ANALYZING THE POLICY, REGULATORY AND INSTITUTIONAL FRAMEWORK FOR IMPLEMENTATION OF REDD-PLUS IN INDIA

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ABSTRACT

Forests are a vital national resource, with global concern, having local importance related to livelihood of people living in and around the forests. Conservation of forests is a traditional practice among the people, depending on forest for their sustenance and livelihood needs. In this context, the paper reviews the policy, regulatory and institutional framework of forest governance in India. The gaps in the policy, regulatory and institutional framework are identified. The paper suggests directions for policy interventions to overcome the gaps identified. Institutional arrangement for implementation of REDD-plus under the forest governance framework is described in the paper. Recommendations include safeguards to be adopted under REDD-plus and possible forest governance models. Decentralization of forest rights and community based forest governance is identified as critical to the success of REDD-plus. Community based forest governance is a form of participatory and inclusive management and a key factor for implementation of REDD-plus in India.

Key words: Decentralization, REDD-plus, Community forest rights, Policy directions, Community based forest governance.

Introduction

"Forests for People" with this theme The United Nations General Assembly celebrated 2011 as International Year of Forests. India also participated in the International Year of Forests 2011 under the main theme "Forests in a changing world". On 21st March, 2012 Ministry of Environment and Forests, Government of India, celebrated the World Forestry Day with the theme "Role of forests in achieving the millennium development goals". This indicates not only the importance of forests at global and national level, but also the symbiotic relationship between forests and people. In India, 275 million poor rural people – 27% of the total population of India, depend on forests for their livelihoods (Bhattacharya and Hayat, 2009; IWGIA, 2011; Malhotra and Bhattacharya, 2010; Planning Commission, 2011). With the advent of industrialization, the amount of greenhouse gases (GHGs) in the atmosphere has increased manifold, which has led to deterioration of forest health. This has focused to the global and national level attention on reducing these gases. To resolve this global issue, various mitigation measures have evolved. During the climate negotiations, UNFCCC identified role of forests in carbon sequestration. Among the several forestry mitigation options, reducing emissions from deforestation and forest degradation plus (REDD-plus) is one of the policy instruments to mitigate climate change (Angelsen *et al.,* 2009). In 2007, REDD-plus was accepted at 'Conference of Parties' (CoP) 13, at the United Nations Climate Negotiations in Bali. REDD-plus is a policy instrument with a legal framework to incentivize the carbon stored in forest ecosystems. Such incentives would be given to multiple stakeholders who are involved in forest conservation and sustainable management of forest (SMF). India submitted the proposal of "compensated conversation" approach under REDD-plus, to the United Nations Framework Convention on Climate Change (UNFCCC), (ICFRE, 2007:1-2). Thereafter, India gradually accepted the broader definition of REDD-plus which comprised of (i) Reducing emissions from deforestation, (ii) Reducing emissions from forest degradation, (iii) Conservation of forest carbon stocks, (iii) Sustainable management of forest and (iv) Enhancement of forest carbon stocks. Activities (iii) and (iv) are "plus" part of REDD-plus.

India has a plethora of acts, policies, regulations and institutions, both at the national and sub-national level, to protect the forest and the people depending on them for their sustenance and livelihood needs. Implementation of REDD-plus lies with the Ministry of Environment and Forest (MoEF) at the national level, State Forest Departments (SFDs) at the state level and local level institutions at the community level. Implementation of REDD-plus on ground is feasible through "polycentric forest governance" approach (Nagendra and Dusatrum, 2012). Hence, there is need of

In Indian forest governance, decentralization of forest rights and community based forest governance identified as critical to the success of REDD-plus.

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possible decentralized forest governance models for implementation of REDD-plus in India.

