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Forest Governance Learning Group

India

Report for the project:
Social Justice in Forestry



Author information

This report was written by:
FGLG team: India
Convenor: Sanjay Upadhyay

About the project

For more information about this report, or the Forest Governance Learning Group and the Social Justice in Forestry project, visit <http://iied.org/forest-governance-learning-group>, or contact: James Mayers, James.Mayers@iied.org.

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International Institute for Environment and Development
80-86 Gray's Inn Road, London WC1X 8NH, UK
Tel: +44 (0)20 3463 7399
Fax: +44 (0)20 3514 9055
email: info@iied.org
www.iied.org

 @iied

 www.facebook.com/thelIED

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Acronyms

A.P.: Andhra Pradesh

APFD: Andhra Pradesh Forest Department

CAMPA: Compensatory Afforestation Management Planning Authority

CBD: conservation of bio diversity

CESS: Center for Earth Science Society

CFI: Community Forestry International

CFM: community forest management

COP: Conference of Parties

CPF: Center for People's Forestry

CRP: community resource person

CSO: community service organisation

DFID: Department for International Development

DLC: district level committee

ELDF: Enviro Legal Defence Firm

FES: Foundation for Ecological Security

FGLG: Forest Governance Learning Group

FLEGT: forest law enforcement, governance and trade

FRA: Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

GCC: Girijan Cooperative Corporation

GO: Government Order

GoO: Government of Orissa

IAS: Indian Administrative Service

IASC: International Association for the Study of the Commons

IFS: Indian Forest Services

IGNFA: Indira Gandhi National Forest Academy

IGSSS: Indo Global Social Service Society

IIED: International Institute for Environment and Development

IIPA: Indian Institute of Public Administration

INR: Indian national rupees

JFM: Joint Forest Management

JICA: Japan International Cooperation Agency

LWE: left-wing extremism

MFP: minor forest produce

MoEF: Ministry of Environment and Forests
MoTA: Ministry of Tribal Affairs
MP-MFP-Federation: Madhya Pradesh Minor Forest Produce Federation
MRV: measuring, reporting and verification
NABARD: National Bank for Agriculture and Rural Development
NAC: National Advisory Council
NAPCC National Action Plan on Climate Change
NGO: non-government organisation
NGT: National Green Tribunal
NRM: natural resource management
NTFP: non-timber forest product
ORMAS: Orissa Rural Development and Marketing Society
OTFD: other traditional forest dwellers
PCCF: Principal Chief Conservator of Forest
PDD: project design document
PESA: Provisions of Panchayats¹ (Extension to Scheduled Areas) Act, 1996
PFM: participatory forest management
PRI: Panchayati Raj Institutions
PVTG: particularly vulnerable tribal groups
RCDC: Regional Center for Development Coordination
REDD: Reducing Emissions from Deforestation and Degradation
TDCC: Tribal Development Cooperative Council
TDO: Tribal Development Officer
TERI: The Energy Research Institute
TFD: The Forest Dialogue
TRIFED: Tribal Cooperative Marketing Development Federation of India Limited
U.P.: Uttar Pradesh
UNDP: United Nations Development Program
UNFCCC: United Nations Framework Convention on Climate Change

¹ Local village councils.

Foreword

FGLG India, a group of well-connected and experienced individuals working on forest governance issues, has played a seminal role in taking the forest governance debate forward in India. The global connections of FGLG have provided further impetus to the India group through mutual learning and exchange. Over the past four years, FGLG India has made important strides, both as a group and as individuals, in various facets of improving forest governance in India. The three main themes – namely, forest rights tenure, legitimate forest products and pro-poor climate strategies – and their policy discourses have made significant progress due to the intervention of FGLG members in their various capacities. Some of the significant undertakings by FGLG members, both as a group and as part of their respective organisations, include the Amendments to the Forest Rights Rules, new guidelines for tree felling on private lands, a community tool for measuring carbon, an assessment of tree farming, the debate on Joint Forest Management Plus (JFM+), the implications of forest law enforcement, governance and trade (FLEGT), and amendments to the Lacey Act, the direction towards, institutional reforms in the forestry sector. Furthermore, a crucial development is that some FGLG members have decided to take this partnership forwards in the form of a small group, known as the Forest Governance Strategy Group, which means that the institutional anchor that is needed to benefit from the immensely experienced group is not lost. FGLG India would like to offer profuse thanks to IIED for continuously guiding and constructively contributing to the output of the group. We look forward to continued guidance and support from IIED and the European Commission, who have been gracious in supporting such initiatives worldwide. FGLG India would be more than happy to collaborate on similar programmes in the future.

1. Key issues in Social Justice in Forestry to be addressed

The overall objective of the Social Justice in Forestry project in India was to **improve and strengthen forest governance in India through the promotion of local rights – especially community rights – benefits and control over forest resources**. Keeping in mind the larger objective of FGLG, FGLG India chalked out definite action plans with clear targets for each phases (*see Annex 1: Work plan*). Four broad themes were selected to cover the most crucial aspects of forest governance in India (see Box 1).

Box 1: FGLG India outputs for the Second Phase (2010 – 2013)

Output 1: Forest rights and small forest enterprise

- 1A: Forest Rights Act – implementation, institutions and processes
- 1B: Strengthening Community Forest Management through recognition of rights
- 1C: Strengthening community-based institutions to run NTFP enterprises

Output 2: Legitimate forest products

- 2A: Investment in forestry – tackling the contradiction of huge imports despite large-scale plantations

Output 3: Pro-poor climate change mitigation and adaptation through forestry

- 3A: REDD: India's REDD readiness/preparedness
- 3B: Supporting better decision-making on bio energy development strategies – a focus on rural energy security

Each year, a workplan with clear outcomes and timelines for activities under the four themes was prepared and agreed by the team. This formed the basis of the team's work for the year.

2. Structure of the team and wider consultative groups

The FGLG India team comprises individuals from government, NGOs, academia, the media and the private sector. Team members are based in various states as well as Delhi – Andhra Pradesh, Odisha, Jharkhand, West Bengal, and Chhattisgarh – and their collective experience extends across much of India (see *Annex 2: List of FGLG India team members*).

Individuals within FGLG India are well-connected to various consultative groups, including the Green India Mission, one of eight ‘missions’ set up by the Planning Commission². Emphasising the overriding priority of maintaining high economic growth rates to raise living standards, the plan ‘identifies measures that promote our development objectives while also yielding co-benefits for addressing climate change effectively’. The National Action Plan on Climate Change (NAPCC), which oversees the eight missions, states that these national measures would be more successful with assistance from developed countries, and pledges that India’s per capita greenhouse gas emissions ‘will at no point exceed that of developed countries even as we pursue our development objectives’.

² The other missions that were set out by the Prime Minister of India in 2008 under the National Action Plan on Climate Change (NAPCC) are the National Solar Mission, the National Mission for Enhanced Energy Efficiency, the National Mission on Sustainable Habitat, the National Water Mission, the National Mission for Sustaining the Himalayan Ecosystem, the National Mission for Sustainable Agriculture and the National Mission on Strategic Knowledge for Climate Change

3. Main tactics used

A range of complementary tactics was used in the work of FGLG India.

- a) **Key officials in the government were invited to join FGLG India** – one such example was the inclusion of Shri B.M.S. Rathore, who was heading the Green India Mission, the largest programme of afforestation in India.
- b) The group **strategically intervened in law making and policymaking processes** – for example, members of FGLG were included in the drafting committee for the Rules of the FRA and their Amendments, and as members of the National Compensatory Afforestation Management Planning Authority (CAMPA) Advisory Council.
- c) FGLG India members **proactively attended key official meetings** at the national level to contribute to addressing an issue of serious concern for forests and tribals, namely, left-wing extremism. This included the key meeting held at Vigyan Bhawan in New Delhi in 2010.
- d) **Policy briefs were developed** and sent to key people in state governments to influence change. One example of this is the note on minor forest products (MFP) and their context in Scheduled Areas as well as their linkage with the Gram Sabha, which was sent to the Ministry of Environment and Forests (MoEF). This resulted in a circular on MFP being issued to clarify the role of the Forest Department and Gram Sabha, especially in Scheduled Areas.
- e) **Forest officers were updated** on the latest forestry issues from a legal perspective in the forest academies at both the central and state levels.
- f) Other tactics included **one-on-one meetings** with policymakers, press briefings and intervening in ongoing policy processes.
- g) **The outreach of FGLG India's work was increased through a website** that was developed and updated periodically (see www.fglgindia.org).
- h) **Web discussions** were carried out on specific themes such as the Forest Rights Act, Tribal Self Rule and Joint Forest Management.

4. Main actions taken over the five years

4.1. Main actions by year

This section presents a yearly overview of the main actions taken over the project period of 2010-13:

I. 2010

In the first year, the programme started a little late due to administrative reasons, kicking off only in April. This year therefore covers April 2010 – December 2010. FGLG India decided to concentrate on specific themes under Outputs 1 and 3, i.e. forest rights and small forest enterprise, and pro-poor climate change mitigation and adaptation through forestry, respectively.

FGLG India followed two approaches in 2010:

- Improving administrative processes in order to have more impact on the forest governance agenda given the limited time and resources available; and
- Leveraging other existing processes that are related to the thematic focus of FGLG India.

In the first year, FGLG India also focused on setting up a network for the group through participative fine tuning of the work plan, rotational leadership for the group, and developing an interactive website (www.fglgindia.org). It also focused on responding to emerging challenges and new developments in the forest governance agenda of the nation, incorporating more strategic players in forest governance and increasing the representation of other significant sectors, such as the media, political actors and forums and women, to reflect some of the new developments in FGLG's initiatives since the previous phase of work³. 2010 also saw increased participation by FGLG India members, especially those from the government sector, which was a welcome sign for the group.

II. 2011

In the second year of the current phase, the FGLG team in India worked on several themes, each with a 'thematic leader' and an action plan to enhance participation by the group. Membership of the team grew with greater participation by officials, which helped increase the dialogue with government departments as well as media professionals.

The team gathered evidence to draw comparative lessons on the implementation of the Forest Rights Act (which secures forest rights to communities) in different states. It also contributed to the development of guidelines for Community Forest Rights in eastern India, in particular to ensure that the guidelines are integrated with other programmes at the field level. The early focus on non-timber forest products (NTFPs) continued, especially with regard to bamboo which was finally classified as an NTFP.

The strong connections of the individual members of FGLG India also helped increase the presence of FGLG at various senior forums. For example, members of FGLG were invited to participate in the Committee on Tree Farming on Private Lands, Planning Commission sub-groups (including a sub-group on international cooperation, where FGLG was cited as a good example), the Forest Certification Council of India, and the first National Forestry Congress (at which some FGLG members were lead speakers). Furthermore, the Ministry of Environment and Forests also discussed the idea of 'JFM+', with FGLG members contributing to these discussions.

