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The Inspection Panel

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Report and Recommendation on Request for Inspection

India Ecodevelopment Project Rajiv Gandhi (Nagarahole) National Park

(Credit No. 2916-IN)
(GEF Trust Fund Grant No. TF028479 IN)
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Attachment 1: Letter to Mr. Jim MacNeill dated September 2, 1998 from the heads of 10 NGOs.

Annex 1: Request for Inspection.

Annex 2: Bank Management Response to Request.

The Inspection Panel

Report and Recommendation

on

Request for Inspection

India Ecodevelopment Project

Rajiv Gandhi (Nagarahole) National Park

Executive Summary

i. The India Ecodevelopment Project has two main thrusts: to support management of protected areas of significant global biodiversity, and to protect local people living in and around these areas. Both are important goals but there are inherent conflicts as well as potential complementarities between them. Tribal people from one of the seven sites—Nagarahole¹--filed a Request for Inspection claiming that no specific indigenous peoples development plan had been prepared with the informed participation of affected indigenous/tribal groups, and NGOs involved in their development. They fear that an anticipated forceful eviction of the tribal population from the project area will result in them being uprooted from their forest habitats, which are their socio-cultural life base. They believe that current and potential harm is a result of the Bank's own failure to follow its policies and procedures.

ii. Management decided that past experience with conservation projects in areas with human pressures pointed towards a process design project which, after a period of indicative planning to establish the framework and define appropriate processes, proceeded to get things done on the ground. This basically involves "...a two phase three-step process. Indicative planning to establish the main areas of conflict, appropriate participatory mechanisms, eligible types of investment, and effective institutional arrangements was undertaken during project preparation. The more detailed consultative microplanning and Protected Area management planning, *during which individual families and groups express their needs and resolve conflicts* in a context with funding available, will be carried out during project implementation." (Emphasis added)

¹ This report concerns Nagarahole National Park and nothing in this report should be assumed to apply to any of the other six sites of the Ecodevelopment Project.

iii. Management appears to have been aware of the paucity of information and research at the appraisal stage. In simply accepting the fact that objective data and scientific studies were very limited, however, the International Development Association (IDA) appears to have allowed much of the debate about the potential conflict between the two main thrusts of the project to be conducted on the basis of predetermined views and unsubstantiated claims.

iv. In spite of the recognized "...history of mistrust between the tribal people and the government" at this "...most challenging of the seven sites," Management acknowledges that the Project did not carry out the "...identification of local preferences through direct consultation" at the appraisal stage. It appears that GEF guidelines on participation were not followed either.

v. Instead of complying directly with the OD 4.20's directives in the appraisal phase, Management intended that "more detailed consultation" would follow during implementation. This decision had a number of consequences. Most important, perhaps, it has denied most of the long-resident adivasi (tribal peoples) of the park any significant input on the basic assumptions and concepts underlying the indicative plan, including the traditional rights of the adivasi to use the resources of the park, the nature of future microplanning processes, and their role in the future management of the park.

vi. Management admits that no separate Indigenous Peoples' Development Plan was prepared during the appraisal stage, as required by OD 4.30. If an Indigenous People's Development Plan had been prepared, it would have further exposed the tension between biodiversity protection objectives and the condition and aspirations of the indigenous people at Rajiv Gandhi National Park. It would have enabled significant input on the basic assumptions and concepts underlying the Ecodevelopment Project. And it may well have exposed the weakness of some of the premises under which the Project was conceived, at least for this particular park.

vii. One of these premises, during the indicative planning phase, was that there is (or would be) a significant demand for relocation. The Panel finds that, to date, the overwhelming majority of the resident tribal population seems to have opted to stay.

viii. Another key premise appears also to be in question: namely, that the tribal population resident in the park have the option to stay or to leave; and that these are true options, with equal weight and value in terms of the support they are to receive from project resources. In fact, the combination of the 1972 Wildlife Act, the 1997 Supreme Court decision, official expectations concerning whether the tribals will opt to stay or leave, and the elimination of their rights to use the land and

forests in which they dwell, taken together, seem to undermine the reality of the stay option.

ix. In addition, the Panel encountered a profound difference between the expectations of Management and those of state officials concerning the role and scope of microplanning and the investments which are to follow the approval of microplans. Management states that *"...microplans are required prior to each set of investments at the village level. (They) must be prepared by, and be agreeable to, the involved people" ...and (they)... would ultimately cover 100 percent of interested villages..."*. State officials were equally unequivocal: microplans will not be undertaken for any of the 58 haadi (villages) within the park.