Emergence of forest governance in India

Since ancient times, forest occupies a special position in the vedic literature. The ethnic people also protected forest in the form of sacred grooves in many parts of India such as Western Ghats, Central India, Northern India and parts of North-East (Khan *et al.*, 2008). Later in 1864, for the first time, the Forest Department was set up under the Government of India (Sarap, 2004). Thereafter, the first Indian Forest Act was passed in 1865, which was later revised in 1878, classified forests into reserved forest, protected forest and village forests. This Act empowered the British administration to freely make use of forest (Guha, 1983). In 1952, the National Forest Policy was formulated, which liberalized the use of forest by the local communities only to the extent of it not coming into conflict with the national interest. The increasing demands for fuel wood, small timber, NTFPs, etc. resulted in exploitation beyond the carrying capacity of forests. In response to this, the National Commission on Agriculture 1976 recommended the creation of Forest Corporations to manage the sustainable harvest of forest produce, enhance forest productivity and promote social forestry programmes to fulfill livelihood needs of rural people (Matta, 2008).

Existing forest legislation in India

The regulatory framework of forest governance comprises of the Indian Forest Act (IFA) which came into being in 1927 and remains the legal basis of state forest governance since then, with few amendments made by different states. The Act provides for Working Plans to be prepared by the State Forest Department, for guiding the village level institutions and the local communities and prescribes ways for sustainable harvest of forest produce. The lacunae in the Act, is the absence of legal definition of forest and forest land (Upadhyay and Upadhyay, 2002). The IFA 1927 neither provides safeguards for preventing de-reservation of reserved forest, nor does it check deforestation on private lands.

The enactment of the Forest Conservation Act (FCA) 1980 was the first transition in forest governance from commercialized use of forest to conservation of forest. Hence, FCA 1980 was a prime legislation, enacted with a view to check deforestation. The Act provides that the use of forest land for non-forestry purposes is not permitted, without the prior approval of the Central Government. Here, the state government alone cannot take decisions on matters related to diversion of forest land. Following the enactment of the Forest Conservation Act in 1980, diversion of the forest land declined drastically to about 36,560 ha from 165,200 ha prior to 1980 (ICFRE, 2010). The only major drawback of the Act is that it doesn't provide for the government's role in monitoring the programmes (WWF, 1999).

Existing forest governance framework in India

Besides these two key regulations, two other sets of regulations are part of the existing forest governance framework, one set is for protecting the flora and fauna which includes Wildlife Protection Act (WPA) 1972, Biological Diversity Act (BDA) 2002, Regulation regarding felling and transit of trees outside forest, regulation for wood based industries and another set is for empowering the communities with the ownership of forest resource, namely, Panchayat Extension to the Scheduled Areas (PESA)1996 and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act) (FRA) 2006. The enactment of PESA, bestowed power on the tribal Gram Sabha to own, protect and regenerate the forest and sustainably harvest the forest produce (Patnaik, 2007). This was for the first time in the history of Indian forest governance, when authority for decision making on forest matters, was decentralized from state to the village level institution.

The existing Indian forest governance framework is supported by several acts, policies and enabling institutions which will facilitate the implementation of REDD-plus in India as shown in the annexure. At the central level, the Indian Forest College established in 1938 was upgraded to Indira Gandhi National Forest Academy (IGNFA) in 1987, with an aim to impart knowledge and skills to the professional foresters which enable them to manage nation's forest resources sustainably. Forest Survey of India (FSI) was created in 1981 by MoEF, GoI to periodically assess the changing situation of the forest resources in India. Subsequently, the Indian Council of Forest Research and Education (ICFRE), a national forestry research institution, was set up in 1987 under MoEF, GoI. These central level organizations also promote capacity building both at the central and state level. They aim to provide technical, methodological and financial support to the state level institutions in India. The FDCs ensure sustainable supply of forest produce for future generations. The SFDs also build capacity of the forest development agencies (FDAs) to enable them to support the grass root level institutions such as joint forest management committees (JFMCs), village forest protection committees (VFPCs), van suraksha samitis (VSSs), van panchayats (VPs), biodiversity management committees (BMCs), eco-development committees (EDCs), panchayati raj institutions (PRIs), gram sabhas (GSs), forest rights

committees (FRCs), sub-divisional level committees (SDLC) and district level committees (DLC). The state level monitoring committee (SLMC) at the state level monitors, the process of recognition of rights by the village level institutions such as GS, DLC and SDLC.