The National Consultation, titled 'REDD+ and Perspectives of Community Forestry Stakeholders in India', was conducted on 28 December 2011, with FGLG India invited to participate. The team also worked on developing a community guide to REDD+ that included a component on how communities can measure their own carbon. The resulting knowledge can be injected into national-level discussions.

Some FGLG India members also contributed substantially to a report on forestry on private land and non-forest land under government control.

³ The previous phase of the international FGLG initiative was from 2004 to 2009.

III. 2012

In 2012, the team continued monitoring the implementation of the Forest Rights Act (FRA) and actually engaged at the highest levels (both national and state) in the drafting of the Forest Rights Rules. A policy paper was completed for the Ministry of Environment and Forests following a study of long-term investment in tree plantations, their current status, and their contribution towards meeting the demand for legitimate forest products in the country. This was examined in the context of much of India's demand for timber being met by cheap imports. The India team continued to use its high-level contacts and influence in various forums, for example to feed into the National REDD Strategy, whilst at the same time developing a Farmer's Guide to REDD+ Preparedness.

Capacity building of a wide range of stakeholders and government officials with regards to the FRA was also carried out under the FGLG flag in various parts of India, including Rajasthan, Maharashtra and other states.

In Orissa, attempts were made to link revenue land distribution with the FRA, creating an equitable design whereby the problems of other traditional forest dwellers (OTFDs) could be addressed, and the outcome eventually approved by Gram Sabha. A report for the Government of Orissa (GoO) on the FRA and revenue land settlement was prepared with the support of FGLG. FGLG also continued to play a critical role in providing technical assistance to policy reform processes, capacity building and knowledge sharing in FRA implementation in India, UNFCCC-COP deliberations, and REDD discussions at national and international forums.

A paper titled 'Forest Governance and Institutional Reforms in India: Urgent and now' was also prepared⁴.

Internal debates on how FGLG India contributes to the larger forest governance challenges of the country also took place. An FGLG India meeting was organised in Hyderabad at which a number of issues – both internal as well as relating to the forest governance sector – were discussed:

The biggest challenge was the distinction between individuals' existing regular work and the work of FGLG India. It was concluded that a very fine line does exist, but that internal events are also learning events through which the members can find out about each other's work, and it is up to them to realign their work to contribute to the larger forest governance debate in the country. In fact, it is the combination of individual experiences and the togetherness of FGLG that is the backbone of the learning group.

Internal administrative issues were also discussed, in particular the role of the theme leader and whether it was useful. It was largely felt that a coordinator is needed to steer a theme, although the term 'theme leader' may not be appropriate.

Thematic discussions on REDD+ and the need for critical thinking on REDD+, the issue of an Asia REDD+ network and FGLG Asia was also discussed, including where synergies can be best exploited. It was also suggested that although there is no additional money for REDD+ at this stage, there is money available for REDD+ readiness and therefore it is important that one should bring all the REDD players together in one platform.

Other issues that FGLG as a team should bear in mind were also discussed. FGLG India had, at the start of this phase, agreed to retain part of the budget as a flexible fund to enable the team to respond quickly to emerging issues and opportunities, while retaining a focus on the themes outlined in the work plan. Issues considered for support from the flexible fund were:

- A position paper on CAMPA
- South-south cooperation
- REDD challenges
- JFM Plus (JFM+)

⁴ This paper was published in 2014.

- Developing a convergence model (example from Tripura)

Based on the points agreed upon at the meeting, the 2012 work plan was prepared. Progress on this is discussed in the coming pages.

IV. 2013

In the last year of the Second Phase (January-November 2013), FGLG India decided to work on specific themes under all of the four Outputs⁵. The aim was to strengthen the three thematic areas as well as to focus on a number of subjects. Specifically, the group worked on examining JFM+, which is also included in the 12th Five Year Plan and has been identified as a key initiative for the next five to ten years, supported through the Green India Mission. Aside from JFM+, the Compensatory Afforestation Management and Planning Agency (CAMPA) was also studied, with research undertaken to examine, among other things, whether CAMPA is an appropriate model for dealing with forest diversion and how it can be made more robust, the issue of forest land diversion versus forest diversion, whether conditions imposed on those diverting forests are being monitored, and the level of dependence on the forest that is being diverted. As regards REDD+, the team proposed the preparation of a position paper, to feed into the REDD+ cell in MoEF, addressing the following: international state of the art and best practice; existing policy and legal spaces that promote or constrain REDD+; appropriate institutional and governance models for scaling up REDD+; innovative tools, techniques and methods for promoting REDD+ actions; measuring, reporting and verification (MRV); and tenure and impact on indigenous peoples. The group also examined post claim strategies under the FRA, looking specifically at what happens once you have title. There is now a legal mandate to formalise the post claim strategy, but how can it best be implemented, and how can links to other schemes and programmes be used creatively? Strategy papers were developed around this theme.

4.2. Main actions by specific output

The FGLG team in India worked on several themes over the entire project period, each under a 'thematic leader' and with an action plan. Four key outputs were identified by FGLG for the project:

- **Output 1:** Forest rights and small forest enterprise
- **Output 2:** Legitimate forest products
- **Output 3:** Pro-poor climate change mitigation and adaptation through forestry
- **Output 4:** Trans-national learning and preparedness

These outputs were further streamlined and the following focus areas were identified:

- **Output 1A:** FRA – status of implementation
- **Output 1B:** Strengthening CFM initiatives
- **Output 1C:** Strengthening NTFP enterprises
- **Output 2A:** Investment in forestry – tackling the contradiction of huge imports despite large-scale plantations
- **Output 3A:** REDD: India's REDD readiness/preparedness
- **Output 4A:** Trans-national learning and preparedness

The key activities undertaken over the project duration are summarised on the basis of the target outputs as presented below.

⁵ See section 4.2

- **Team**

Sanjay Upadhyay (theme leader), Sanjoy Patnaik, Prodyut Bhattacharya, Suryakumari, Ajit Banerji, Ramesh Kalaghatgi, KC Malhotra, RC Sharma and Vishaish Uppal. Bachittar Singh/ Anoop Srivastava from Ministry of Tribal Affairs were special invitees.

- **Progress and highlights**

- Review of FRA implementation status.** In 2010, a study to review the implementation status of the FRA was carried out in the states of Chhattisgarh, Jharkhand and Madhya Pradesh. Interactions took place with different stakeholders to identify and understand the key issues affecting the implementation of the FRA in the states, as well as to suggest legal solutions to improve the implementation of law. The interactions brought forth a range of issues such as procedural inadequacies, substantive legal hurdles, lack of understanding of basic processes, ambiguity in appellate processes in the recognition of forest rights, reluctance of the forest department, lack of capacity in the nodal department of implementation of the FRA (i.e. the Ministry of Tribal Affairs) and its weak counterparts at the state level, major disputes on substantive aspects of law such as ownership of forest produce and its management, and most importantly, the lack of initiatives on community forest management and exercise of community forest rights (*see Annex 3 for a brief note on emerging issues*).

In 2011, interactions took place with different stakeholders on the FRA in Chhattisgarh, Jharkhand and Madhya Pradesh. These helped in the documentation of the key issues and potential steps to address the issues impacting the implementation of the FRA.

In 2013, ELDF/FGLG engaged in a handholding programme with the state of Jharkhand on FRA implementation in three districts in the state. A detailed strategy and action plan has been submitted to the welfare department of Jharkhand (*see Annex 5: Jharkhand FRA action plan*) and a District Profile has been drawn up (*see Annex 4*).

- Inputs at the national level to a review of FRA implementation and rules.** A number of FGLG members made submissions and were invited to the meetings of the Saxena Committee on Status of FRA implementation in 2010 (*see Annex 6: FRA – Problems of Implementation, Submissions to the FRA Status of Implementation Committee*). This was complemented in 2012 by an analysis of FRA clarifications issued by the Ministry of Tribal Affairs (MoTA). FGLG members also helped MoTA in preparing a compendium on the FRA as well as providing inputs on whether or not such clarificatory letters are in accordance with forest and other laws (*see Annex 7: Clarifications issued by MoTA on the implementation of the FRA*). Furthermore, at the request of the MoTA, Sanjay Upadhyay not only oriented the new Joint Secretary and Secretary regarding the FRA but also actively participated in drafting FRA Rules along with Shri NC Saxena, a member of the National Advisory Council. The new Rules took into account the comments that were received from the public at large and, more importantly, the concepts and lessons that were learnt during past FGLG experiences. The first few days were supported by FGLG India and subsequently, UNDP decided to support a technical assistance project to handhold the implementation of the FRA. Similar processes to provide inputs to the amendment of the FRA Rules were also conducted at the state level. In Odisha, Sanjoy Patnaik supported the Scheduled Tribe and Scheduled Caste (ST&SC) Development Department of the Government of Odisha to prepare the state inputs to the preparation of the changes introduced to the FRA Rules, 2007. This support included drafting the note, state consultations and discussions with resource persons.

In 2012, the FGLG India Convener was a special invitee of the Chair of the FRA Status of Implementation Committee, at which a presentation was made (*based on the document referred to above, Annex 6*).

Clarifications on diversion of forest land: Sanjay Upadhyay and Vishaish Uppal raised an important query on clarification needed regarding the guidelines for seeking prior approval for the diversion of forest land for facilities under Section 3(2) of the Forest Rights Act, 2006 (*see Annex 8: Clarification Regarding Guidelines issued under Forest Rights Act*). A response is awaited.

- c) **Briefing materials on FRA implementation, institutions and processes.** FGLG India produced the following materials examining key issues in FRA implementation:
- A briefing note on **Protected Area governance** in the context of the FRA was prepared to look into critical issues relating to critical tiger habitat and critical wildlife habitat, particularly from the point of view of conservation and the new rights regime (see *Annex 9: Towards Protected Area Governance: Understanding Critical Wildlife Habitat and Critical Tiger Habitat – A Briefing Note*).
 - A note on **post claim strategy** was prepared by Sanjay Upadhyay and is now being published (see *Annex 10: Note on post claim strategy*). By 2013, efforts towards post claim support resulted in the requirement for the government to provide post claim support to FRA rights holders becoming a mandate under the FRA Rules.
 - A study was also undertaken to understand the **new regime of conservation under the FRA** from existing participatory approaches, in which an attempt was made to analyse potential conflicts with existing participatory approaches and methods for synergies, in particular how CFM, JFM rules and FRA provisions can best complement one another (see *Annex 11: Synergising the Conservation Regime in Forest Rights Act with the Existing Participatory Forest Management System*)
- d) **Lessons from the field on community forest resource management.** A study was initiated in 2010 to derive lessons from the Hunter Committee's initiative in Sarguja on how communities can not only manage their resources, but also negotiate further to leverage government facilities to improve their livelihood while conserving the resource itself. Such initiatives to manage, protect and conserve community forest resources are one of the most important aspects of the FRA, but one which has been least advocated and where very few claims have been initiated (see *Annex 13: Note on Hunter Committee – Protecting Community Forest Resources in Maheshpur Village, Maheshpur Panchayat, District Sarguja, Chhattisgarh*).