x. To date, three microplans have been completed, all for communities outside the park; and more microplans for communities outside the park are planned. Yet, although it appears that, at the moment, the overwhelming majority of the adivasi (some 97 percent) wish to remain in their communities within the park, no microplans for communities within the park are under preparation to date and none is foreseen. There is thus a growing imbalance between the apparent choices of the people and the microplanning process to guide project investments. In order to comply with IDA policy and monitor compliance with loan covenants, it is urgent that thorough supervision should correct this and avoid serious future imbalance.

xi. The Panel finds that certain key premises underlying the design phase of the Project at the Nagarahole site are flawed, as a result of which there is a significant potential for serious harm. It therefore recommends that the Executive Directors authorize an investigation into this case.

This report provides (1) an Introduction (2) Discussion on Eligibility, (3) Findings, and (4) Recommendation of the Inspection Panel ("Panel") on whether or not there should be an investigation ("Recommendation") into allegations made in the above-referenced Request for Inspection ("Request"). Annex 1 contains the Request. Annex 2 contains the IDA Management Response to the Request.

1. INTRODUCTION

1. On April 3, 1998, the Panel received a Request from an organization called the Nagarahole² Budakattu Janara Hakkusthapanam Samithy (NBJHS) representing tribal people living in an area known as Rajive Gandhi National Park, Nagarahole, Karnataka State, India (the Requesters).³ The Requesters claim they have and will suffer harm because IDA Management has violated IDA policies and procedures in the preparation of the India Ecodevelopment Project (the Project).

2. On April 3, 1998, the Panel notified the Executive Directors and the IDA President of receipt of the Request (meaning "Registration" under the Panel's Operating Procedures).⁴

The Credit and Grant

3. On September 5, 1996, IDA's Executive Directors approved a credit of SDR 19.5 million (US\$ 28 million equivalent) to the Government of India (GOI) to improve park management and village ecodevelopment in seven areas, including the Nagarahole (Rajiv Ghandi) National Park in Karnataka. On the same date, the Executive Directors for the International Bank for Reconstruction and Development (the Bank) approved, with the Bank acting as implementing agency, a Global Environment Facility (GEF) Trust Fund Grant to India of SDR 13.9 million (US\$ 20 million equivalent). The project had been endorsed by the Chief Executive Officer of GEF. The credit became effective on December 27, 1996.

The Project

4. India is one of the twelve so-called mega-diversity countries, estimated to contain nearly two-thirds of the planet's biodiversity. Its ten biogeographic zones represent a broad range of ecosystems. With the Project, the GOI, IDA and GEF propose to support management of

² The area is spelt both as Nagarahole or Nagarhole.

³ This report concerns Nagarahole National Park and nothing in this report should be assumed to apply to any of the other six sites of the Ecodevelopment Project.

⁴ See The Inspection Panel, *Operating Procedures* (August 1994) at para. 17.

protected areas of significant global biodiversity and to involve local people living in and around these areas in planning and implementation.

5. The Requesters come from the Nagarahole or Rajiv Gandhi National Park in the Karnataka State. This site is a critically important component of the national system of protected areas. It is reported to have one of the highest productivities of animal biomass in the world and contains significant populations of tigers, elephants, gaur, and many others.

6. Management considers Nagarahole to be the most difficult of the seven sites included in the Ecodevelopment Project in terms of conflicts between local inhabitants and protected areas.⁵ There are over 6,000 people within the park, including mostly indigenous inhabitants or tribals. The Requesters, who prefer the name *adivasi* or "original forest dwellers," belong to communities like Jenu Kurubas, Yeranas and Soligas. There are 58 such communities (haadi) representing over 1,550 families within the park.

7. According to the President's Memorandum (MOP)⁶:

"The project's human beneficiaries, tribal peoples, and forest fringe villagers, belong to the poorest sections of society. About 39 percent of the beneficiaries are tribal. Tribal development concerns are integrated under the rubric of social impact, participation and equity, rather than as a subsidiary tribal development plan or component. The project also incorporates specific measures to safeguard the interests of the landless and women."

8. The MOP further clarifies the project's general strategy: (Para 12)

"Using the ecodevelopment strategy to foster participatory management, the government is now beginning to address the special threats to biodiversity in protected areas. Ecodevelopment aims to conserve biodiversity by addressing both *"the impact of local people in the protected areas and the impact of the protected areas on local people.* Ecodevelopment has two main thrusts: improvement of PA⁷ management and involvement of local people."