Paradigm shift in forest governance

The National Forest Policy (NFP) 1988 sought to ensure a distinct shift in forest governance. For the first time, meeting the necessities of the local people was prioritized over commercial exploitation of forest. The policy also emphasized upon the close relationship between the tribal population and the forest (MoEF, 2006 ; Saxena, 1996).

The policy directives are implicit in the greening India programme of the Central Government to regenerate the forest (Planning Commission, 2001; MoEF, 2010). The policy demands collective forest conservation efforts of the key stakeholders such as forest department officials, local communities including women and civil society organizations.

Participatory forest management in India: How it works

Over the years, the involvement of the local communities in the management of forest has increased manifold due to setting up of JFMCs in many parts of India. The 1990 circular led to the manifestation of Joint Forest Management (JFM) in India (Saxena, 2012). Currently, JFM covers approximately 29.8% of the total forest area of the country (Singh *et al.*, 2011). In India, 59.31% forestland is administered by the government and 28.5% is designated for use by communities and indigenous groups (RRI, 2011). The JFM is based on the principle of collaborative partnership between the village communities; non-governmental organizations and the SFDs. Currently, over 780 forest development agencies (FDAs) are involved in providing support to about 28,000 JFMCs under the National Afforestation and Eco Development Board (NAEB, 2002), MoEF GoI (ICFRE, 2008).

Landmark achievement in Indian forest governance
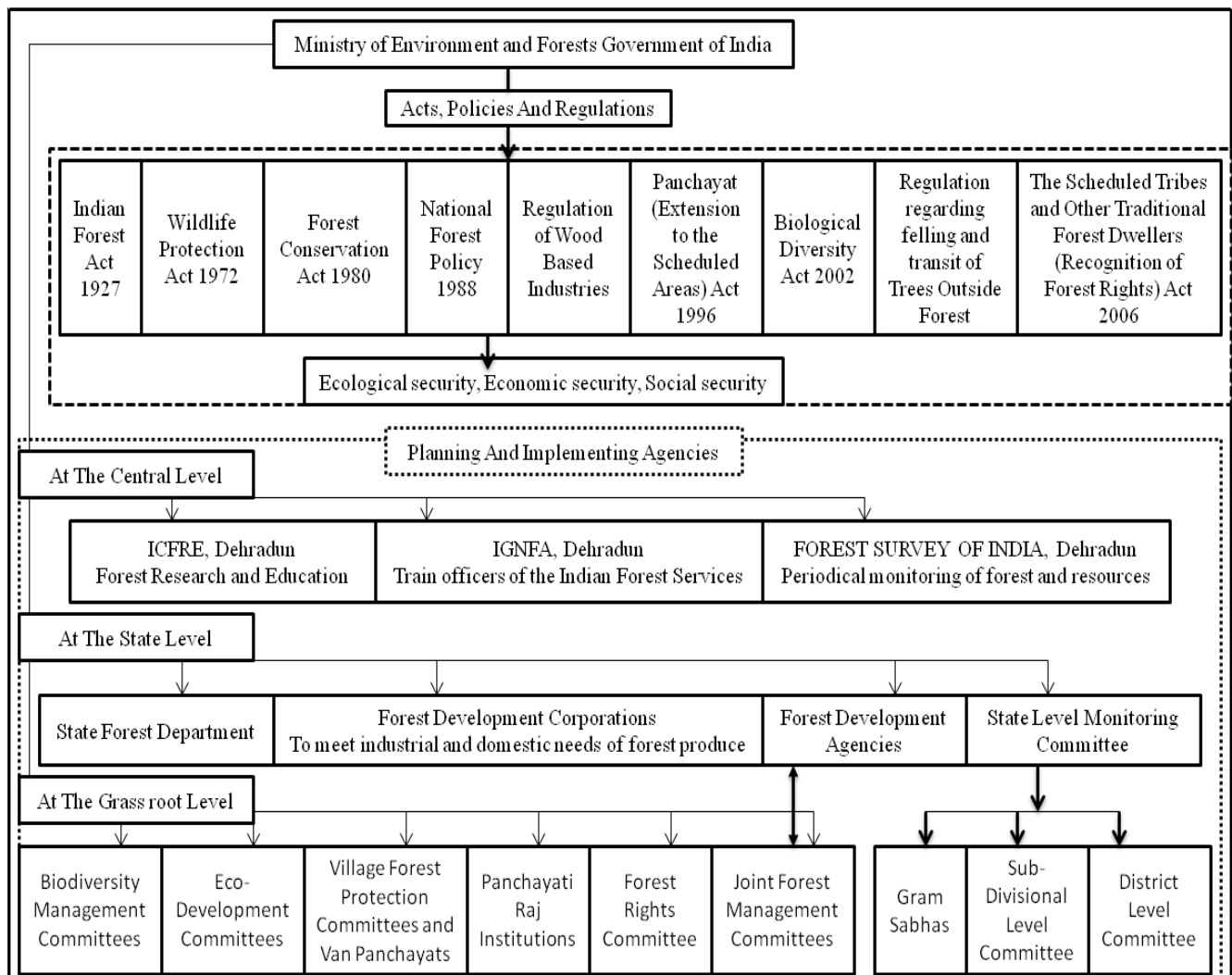
The Scheduled Tribes and Other Traditional Forest