Vulnerable tribal groups and the need for special focus: To study the issue of primitive tribal groups (PTG), now more appropriately called vulnerable tribal groups, and to secure their habitat, especially in light of the provisions of the FRA, a case study was undertaken on the Pahadi Korba tribe in the district of Sarguja (see *Annex 12: PTG village of Pahari Korba at Kholipara, Gram Panchayat Jori, District Sarguja – Some Lessons and Notes*).

- e) **Training, workshops and 'handholding' on FRA implementation.** In July 2010, a training session of Indian Forest Service (IFS) probationers on the FRA was conducted at the Indira Gandhi National Forest Academy (IGNFA), the premier forest training academy in Dehradun, with the participation of over 30 IFS officers from all over the country. The idea was to orient new foresters to new forest governance challenges. Also in July 2010, a workshop on FRA implementation was organised at Ranchi, in collaboration with the Welfare Department of Jharkhand, which was attended by the Welfare Secretary and the Tribal Welfare Commissioner of the State, noted lawyers and activists from several states. Over 105 community workers and 25 lawyers from different parts of Jharkhand, Chhattisgarh, West Bengal and Himachal Pradesh participated in this workshop. By 2012, this activity had developed further with the Ministry of Tribal Affairs requesting that Sanjay Upadhyay be the resource person for all handholding regional workshops where the Amendment Rules, the Guidelines and clarifications on the FRA and the new Amendment Rules are presented. Sanjay Upadhyay leveraged UNDP support to cover his time in this regard. A brief guidance note has been prepared along with the key issues being raised in such workshops (see *Annex 14: Note on issues raised on the FRA in Handholding Workshops*).

Training continued in 2013, both of State Forest Officers – Sanjay Upadhyay was engaged in training Indian Administrative Service (IAS) probationers and forest officers along with state welfare officers on the FRA from time to time, with pro bono efforts partly met by FGLG support – and of youth in Odisha, where FGLG supported the Tribal Department of the Government of Odisha in training local youth to support the community claim process in the FRA.

Also in 2013, ELDF/FGLG prepared a Training and Advocacy Manual on the FRA for the MoTA (see *Annex 15: FRA manual cover page*).

An advice and referral service to support the implementation of the FRA was started by FGLG India, and has been very useful. It still continues and it is now linked with Gram Vaani (community media) for queries related to the Forest Rights Act. The team has assured Gram Vaani that advice and referral support would be provided to them in all FRA-related matters. The first set of queries received through Gram Vaani were from Bokaro District regarding the status of claims filed.

- f) **Analysis of emerging issues.** FGLG India was well placed to respond to issues emerging under the umbrella of the FRA including, for example, **left-wing extremism (LWE) and forest governance.** In 2010, in light of the threat posed by LWE to forest governance, the Government of India invited district-level officers, who are at the forefront of meeting this challenge, to give their opinion on how the threat can be tackled. Ten key issues emerged (see *Annex 16: Notes on Conference of DFOs of 35 LWE-Affected Districts*). FGLG India submitted a response to the ten identified issues and suggested some measures in this regard. One of the important connections that was explored was that between forest governance and scheduled area⁶ governance. In 2012, FGLG India members Ramesh Kalaghatgi and Sanjay Upadhyay were invited to attend a high profile meeting on the role of the Forest Department and left-wing extremism in the 35 most affected districts.

PESA-JFM-FRA-MFP connect: A small initiative to debate four key issues – operational mechanism of the Provisions of Panchayats⁷ (Extension to Scheduled Areas) Act, 1996 (PESA), especially its natural resource management tissues issues; the legality of Joint Forest Management (JFM); the FRA connect with the above, and especially the ownership of minor forest produce; and institutional and operational arrangements on the ground – was also attempted to explore the connect between scheduled area governance, participatory management and the issue of ownership of minor forest produce (see *Annex 17: Four Points That Need Urgent Attention for PESA-FRA-JFM Connect*).

State-level support to FRA Implementation in Odisha: In 2012 and 2013, FGLG member Sanjoy Patnaik made significant contributions to FRA implementation in Odisha:

- The Government of Odisha invited Sanjoy Patnaik to present civil society perspectives on FRA implementation and suggestions for the new rules in the Regional Consultation on the Implementation of the FRA jointly organised by the MoTA and UNDP at Bhubaneswar, Odisha.
- Sanjoy Patnaik (SP) was actively engaged as a resource person across the state and in national consultations on the FRA. These consultations included public hearings organised by the Indo Global Social Service Society (IGSSS) and German Agro-Action, conferences organised by the Indian Institute of Public Administration (IIPA) and state government, the training of government officers in charge of implementing the FRA such as the sub-collectors (at the request of state government), and a number of state-level NGOs, forestry forums, etc.
- SP also supported the state government in the orientation of district administration with regards to the new FRA Rules in selected tribal dominated districts in November and December 2012.
- SP worked as resource person at a workshop for forestry federations, NGOs and CSOs from Odisha, Chhattisgarh and Jharkhand on the Forest Rights Act and PESA organised by RCDC and Oxfam India on 22 December 2012 in Bhubaneswar.
- SP worked with the Odisha Tribal Empowerment and Livelihoods Programme (OTELP), an externally aided state government programme, on improving the implementation of the FRA in 1,000 villages using a local youth, known as a community resource person (CRP), to

⁶ Scheduled areas are predominantly tribal dominated areas declared as special areas of administration under the Indian Constitution. The operation of general laws may be modified in such areas, depending on the special circumstances, by the constitutional head of the state, i.e. the Governor.

⁷ Local village councils.

identify all those eligible claimants who have not filed claims under the FRA despite occupying forestland. SP is engaged in designing a project implementation plan and the training curriculum that would be implemented by government.

- Prior to this, SP designed a similar model of using local youth (CRPs) to provide additional capacity to revenue officials for land allocation and settlement for state government. This was designed for implementation in close to 18,000 villages and is expected to reach about 1.2 million tribal households. Through this initiative, close to half a million tribal families would receive homestead and farm land. This process of identification would be used for forest land settlement also under the FRA.

g) Further activities carried out by FGLG members

- **Gudalur.** Helped one tribal gram sabha to go through the claim process again with maps, etc.
- Collated information on titles given in Uttar Pradesh, especially in Tiger Reserves.
- Important information on lack of implementation of the FRA in Assam was brought to the attention of the MoTA (*see Annex 18: Letter to MoTA on lack of implementation of the FRA in Assam*). FGLG was informed that state action has been initiated and the FRCs have been constituted, including in the protected areas.
- **Support in Vedanta Mining case.** Documentation of Niyamgiri Gram Sabha against Vedanta Mining in Rayagada district in Odisha, with a community claim carried out. (*see Annex 19: Vedanta mining pamphlet*).

Theme 1B: Strengthening Community Forest Management through recognition of rights

Governance objective

To support decentralisation, transparency and accountability in participatory forest protection and management.

Team

Sanjoy Patnaik (Theme Leader), Ajit Banerjee, Bhaskar Mitra, Prodyut Bhattacharya, Ramesh Kalaghatgi, and Bhaskar Vira (special invitee).

Progress and highlights

Activities under this theme started, in 2010, with the documentation of successful CFM cases to prove its efficacy, and included a study of institutional governance and finance. In addition, it was decided to study the processes of building systems, institutions and procedures of CFM and to analyse and document the roles played and to be played by the various stakeholders. In this regard, some of the key activities included organising exposure visits to CFM areas for senior foresters (of Orissa and the centre) and policymakers so that they could meet and discuss with local people, including at public hearings; organising a series of interface meetings between the CFM groups, policymakers and the larger civil society actors; and facilitating and supporting government to bring about a change in management objectives. The sub-theme resulted not only in organising wider dissemination of information, but also in developing a learning paper on CFM on replicability of models in place and strategies for others, in particular.

Two forest divisions – Kalahandi and Deogarh in Orissa – were selected for the study.

For the purposes of data collection, a number of meetings and consultations were organised with District Forestry Federations, local NGOs, members of Panchayati Raj Institutions (PRIs), foresters, the Forest Rights Committee, the Sub-Divisional Level Committee, and the Forest and Tribal Department. These included: individual and group interactions with District Forestry Federation members in Bhawanipatna, Lanjigarh and Riamal in Kalahandi district and in Deogarh District; a meeting with members of the Forest Rights Committee (formed under the Forest Rights Act) in Siarimalia, Khelei in Deogarh district; the collection of information from Daspalla and Banpur Sub-Divisional Level

Committee on community forest resources; and discussions with the Forest Department at the division level and with the Forest Secretary on the Forest Rights Act.

In 2011, the activities under this theme focused on a study that examines the issue of legal recognition of self-initiated forest protection initiatives in Odisha, popularly known as Community Forest Management (CFM), within the provisions of the Forest Rights Act, 2006, and which makes reference to the provisions of Panchayat Extension to Schedule Areas Act, 1996. Some broad areas of inquiry have been engaging CFM groups in a dialogue with the state for recognition of CFM as a Community Forest Right under the FRA, as well as exploring possibilities of setting out guidelines for making the Gram Panchayat the central authority that forms and convenes a village forest protection group.

The action plan for 2012 included work on the following:

- a) **Work with CFM groups to devise a benefit-sharing mechanism in the context of REDD and work with the state and national government to devise a statutory benefit-sharing model.**
- b) **Work on forest land reforms and securing tenure in Odisha through paralegals and through field work, local workshops and dialogues.** It was proposed that the consultations would target policymakers - both political and executive - research institutions, NGOs, donors and forestry support organisations at the national, state and sub-state level.
- c) **Campaign to promote CFM through the FRA.** In 2012, a massive campaign on the use of the FRA in building a case for CFM was taken up in Odisha. This included a series of discussions and multi-stakeholder consultations in the state capital and in district headquarters with active support from forestry support groups and forestry forums.

A campaign was organised to enhance the number of CFR claim settlements through rigorous interactions with state and district administrations. This included interaction with the Forestry Secretary and Tribal Secretary to hold a joint meeting to clarify multiple perspectives on CFR that have mostly delayed CFR claim settlements. In addition, numerous training programmes were organised to help understand the ability of the FRA to further the cause of community forest management in Odisha and elsewhere.

On an experimental basis, bamboo trading was conducted by forest protection groups in certain districts, such as Kalahandi, on the basis of clarifications provided by the Ministry of Rural Development and the MoTA on bamboo being a grass and therefore not subject to the provisions of IFA, 1927. Similar campaigns were also undertaken for Kendu leaf.

Large-scale advocacy was aimed at persuading the state government to reduce the role of the Forest Department in the JFM Committees (JFMCs), eventually forcing the government to prevent the forester from becoming the member-secretary of the JFMCs. The JFMCs are now completely managed by villagers.

By 2013, an intervention plan (using community resource persons) for 100 per cent take up of individual claims was designed wherein a stocktake of CFR claims in 1,000 villages was carried out.