9. The MOP also deals clearly with the issue of relocation (Para 33):

"The project would provide support for a participatory process to *plan* and implement 'voluntary relocation'. Relocation under the project would be voluntary 'in the sense that it would be driven by the wishes of local people.' *Planning would take place in the context of options that would not invoke relocation.* Relocation would be to lands on the periphery of the PA's rather than to distant non-forest land. *The forest department would not cause or carry out involuntary relocation in the project areas.* All voluntary relocation

⁵ See Management Response attached.

⁶ Memorandum and Recommendation of the President (P-6953-IN) of August 3, 1986 (MOP), Credit and Project Summary.

⁷ Protected Areas (PA).

planning and implementation associated with the project would be consistent with applicable Bank guidelines, and implementation would require prior Bank approval. In addition to providing support for voluntary relocation, the project would include special efforts to *identify and provide village ecodevelopment investments (subject to eligibility criteria) for people who do not wish to relocate.*" (Emphasis added)

Basis of this Report

10. This report is based on the Request, the Response, and additional information provided by the Requesters, IDA Management, local NGOs and Indian officials.

11. In addition, the Panel considered information obtained during Mr. Jim MacNeill's (Inspector) visit to Delhi and the project site during August 30 – September 4, 1998.⁸ Before and after the visit, the Inspector consulted with the Executive Director representing the Government of India.

12. The purpose of the Inspector's visit was to seek information to help the Panel determine the eligibility of both the Requesters and the matters complained of in the Request. During his visit, the Inspector met with the Requesters and representatives of local NGOs, and with tribal people in several different villages (haadi). He also consulted with the Director of Project Tiger and officials in the Department of Economic Affairs (DEA) in New Delhi, with senior Karnataka State officials in Bangalore, and with senior and other Forestry officials in the park.⁹

THE REQUEST FOR INSPECTION

Allegations

13. The Requesters claim that the project, as designed, failed to show any tribal population as living in the "core areas" of Nagarahole National Park. Yet, they state, there are 58 tribal settlements inside the park with a population of about 6,145 who belong to different communities like Jenu Kurubas, Betta Kurubas, Yeravas, and Soligas. They also claim that there is no specific indigenous peoples development plan prepared with the informed participation of affected indigenous/tribal groups, and NGOs involved in their development. Furthermore, they fear that an anticipated forceful eviction of the tribal population from the project area

⁸ Mr. MacNeill was accompanied by Mr. Alvaro Umaña, Panel member and Chairman from August 1997 to July 1998, when his four year term on the Inspection Panel expired

⁹ The Panel wishes to thank the Requesters and other NGOs for their cooperation and assistance in arranging meetings and visits with affected tribal people. It also wishes to thank the Executive Director representing India and officials of the GOI and Karnataka State Government for their assistance.

will result in them being uprooted from their forest habitats, which are their socio-cultural life base.

14. The Requesters believe that current and potential harm is a result of IDA's own failure to follow its policies and procedures, citing the following: OD 4.20 on Indigenous Peoples; and possibly OD 4.30 on Involuntary Resettlement; as well as possibly OD 4.36 on Forestry.¹⁰

Actions/Solutions Sought

15. In short, the Requesters ask for an investigation into their claims in order to ensure that tribals resident in the Park will have a real choice on whether to remain in their communities or to resettle voluntarily outside the park.

BANK MANAGEMENT RESPONSE

16. On May 5, 1998, the Panel received the Management Response to the Request. (Annex 2 of this Report). In summary, Management claims that it complied with all relevant policies and procedures in the preparation of the project, and that it intends to comply with all relevant policies and procedures during implementation.

¹⁰ Suggested by the Panel in its "Notice of Registration".

2. ELIGIBILITY OF THE REQUESTERS AND REQUEST

17. This section will first examine the eligibility of the Requesters. It will then discuss the eligibility of the substance of the Request for an investigation. To do this, the assertions made in the Request and IDA Management Response are compared and examined.

ELIGIBILITY OF THE REQUESTERS

18. The Panel finds that the Requesters are eligible to file a Request in accordance with the Resolution establishing the Panel, subsequent "*Clarifications*" and the Panel's "*Operating Procedures*." Based on its field visit, the Panel is satisfied that the Requesters are and represent tribal project affected people in the Park; that they have brought their concerns to the attention of Management; and that they are not satisfied with the responses they have received.

