems faced by some of the poorest people as a result of both restricted access to natural resources in protected areas, and pollution and displacement caused by economic activities and SEZs.

- *Benitto Paulraj, Pastoralist, Tamil Nadu*, explained how access to forests has been closed to pastoralists, for example, by a Japanese-supported plantation project. The government says that cattle will eat all the biodiversity and affect the carrying capacity of forests, but cattle only eat scrub and do not damage the forests. The man sitting in the classroom does not understand the practical difficulties faced by local people. The ban on grazing in national parks is a real problem for pastoralists, and the government is proposing to establish a wildlife sanctuary which would mean all cattle grazing would be stopped.
- *Rajendra Chauhan, SAHARA, Himachal Pradesh* – SAHARA is a local NGO working in Great Himalayan National Park. When the settlement of rights took place in 1999, the rights of users of NTFPs were extinguished. This mostly affected the poorest people who need to go into the park for NTFPs. SAHARA helped to establish womens associations and to get the affected people employed as tourist guides in the Park. As a result, attitudes to the Park are improving – many of those who were poachers now support the Park.
- *Ms Pankti Dattatray Jog, Janpath NGO, Gujarat*, explained that biodiversity has declined significantly in the last 15 years because farmers have been forced to grow cash crops as a result of increased salinity in the water and atmosphere due to industry producing salt and drinks. The cement industry has used sand dunes which used to provide a physical barrier to protect their crops from salinity in the air. Grazing lands have been taken away for salt production and salty water has led to health problems (eg. gall stones in children). The local people have solutions to these problems, but have no say in decisions.
- *Bharat Patel, Gujarat* – a Special Economic Zone of 3000 HA has been approved in the Mundra coast, one of the few green zones, rich in marine life and biodiversity, and a further 10,000 HA SEZ is planned. The area supports a fishing community which has low social status and is marginalized from the village, and from local governance and public services such as education and health. It also suffers from

heavy debt burdens and lacks secure land rights and hence livelihood. The SEZ has blocked roads for fishermen. Fishworkers had to leave their settlements in 1999, and they fear that this will happen again. The SEZ has also affected the mangroves which have decreased by 50% and reduced water availability.

- *Nalini Nayak, PROTSAHAN, Kerala.* Biodiversity is a real source of life to 100s of millions of people in India, but with the modern state and its involvement in conservation, people no longer have customary rights over it, so they take all they can. Biodiversity is not just about species – but about conserving the ecosystems in which they exist. The government gives rights to the private sector rather than the customary users, eg. people are not allowed in a marine park, but oil mining is allowed. The whole question of governance, which is basically about rights, should also address who pays when biodiversity and the livelihoods of communities are undermined.

Dr Anmol Kumar, Deputy Inspector General Forest from the Ministry of Environment and Forest (MoEF), Government of India, responded to the community presentations saying that these are very real issues and that the government should be helping those affected and work with them to try and address these issues within the prescribed policy framework.

### **NC Saxena, National Advisory Council – Environmental Governance in India: Key Challenges**

High rates of economic growth in India has neither helped the poor nor the environment. The XI Plan Approach Paper has admitted an increase in poverty from 26 to 28% between 1999/00 and 2004/05, and unemployment has risen sharply from 6 to 9% in the last decade. Environmental problems have increased: pollution, water scarcity, declining forest cover and biodiversity loss etc. A new culture is emerging which places high emphasis on consumption – this will play havoc on the environment. These problems need to be addressed first if we are aiming at sustained economic growth. Some of these issues are immediate and are threatening health and livelihoods, with grave implications for poverty alleviation.

Two myths inform decision-making by elites despite much evidence to the contrary:

- 1) The poor are responsible for environmental degradation – in fact the rich are responsible for much environmental degradation
- 2) There has to be a trade off between environment and development since the two can't be achieved together – in fact, we need to support both and find win-win approaches

These are simplistic, exaggerated and misleading theses. Governance is declining very fast and many of India's problems are due to this. There is a need to make the government more accountable and transparent in order to reduce corruption and serve the needs of the people. In Orissa, cashew plantation has been promoted on 120,000 hectares of 'government wastelands'. Many of these lands are ancestral tribal cultivated lands but the rights of tribal people were not recorded, hence they were recorded as government lands, and the poor tribals became 'encroachers'. In such cases no compensation was given to the poor farmers because their land rights were not recorded. Ironically, these plantations that deprived the tribals of their possessions were funded by a scheme called 'Economic Rehabilitation of the Rural Poor'.

Women are most affected by environmental degradation – eg. a fuelwood crisis because of deforestation forces women to travel for miles to collect wood. There are many government subsidies that harm the environment – eg. for irrigation, fertilisers, over-logging of forests, the paper industry. The agrarian crisis and farmer suicides are

purely due to environmental problems – soil erosion, drought etc – and more and more people are leasing their land to the rich. We need to make this link known. We are pitted against short-term sighted politicians. Even the MoEF has become pro-industry in the last few years. Yet it is much better to have participatory policies which represent consensus and which bring environment and development together because in India political power depends on peoples' support.