Whilst this campaign focused on Odisha, FGLG India was also active in ensuring recognition of CFR elsewhere in Chhattisgarh. For the first time, a community forest right and community forest resource claim was conferred on a particularly vulnerable tribal group, the Pahadi Korba in Jori village in Sarguja District of Chhattisgarh, under Sanjay Upadhyay's guidance. He trained lawyers in the region who carried out the form-filling process and handholding, along with the District Administration. The title was finally conferred on 7 September 2013, and the villagers and lawyers organised a felicitation ceremony (see Annex 39: *community forest resource title and community rights, and photos*).

- d) **Meanwhile in Kerala,** work was carried out on following up with the District Level Committee (DLC) on CFR titles of nine Kadar settlements. Based on these efforts, the DLC approved the claims but titles are yet to be given and there is some confusion for the Tribal Development Officer (TDO) over which forms to use and how to give the titles. In this regard, a detailed clarification letter has been sent to the Ministry of Tribal Affairs with inputs from Vishaish Uppal and Sanjay Upadhyay (see Annex 21).

- e) **Inputs at the national level on strengthening community forest management.** FGLG India members Arun Bansal, BMS Rathore and Sanjay Upadhyay were invited to be part of a committee to look into forestry on private land and non-forest land under the control of the government. The first meeting was held on 9 August 2011 (*see Annex 22*).

FGLG members, including Prodyut Bhattacharya and Sanjay Upadhyay, became members of the Subgroups of the Working Groups on Forest and Natural Resource management of the Planning Commission (2011).

In one of the Subgroups on International Cooperation and Law, regional cooperation and international cooperation by FGLG Asia and FGLG as an international alliance were identified as examples of lessons to be learnt: mention of this may be found in the Planned Document of India under the aegis of Planning Commission (2011) (*see Annex 23*).

f) **State level inputs to the Forest Department and NGOs**

- Consultation with the Forest Department at various levels on the PFM guidelines and feedback (2011).
- Review of the CFR document designed by the Odisha Forest Department (2011).
- Two rounds of consultation with Odisha Jungle Manch (OJM) on designing the feedback on the PFM guidelines along the lines of the FRA and CFM (2011).
- Working with Foundation for Ecological Security (FES) for the Forest Commons Consultation at the national/state level (2011).

g) **Documenting learning from the field**

- A draft design of the CFM-FRA policy brief was prepared.
- Critical issues in the implementation of the FRA beyond CFM were identified and developed as a governance note.

h) **Contributions to conferences, etc.**

More opportunities to popularise FGLG India and Indian forest governance issues at an international forums: The abstract for the paper ‘Commons and Individuals: Is Forest Rights Act changing debates around Forest Commons?’ was accepted in August and the full paper was submitted and presented by FGLG India at the International Association for the Study of the Commons (IASC) Conference in Hyderabad in January 2011 (*see Annex 24*).

FGLG India Members actively participated in the First National Forest Congress organised by the Indian Council of Forestry Research and Education (ICFRE) in Delhi in November 2011. The convener was the Lead Speaker for the Forest and Society Subgroup and it was on the specific theme of Forest Governance and Institutional Reforms. He presented a paper as an FGLG input titled “Forest Governance and Institutional Reforms in India: Urgent and now” (*see Annex 25*).

In 2013, a note on issues surrounding JFM+ was prepared by Sanjay Upadhyay. Mr. Ramesh Kalaghatgi also prepared a brief note on his thoughts (*see Annex 20*).

Theme 1C: Strengthening community-based institutions to run NTFP enterprises

• **Governance objective**

The objective of this theme was to develop a sustained flow of monetary benefits to forest-dependent communities, including their ownership of NTFPs to ensure forest protection and responsible harvesting of NTFPs. This would help many labourers dependent on agriculture to have an alternative source of income as well as strengthening the ability of community-based forestry institutions to run small forest-based enterprises in a sustainable manner.

- **Team:**

Professor Prodyut Bhattacharya (Theme Leader), Sanjoy Patnaik, Prof. K.C. Malhotra, Dr. R.C. Sharma, and Ms Vishaish Uppal (with Dr. D.K. Sharma as Special Invitee).

- **Progress and highlights**

The work under this theme was based on a solid foundation of research carried out in the first phase of FGLG India (2005 to 2009), which, amongst other outputs, produced a set of briefing papers on NTFP Enterprise and Forest Governance.⁸ The tasks in this theme included the following:

- Identification of NTFP-rich regions, and a list of commercially important species in Andhra Pradesh, Madhya Pradesh and Orissa – a contiguous forest zone inhabited by a tribal population whose dependence on NTFPs is high.
- Promotion of options and provisions of NTFPs given within the FRA (2006).
- Involvement of financial institutions like the National Bank for Agriculture and Rural Development (NABARD) and other public sector banks in NTFP enterprise development. Development of small forestry enterprises, with consultations and meetings with key institutions.
- Selection of existing sites/regions to understand the development of a suitable micro-enterprises model, and further supporting skill development and providing links to such grassroot enterprises.
- Taking forward the learning from community-based enterprises at state and national level workshops for replication elsewhere.
- Fostering partnerships with cooperatives involved in trading forest produce, such as TRIFED, TDCC, MP-MFP-Federation, ORMAS, GCC and other NTFP-based industries, to promote suitable policy and work environments through good governance practices.

- **Activities undertaken**

In 2010, meetings with the Ministry of Environment and Forests on the NTFP study were organised to get the reaction of the ministry on NTFP-related issues such as price fixing of NTFP and the role of communities in price fixing, among others. It was discovered that the ministry feels that the current mechanism on price fixing is not appropriate and there is a need to devise a framework to ensure the participation of the community in NTFP access, processing, marketing, management and disposal, among others.

FGLG India felt that there had not been adequate attempts at the central government level to put in place a robust mechanism for NTFP management. In this regard, a letter from FGLG India was sent to the MoEF urging it to create a separate cell or division to guide NTFP management in the country (see *Annex 27: Letter to NTFP Cell*). By 2012-13, an NTFP Division had been established in the MoEF and FGLG presented some ideas for strengthening it.

In 2011, FGLG India helped to draft a letter which the Minister of Environment and Forests sent to all Chief Ministers (*a sample sent to the Chief Minister of Andhra Pradesh is available at Annex 28*) requesting that bamboo be declared Minor Forest Produce. This request was granted – bamboo was declared to be minor forest produce and as such, under the Forest Rights Act, could be owned, collected, used and disposed of by scheduled tribes and traditional forest dwellers. This was a significant step forward, given that bamboo is of great importance in indigenous crafts and cottage industries. In 2012, FGLG tracked the impact of this policy change throughout the country. The bamboo connect between the FRA-PESA and NTFP governance was also explored.

In 2012, FGLG India member Professor Prodyut Bhattacharya was a key member of the sub-group on NTFP under the Planning Commission Working Group on Natural Resource Management. The work of this sub-group resulted in the specific allocation of funds to the NTFP sector under the 12th Five Year

⁸ Available on the FGLG India website.

Plan, the first time a significant allocation of resources has been made to support livelihood opportunities in the NTFP sector.

Output 2: Legitimate forest products – Study of experience of tree plantations in India

- **Background and rationale**

India has invested heavily in establishing tree plantations since independence, especially since the 1980s. Some of these plantations are of commercially valuable species such as teak, while others are of subsistence-oriented fuel wood and fodder species.

The plantation estate should have been the primary source of legitimate forest products in the country. This is not the case, however, as evidenced by increasing imports on one hand, and increasing pressure on the remaining natural forests on the other. The need for plantation estates, both public and private, to meet the country's legitimate forest products needs is now greater than ever as the primary role of natural forests is increasingly seen as a provider of ecosystem services rather than of products such as timber.

- **Governance objective**

A need was felt to analyse experience of the tree plantation strategy in India, as the country not only continues to make substantial investments in tree plantations – to reach 33 per cent tree and forest cover – but is also relying on the strategy to address the climate change challenge through initiatives such as the National Mission for a Green India. The learning from this study could help to strengthen forest governance in the country through a critical analysis of the contribution of a key component of the national forest policy that has absorbed the lion's share of the investments made in the forestry sector.

- **Key questions**

The key questions proposed to be explored were:

- What is the extent of tree plantations raised through public investment in the country since independence?
- What is the broad species mix of these plantations?
- What is the actual status of tree plantations?
- What is the demand for tree and forest products (mainly wood-based products) in the country, and what proportions of it are met domestically and through imports?
- What proportion of the domestic supply comes from plantations?
- What are the key issues and challenges in meeting the country's legitimate forest products (commercial and subsistence) needs from tree plantations?

- **Methodology**

The study was carried out through an analysis of official records and semi-structured interviews with a few key informants. A detailed analysis of the Forest Survey of India's State of Forests was undertaken to understand the contribution of plantations to the country's forest and tree cover.

- **Progress and highlights**

A number of significant activities were carried out to achieve this output:

- A study was carried on sources of wood supply and the role of tree plantations to understand the current status of tree plantations and to explore ways to enhance their contribution as a source of legitimate forest products in the country.
- A draft paper titled 'Tree Plantations in India: A Source of Legitimate Forest Products?' was prepared (*see Annex 29*).
- A note was prepared to study the Lacey Amendment 2008 and the FLEGT regulation and its impact on and relevance to India (*see Annex 30*).

- d) A detailed paper on the Compensatory Afforestation and Management Planning Authority (CAMPA) from a legal perspective was written and circulated within the FGLG team for comments (see Annex 31).
- e) Based on inputs from the FGLG members, critical decisions were taken on the use of CAMPA funds in Odisha. The FGLG group is working with the Government of Odisha on a model to link/leverage CAMPA funds to post claim strategy in FRA areas.
- f) In addition to the studies on legitimate forest products above, during the reporting period Sushil Saigal was involved in two other important forest governance related activities:
- *Conservation Across Landscapes*: Sushil Saigal, along with other colleagues, co-authored this book on biodiversity governance models in India, which was published by UNDP India and released by India's Environment and Forests Minister during the recently concluded Conference of Parties of the Convention on Biological Diversity. The book can be downloaded from the UNDP website at:

http://www.in.undp.org/content/india/en/home/library/environment_energy/conservationacross-landscapes/

Some news coverage of the book is available here:

<http://news.outlookindia.com/items.aspx?artid=778534>

- Sushil Saigal, along with other colleagues, carried out a field study in Odisha, Rajasthan and Tamil Nadu on the outcomes of community development initiatives undertaken in large forestry projects. The study will be an important input into the new forest sector support policy of the Japan International Cooperation Agency (JICA), which is the largest external funding agency for India's forestry sector.
- **Of relevance to this theme is the establishment of the Forest Certification Council of India.** FGLG India has engaged with the FCCI group and will continue to do so.