ELIGIBILITY OF THE REQUEST: PRELIMINARY ANALYSIS OF BANK'S OBSERVANCE OF ITS POLICIES

19. The remainder of this report deals with the eligibility of the Request itself pursuant to the Resolution. Before making a recommendation to the Executive Directors, the Panel is required under the Resolution to determine whether it has a reasonable belief that:

- (a) there is preliminary evidence that *prima facie* the Bank has failed to follow its policies and procedures; and,
- (b) if so, whether there is preliminary *prima facie* evidence of alleged material harm; and,
- (c) if so, whether such harm *prima facie* appears to result from the Bank's failure to follow its policies and procedures.

OPERATIONAL POLICIES

20. The Requesters allege violations by IDA Management of its Operational Policy on Indigenous Peoples (OD 4.20). The issues raised also relate to some general provisions of the Involuntary Resettlement (OD 4.30) and Forestry Policy (OP 4.36). Because the Indigenous Peoples policy provides detail to such generalizations, observance of OD 4.20 is the focal point of the discussion below, referring where relevant to the other two policies.

21. Paragraph 5 of the IDA's far reaching OD 4.20 on Indigenous Peoples states that while no single definition can capture their diversity, indigenous peoples "...are commonly among the poorest segments of a population. They engage in economic activities that range from shifting agriculture in or near forests to wage labor or even small-scale market-oriented activities." The OD further suggests that they can be identified by certain characteristics, including a close attachment to ancestral territories and to the natural resources in these areas, self-identification as members of a distinct cultural group, an indigenous language, customary social and political institutions, and mainly subsistence-oriented production.

22. As for identifying indigenous people, paragraph 15 enjoins IDA to assess the legal status of indigenous groups, as reflected in the country's constitution and legislation, with particular attention to their rights to use and develop the lands that they occupy and the natural resources vital to their subsistence and reproduction.

23. Paragraph 6 clarifies IDA's broad objective towards indigenous people. It is "...to ensure that the development process fosters full respect for their dignity, human rights, and cultural uniqueness." More specifically, it goes on, "...the objective at the center of this directive is to ensure that indigenous peoples do not suffer adverse effects during the development process, particularly from Bank-financed projects, and that they receive *culturally compatible* social and economic benefits."

24. Indeed, according to paragraph 8, "...identifying local preferences through direct consultation, incorporation of indigenous knowledge into project approaches, and appropriate early use of experienced specialists are core activities for any project that affects indigenous peoples and their rights to natural and economic resources."

25. In the case of an investment project that affects indigenous peoples, paragraph 13 enjoins the borrower to prepare "...an *indigenous peoples development plan* that is consistent with the Bank's policy." Any project that affects indigenous peoples "...is expected to include components or provisions that incorporate such a plan." When the bulk

of the direct project beneficiaries are indigenous people, the Bank's concerns would be addressed by the project itself and the provisions of this OD would thus apply to the project in its entirety.

26. Paragraph 17 goes on to state that "...the *indigenous peoples development plan* or project component should be developed during project preparation ...and...the Bank should assist the borrower in preparing terms of reference and should provide specialized technical assistance."

27. With regard to OD 4.30 (Involuntary Resettlement), we agree with Management that "...the legal covenants are unambiguous: there will be no involuntary resettlement."¹¹ Also, the relevant parts of OD 4.36 on Forestry would appear to be covered adequately by provisions of OD 4.20.

Project Design - Basis

28. The Project has two main thrusts: to support management of protected areas of significant global biodiversity, and to involve local people living in and around these areas. Both are important goals but there are inherent conflicts as well as potential complementarities between them.

29. The Project has significant risks and Management states that it has always been open about these. It has always "...recognized that the Project has significant risks related to participation, trust, realism of expectations, regional pressures, extent of implementation capacity and level of government support."¹² The August 1996 Memorandum and Recommendation of the President (MOP) stressed that "...the village ecodevelopment component has the highest level of risk because it uses novel planning processes and because there is little hard data on the impact of comparable programs." It listed the primary risk factors as: "...pressures of population growth and commercial interests... dangers of unrealistic expectations... time and commitment to achieve participation and trust... limitations of implementation capacity and... inadequate management support."¹³ It did not list uncertainties about the property or use rights of people inside protected areas as a risk factor, although they appear to be a fundamental source of conflict.