We need a strong broad based coalition between livelihoods and environment – the exclusivist approach will not work. 100 million people (3 million inside parks) are dependent on forest resources. Therefore coexistence is a better model although in some cases inviolate spaces may be needed. Inter-departmental collaboration is difficult to achieve, but is necessary if forests and the environment are to be conserved. Such cooperation is needed from Panchayat/ Gram Sabha to state and central government levels. The MoEF should produce a paper every year on the environmental impact of policies and programmes of other ministries, in collaboration with them.

We also need to define what we mean by peoples' participation and decentralisation – are we for Panchayats or not? CBOs stop functioning when funds run out, so we have to involve Panchayats. But Panchayats often support construction schemes and are not responsive to local peoples needs – we need to see how to make them more participatory and inclusive. Panchayats receive a small percentage of revenue from district/state levels and are essentially contractors accountable to higher levels. If they had responsibility for collecting local taxes such as land revenue from the people, and paid a percentage to higher levels, they would be much more accountable to local people who would ask questions about how their money is spent. Panchayats should be made performance oriented and devolution should be linked to performance.

### **Abani Roy, Member of Parliament**

SEZ – or Special 'Exploitation' Zones are a big problem. First the people need to be displaced to get the land. 70% of the people are living in rural villages – development means helping them, not SEZs, industrial parks etc. It is now the role of NGOs to say no, since political parties are not performing their role of representing the interests of the people. All political parties care about is the vote, not the people or the country. The political establishment has been rocked time and again by problems of peasant farmers etc, but have done nothing. India cannot achieve development and poverty alleviation without protecting the environment and biodiversity.

Participatory democracy and consensus is the basis for political support. But still decisions are made at a high level. MPs and highest government officers think that they know everything, and fail to consult others, even the parliamentary standing committee. Very few MPs know that the NBSAP has not been adopted – there is a need to raise awareness of politicians about biodiversity, SEZ, Special Tourism Zones etc, and convince them that in the long run these concerns will affect their constituents too. There is a total lack of transparency and accountability amongst the highest officers, ministers etc.

### **Discussion**

When you raise either the environment or human rights concerns in the Planning Commission, you are called 'anti-development'. We need development, but not at the cost of life. Policies can be very contradictory – on the one hand forest mangroves are reserved for conservation, but a SEZ is declared in the same mangrove. In the MoEF,

biodiversity is only dealt with as wildlife and forest conservation, but not together with the cultures, traditions and livelihoods of the people which form part of biodiversity –local people have been sustaining biodiversity for centuries.

Nearly 200,000 people participated in the NBSAP process – it was the most bottom-up planning process ever in India. The process of networking was very valuable and people were requesting that this to be continued. But three years after the NBSAP was finalised, it has still not been adopted. The MoEF was closely involved in the NBSAP process and the final report was presented to a high level government meeting at the end of the process, which agreed to adopt it. But the Secretary of the MoEF has been against its adoption. Despite efforts to engage MPs and raise public awareness, the process did not gather enough political support from MPs and other influential actors. A note on the NBSAP should have been sent to MPs at the start of the process. In addition, the NBSAP recommended a tightening of EIA regulations which the government may be reluctant to accept in the current economic context.

It was suggested that a letter could be sent to the MoEF requesting that the NBSAP be finalised and adopted in the near future, given the obligation to report to the CBD in 20 days. Mr Abani Roy stressed the need to talk to leaders of political parties and offered to help with engaging MPs. The Tribal Rights Bill struck a chord within the political class, why not the NBSAP? The word ‘biodiversity’ does not rouse the same kind of response – we need to use language of social justice.

## **Session 2 – Balancing Economic, Environmental and Social Goals**

### **Shekhar Singh, Task Force on Governance & Environment, Planning Commission**

How to integrate biodiversity in development planning and improve coordination between government departments? The problem is that different departments have different objectives – you can’t ask them to work on biodiversity if it is not their expertise or focus. There needs to be an agency that coordinates all activities and policies to move them towards sustainable development. The Secretary of the Planning Commission is in a critical position for this task as the only government agency with a role in coordination of central and state governments. Even though the chapters of 5-year plans are very progressive, the funding allocations do not change because planning is seen only as economic planning, ie. allocation of funds. The Planning Commission should be refocused to a Commission on Sustainable Development which promotes investments towards SD and acts as a counterweight to the Ministry of Finance. It would need more funds, eg. 3-5% of the budget, to cover the higher costs of environmentally friendly projects. As someone once said, the Government of India has vertical loyalties and horizontal animosities.