Output 3: Pro-poor climate change mitigation and adaptation through forestry

Theme 3A: REDD: India's REDD Readiness/ Preparedness

- **Governance objective**

The objective of this output was to ensure that a sustained flow of benefits, earned from carbon credits through the REDD mechanism, reaches communities and contributes to the sustainability of community forestry institutions and forest-based livelihoods, with due regard to equity and equality concerns. In addition to this, the overall ecological and environmental scenario should improve with better climate change mitigation strategies.

- **Team**

Suryakumari (Theme Leader), Sanjay Kumar, Sanjoy Patnaik, Prodyut Bhattacharya, KC Malhotra, Sanjay Upadhyay, Ajit Banerjee, Sanjay Kumar and Nitin Sethi.

Output 3A of the plan envisages the creation of a learning platform on REDD to 'host' a range of activities over the duration of the project.

The key aims under this theme were:

- a) Developing a policy brief based on a national consultation and the experiences of others.
- b) Providing inputs to the National REDD strategy when the MoEF initiates the process, and/or influencing it to initiate the process.
- c) Inputs to REDD+ Preparedness through the Committee on REDD+.

The key strategies adopted for carrying out these aims were:

- a) Developing a 'learning platform' for climate change and REDD as a priority area, to develop strategies for replication.
- b) Generating awareness for all stakeholders.
- c) Developing an understanding of the Government of India's Climate Change Action Plan so as to align with the FGLG strategy.
- d) Interacting with experts and field visits.
- e) Advocacy on allocation of funds from CAMPA.
- f) Developing discussion notes.
- g) Consultations.
- h) Field assessment and workshops.

- **Progress and highlights**

A detailed work plan was prepared by team leader D. Suryakumari and was executed from June 2010 to November 2011 (i.e. over 18 months) with the following key strategies:

- a) Developing awareness material on climate change and forestry and REDD discourses in Telugu (a regional language) in the form of handouts and booklets.
- b) Organising one national-level, one state-level, five regional and 20 local-level awareness building and consultation workshops.
- c) Documenting the outputs from the consultations and bringing out a compilation document for use in the follow up advocacy work.
- d) Preparation of draft policy brief and sharing this with all concerned, including FGLG India members, at a national-level workshop
- e) Finalising the policy brief with the inputs received.
- f) Publication and dissemination of the policy brief.
- g) An additional fund of Indian Rupees 10,00,000 was raised through a proposal from Oxfam Novib (which supported the core programme of the Centre for People's Forestry, CPF) for: i) the development of awareness material, ii) conducting workshops at the state (AP), division, range levels, iii) the development of a policy brief, and iv) the formation of a forum at the national level for the period up to December 2011. The amount earmarked from FGLG India funds for the period was supplemented by the additional funds raised. Resource material for awareness creation was developed in this phase and a state-level workshop was organised in Andhra Pradesh in June/July 2011.
- h) CPF (Dr. Surya Kumari) and ELDF (Sanjay Upadhyay) actively contributed to the consultation (commissioned by the Planning Commission of India) on the livelihoods of forest communities, to be fed into the 12th Five Year Plan process. It was recommended to allocate exclusive financial resources in the form of a scheme for the development of FRA individual titleholder's land. CPF also submitted a blueprint for such a scheme as per the suggestion of the member of the Planning Commission, Dr. Mihir Shah.
- i) A note reviewing the Green India Mission final document in the light of the FRA was prepared and shared at the November meeting of FGLG India (see Annex 32).

These strategies combined to form a set of activities that were carried out in 2011. Following a state-level workshop on 'Dialogue with community forestry stakeholders on Climate Change and REDD+', a 'training of trainers' was organised from 14-16 September 2011. It was attended by 12 representatives of NGOs and communities belonging to five forest divisions of Andhra Pradesh, representing all three regions (Telengana, Rayalseema and Coastal) of the state.

These people were trained prepared as resource persons to conduct workshops on climate change and REDD+ at the forest division and range levels. The resource material (developed following 11 field-level consultations), titled 'A Community Guide to Climate Change and REDD+ - communication material to create awareness among community forestry stakeholders' (see *Annex 33*), was translated into Telugu and was presented to the resource persons for reference. In addition, an abridged version of the resource material was circulated amongst them to help their presentations.

Six divisions representing the three regions were selected for the division- and range-level workshops: Srikakulam, Paderu, Adilabad, Medak, Achampet and Kurnool. One workshop was held at each division level involving FD officials and other NGOs working in Natural Resource Management (NRM) in the division (a total of six workshops) and two range level workshops in each division involving forest-based communities (a total of 12 workshops). The workshops in Adilabad division were organised by CPF and other divisions were coordinated by NGOs.

Each of these workshops had two sessions: in the first session, the resource persons gave presentations on the resource material developed on climate change and REDD+; in the second session, participants were asked to share their feedback on the material presented and were asked to discuss ten key questions on how community forestry and REDD processes can benefit from one another (these questions were taken from the FGLG Asia meeting held in Bangkok on 13 June 2011). The proceedings of each workshop were documented and a consolidated report was prepared for use in the national-level workshop scheduled for January 2012.

A national consultation, titled 'REDD+ and Perspectives of Community Forestry Stakeholders in India', was conducted on 28 December 2011. Participants included key stakeholders in community forestry: the Convenor of the national REDD cell from the MoEF; NGOs from Delhi (TERI and Winrock India); NGOs from other states (FES of Gujarat, SPWD of Rajasthan, RCDC of Odisha, GRASP of Maharashtra, Mawphlang Welfare Society and Bethany Society of Meghalaya); forest officials, NGOs and community representatives who participated in the field-level workshops; Additional PCCFs from APFD; academic institutions (Andhra University), research institutes (CESS) and NABARD. In all, 51 participants deliberated over the questions given for discussion and came up with recommendations. The proceedings were documented and disseminated to all participants. A policy brief titled 'REDD+ and Perspectives of Community Forestry Stakeholders in India – Highlights from the dialogues at different levels and the National Consultation' (see *Annex 34*) was brought out and disseminated widely, including through e-networks. The recommendations included a revamping of the JFMCs and revision of the JFM guidelines to bring in uniformity in benefit sharing across the states, networking of community-based institutions (like Vanasamakhyas of Andhra Pradesh), a legal framework for JFMCs, a landscape approach to selecting project locations, a people-centric REDD+ policy and national strategy and mechanisms for safeguarding the rights of the communities during natural disasters, and so on.

These activities extended into 2012, including substantial communication and outreach:

- a) In all, awareness-creating activities reached out to 771 people from communities, local NGOs, the Forest Department and academia.
- b) Understanding of the Government of India's Climate Change Action Plan was developed so as to align the FGLG strategy.
- c) Interacted with Dr. Ravindranath and Dr. Mark Poffenberger, and learned from the field experiences of the Meghalaya project team.
- d) Field guide (on REDD+ and participatory carbon stock estimation) developed in English and translated into Telugu (*attached as Annex 35*).
- e) CPF developed a policy brief and resource material with Community Forestry International to facilitate an Asia REDD Working Group. CPF was invited to be part of some early REDD pilot activities planned by CFI. CPF proposed involving three local Vanasamakhyas of Medak district who are in charge of around 11,000 ha of forest in this pilot activity. The proposal was approved by CFI and the activity commenced at the end of September 2012. The project was registered with 'Plan Vivo', following their standards.

- f) Dr. Suryakumari made a presentation on REDD+, including some case studies, to the participants of a training workshop organised by the Engineering Staff College of India. The participants included officials from the MoEF, State FDs and from NABARD. Currently there is one REDD+ project in the Khasi Hills of Meghalaya for which the PDD (Project Design Document) has been registered with Plan Vivo. CPF is the project developer for this project. Another project being facilitated by Dr. Ravindranath is for the Government of Meghalaya and the Wildlife Trust of India. PDD preparation is underway for this project.
- g) Sushil Saigal joined the USAID-Government of India Forest PLUS project as Institutional Development/Governance Advisor. This provided a good opportunity for him to directly feed FGLG learning into an important national initiative focusing on sustainable landscapes and REDD+.
- h) Dr. Suryakumari made efforts to influence the Andhra Pradesh Forest Department (APFD) to approach the MoEF to select one project location from AP, as the CFM experiences and presence of Vanasamakhyia and CPF provided good opportunities to contribute to the process.

Furthermore in 2013, FGLG members gave a presentation on 'Opportunities and Challenges in REDD+' at a stakeholders' workshop on 'Emerging Issues in REDD+' held at Bengaluru, and field visits were made to Western Ghats (Karnataka), Eastern Himalayas (Sikkim) and Western Himalayas (Himachal Pradesh) to identify suitable landscapes for REDD+ activities to be undertaken in collaboration with the state Forest Departments.

Output 4: Trans-national learning and preparedness

- **Progress and highlights**

- a) **Forest Dialogue on REDD+**. Members of FGLG India participated in the workshop organised by The Forest Dialogue on REDD in Cambodia in November 2010, and shared relevant experiences of APCFM during the discussions. The field visit provided insights into the REDD project work at the field level.
- b) **Commonwealth Forestry Conference**. The FGLG India Convener also represented FGLG at the Commonwealth Forestry Conference, held in Edinburgh in June/July 2010. A small note on this has been prepared (*see Annex 36*).
- c) **International Learning Events**. FGLG members participated in all of the International Learning Events, including in Indonesia (2009), Mozambique (2010), Vietnam (2012) and China (2013).
- d) **DFID South Asia Programme**. The FGLG network was considered again by DFID for a larger South Asia programme.
- e) **FGLG Asia**. The idea of bringing together the three Asian FGLG teams (India, Indonesia and Vietnam) and the team at RECOFTC at Bangkok was first discussed during the Forest Dialogue meeting in Cambodia in November 2010. The group met again, as FGLG Asia, in Bangkok on 13 June 2011, together with a number of invited experts from the region, to discuss how community forestry strengths and shortcomings can influence the further development of REDD+. They addressed nine key questions and provided recommendations for future steps, which are set out in the publication 'REDD+, governance and community forestry'.⁹ The members of the FGLG India team continue to interact with other FGLG members in Asia; for example, Sanjay Upadhyay was invited to contribute to the FGLG Asia meeting in Vietnam in 2013. In a precursor to the FGLG Asia meeting, the FGLG participants who were also invited to The Forest Dialogue (TFD) meeting in October 2010 met to discuss the future of FGLG Asia. This meeting was attended by Mr. Sanjay Upadhyay, Dr. Suryakumari, Nguyen Quang Tan, Yurdi Yasmi, Yani Septiani and Ms. Elaine Morrison. The objective was to explore the governance opportunities for installing community forestry in the REDD strategies with

⁹ Available on RECOFTC's website: <http://www.recoftc.org/site/resources/REDD-Governance-and-Community-Forestry.php#sthash.m2bYFvtB.dpuf>.

particular reference to the participating countries including India, Indonesia, Vietnam and Cambodia, and more importantly, mapping what is known already and what FGLG might usefully contribute to. In this regard, a brief exchange on the current status of REDD readiness in each country, what the key governance issues are with respect to community forestry and REDD, and what REDD+ has to offer to communities were discussed. What FGLG Asia focus should focus on was also discussed. This led to the FGLG Asia workshop in RECOFTC, Bangkok in June 2011 at which the contributions of community forestry to REDD+, the opportunities and risks of REDD+ for community forestry, involving local communities in community forestry and governance issues and bringing such lessons to decision makers and their strategies were discussed. Dr. Suryakumari and Mr. Sanjay Upadhyay from FGLG India participated in this workshop and specifically commented on the key questions that were discussed (*Annex 37: Presentation based on learnings from the FGLG Asia workshop in RECOFTC, Bangkok*).