30. Management states further that it "...well understood that it would be a controversial Project largely because of divergent views coming from those with interests in biodiversity and those with interests

¹¹ See attached "Management Response to Inspection Panel, May 5, 1998, paragraph 2.

¹² Ibid, paragraph 8.

¹³ MOP, Para 35

in expanding people's access to resources."¹⁴ Moreover, it acknowledges, "Nagarhole...is the most challenging of the seven sites in the Project because of a history of mistrust between tribal people and government. The Project was designed to help address these longstanding problems. We think that the issue is not that the concerns of tribal people have not been listened to or understood, but that the solutions are very complex and cannot be easily resolved."¹⁵

31. In light of this appreciation, the Panel has been struck by Management's apparent failure to require objective data and scientific studies to support many of the critical assumptions underlying the project. Examples abound.

32. There is, for example, a widespread view shared by the Forest Department of Karnataka that the tribal population living inside the park constitutes the main source of biodiversity degradation in the protected area. When the Panel requested studies which analyze the impact of the tribal population on the ecology of the region, it was informed that none had been undertaken.

33. The tribals live at or below mere subsistence and are denied access to many of the resources of the park. They have no grazing rights, for example, and own no cattle. Yet, the larger populations living in peripheral communities graze thousands of head of cattle in the park. All agreed that this was a major threat. Yet, when the Panel requested studies of the comparative impacts of tribal and peripheral communities, it was informed that none had been undertaken.

34. Another example relates to the partially constructed and now interrupted development of a luxury tourist hotel and resort in the park by the Taj Group. When asked for a study of the comparative impacts of tribals living at subsistence levels and hotel guests living at international luxury levels, the Panel was informed that none had been undertaken.

35. There is apparently considerable anecdotal evidence of the recovery of wildlife populations during the past decades since the national park was established. Again, however, no baseline studies exist and integrated studies of evolution of wildlife populations are lacking.

36. Management appears to have been aware of the paucity of information and research at the appraisal stage.¹⁶ In simply accepting the fact that objective data and scientific studies were very limited, however, IDA appears to have allowed much of the debate about the

¹⁴ Ibid, covering letter, page2.

¹⁵ Ibid.

¹⁶ See Staff Appraisal Report (14914-IN) of August 3, 1996 (SAR) paras 18-21.

potential conflict between the two main thrusts of the project to be conducted on the basis of predetermined views and unsubstantiated claims.

Adequate and Informed Consultations?

37. In their claim, the Requesters state that they were not consulted during project appraisal as required by OD 4.20. In a longer supplementary letter to Mr. MacNeill dated September 2,¹⁷ they elaborate further. They say that the: "...Jenu Kuruba, Betta Kuruba and other adivasi peoples (scheduled tribes) are the indigenous people of the territory that presently constitutes the Rajiv Gandhi National Park and we have never been consulted prior and/or during the design of the Eco-development project. We think that is a violation of our basic right to determine our future and to oppose a project that we think will have a negative impact on our lives, livelihood and on the survival of our people."¹⁸

38. In addition, they state that according to Paragraph 15 of OD 4.20, IDA should have assessed the legal status of indigenous groups, as reflected in the country's constitution and legislation, with particular attention to the rights of indigenous people to use and develop their land (such as forests, wildlife and water).¹⁹

39. The Requesters claim to have brought these issues to the IDA's attention for the first time in October 1994 and repeatedly in 1996. On pages 3 and 4 of their letter of September 2, 1998 to Mr. MacNeill, they state:

(a) On October 27, 1994, several NGOs wrote to the World Bank's India Mission protesting the project proposal made by the Deputy Conservator of Forests & Wildlife ...In response, in a letter dated December 24, 1994 [staff]..stated that "...the issues could be addressed through open and constructive dialogues with the Karnataka Forest Department and other NGOs over the succeeding months when the project was to be finalized." As of June 1996, "...there haven't been any known initiatives on the part of World Bank ... In the meanwhile, "several protests from the concerned people and NGOs have been filed with the World Bank, with no responses at all."

(b) On April 1, 1996, at a WB/GEF-NGO consultation in Washington, Ms. Anita Cheriah presented "...an analytical report on the contradictions and

¹⁷ See Attachment 1. Letter to Mr. Jim MacNeill dated September 2, 1998 from the heads of 10 NGOs.

¹⁸ Ibid page 2.