Fig. 1 : Existing Indian forest governance framework to facilitate implementation of REDD-plus in India

Dwellers (Recognition of Forest Rights) Act 2006 was enacted to undo the deeply rooted historical injustice done to the forest dwellers and tribals dependent upon the forest for their bona fide livelihood needs. The Act has more of community centric approach, rather than merely being state centered, as indicated in sub-section 1 of section 3 of the Act regarding individual and community forest rights. Although, Section 5 of the Act empowers the Gram Sabha and the community to protect, manage and regenerate the community forest resource (MoEF, 2007), Gram Sabha being a village level institution lacks the required capability. The Act enjoins upon the local communities, to recognize their role in forest and biodiversity protection through sustainable management practices, which will yield long term benefits to them (Dash, 2010). Community based initiatives are equally important for effective decentralized forest governance (Cole, 2011; Ostrom, 1999). Therefore, the Act also provides for securing the land tenure rights of the communities, which was addressed for the first time in the history of forest governance. The security of tenure is an essential prerequisite before implementation of REDD-plus (Angelsen *et al.*, 2009, Banana and Gombya, 1998; Hatcher, 2009 ; Nayak, 2002). The rules under the Act encourage transition from regulatory mode of forest governance to decentralized forest governance in India. Implementability of REDD-plus being a function of the existing practice of forest governance in the nation (Irawan and Tacconi, 2009), decentralized forest governance should promote active participation of the local communities, forest dwellers and forest dependent people (Monditoka, 2011).

India's outlook towards redd-plus programme

For the successful implementation of REDD-plus, the forest governance mechanism needs to be community centered. The governance framework requires community forest user groups to participate in decision making, without any interference from higher level authorities. State institutions should monitor the process to ensure protection and sustainable management of forest resources. Support from SFDs will be required for conflict resolution, technical know-how, regeneration of degraded forests and improvement of other ecosystem services, enhancement of forest carbon stocks, biodiversity conservation, employment generation and poverty alleviation, sustainable harvest and marketing of forest produce at minimum support price. Within the local level forest governance model, the community forest resource management committee (CFRMC) has a key role to play and has the power to carry out functions in the absence of the gram sabha.