### **Aruna Sharma – National Human Rights Commission**

The problem is that the planning process is different to the budget process. The NHRC constantly has to grapple with balancing environmental protection with local peoples’ development rights. This coordination is hard – but when the MoEF and the Tribal Affairs Ministry got together to develop the Tribal Rights Bill, there was convergence. The NHRC is both a government agency and an activist – it uses the law, the Constitution and the courts to ensure existing laws are enforced.



### **Aarthi Sridhar, ATREE, Environmental Governance Reforms**

A weakening of environmental safeguards is evident in the new EPA and EIA Notification of 2006. The assessment and clearance process for industry is fast-tracked, and the avenues for public participation have been narrowed. Central and state governments and industry were consulted in developing the National Environment Policy. Similarly the Draft EIA regulations were shared with industry. In both cases, civil society involvement was limited to a MoEF meeting with selected NGOs at the start of the process.

Only certain projects need clearance at state level and states now have the power to completely decide whether projects need an EIA. Construction projects are exempt from EIAs and public hearings, and there is no government responsibility for monitoring compliance. The decentralisation of responsibility for EIA to the State level has not been accompanied with capacity building. EIA final reports do not need to be shared at all, and concerns raised may be brushed aside on the grounds that they are only draft EIA reports. There is a lack of information and data for carrying out EIAs, yet scientist are often denied access to wildlife reserves. The proposed Coastal Management Zones notification has also been weakened to allow SEZs. Yet the reform process has not addressed reform of the Wildlife Protection Act. The whole environmental reform process seems to be geared to facilitate India's economic growth, without allowing for its questioning.

### **Discussion**

There was general support for the proposal that the Planning Commission should take on the role of a Commission for Sustainable Development – but caution that it should be a separate statutory or constitutional body so that it is not subjected to the day to day pressures and whims of government. The PC Task Force is putting this proposal to the government, which will have to respond, giving reasons if it does not agree. There are examples where similar bodies have worked – eg. the UK Environmental Audit Committee recently published a critical review of DFID's lack of attention to environment issues. It was also suggested that integration should be done at Cabinet level rather than through a separate constitutional body.

Concern was expressed that the NHRC is not doing enough to address serious human rights abuses – for example in the case of major dam construction like the Narmada Valley Project. The NHRC said that it is tackling such issues but rather than being confrontational, it uses constitutional provisions and legal arguments to maintain legitimacy. NGOs said they do not seek confrontation but the MoEF does not respond at all so they have to resort to this. The inadequacy of EIA processes was also highlighted, eg. in some cases they have plagiarised information from other EIAs.

There was a sense of real frustration at the lack of attention to these issues by the government, and the need to shift power was highlighted– as one person said “our aim should be to disempower the government and empower communities”. Another stressed the need to move beyond community rights to *autonomy* because livelihoods are undermined by economic activities/consumption and state support systems for farmers (eg. PDS) create dependency – “we need to dismantle Delhi”.

### **Sharachandra Lele, Centre for Interdisciplinary Studies in Environment and Development (CISED), Bangalore**

The tension between environment and development is really a three-way tension between global or off-site environmental concerns (eg. biodiversity conservation,

climate change); local livelihoods, and economic development (which also generates benefits off-site due to the structure of the economy). Typical situations are:

- 1) In high biodiversity areas: Local livelihoods are endangered by conservation interests
- 2) In all landscapes: Local livelihoods (and biodiversity, health and well being) are endangered by industrialisation (eg. SEZ)
- 3) Local livelihoods ‘degrade’ resources that they depend on because of lack of well defined rights (which JFM and Participatory Irrigation Management (PIM) have not been able to address)

How to reconcile different interests? Rights based governance first identifies pre-existing rights of use – forest and common land rights – followed by reconciliation and re-definition. Gram Sabha consent should be required for movement towards conservation or industry. When these rights are curtailed, consent must be tied to adequate compensation, through a statutory mechanism for compensation. For example, if NTFP rights are removed, people can be given a percentage of eco-tourism revenues instead.

### **Manshi Asher, National Centre for Advocacy Studies, Pune – Environment Issues in Special Economic Zones (SEZ)**

As per the SEZ Act (2005) and Rules (2006), SEZs are technically a foreign territory or ‘foreign enclave’ designed to boost exports and provide a ‘hassle-free’ environment. This means exemption from stringent labour and environment regulations. They are tax free and have various subsidies. They have to be at least 1000 hectares in size, and are being approved very quickly – as of October 2006, 237 had been fully approved, and a further 166 had been approved in principle. There are plans to establish SEZ ‘corridors’ linking SEZs (mirroring national protected area networks and corridors).

However, the Act is silent on land acquisition procedures, and unclear about environmental clearance requirements. The EIA notification requires an EIA for SEZ, but they are exempted from public hearings and there is no obligation to disclose the proposed use of the SEZ. The guidelines for notification of SEZ are silent on environmental concerns. And there is no mention of Coastal Regulations in the SEZ Act and Rules, while CRZ notifications make space for SEZs with almost no conditions and regulations. Furthermore, the SEZ law will have an overriding effect on all other laws in the country, and any grievances related to the Act have to be addressed by designated SEZ courts.