- **Other key interventions on knowledge exchange took place at the national level**

- a) **First National Forestry Congress.** FGLG India members actively participated in the First National Forest Congress. The Convener was the Lead Speaker for Forest and Society Subgroup and the specific theme was 'Forest Governance and Institutional Reforms'. The Convener presented a paper as an FGLG input titled, 'Forest Governance and Institutional Reforms in India: Urgent and now' (*see Annex 25*).
- b) **JFM Plus— the way forward.** The MoEF is currently looking at an evolved JFM model – a JFM Plus (JFM+) – with livelihood security of the people involved in forest management as its focus. FGLG India invited perspectives of the group members in developing such a framework. Secondly, FGLG India pointed out that there is currently no focus on or investment in the development of title holders under the FRA. In this regard, a note has been prepared by ELDF on post claim strategy, sharing its experience of District Umaria in Madhya Pradesh and learnings on what the post claim strategy should be. The note has already been circulated to the members for comment (*see Annex 10; in addition Annexes 20 and 38 present two papers by Mr. Arun Kumar Bansal on JFM+ written in pursuance of the note*).

5. Self-evaluation

Each country team was invited to complete a 'self-evaluation' form as part of the evaluation of the international initiative by an independent consultant. The India team's self-evaluation is presented below.

Country	Date of assessment
1. Approach of FGLG initiative (in your own country)	
<p>1.1 What were the major forest governance issues and opportunities in your country since 2005? [list them]</p>	<p><u>Issues</u></p> <ol style="list-style-type: none"> 1. Inadequate legal space for forest dwellers' rights over forests and forestland 2. Limited role of decentralised groups/statutory institutions in forest management 3. Inadequate representation of CSOs and other pressure groups in the policy formulation process 4. Lack of institutional space/structure and infrastructure for forest produce promotion – value addition, marketing and export 5. Progressive legislations vs orthodox management structure – while on one hand decentralised forest management debates and space were created, its implementation was not very easy; fear of losing control over forests <p><u>Opportunities</u></p> <ol style="list-style-type: none"> 1. This was the time when initial discussions and debates took off for the promulgation of the Forest Rights Act with the Apex Court's progressive intervention 2. FRA formulation process was open and democratic 3. Climate change debate picking up with government responding with creating institutional space and structure and related capacities 4. Bilateral donors started working with Government of India on forest development and developing management capacities – recognition of diverse capacities beyond Forest Department 5. With multiple actors in the forestry sector, there was a perceived openness for governance debates

<p>1.2 What have been the most effective methodologies that FGLG has used since 2005? <i>[Describe as many as you wish. You could refer to the country level methods from page 23 of the project document]</i></p>	<ol style="list-style-type: none"> 1. Membership of the FGLG team was based on expertise and proven competence –and not limited to CSO only; the Forest Department was a prominent member 2. Solution-oriented approach rather than fault finding within the government 3. Team worked with the Ministry of Environment and Forests (MoEF) to be recognised as a think tank in forest governance whose views could be considered 4. Team members were part of policymaking process at the national and state level 5. Evidence-based advocacy through empirical and secondary research
<p>1.3 What changes have there been in approach of FGLG in your country since the start of the initiative? Why have these changes taken place?</p>	<ol style="list-style-type: none"> 1. Initially the approach was to get focused within the states where major activities were taking place. Later the focus was on influencing national policy process through increasing the membership base to include lawyers, media and INGOs. 2. Get more governance connected people on board to leverage support for change
<p>1.4 How effective has the team-based structure and approach of FGLG been? Comment on the strengths and weaknesses of this.</p>	<ol style="list-style-type: none"> 1. The team has diverse skills and perspectives, which has been one of its key strengths 2. The strategy of individual membership has worked well because it has been able to congregate people with commitment and worked beyond a project frame 3. FGLG has provided space for cross fertilisation of ideas for bringing in different expertise and experience from members' core activities 4. Due to being a little loose in its association, decision making has been rather slow 5. Inadequate resources and a separate secretariat have been responsible for its limited reach beyond selected states 6. There have been some old school, new school issues
2. Performance and impact of FGLG (in your own country)	
<p>2.1 To what extent has FGLG contributed to improved forest governance in your country <i>[tick the best box and provide an explanation for your answer]</i></p>	<p> <input type="checkbox"/> No contribution at all <input type="checkbox"/> Minor contribution only <input type="checkbox"/> Significant contribution <input type="checkbox"/> Highly significant contribution </p> <p>Explanation:</p>

	<ol style="list-style-type: none"> Members were part of a number of policymaking groups – formulation of Forest Rights Act, Green Tribunal, state policies in Jharkhand, Chhattisgarh, Odisha, member ICFRI, member REDD cell, etc.
<p>2.2 For each of the 4 outputs of FGLG – how do you rate the performance of FGLG [give a score where: (1) = governance impacts have been widely achieved that have had wider impacts on the ground; (2) = governance impacts have been achieved that have had some impacts on the ground; (3) = some governance impacts have been achieved but with little actual impact on the ground; (4) = there have been only limited learning or governance impacts with no signs of tangible impacts on the ground]. Give an explanation for your assessment score</p>	<p>Output 1: Forest rights and small forest enterprise</p> <p>Score = 1.</p> <p>Explanation for score given:</p> <ol style="list-style-type: none"> Responsible for FRA Act; Rules and Amendment to Rules Part of JFM policymaking in Odisha Ensure increase in forest rights recognition process on the ground Policy interventions such as in MFP Introduced new concepts such as post claim strategies in the amendment to the FRA Rules, among others
	<p>Output 2: Legitimate forest products</p> <p>Score = 2</p> <p>Explanation for score given:</p>
	<p>Output 3: Pro-poor climate change mitigation and adaptation through forestry</p> <p>Score = 2</p> <p>Explanation for score given:</p> <p>Developed new field-based tools for measuring carbon for potential REDD + projects through local methods</p>
	<p>Output 4: Trans-national learning and preparedness</p> <p>Score = 1</p>

	<p>Explanation for score given:</p> <ol style="list-style-type: none"> 1. International exposure to different country contexts was enriching and has helped in confidence building, team building and creating a bigger family for forest governance in ten countries; it is ever increasing, with China and Tanzania joining later. 2. Cross learning and country adaptation is something that came naturally in such experiences
2.3 What external factors (outside the control of FGLG) have affected the impacts that FGLG has had? <i>[describe them]</i>	<ol style="list-style-type: none"> 1. Most FGLG members are already very active contributors to the policy process either through reputation or due to their appropriate policy positions. Promotions of some members to key positions were also helpful. 2. The FGLG process was instrumental in providing gap support to a number of policy processes almost by default
2.4 Describe the performance of IIED as overall coordinator of FGLG in terms of (a) its capacity support and (b) overall management support for your in-country team and your team's actions.	<p>The overall performance of IIED in coordinating FGLG work in India has been very good for the following reasons:</p> <ol style="list-style-type: none"> 1. Content support 2. Identifying key areas of intervention and space for innovation 3. Developing the team's global perspective on forest governance 4. Timely support in terms of resource and review 5. A lot of patience!!! And freedom to perform
2.5 To what extent will partnerships and working approaches developed under FGLG continue after the end of the current phase? Comment on the sustainability of the FGLG initiative. What needs to happen for the effective approaches to continue?	<ol style="list-style-type: none"> 1. The FGLG, and especially the members, are quite influential in their own right and would be able to continue (albeit partially) without secured funding 2. The longevity of the group has also created and cemented friendship and camaraderie that will take care of a number credential and initial teething issues 3. Some seed funding may still be required for FGLG to continue and not lose momentum that has been generated over the years
2.6 Describe any changes in the relationship between government and civil society in your country as a result of FGLG?	<ol style="list-style-type: none"> 1. The work of FGLG has been recognised and most members are part of the policy process 2. A number of FGLG members continue to be part of the policy process even today due to this association

2.7 Has the FGLG had any unexpected impacts? Describe these.	
2.8 What evidence is there to show that the various activities that you have carried out have had impacts on the ground (for target groups)? Describe this evidence – or list any documents/sources of evidence	<ol style="list-style-type: none"> 1. Capacities of forest-protecting groups in terms of negotiating with government about their rights 2. Change in the monolithic approach to forest policymaking by the Forest Department 3. Recognising FGLG as a key resource to support government
3. Lessons learnt from FGLG	
3.1 Describe any innovative approaches that FGLG has followed in your country	<ol style="list-style-type: none"> 1. Use of local youths as community resource persons to improve implementation of Forest Rights Act 2. Making government- and governance-connected persons members of FGLG to leverage their support 3. Creating a multi-specialty team with bureaucrats, INGOs, lawyers, forest management experts, field-based NGOs, media representatives as part of the team.
3.2 Describe (in bullets) any lessons from FGLG about effective ways of influencing forest policy and enhancing forest governance	<ol style="list-style-type: none"> 1. FGLG has initiated a process whereby people who are responsible for policy change in government are often team members 2. Timely assistance due to FGLG flexi funds when other donor processes were slow helped in providing key inputs to policy and legal process 3. International learnings of both successes and failures were carefully integrated in the internal change process
4. Other comments about FGLG	
4.1 Do you have any other comments about the performance and lessons from FGLG? Please describe them here.	<ol style="list-style-type: none"> 1. FGLG has played a key role in democratising forest policymaking in the country by creating islands of excellence that the government could fall back on 2. FGLG has worked as a governance watchdog in the forestry sector

6. The Changing Context of Forest Governance

The intervening years 2009 to 2010 witnessed several challenging issues for forest governance in India, with the foremost being the enactment and aftermath of the Forest Rights Act, which has been a long-standing demand for tenure security in forest areas. Equally huge pressure is on diversion of forest land for development projects. The weakening of the participatory forest management or JFM was also witnessed in these years. Then there were national programmes of afforestation, among others through Green India Mission, giving a new stimulus to afforestation. The contestation over whether India should accept or revisit REDD+ was another challenge that was noticed globally. The long-awaited issue of forestry on private lands re-emerged in the policy discourse, while budgetary allocations on forests are another serious concern.

While these were issues that were flowing from political and bureaucratic initiation at the top, a number of issues also emerged from below that needed intervention from the government. Thus, for example, left-wing extremism in tribal-dominated forest areas, and cultural and religious rights versus development rights were again contested in court rooms. Furthermore, a new wave of development in forest certification due to the forthcoming regulations by developed countries such as the United States of America and European states forced India to consider creating more legitimate forest products. The initiation of the creation of a forest certification body in the MoEF and independent and private initiatives such as the Forest Certification Council of India are two good examples of the response to a potential embargo on illegitimate forest products.

