

CAMPAIGN FOR SURVIVAL AND DIGNITY

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SECOND OPEN LETTER TO BOMBAY NATURAL HISTORY SOCIETY, WILDLIFE PROTECTION SOCIETY OF INDIA, CONSERVATION ACTION TRUST AND WILDLIFE FIRST

Dear Friends,

This is our second open letter to you. We had first written to you in January regarding your petition in the Supreme Court challenging the “tiger amendment” to the Wildlife Act last year; your response to that letter is still awaited. It appears you have since filed an affidavit in that case challenging the 2006 Forest Rights Act, which your Advocate Mr. Raj Panjwani referred to in court. Despite your refusal to provide us with a copy of that affidavit, we recently managed to examine it.

We are hence writing this second open letter. Now as then, we write to protest the fact that your 'legal' arguments actually are an attempt to use law to cloak a deeply elitist, repressive and authoritarian model of “conservation” that has caused immense harm both to forest dwellers and to conservation itself. In particular, we wanted to raise certain issues with you:

- ☒ In your petition you make the remarkable claim that “**if co-existence [between humans and wild animals] was feasible, wild animals, ages ago, would have been domesticated just as horses, dogs and pigs.**” You also claimed that coexistence is a “*myth, based on utopian visions, deriving its sustenance from folklore.*” In January we had pointed out that this position runs counter to that adopted by the world's largest conservation organisations, in addition to contradicting history, ecological science and common sense. Since then, you have not clarified this position at all. Can we then assume that your approach continues to be based on such notions?
- ☒ Your affidavit attacks the Forest Rights Act on several grounds. First is that the sections that empower the the community to *alsoprotect* forests amount to “*transferring control and management of the country's natural heritage to the gram sabha / individuals.*” law is very clear that this power in no way detracts or derogates from the powers of the existing authorities; it is a power in addition to that of the Forest Department. Indeed, this section one of the most pro-conservation elements of the law, for it is communities who have fought most fiercely against practically every environmentally destructive project, against every open cast mine, dam, or polluting industrial estate. You are no doubt aware that internationally, “community conserved areas” are seen as a priority area of work for conservation organisations such as the IUCN, with even India's Wildlife Protection Act providing for their recognition. Yet your position would imply that the forest authorities should have the *sole* to protect forests and wildlife. Are your organisations in favour of truly open, people-based conservation, as it is understood internationally? Or in favour of a closed system where a handful of forest offi-

cials decide everything, the system under which five lakh hectares of forest have been destroyed in the last five years alone?

- ☒ Second, you say that this law will “*infringe upon the rights of non-beneficiaries to natural heritage / ecology*” by destroying forests. Forest Rights Act is not a land distribution measure that will wipe out forests. It is intended to address the failure to record people's rights during the process of declaring government 'forests', many of which often are not forests at all. To this day 82% of Madhya Pradesh's forest blocks have not been surveyed, and 60% of India's national parks have not completed the recording of rights. Millions of people have lost their lands and their livelihoods during this seizure of resources by the British Empire and post-Independence governments. Till today they live under extreme oppression, facing daily harassment, violence and extortion. The Tiger Task Force called it “completely illegal and unconstitutional land acquisition programme”; then Scheduled Castes and Scheduled Tribes Commissioner, in his 29th report, said the “criminalisation of the entire communities in the tribal areas is the darkest blot on the liberal tradition of our country.”

How can addressing this enormous injustice inherently be a violation of the right to natural heritage? You may not agree with this Act's methods or approach; but by repeatedly denying that there is an issue of rights, you imply that “conservation” can only work by violating the rights of millions of people. If this is your position – and we hope that it is not - your notion of 'conservation' is both untenable in principle and doomed in practice. It is worth noting that the IUCN once again takes a position completely contrary to yours when describing their work: “Indigenous peoples, landless workers, small producers, mobile communities, low-income consumers, and all others who are dependent on natural resources, but without property rights over them, will hopefully acquire some form of rights entitling them to an equitable participation in managing those resources and benefiting from them.”

- ☒ Moreover, if natural heritage is indeed a concern, one would expect that you would enthusiastically support communities in their struggle against the Polavaram dam, against Vedanta's mines in Orissa, or against Coca Cola in Plachimada. One would expect you to condemn the dilution of the Environmental Impact Assessment notification, the draft new mining policy, or the moves to privatize forests and take away community lands for timber plantations. The communities fighting these projects and policies are truly fighting for their natural heritage – not as a legal abstraction but as a lived reality. Yet on all these issues, all we hear from your organisations is a deafening silence.

We can only conclude from this that, as in January, you are simply uninterested in the real issues at stake. Far easier to condemn forest dwellers than to resist corporate interests. Far easier to sentence communities to inhuman oppression than to demand both conservation and justice. Far easier, at the end of the day, to join with power than to fight it.

Conservation has not succeeded and can never succeed if it is based on an authoritarian, repressive model inherited from an Empire. We have no doubt that you believe in conservation. The question is: do you believe in democracy?

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