The implications are a large scale acquisition of land and common property resources (125,000 hectares will be acquired for 400 projects), and loss of livelihoods affecting farmers, fish workers and agricultural labourers. Both economists and ecologists have criticised the SEZ law – a loss of revenues and jobs is predicted. Environmental costs include loss of forests and other common lands; large scale exploitation of water resources; impacts of Special Tourism Zones (as part of SEZs); corporate farming and loss of biodiversity.

### **Ajay Rastogi, FAO – Participatory Guarantee System of Organic Certification**

In principle, organic farming promotes diversity of crops and cultural practices, improves self-reliance of farmers through reduction of external inputs and provides better nutrition and livelihood security. However, in practice many of these principles are not applied specially in the case of market oriented third party certified organic

farming based on criteria set by importing countries. The standards of organic agriculture in most countries do not focus enough on these aspects and the systems of certification are expensive and bind the farmer to considerable paper work which has little to do with actual improvements in knowledge of the farmers and diversification to promote sustainable agriculture.

Therefore, the Ministry of Agriculture is developing a Participatory Guarantee System (PGS), under technical assistance from FAO. The basic documentation and record-keeping requirements in PGS are minimum compared to third party certification. It works on the basis of farmers' commitment to organic agriculture, forming a local group and going through a peer inspection by three experienced farmers and applying for certification to the regional council. The regional council is a democratic body constituted by local producer groups, consumer groups and any other stakeholder who wishes to participate. The regional councils constitute a National Council that campaigns, lobbies and provides support to promote better recognition in the market place. All certified producers are linked by a common identity and a national label. PGS works with existing institutional structures and interest groups such as SHGs and Farmer Field Schools.

### **Prof. Mahesh Rangarajan, Jadavpur University, Kolkata – Making Conservation Work**

There are double standards in how governments treat others – researchers are temporarily marginalized at the moment, while others – eg. adhvasis – are permanently marginalized. Some protected areas were established by elites who decided to kick the local people out even before colonial times. This puts pressures on all the people that don't have tenurial rights. Many of the conservation institutions date back to the 1970s and 80s when there was a very different situation, a one party government – now there is greater participation as more people have the vote. The fact that Tribal Bill has made it to the House of Representatives suggests we may have a small window for positive change. MPs are elected and therefore accountable, whereas the bureaucracy is not – there is an arbitrariness with which the government acts. We can make someone in power listen but only 'with their left ear' – NGOs need to get more politically astute.

### **Discussion**

Participants expressed very serious concerns regarding the SEZ Act and the rapid approval of SEZs, which is affecting fertile agricultural land and displacing poor farmers. We need to identify opportunities/spaces available to us, such as the Right to Information Act (RITA), but with SEZ there does not seem to be any space to change the system. The dilemma, given that we have limited resources, is whether to focus on trying to create spaces and make use of them – or would it be better to have a revolution? We need to become more politically active, engage more politicians and political actors.

Some people see JFM as a failure because the basic changes necessary for it to be a window of opportunity are not even there 12 years since it began. Governance is to do with rights as well as responsibilities, including the rights of communities. The notion that in order to achieve conservation in protected areas there is a need to stop all local livelihoods including customary resource use is very misguided. With respect to decentralisation, there is a big debate, and some people say that EIA should remain centralised. We need to do more work to understand the balance needed between centralised and decentralised powers.

## **Day 2 – Session 3 – Implementing the National Biodiversity Act**

### **Kanchi Kohli – The Biodiversity Act and Civil society perspectives**

The Biodiversity Act provides the only legal framework for biodiversity conservation in India – the forest and wildlife Acts do not deal specifically with biodiversity. Its objectives mirror the three objectives of the CBD – conservation, sustainable use, and equitable benefit-sharing from the use of biodiversity. Foreigners seeking access to genetic resources must obtain the permission of the National Biodiversity Authority in consultation with State Biodiversity Boards (SBB), while domestic access only requires the SBB to be informed. 17 SBBs have been established as of mid-2006. Community participation in the SBBs and NBA is very weak or absent. The Act establishes local Biodiversity Management Committees (BMCs), but the Rules limit their responsibility to the preparation of biodiversity registers. Following a civil society workshop on the Biodiversity Act & Rules in September 2004, a big rally was held in Delhi where farmers and local groups protested against the Rules. They also met with the MoEF to express their concerns, but no action was taken. A workshop organised by DDS, Kalpavriksh and GRAIN in Kolkata, September 2006, concluded that an alternative framework for decentralised biodiversity management is needed.