As the year progressed there were significant developments on each of the issues described above which are worth noting. The Forest Rights Act, for example, while being implemented in various states, was criticised for being a mere forest land distribution law rather than offering real empowerment to tribals and other forest dwellers. This also necessitated corrections in the form of rules and guidelines, in which FGLG members were centrally involved. Tree farming on private lands and farm forestry issues also led to the formation of a policy committee to which FGLG members were invited, resulting in a detailed document which may take policy shape soon. Participatory forest management and its weakening during the years led to the rethinking of a JFM+ conceived amongst FGLG members. A thematic paper on JFM+ was written and is now being submitted to the Ministry of Environment and Forests for future use. Similarly, there have been other developments in the decentralised governance mechanisms in tribal areas and an attempt has therefore been made to link forestry governance with other self-rule governance and decentralised governance within India. A small policy brief to this effect was prepared. The creation of the Forest Certification Council of India to address the trade issues of artisans who are involved in forest-based enterprises was another key development. Similarly, the approach to REDD+ from the tenure perspective and from a methodological perspective were also discussed and responded to by FGLG India. While special thematic papers on tenure security and the role of indigenous peoples were prepared, more importantly a community guide to measuring carbon was also developed by FGLG India members for replication across the country. FGLG India members continue to meet and discuss the future of Indian forestry and are working towards a think tank which would provide inputs to policymakers in India for years to come.

Some significant changes

- The National Green Tribunal Bill (2009) was passed by the Parliament as the NGT Act, 2010. The Act envisages the setting up of Green Tribunals, comprising judicial and expert members, to adjudicate substantial questions related to environmental protection and the conservation of forests and other natural resources and to award civil penalties.
- The Ministry of Environment and Forests and the Ministry of Tribal Affairs constituted a Joint Committee in April 2010 to comprehensively review the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Committee has submitted its final report and findings, and its recommendations are being reviewed by FGLG India.

- The National Mission for a Green India has been approved by the Prime Minister's Council on Climate Change. The Mission is one of eight under India's National Action Plan on Climate Change (NAPCC), and aims to increase the quantity and quality of 10 million hectares of forest area, achieving an annual CO₂ sequestration of 50 to 60 million tonnes by 2020. The theme leader of REDD, D. Suryakumari, participated in the consultation process for the Green India Mission documents and has provided her comments.
- The Ministry of Environment and Forests notified the Wetlands (Conservation and Management) Rules, 2010, to ensure better conservation and management and to prevent degradation of existing wetlands in India.
- The National Advisory Council (NAC), which is the highest informal advisory body to the Government of India, has sent a set of recommendations for better implementation of the FRA. Inputs to this document were also partly sent through B.M.S. Rathore.
- Guidelines for critical wildlife habitat were issued by the MoEF, but were withdrawn after a number of civil society organisations (including FGLG members) opposed them.
- A report on forestry on private land and non-forest land under government control was prepared. This report was the first of its kind that would lead to a policy or a law on the subject. Three members of FGLG India, including the convenor of the FGLG India, were part of the drafting group.
- A Draft Sustainable Forest Ecosystem Management Strategy was prepared under the Government of India-USAID Forest PLUS Program.
- The CRP/paralegal programme on revenue and forest land in Orissa may become a national programme soon.
- Sanjay Upadhyay was a legal advisor to MoTA and contributed to the drafting of the new Forest Rights Rules, dated 6 September 2012.
- The Chief Justice of India released three manuals on the Forest Rights Act – PESA Governance.
- The Minister for CBD released a book on *Conservation Across Landscapes: India's Approaches to Biodiversity Governance*.
- JICA has agreed to support community development initiatives in large forestry projects for three states in India.
- A note on 'Forest Governance and Institutional Reforms in India: Urgent and now' was prepared and circulated amongst the FGLG India.
- FGLG members have continued to play critical roles in providing technical assistance, in policy reform processes, in capacity building and knowledge sharing in FRA implementation in the country, in COP deliberations, in REDD discussions, in issues of NTFP and tree plantation, and so on.
- FGLG members helped the MoTA in the Orissa mining case whereby new cultural and religious rights were added to the list of forest rights in the context of the Gram Sabha, especially for forest diversion for mining. FGLG members have been helping the MoTA to communicate the legal position and implications of this order.
- A report for UNDP was prepared on 'Assessment of the Legal Framework for Effective Tribal and Forest Governance – Inconsistencies, Overlaps and Suggestions for Improvement for the States of Chhattisgarh and Orissa'.
- A Letter on forest diversion for linear projects and its impact on tribals and particularly vulnerable groups was written on 6 January 2013, which assisted the MoTA to give the PVTG perspective.
- ELDF/FGLG has initiated discussions on the Saranda Action Plan in Jharkhand.

7. Stories of Change

7.1 Story of Change I

What happened?

- For the first time, a community forest right and community forest resource title has been conferred on a particularly vulnerable tribal group, the Pahadi Korba in Jori village in the Sarguja District of Chhattisgarh

Who did it (or contributed to it)?

- Sanjay Upadhyay/ELDF-trained lawyers in the region who carried out the form filling process and handholding along with the District Administration.

How do we know this? Is there corroborating evidence?

- A CFR title for an area of 676 hectares was issued. Recognition and felicitation by the community lawyers was also offered (see Annex 39).

Why is this important? What needs to be done next?

- Security of habitat rights for particularly vulnerable tribal groups such as the Pahadi Korba is essential for their existence and very survival.
- It is now up to the District Administration and other interested persons to replicate this throughout the country.

7.2 Story of Change II

What happened?

- A unique training and advocacy manual for the FRA has been prepared which is now a leading advocacy document in both government and non-government sectors.

Who did it (or contributed to it)?

- Sanjay Upadhyay/ELDF

How do we know this? Is there corroborating evidence?

- The manuals (see www.eldfindia.org and Annex 15).



Why is this important? What needs to be done next?

- The primary problem in FRA implementation is a lack of knowledge on the FRA. This manual would help in clarifying the understanding of the FRA and the powers that these laws vest with the people, which in turn would help empowerment. More importantly, it focuses on another important dimension of Scheduled Area governance, which is a key governance issue in India.
- The next step would be translate the manuals and pass them on to the relevant stakeholders for maximum outreach and use.

7.3 Story of Change III

What happened?

In Kerala, southern India, work was carried out following up with the District Level Committee (DLC) for community right titles of nine Kadar settlements. Based on the efforts, the DLC approved the claims and the community right titles under the FRA were conferred.

Who did it (or contributed to it)?

- Ms. Vishaish Uppal and her team at WWF-India.

How do we know this? Is there corroborating evidence?

- The conferred titles (copies available on request).

Why is this important? What needs to be done next?

- This is another significant achievement with respect to the implementation of the FRA. More importantly, the FRA implementation has largely focused on individual titles and therefore, every successful community rights title reasserts the larger objective of the FRA of both protecting the community resources while enjoying the rights.

The methods and strategy used to achieve the above need to be documented and disseminated.

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7.4 Story of Change IV

What happened?

The provision of the government providing post claim support to FRA right holders became a mandate under the Rules under the Forest Rights Act.

Who did it (or contributed to it)?

- Mr. Sanjay Upadhyay and ELDF.

How do we know this? Is there corroborating evidence?

- The FRA Amendment Rules 2012, especially Rule 16 on Post Claim Strategy as a mandate to be followed.

Why is this important? What needs to be done next?

- It makes post claim support on those rights, including land rights that have been recognised and vested under the FRA, a legal obligation for the government authorities. This provision is significant because merely recognising and vesting a pre-existing right on a piece of forest land where tribal and other forest dwellers have been cultivating for subsistence is not sufficient to ensure livelihood and food security. It is only when said land receives inputs from other government programmes that its productivity is likely to increase and thereby ensure better livelihood and food security.
- The next step would be working on how post claim support can and should be given on a larger scale by various state governments through their specific programmes, and then helping people to obtain it.

7.5 Story of Change V

What happened?

- A lot of confusion existed, despite definitional clarity on minor forest produce, on the status of bamboo, which has been the subject of endless debate over whether it is a tree or a grass and hence a MFP. This rather simple distinction has huge implications for the political economy of minor forest produce exploitation and the right regime of the local communities. The situation needed a policy intervention and clarification by no less than the then Forest Minister of India, who was assisted by FGLG India members drafting a letter for the Government of India clarifying the status of bamboo as an NTFP. Based on this, a final letter was issued to every Chief Minister of India to take appropriate action.

Who did it (or contributed to it)?

- BMS Rathore and Sanjay Upadhyay.

How do we know this? Is there corroborating evidence?

- The letter addressed to all Chief Ministers of India. A sample letter to the Andhra Pradesh Chief Minister is available at *Annex 28*.

Why is this important? What needs to be done next?

- A number of tribal, marginal and other forest dwellers are dependent on bamboo for their daily subsistence in large parts of tribal India. Bamboo was completely controlled by the Forest Department with very little clarity on the revenue collected and distributed for tribal welfare. This clarificatory letter now forms the basis for the exercise of forest rights to ownership on bamboo for both right holders under the FRA as well as the Gram Sabha in Scheduled Areas of India.

7.6 Story of Change VI

What happened?

- Based on inputs from the FGLG members, critical decisions were taken on the use of CAMPA funds in Odisha. The FGLG group is working with the Government of Odisha on a model to link/leverage CAMPA funds to post claim strategy in FRA areas.

Who did it (or contributed to it)?

- Sanjoy Patnaik.

How do we know this? Is there corroborating evidence?

- The Government of Odisha has now also allowed the use of CAMPA funds for post claim support.
- A letter by the State Government of Odisha to this effect (available on request).

Why is this important? What needs to be done next?

- Today, the funds available under CAMPA are a huge additional untied resource that can be utilised for innovative and progressive programmes such as post claim support to FRA title holders. This initiative is a model that can be replicated around the country to strengthen FRA implementation.
- Similar letters need to be written in all states where the FRA is being implemented.

7.7 Story of Change VII

What happened?

- The National Mission for a Green India has been approved by the Prime Minister's Council on Climate Change. The Mission is one of eight under India's National Action Plan on Climate Change (NAPCC), and aims to increase the quantity and quality of 10 million hectares of forest area, achieving an annual CO₂ sequestration of 50 to 60 million tonnes by 2020.

Who did it (or contributed to it)?

- B.M.S. Rathore as nodal person in MoEF and Dr. Suryakumari, the Theme Leader of REDD.

How do we know this? Is there corroborating evidence?

- The Green India Mission Document and the subsequent allocation of funds to implement it.

Why is this important? What needs to be done next?