There are many unresolved issues such as role of the forest department, role and responsibilities of the gram sabha and role of other forest related institutions such as self help groups (SHGs). This underscores the need to have models of community based forest governance with regional variability on the basis of certain principles. Four possible models of decentralized forest governance, with their structure and functions are shown in the annexure - (FIGURE 2 Four possible models of decentralized forest governance in India). According to model A, community forest rights (CFRs) have been accepted and gram sabha (GS) is empowered to take decision in all matters related to management of forest. The functions of the village level institutions are transferred to the CFRMCs. In model B, CFR's claims have not been accepted and, therefore, the existing community level institutions are still in existence and are functioning. In model C, neither the CFRMC exists, nor the people claimed forest rights. The existing forest management systems are still in place. Hence, modifications in these management systems, such as providing legal backing to local level institutions, are required. In model D, neither FRA is implemented nor is there any local level institution for forest management. These are the proposed decentralized forest governance models and are yet to be set up.

Proposed institutional setup for implementation of REDD-plus in India

At the international level, the bilateral and multi lateral organizations provide financial aid to the developing countries for REDD-plus project activities. The National REDD-plus cell has the main responsibility to design and implement REDD-plus strategies at the national and sub-national level. The cell supports MoEF in developing appropriate policies and recognizes opportunities for implementation of REDD-plus. Other forest agencies associated with MoEF such as FSI and ICFRE provide technical and policy support respectively, to the state forest departments. Financial support is provided from donor agencies. State forest departments set up forest development agencies. SFDs play an active role in providing technical support and guidance to the village level institutions, who participate in the design and implementation of REDD-plus projects. The state REDD-plus cell is expected to direct the process of project preparation and monitor implementation by the village level institutions. This is to make sure that the projects are designed in accordance with the guidelines, to qualify for financial aid for the project from the National REDD-plus cell. It is important to ensure smooth flow of benefits to the community level institutions. Also, the synergy among multiple stakeholders is essential for the

successful implementation of REDD-plus. The implementation of REDD-plus at the grassroot level needs to be backed by robust institutional support mechanism supplemented with safeguards, at national, state and local level. The institutional set up for the implementation of REDD-plus in India is shown in the annexure - (Fig. 3 proposed institutional arrangement for implementation of REDD-plus in India).

Decentralized forest governance, although a slow process, is very crucial for the implementation of REDD-plus (Sharma and Kohli, nd). The degree of successful implementation of REDD-plus is contingent upon the quality of community based forest governance, especially in a country like India. Implementation of REDD-plus is a complex process, as it involves interests of multiple stakeholders and management by several institutions at the national, state and local level. Due to the complexity of the Indian frest governance structure

and processes at multiple levels[1], the procedure of REDD-plus implementation should include social and environmental safeguards. Adoption of safeguards would ensure efficient, effective and equitable distribution of benefits arising out of the REDD-plus process. The safeguards for REDD-plus will ensure long term sustainability of a REDD activity, keeping the interest of the local communities in sustainable management of forest and to protect the forest resource from misuse and degradation.

Discussion

India is a federal polity with a lot of disparate values. In view of this, nationwide interest, for this initiative cannot be created only through acts, policies and regulations. The interest also has to be bottom-up, for community based initiatives, instead of being substantially top-down through policies and regulations. Community based initiatives can bear fruit, only when