### **Updates from State Governments on the Biodiversity Act and State Action Plans**

- *Joseph de Souza, SBB Goa* – the SBB was constituted in June 2006, and a state order is being passed to adopt the Rules. They are planning activities to develop Peoples Biodiversity Registers by Panchayats, establish BMCs, set up a herbal medicinal garden, raise awareness etc. They are working with a university and consulting NGOs on their activities. Major constraints include lack of consistent aid grants to fund their work.
- *BMS Rathore, Madhya Pradesh* – Biodiversity Rules were notified by Madhya Pradesh in December 2004, and two community members are on the SBB. Activities include awareness raising (including active involvement of children) and mainstreaming biodiversity in livelihoods and sectoral policy and planning. The key plank of their implementation strategy is use of an eco-regional and multi-stakeholder approach – a series of eco-regional multi-stakeholder workshops have been held. Development of PBRs is being driven by colleges/schools and NGOs, and being used as a tool for local planning. Panchayats are also being trained so they can mainstream biodiversity in their programmes. Work is progressing towards establishing biodiversity heritage sites; and they are developing MoUs for the involvement of communities as partners with state governments and the private sector in small scale eco-tourism. Eco-regional and district support groups have been set up involving NGOs etc, and processes initiated for integrating biodiversity in watershed schemes and plans. On the positive side, the state rules are progressive. However, states have a limited role in the approval of access to genetic resources, and get little support from the NBA, while the issue of traditional knowledge is still a grey area.
- *G. Maddikery, Karnathaka SBB* – the SBB includes 5 different departments, and is chaired by the Minister (meetings are not regular, but subject to his availability). Expert Committees have been constituted to deal with various issues (IPRs etc). The SBB's activities include: supporting the preparation of PBRs and constitution of BMCs (396 BMCs have been established at Grama Panchayat level); documentation of TK for IPR protection; declaration of fish sanctuaries; preparation of an information booklet on the Act and Rules and a PBR manual, in the local language and in English; and raising awareness about the importance of TK. Project proposals to fund activities have been submitted to the NBA, but lack of funding is a constraint.

- *JK Sharma, Kerala SBB* –Although the SBB was constituted in 2005, few activities have been undertaken due to limited availability of funds. The SBB’s functions are to provide access to Indians to biodiversity for commercial use; and set up BMCs. Draft Kerala Biodiversity Rules have gone to the Cabinet for approval – they draw quite a bit from the Madhya Pradesh rules which are very good. In terms of structure, the SBB chairman should be appointed by the government and has to be a scientific expert. The BMCs includes a chairman, secretary, 6 nominated knowledge persons and 6 special invitees (forest experts, fishermen medicinal plant experts etc). The SBB special programmes include raising awareness of panchayat presidents on the need to conserve biodiversity, which has generated interest in constituting BMCs; publishing a handbook on biodiversity; constituting a technical committee of various research experts responsible for implementing SBB programmes; and documenting biodiversity from secondary data at district level. New programmes (07-08) include: facilitation for patents; awareness; PBR preparation; and organisation of a Kerala Biodiversity Information System.

## **Discussion**

Participants noted the important progress made by State governments in implementing the Biodiversity Act, but also raised some issues and concerns:

*1. The need to protect traditional knowledge:* PBRs are being developed very rapidly in some cases. Who does the information in the registers belong to? Registering of community knowledge and biodiversity should be accompanied by legislation to protect the rights of communities over their knowledge – otherwise registers will facilitate the misappropriation of TK for commercial use. There is a provision in the Biodiversity Act which mandates the government to protect traditional knowledge, but it is not included in the Rules. In Madhya Pradesh, the registers have only documented commonly known TK, not specialised TK.

*2. The need for appropriate mechanisms to protect TK.* If IPRs are used to protect collectively held TK, the whole basis of the knowledge will be destroyed – therefore protection of collective rights over TK is needed, based on the customary laws and practices of communities. The context of foreign investment increases the risk of access to India’s biodiversity and TK, and the process of erosion of TK. TK can only be maintained in situ, since once documented ‘ex situ’, the innovation processes stop. Therefore, traditional livelihoods need to be protected against processes of land acquisition, as part of efforts to protect TK. Funding for biodiversity and genetic resources is often for ex situ conservation which supports the needs of the biotechnology industry etc, rather than in situ conservation which supports millions of livelihoods. Agro-biodiversity is not mentioned in any EIA guidelines – EIAs look good on paper but the ground reality is very different.