- The link between afforestation, climate change and pro-poor climate strategies such as REDD+ needs to be mainstreamed into the forest governance of India. The implementation of the Green India Mission thus becomes significant.
- The Green India Mission and its progress needs to be monitored by FGLG India in the coming years in order to allow corrective measures for its sound implementation to be suggested.

8. Looking Ahead

The seminal work on forest governance has just begun. Several lessons on forest tenure, on strengthening CFM, on forest-based enterprises, on legitimate forest products, and on pro-poor climate strategies are not just issues of the present but also issues for the future. New challenges are emerging on each of the themes, and much more. The onslaught of growth and the reduction of forest habitats through relatively easy forest clearance processes needs to be assessed and monitored on a daily basis. Currently, there has been very little institutional response in this regard. The National Green Tribunal is flooded with challenges to forest clearances and violations of conditions for such clearances. It is therefore important to set up a participatory institutional mechanism for monitoring not just whether such diversions are necessary but also, if diverted, the compliance of this with conditions. Most state forest governments are also feeling the need to reform themselves in light of new forest-related instruments. Whether it is the FRA or the Tribal Self Rule Law or the approach to REDD or the need to develop forest-based enterprises including medicinal plants, they all require a reinvention of their approach to forest governance itself. The forestry institutions of the country, especially those that train the future foresters, need to be re-assessed as to what they impart in terms of this training. Much work is needed to re-write the curriculum of these training academies. The forest-based economies are either largely subsistence economies or state-controlled enterprises. The role of the private sector needs to be explored to make positive contributions to sustaining resources and enhancing the economy.

Another key activity for the future is devising a mechanism to utilise the strengths of various line departments that are engaged, either directly or indirectly, in forest areas. Four key ministries and their state counterparts could be examined in particular in this regard: the Ministry of Environment and Forests, the Ministry of Tribal Affairs, the Ministry of Panchayati Raj and the Ministry of Rural Development. The reorganisation and strengthening of these nodal ministries on forest governance would go a long way towards building synergies in forest governance. Last but not the least, the thematic delineation of functions of the grass roots institutions with the requisite support from line agencies, and building on strength of other functions, with requisite financial support is key to long-term good forest governance.

FGLG India has not only agreed to continue this platform for continuous learning and exchange, but is also exploring partnerships with some key forestry institutions and universities to anchor the group so that the lessons of the past decades are used for the future.

9. List of Publications

9.1 FGLG Articles and Briefing Notes

- Upadhyay S; *FRA-Problems of Implementation*; 2012; <http://www.fglgindia.org/annexure/annex6.pdf>
- Upadhyay S; *Towards Protected Area Governance: Understanding Critical Wildlife Habitat and Critical Tiger Habitat -A Briefing Note*; 2010; In Press; <http://www.fglgindia.org/annexure/annex9.pdf>
- Upadhyay S; *Note on Post Claim strategy*; 2011; <http://www.fglgindia.org/annexure/annex10.pdf>
- Enviro Legal Defence Foundation; *Synergizing the Conservation Regime in Forest Rights Act with the Existing Participatory Forest Management System*; 2010; <http://www.fglgindia.org/annexure/annex11.pdf>
- Upadhyay, S; *Note on Hunter Committee- Protecting Community Forest Resource- Maheshpur Village, Maheshpur Panchayat, District Sarguja, Chhattisgarh*; 2012; <http://www.fglgindia.org/annexure/annex13.pdf>
- Upadhyay, S; *Notes on Conference of DFOs of 35 LWE-Affected Districts Note*; 2010 <http://www.fglgindia.org/annexure/annex16.pdf>
- Upadhyay S; *Four Points That Need Urgent Attention for PESA-FRA-JFM Connect Note*; 2010; <http://www.fglgindia.org/annexure/annex17.pdf>
- Kalaghati R; *Reforms to JFM Guidelines*; 2012; <http://www.fglgindia.org/annexure/annex20.pdf>
- Enviro Legal Defence Firm; *CFR titles in Kerala*; 2012; <http://www.fglgindia.org/annexure/annex21.pdf>
- Upadhyay S; *International Cooperation and Law Submissions to the Planning Commission*; 2011; <http://www.fglgindia.org/annexure/annex23.pdf>
- Patnaik S; *Commons and Individuals: Is Forest Rights Act changing debates around Forest Commons?* 2011; <http://www.fglgindia.org/annexure/annex24.pdf>
- Upadhyay S; *Forest Governance and Institutional Reforms in India: Urgent and now*; In Press; 2011; <http://www.fglgindia.org/annexure/annex25.pdf>
- Upadhyay S; *Note on JFM+*; 2012; <http://www.fglgindia.org/annexure/annex26.pdf>
- Upadhyay, S; *Letter to NTFP Cell*; 2011; <http://www.fglgindia.org/annexure/annex27.pdf>
- Saigal S; *Tree Plantations in India: A Source of Legitimate Forest Products?*; 2012; <http://www.fglgindia.org/annexure/annex29.pdf>
- Upadhyay S; *Note on FLEGT and Lacey Act*; 2012; <http://www.fglgindia.org/annexure/annex30.pdf>
- Upadhyay S; *Note on CAMPA*; 2012; <http://www.fglgindia.org/annexure/annex31.pdf>
- Suryakumari D; *Note reviewing the Green India Mission*; 2012; <http://www.fglgindia.org/annexure/annex32.pdf>
- Upadhyay, S; *Note on the learnings from Commonwealth Forestry Conference*; 2010; <http://www.fglgindia.org/annexure/annex36.pdf>
- Upadhyay, S; *Presentation based on learnings from the FGLG Asia workshop in REECOFTC, Bangkok Thailand*; 2010; <http://www.fglgindia.org/annexure/annex37.pdf>
- Bansal A. K.; *Note on Forest Land Tenure*; 2013; <http://www.fglgindia.org/annexure/annex38.pdf>

9.2 Other Relevant Publications by FGLG India

Upadhyay S; *FRA Implementation in Chhattisgarh, Jharkhand and Madhya Pradesh -Key issues and potential steps for redressal*; Linked to Access to Justice Program, ELDF;2010;
<http://www.fglgindia.org/annexure/annex3.pdf>

Enviro Legal Defence Firm; *District Profiles for Jharkhand FRA Project*; 2013;
<http://www.fglgindia.org/annexure/annex4.pdf>

Enviro Legal Defence Firm; *Jharkhand FRA action plan*; 2012;
<http://www.fglgindia.org/annexure/annex5.pdf>

Upadhyay S; *Clarification Regarding Guidelines issued under Forest Rights Act*; 2012;
<http://www.fglgindia.org/annexure/annex7.pdf>

Enviro Legal Defence Firm, WWF-India; *Clarification Regarding Guidelines issued under Forest Rights Act*; 2013; <http://www.fglgindia.org/annexure/annex8.pdf>

Enviro Legal Defence Firm; *PTG village of Pahari Korba at Kholipara, Gram Panchayat Jori, District Sarguja -Some Lessons Notes*; 2011; <http://www.fglgindia.org/annexure/annex12-13.pdf>

Upadhyay S; *Note on issues raised on FRA in Handholding Workshops*; 2010;
<http://www.fglgindia.org/annexure/annex14.pdf>

Upadhyay S; *FRA manual cover page*; Linked to the Access to Justice Program-UNDP-MoEF; 2012;
<http://www.fglgindia.org/annexure/annex15.pdf>

Upadhyay, S; *Letter on lack of implementation of FRA in Assam to MOTA*; 2013;
<http://www.fglgindia.org/annexure/annex18.pdf>

Upadhyay S; *Vedanta mining pamphlet*; 2013; <http://www.fglgindia.org/annexure/annex19.pdf>

Ministry of Environment and Forest, Government of India; *Invitation for Mr. Arun Bansal, BMS Rathore and Sanjay Upadhyay to look into forestry on private land and non-forest land under the control of the government*; 2011; <http://www.fglgindia.org/annexure/annex22.pdf>

Centre for People's Forestry; *Community Guide to Climate Change and REDD+ - Communication material to create awareness among community forestry stakeholders*; 2011;
<http://www.fglgindia.org/annexure/annex33.pdf>

Centre for People's Forestry; *REDD+ and Perspectives of Community Forestry Stakeholders in India – Highlights from the dialogues at different levels and National Consultation*; 2011;
<http://www.fglgindia.org/annexure/annex34.pdf>

Centre for People's Forestry; *Field guide (on REDD+ and participatory Carbon Stock Estimation)*; 2012;
<http://www.fglgindia.org/annexure/annex35.pdf>

List of Annexes

All the annexes are hosted on FGLG-India's website and may be downloaded from there:
<http://www.fglgindia.org/knowledge.htm>

Annex 1: Work plan.

Annex 2: List of FGLG India team members.

Annex 3: FRA implementation in Chhattisgarh, Jharkhand and Madhya Pradesh – Key issues and potential steps for redressal. Linked to Access to Justice Program.

Annex 4: District profile for Jharkhand FRA Project.

Annex 5: Jharkhand FRA action plan.

Annex 6: FRA – Problems of Implementation. Submissions to the FRA Status of Implementation Committee.

Annex 7: Clarifications issued by MoTA on the implementation of the FRA.

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Annex 9: Towards Protected Area Governance: Understanding Critical Wildlife Habitat and Critical Tiger Habitat. A Briefing Note.

Annex 10: Note on post claim strategy.

Annex 11: Synergising the Conservation Regime in Forest Rights Act with the Existing Participatory Forest Management System.

Annex 12: PTG village of Pahari Korba at Kholipara, Gram Panchayat Jori, District Sarguja – some lessons and notes.

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Annex 22: Invitation to Mr. Arun Bansal, B.M.S. Rathore and Sanjay Upadhyay to look into forestry on private land and non-forest land under the control of the government.

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Annex 29: Tree Plantations in India: A Source of Legitimate Forest Products?

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Annex 32: Note reviewing the Green India Mission.

Annex 33: Community Guide to Climate Change and REDD+. Communication material to create awareness among community forestry stakeholders.

Annex 34: REDD+ and Perspectives of Community Forestry Stakeholders in India. Highlights from the dialogues at different levels and the national consultation.

Annex 35: Field guide (on REDD+ and participatory carbon stock estimation).

Annex 36: Note on the learnings from Commonwealth Forestry Conference.

Annex 37: Presentation based on learnings from the FGLG Asia workshop in RECOFTC, Bangkok.

Annex 38: Note on forest land tenure.

Annex 39: Pahari Korba CFR title for a particularly vulnerable tribal group.

The Forest Governance Learning Group is an informal alliance of in-country groups and international partners currently active in seven African and three Asian countries. We aim to connect those marginalised from forest governance to those controlling it, and to help both do things better.

This report gives an overview of the activities and achievements of the India FGLG team between 2009 and 2013.



Project materials

Forests

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International Institute for Environment and Development
80-86 Gray's Inn Road, London WC1X 8NH, UK
Tel: +44 (0)20 3463 7399
Fax: +44 (0)20 3514 9055
email: info@iied.org
www.iied.org

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