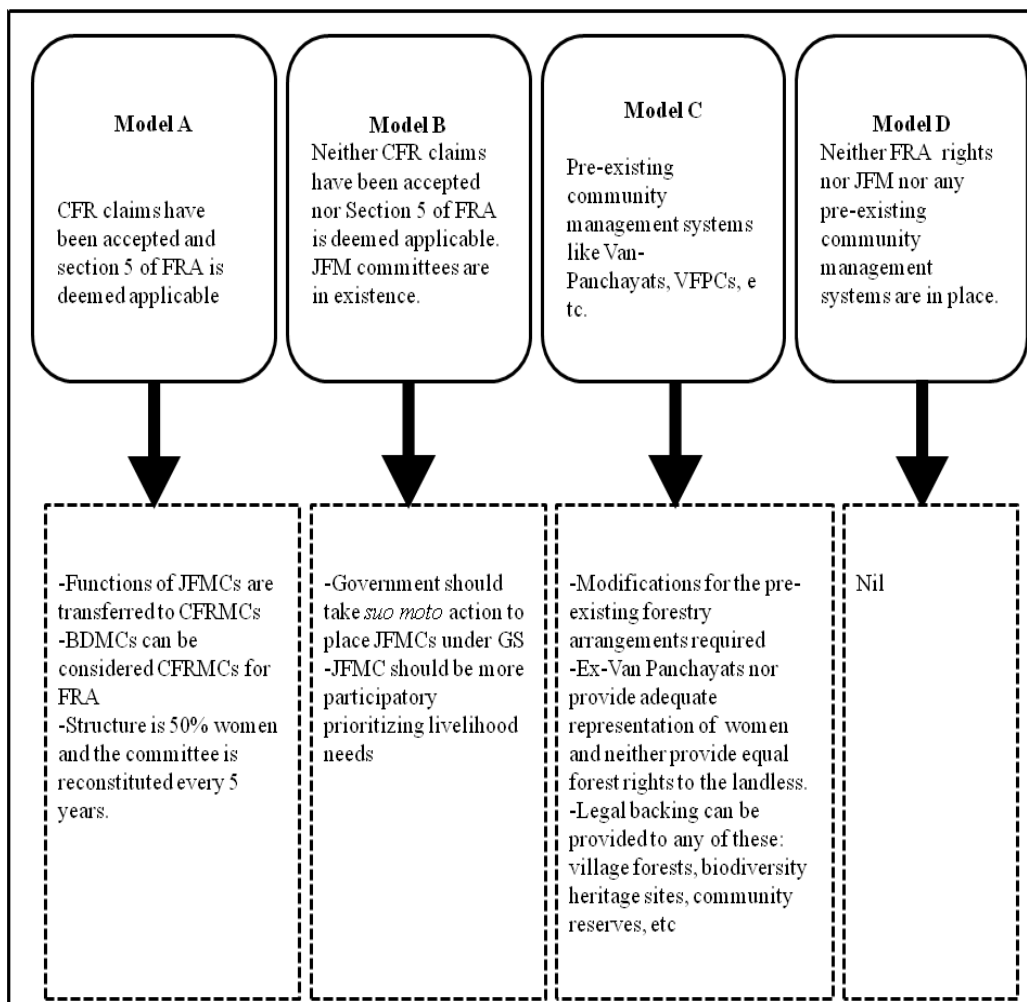Fig. 2 : Four possible models of Decentralized forest governance in India

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[1] Multiple levels mean that the benefits will flow from the international level to the central level, from the central to the state level and from the state to the community level. These many layers include several stakeholders with diversified interests which would increase the complexity of the decentralized Indian forest governance system.

Institution	International Level	Role and responsibility
Bilateral and multi lateral organizations, voluntary and carbon markets	Donor agencies, provide funding to developing countries.	

National Level

MoEF has set up a National REDD-plus Cell, ICFRE, FSI	Design and implement REDD-plus strategies, provide technical support to SFDs to collect and manage information related to forest carbon assessment, capacity building, budgetary allocation and providing social and environmental safeguards for REDD-plus

Monitor and evaluate   Guide and co-ordinate

State Level

SFDs, State REDD-plus Cell, FDAs, SLMC	Monitoring, Reporting and Verification by independent experts and capacity building of the village level institutions.

Monitor, Reporting, Verification

Implementation of decentralized forest governance through Community institutions at Grassroot Level