*3. Communities should be central to the PBR process* – PBRs are needed to revitalise the dying wisdom since the younger generation has very little respect for TK. They also provide a tool for planning from the grassroots level, to inform Gram Sabha and Panchayat planning. They should build on the resource maps developed in the early 1990s by peoples’ organisations and communities (eg. in Kerala). PBRs should also be coordinated with related processes like wildlife plans. The cost of getting a PBR in place in Madhya Pradesh was only 1000 Rs so communities wanted to do it, and the process was very beneficial in terms of motivating people to conserve biodiversity. But many of the guidelines being circulated for developing PBRs give outside experts a leading role and undermine that of communities. The nature of the PBR process

determines whether the register is for the people – and facilitates inter-generational transfer of knowledge – or for the scientists and external users, eg. for the TK Digital Library. Concern was also expressed about panchayats being the agent for developing PBRs and basis for establishing BMCs – knowing how politicised the panchayats are and how many interests there are, how representative are they? In Kerala, for example, panchayats are very large – there are only 1000 panchayats in all of Kerala.

*4. Controlling Access to Biodiversity:* Kerala has received a request for access to biodiversity. Under the Act, Indians only need to *inform* the SBB, not get permission. But at least the users seeking access need to provide information. States/SBBs should be proactive about ensuring this happens by issuing the notification, compiling a list of users in the state and informing them about the notification, so they can monitor access and use and inform the NBA.

*5. Linking biodiversity with economic development:* Do States have any say when SEZ and economic plans are formulated? For example, in Kerala, all the wasteland and paddy land is being taken over – what is being done to conserve biodiversity? Also, the Forest Department is demarcating sacred groves which are conserving biodiversity. How can the SBB engage with other sectors? In MP, the SBB commented on the agriculture policy which was to have a big impact on biodiversity. However, the Biodiversity Rules allow state governments to seek advice from the SBB, but do not mandate the SBB to give advice. The Rules should give a more proactive role to the SBBs to improve integration of biodiversity in other sectors. If the government supported farmers' agrobiodiversity, it would create millions of permanent jobs; but only the jobs created through industrial development get publicised.

*6. Lack of participation of communities in SBBs.* Not a single SBB out of 16 has community representatives. The Biodiversity Act allows for experts on SBBs – why are the states not involving community experts? The vested interests of experts are never questioned, and there is no requirement for the prior informed consent of communities in the current arrangements for access to biodiversity and TK. In MP, the District level is the space for community participation, and some districts have made use of this – but there is room for improvement. Local communities have been involved through communication in the regional dialect and in “peoples' Hindi” ie. using accessible language (they never use the term ‘biodiversity’).

*7. Improving support of the NBA.* All the SBB presentations identified the need for more support from the NBA to be able to carry out their responsibilities. Eg. in Kerala, the NBA provided lak 10 Rs to create infrastructure, but they had to spend the funds on research. This issue should be communicated to the NBA.

*8. Establishing Biodiversity Heritage Sites,* as identified in the Biodiversity Act provides an important opportunity for protecting mixed agro-biodiversity and wildlife landscapes. But how to implement them in a way that does not create hostility like national parks, which makes it even more difficult for the Forest Department to enforce? They should be flexible to allow for different local contexts and innovation, and, along with BMCs, should be established through a slow, bottom-up process.

*9. Linking the Biodiversity Act and Action Plans* – It seems that some states are not linking the State Biodiversity Action Plan with the implementation of the Biodiversity Act – these two strands of biodiversity policy should be linked. In MP, there is strong

overlap between the two and the BSAP is very present in the SBB's work. In Kerala, the State Biodiversity Action Plan will be implemented when they get funds for research from the NBA. The Karnataka Biodiversity Board in its first meeting accepted the KBSAP and all the schemes are being formulated based on this report.

## **Session 4 – Biodiversity Planning**

The session was opened with a short presentation by Benitto Paulraj, a pastoralist. They are mainly landless people who depend only on livestock for their livelihoods, and conserve livestock diversity – they see important traits in livestock, rather than just meat. But there are heavy penalties for grazing in sanctuaries, which they either have to pay or abandon their traditional lifestyle that conserves livestock breeds. With sanctuaries, they are denied their traditional grazing rights and their livestock is killed by tigers and panthers, while pasture is lost to eucalyptus plantations etc. Livestock populations are decreasing – they have declined by around 50% and there is no participatory planning when a new sanctuary is declared.

### **Tejaswini Apte, Consultant – the UNDP/GEF NBSAP Participatory process**

NBSAPs – or National Biodiversity Strategies and Action Plans- are the main vehicle for implementation of the CBD. India's NBSAP places equal emphasis on biodiversity conservation and livelihood security. The MoEF accepted Kalpavriksh's proposal to develop India's NBSAP through a participatory planning process. The process covered all states and was highly decentralised, based on the premise that the well being of the majority of people depends on very different concerns to those of national elites – on the conservation and sustainable use of biodiversity resources – as opposed to consumption etc. Planning meetings were held with local farmers and the resulting NBSAP incorporates inputs and perspectives from thousands of farmers and local resource users, as well as scientists and experts from across India.