¹⁹ Ibid page 5. A reading of some of the legal files reveals that the importance of this was acknowledged at an early stage, noting that both ODs 4.20 and 4.30 explicitly recognize the "customary" and "non-formal" rights of tribal or indigenous peoples and call for their recognition in both Resettlement and Indigenous Peoples Development Plans.

contrasts of the proposed plan, especially with regard to the WB's own directives and principles. The WB was not concerned."

(c) On June 1, 1996, the World Bank's New Delhi office organized a consultation on the proposed Project where the participating NGOs were to be identified by Centre for Science and Environment, New Delhi, the designated focal point by GEF for South Asia. "The honest list furnished by CSE was almost totally foregone (only 2 invited with hours short-notice to ensure even their own participation) and...even the CSE was not extended a formal invitation to the meeting. (Reference: CSE's protest letter to the Social Development Unit, World Bank, dated 13th June, 1996.)

(d) On June 17, 1996, the Budakattu Krishikkara Sangha, and seven concerned NGOs with deep involvement with the tribal people of the area, registered their protests about the project. In response, staff suggested a consultation between the Forest Department and the complainants. "The concerned tribal people were not ready for this consultation on the ground that they could not accept a plan for which they never had been consulted and the Forest Department would not give off their prerogatives." In her letter dated June 18, 1996 to CORD, "[Staff] admits that no PPF or project-supported participatory microplanning has yet taken place but hoped for it shortly. What followed was that she had a flying visit to Nagarahole and held discussions only with the forest officials and not with the people."

(e) The Nagarahole Hakku Samraksha Samithy filed their official protest with the World Bank on 26th September, 1996 "...to which there was no response at all. Until now, this extensively based Tribal People's Organization especially in the project area and having national linkages and recognition, was never consulted by the World Bank or the Forest Officials."

(f) The Forest Department and the World Bank's India office "...seem to have ... conspired...to enlist NGOs who factually didn't have any involvement with the tribals...The visit of WB Appraisal Team during the first week of July, 1998, was intimated only to (certain) 'enlisted' NGOs, and there were deliberate efforts to keep away the others."

(g) The World Bank "...remained deaf to protests aired by concerned NGOs and tribal movements nationwide." An example is "...the joint protest placed during GEF Assembly in the first week of April, 1998."

40. Management rejects the claim that meaningful and informed participation has not taken place. To substantiate its claim that adequate consultation has been carried out, Management states that: "At Nagarhole 5 NGOs were involved either in workshops or studies: Indian Institute of Public Administration, Mysore Resettlement and Development Association (MYRADA), Society for Promotion of Wasteland Development (SPWD), SETT and Bharatiya Agro-Industries Foundation (BAIF). Discussions were held by staff with a few others." Elaborating further, Management mentions Participatory Rural Appraisal (PRA) at 14 villages, "one of them inside the park." It mentions a visit in November 1994 by an IDA social scientist to three villages inside the park and three villages outside. (The Aide Memoire of their mission [Nov 28, 1998] identified the need for additional studies and the need to expand the studies to tribals within the parks.) Management also

mentions a Social Impact Assessment in which ten villages, mostly on the park boundary, were sampled. It refers to an Ecodevelopment study using PRA methods in nine villages inside and near the boundaries of the park. It also refers to a stakeholder analysis, a field mission and further visits to 10 villages.²⁰

41. Management considers that consultation, therefore, was “adequate and informed.”²¹ The Requesters do not share this view. Nor is it shared by several dozen tribal leaders and villagers with whom the Inspector met and talked during his visit. The consultation required by OD 4.20 is clearly meant to involve the “...informed participation of the potential affected peoples themselves.” It is not meant to be restricted mainly to institute-type NGOs,²² as valuable as their views may be, as a result of their surveys of potentially affected peoples. In fact, consultation with NGOs is the subject of another OD entirely, namely OD 14.70 “Involving Nongovernmental Organizations in Bank-Supported Activities.”

42. Concerning “informed consultation,” the Requesters point out that the SAR was the only document they received from IDA. The tribals requested that it be translated into their local language, Kannada, but this was never done. Information disclosure in a language understandable to the affected people is an obvious prerequisite to “meaningful and informed” consultation, and they view this as a serious violation of the 1993 Bank’s Directive on Disclosure of Information.