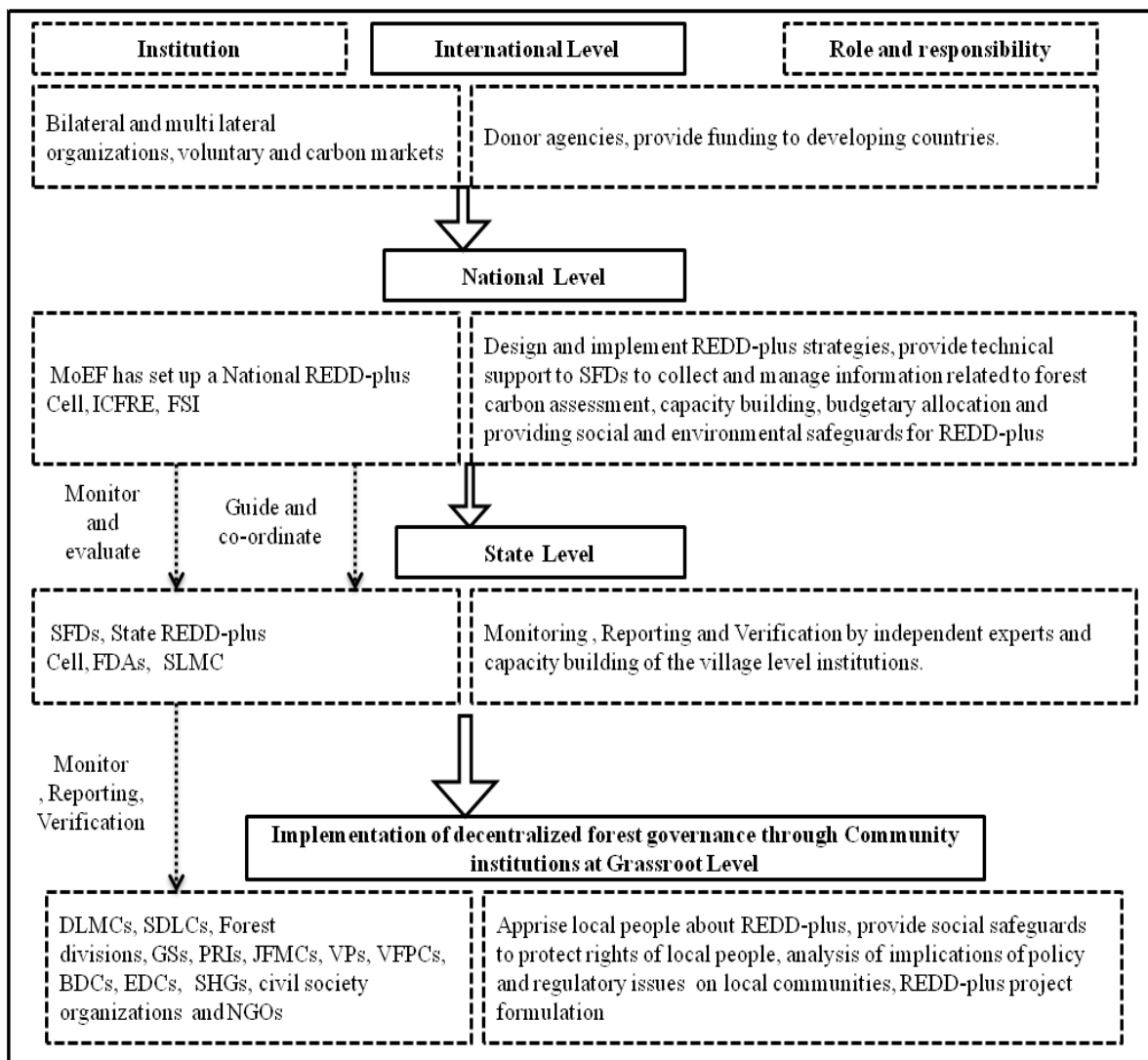| DLMCs, SDLCs, Forest divisions, GSs, PRIs, JFMCs, VPs, VFPCs, BDCs, EDCs, SHGs, civil society organizations and NGOs	Apprise local people about REDD-plus, provide social safeguards to protect rights of local people, analysis of implications of policy and regulatory issues on local communities, REDD-plus project formulation

Fig. 3 : Proposed Institutional arrangement for implementation of REDD-plus in India

they appeal to the forest user groups. To create this awareness, the benefits which accrue to the users should be popularized and this is best done by the social activists and not by the government agencies. Forest governance in India, until now has remained a complex issue due to involvement of multiple stakeholders, institutions and a clutter of policies and regulations. Inspite of this, India is now moving towards participatory and decentralized mode of forest governance. Implementation of FRA in India provides an opportunity to the communities to manage the forest wealth under the community based forest governance.