The process to develop the NBSAP was as important as the product. It empowered local people in a number of ways, including through capacity building of small grassroots NGOs who had limited access to information. Awareness raising was central to the process, eg. radio channels were encouraged to broadcast about biodiversity issues on science programmes. The process also led to local implementation (eg. some states are making progress with their own BSAPs), and has shown that improving environmental planning can strengthen democracy. Although significant momentum was generated by the process, the NBSAP has not been adopted by the MoEF. It is hoped that the NBSAP in its current form or a similar version will be adopted in the near future. We are seeing a growing divide between government and civil society in India – how to overcome this polarity? A key lesson from the process is the need to build in a political strategy from the start – not just to get the support of politicians, but also of other powerful lobbies like tea plantation owners, trade unions, industry, etc.

### **Anmol Kumar, Deputy IGF, MoEF – the new Environment Policy**

The main objectives of the new Environment Policy of 2006 are: conservation of the environment, livelihood security, integration of environment concerns in economic and social development, and efficiency in environmental resource use. The principles of the policy include that human beings are at the centre of sustainable development; that we have the right to development; and that we cannot afford development at the cost of environment. The Public Trust Doctrine means that the government is not the

owner of environmental resources – all of us are trustees of these resources, keeping in mind future generations.

### **BMS Rathore – Mainstreaming Biodiversity in District Planning in Madhya Pradesh**

The 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Constitution put decentralised planning on a very firm footing. Each state is to set up a Development Planning Committee, which is supposed to maintain a database of natural resources to inform planning. Despite having a provision on environmental integration in Madhya Pradesh for the past 9 years, very little has occurred except for a few examples. A core group was set up in the State Planning Commission to integrate biodiversity. Schemes were screened and roughly ranked – 8 crores were found to be going to schemes with positive impact on biodiversity, 37 crores to schemes with neutral impact, and 3 crores to schemes with negative impacts. The idea was to strengthen the schemes with positive impact and decrease support to those with negative impact in the following year. But there was little change in 03-04. Then a new Vice Chair was appointed who took up the approach and piloted it in 6 districts. But he passed away and, without clear political support, the initiative stopped.

Integration was also helped by the Eco-regional and district support groups set up by the SBB, which inform integration at local level, where it can really take place and should be promoted proactively. Immense capacity building is needed to district planning teams – the SBBs should help with this. The District Planning Committee is a constitutional requirement, and states have to set them up to transfer planning to the district level. But states are reluctant to do this, and there is a great deal of resistance to devolving power to panchayats. DPCs are set up as executive bodies but this is not how they are envisaged in the 73/74 amendments. In fact funding to the district level has decreased, not increased. The Ministry of Panchayat Raj is making an effort to address these issues.

### **Discussion**

Participants welcomed the participation of the MoEF for this session and took the opportunity to raise some burning issues:

1. Concern was expressed at the delay in adoption of the NBSAP, which appears to be linked to a broader trend of weakening environmental regulations (EIA and CZR). Dr Kumar said that the NBSAP had been held up because the MoEF wanted to finalise the new Environment Policy first, and that it will be adopted in the next 2-3 months. He said that a weakening of environmental regulations is definitely not correct with respect to wildlife.
2. Participants expressed serious concern regarding SEZs being declared a foreign territory, where national laws to safeguard the environment, labour standards etc do not apply, people and their livelihoods are displaced and only a token EIA is needed to fence off an SEZ.
3. Serious concern was also voiced regarding the MoEF Order to ban NTFP collection in National Parks and Sanctuaries and the impact this is having. In Tarava Village, Satkosia Gorge Sanctuary of Anugul District, 22 people including 12 infants, have died prematurely in the last two years due to malnutrition and related health problems, because the forest department has not provided any employment schemes ('EC Watch', India). While Dr Kumar said that the MoEF ban was in response to a Supreme Court Order, other participants said that the Supreme Court Order had in fact banned the Forest Department from collecting dead vegetation. With respect to pastoralism, Dr



Kumar said the problem is not so simple, and that there has been a massive increase (not decrease) in grazing in the last few years.

## **Session 5 – Conclusions and Next Steps**

### **NC Saxena, National Advisory Council – Workshop Summary**

As remarked in the opening session, India is on a path to becoming a very rich country full of poor people. We have heard many concerns but we should not be disheartened, there is scope for things to be different. Here are some suggestions and reflections, building on the workshop discussion:

1. We need to engage with other groups such as politicians, associations, labour unions and different ministries. For example the agriculture ministry may not be interested in biodiversity, but the health ministry may be interested.

2. On setting up a Commission on Sustainable Development: New bodies tend to just create jobs for retired or failed politicians who may know little about the subject – many committees exist for coordination but often they don't really work. It would be better to deal directly with ministries – civil society should focus on direct dialogue on integration with the different ministries. There should also be a 3 day training on the environment for every new Joint Secretary.

3. On integrating biodiversity: Planning in India is equated with spending funds, there is very little concern with non-monetary issues. State Biodiversity Boards have very little funding and staff and so they get marginalized. We need to find new funding for SBBs –from international donors (eg. DFID) or central government funds.

4. The Ministry for Tribal Affairs was set up in 1999 but did very little on PESA, transfer of tribal land etc in the first few years. It should be finding out what is going on in terms of the actions of other ministries and informing other government departments and civil society.

5. Civil society should act more as a knowledge community – we need good data to move things forward. For example, the MoEF said that livestock has significantly increased, but the census shows that population has only increased by 3% and livestock by 1%, so perhaps the perceived increase is in fact due to a decrease in available grazing land. We also need to raise awareness of the link between the agrarian crisis and environmental problems. Other lobbies eg. the Dalit lobby, are more powerful than the environment lobby.

6. More peoples' participation is important in some areas such as forest management – but not in all, eg. for addressing air and water pollution what is needed is stronger laws and enforcement. JFM has shown that after the flow of funds has stopped, communities often stop protecting forests. JFM has not failed, but lots more needs to be done, eg. to improve internal capacity of communities, and institutional support of government. In a number of places, JFM has achieved forest regeneration – so it has succeeded in achieving joint forest protection but not joint management.

### **Discussion**

The final discussion focused on identifying key conclusions and next steps to improve biodiversity and environmental governance:

- *Mounting a campaign:* Given the serious situation and strength of feeling with respect to the impact of SEZs, weak environmental regulations etc, a campaign is needed, with a strategy, network, specific outcomes, people to target etc. An Environmental Justice campaign already exists. Useful parallels can be drawn from China's experience – a real crisis has come out of market reform, eg. young women have lost entitlements leading to suicides. Environment is one of the main issues of contention between government and civil society- many protests have been organised.
- *Training is critical:* We need to engage with all training and look very carefully at syllabuses, starting from school curriculum, and to talk to the media much more. Training institutions are often keen to have new courses, eg. on biodiversity. Conservation is about sociology first, but social issues are at the end of park management plans – the whole process needs to be reversed so that they are addressed in the 1<sup>st</sup> or 2<sup>nd</sup> chapter. The bureaucracy is becoming the doer but the community should be the doer and the bureaucracy the facilitator, and the doer needs to have the budget. Thus, park managers and bureaucrats need to be trained as sociologists and facilitators, as opposed to managers.
- *The process is very important* as the NBSAP shows, but government systems are very weak at doing process because they are given targets to reach, for example by March of the financial year.
- *Tailoring the message to the audience:* The NBSAP media campaign tried to speak to a range of actors in the same way – we need to tailor communications for different sectors using a language that is meaningful to them, eg. the conservation or ethical argument may not be so effective for the business sector or politicians – we may need to make the business case.
- *Using hard data to make the case:* The “Campaign for Survival and Dignity” was successful in getting a number of politicians behind the Tribal Rights Bills – a lot of effort was made to engage politicians from each party, and factual data used to show how many people are affected etc, which a lot of MPs are now quoting. We need to get facts and figures to fight the case – arguments are being used like, for example, 10,000 jobs will be created through industrial development, and we need to show that many more permanent jobs will be lost (eg. in agriculture).
- *Portraying biodiversity as a social justice issue.* The problem with ‘biodiversity’ is that it sounds very scientific – we need to use a different vocabulary. Also, biodiversity rich areas have not really contributed to livelihoods, so how can we argue for biodiversity as a means to achieve a better quality of life? We need to generate a bigger constituency and an important one is the local people. Integration of biodiversity also needs to be made an objective for policy and planning.

The following practical actions were also proposed for follow up by participants:

1. *Having a dialogue with the MoEF:* Limited participation of MoEF in the workshop meant there was not really a dialogue. We need to find a way to engage in a dialogue with the MoEF in a non-threatening environment. Perhaps Winrock could organise such a meeting. To improve dialogue with the government, we may also need to change our language so that it does not sound critical (eg. by saying: if you want to improve livelihoods and forest conservation, you can do xyz).

2. *Networking to assist SBBs* implement the Biodiversity Act – NGOs can help to spread information and experience (the NBA should be doing this but is not). This kind of networking would also help raise awareness among local people, eg. about the role of BMCs. We need to ensure the SBBs are informed of the workshop recommendations, and offer to help in addressing them – NGOs should hold sessions with the SBBs to provide support.

3. *Informing MPs*: The need to engage with MPs and raise their awareness was stressed several times during the workshop – NGOs could work together on this, pooling their contacts, intelligence etc. A dinner could be organised for MPs to start the process. Winrock will follow up Abani Roy's offer to help with this. The Standing Committee on Science, Technology and Environment is interested in environment issues. We could also try to integrate environment issues into the 11<sup>th</sup> Five-Year Plan through the Planning Commission Committee chaired by Madav Gadgil.

**Full workshop presentations can be downloaded from Winrock's website:**  
<http://www.rupfor.org/nbsap.asp>.

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