India, in its submission to the UNFCCC in 2011, states its commitment to transfer the REDD-plus benefits to the forest dependent, forest dwelling, and tribal communities as a reward for their efforts in forest conservation and enhancement of carbon stock (UNFCCC, 2011). The MoEF, GoI already has a national afforestation programme (NAP) which is the flagship

programme of National Afforestation Eco-development Board (NAEB) to provide support to the forest development agencies, which are the main institutions to build capacity of the village level institutions. Moreover, with the suggestion of the MoEF, few states such as Maharashtra have notified the resolution for keeping JFMCs under Gram Sabha and Odisha has also replaced member secretary of JFMC, who used to be a government employee by a member of forest user group. Now, members of JFMC in Odisha are exclusively of forest user groups and there is no representation of forest department officials.

Success stories of FRA such as in villages of Maharashtra are a precursor to the REDD-plus implementation in India. These are the first villages to receive CFR claims in India for forest produce, particularly for bamboo. In other states, such as Arunachal Pradesh, Manipur and Meghalaya, the ownership of land is already with the tribal. Therefore, the scope of

implementation of FRA is minimal in these states. In these states, FRA could be used as an enabler to strengthen the tenurial security. It provides for the protection and management of the forest resources to ensure both biodiversity conservation and forest based livelihood needs. The Nagaland state government has notified that FRA is not applicable in the state. In Mizoram, the state legislative assembly has notified that FRA will be adopted in the state. In Tripura, FRA 2006 has been adopted, but not yet implemented. There are no scheduled tribes and other traditional forest dwellers in Sikkim. Because of heterogeneity, forest governance in the north-eastern states needs special attention from MoEF.

Currently, India is in the preparedness phase of REDD-plus, which needs critical analysis of the existing forest governance framework. This phase analyzes the strengths, weaknesses, opportunities and challenges for implementing REDD-plus in India. In this phase, the feasibility of implementation of REDD-plus is assessed. During this phase, five pilot sites have been selected in five states in India at Mussoorie (Uttarakhand), Sunderbans (West Bengal), Chhindwara (Madhya Pradesh), Sonbhadra (Uttar Pradesh) and Angul (Orissa). All these sites have community based forest management institutions which are supported by the forest development agencies set up by the state forest departments.

भारत में रेड–प्लस के क्रियान्वयन हेतु नीति, नियामक तथा सांस्थानिक फ्रेमवर्क का विश्लेषण

प्रियंका कोहली तथा जे.वी. शर्मा

सारांश

वैश्विक परिदृ"य के साथ–साथ वनों के आसपास रहने वाले लोगों के जीविकोपार्जन के लिए वन महत्वपूर्ण राष्ट्रीय स्रोत हैं। अपनी आजीविका के लिए वनों पर निर्भर रहने वाले लोगों के लिए वनों का संरक्षण करना परम्परागत क्रिया–कलाप है। प्रस्तुत प्रलेख में भारत में वनीय अधि"ासन की नीतियां, नियामक तथा सांस्थानिक संरचना की समीक्षा की गई है। नीति, नियामक तथा सांस्थानिक संरचना को चिन्हित किया गया है। प्रलेख में चिन्हित कमियों से निपटने के लिए नीतिगत उपाय बताये गये हैं। साथ ही, वन अधिशासन संरचना के तहत आर.ई.डी.डी. –प्लस के क्रियान्वयन हेतु सांस्थानिक व्यवस्थाओं की वर्णन किया गया है। सिफारि"गों में आर ई डी डी की सुरक्षा तथा प्रस्तावित अधिशासन मॉडल अपनाने पर जोर दिया गया है। वन अधिकारों के विकेंद्रीकरण तथा समुदाय आधारित अधिशासन को आर ई डी डी की सफलता के लिए चिन्हित किया गया है। समुदाय आधारित वन अधि"ासन, सहभागिता का नमूना है। जिसमें प्रबंधन भी शामिल है। यह भारत में आर ई डी डी की सफलता का मुख्य कारक है।

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