43. Management acknowledges that by the end of 1994, the need for additional studies, in particular those related to the tribal population, was identified. Unfortunately, however, in spite of the recognized “history of mistrust between the tribal people and the government” at this “most challenging of the seven sites,” the Project did not carry out the “identification of local preferences through direct consultation” with the affected people themselves at the appraisal stage. Instead, Management chose to keep the project design phase at a level of generality that did not allow the real problems to appear, in particular the inherent conflicts at Nagarahole. Instead of complying directly with the OD 4.20’s directives in the appraisal phase, Management intended that “more detailed consultation” would follow during implementation.²³

44. **Process Design.** Management claims that its past experience with conservation projects in areas with human pressures pointed towards “...a process design project which, after a period of indicative

²⁰ Ibid, paragraph 15.

²¹ Ibid, paragraph 16.

²² Interestingly, the legal files refer to them as “elite NGOs”.

²³ Ibid para 14. This may now be in doubt. See discussion of microplanning below.

planning to establish the framework and define appropriate processes, proceeded to get things done on the ground."²⁴ This basically involves "...a two phase three-step process. Indicative planning to establish the main areas of conflict, appropriate participatory mechanisms, eligible types of investment, and effective institutional arrangements was undertaken during project preparation. The more detailed consultative microplanning and Protected Area management planning, *during which individual families and groups express their needs and resolve conflicts* in a context with funding available, will be carried out during project implementation."²⁵ (Emphases added.)

45. The decision to defer the specific actions required by OD 4.20 from the appraisal stage to the implementation stage has a number of consequences. Most important, perhaps, it has denied most of the long-resident adivasi (tribal peoples) of the park any significant input on the basic assumptions and concepts underlying the indicative plan that currently constitutes the Ecodevelopment Project. These assumptions and concepts concern, for example, "the main areas of conflict"²⁶ including the traditional rights of the adivasi to use the resources of the park. They concern "appropriate participatory mechanisms"²⁷ for the future processes of microplanning and their role therein. They concern "eligible types of investment."²⁸ They concern "effective institutional arrangements"²⁹ and the tribals' role in the future management of the park. IDA's past experience may well indicate that a step-by-step "*process design project*" is the best way to proceed. But it does appear that, in this case, it preempted participation in decisions on a number of basic questions, decisions which establish at least a part of the framework within which the second phase microplanning will take place.

The Indigenous Peoples Development Plan?

46. In their claim, the Requesters state that no "Indigenous People Development Plan" was prepared for this project as specifically required by paragraph 13 of the above mentioned operational directive 4.20. In a longer supplementary letter to Mr. MacNeill dated September 2,³⁰ they add that if any such plan has been prepared, IDA and GOI prepared it

²⁴ See attached "Management Response to Inspection Panel, May 5, 1998, paragraph 4.

²⁵ Ibid paragraph 14.

²⁶ See attached Management Response, para 14, which sets out the intended coverage of indicative planning.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ See attached letter to Mr. Jim MacNeill dated September 2, 1998 from the heads of 10 NGOs.

“...without the contribution, consent and knowledge of the people concerned.”

47. Management admits that no separate Indigenous Peoples' Development Plan has been prepared. “Tribal development concerns,” it states, “are integrated under the rubric of social impact, participation, and equity, rather than as a subsidiary tribal development plan or component.” Moreover, it states that since “...over half of the project beneficiaries are tribal people and all areas have significant numbers of tribal people, the provisions of the OD would apply to the entire Project.”³¹

48. If an Indigenous People's Development Plan had been prepared for the Nagarahole site during the years 1995 and 1996, it would have further exposed the tension between biodiversity protection objectives and the condition and aspirations of the indigenous people at Rajiv Gandhi National Park. It would have enabled significant input on the basic assumptions and concepts underlying the Ecodevelopment Project. And it might well have exposed the weakness of some of the premises under which the Project was conceived, at least for this particular park. One of these premises is dealt with below, namely that there was a significant demand for relocation and that alternative options were available for those wishing to remain living inside the park.

49. These concerns, among others, are addressed in the “Alternative People's Plan” attached to the Request. This plan was presented to the Bank at a meeting on August 9, 1996, as a basis for dialogue but, the Requesters claim, they have had no response.

50. The Requesters claim that this plan reflects the results of extensive consultation with and participation of the adivasi (tribal) peoples resident in the Rajiv Gandhi National Park, a claim that the Inspector was able to substantiate in part during his visits to several villages (haadi) on September 2 and 3, 1998. To the extent that it does, it would appear to warrant at least some consideration as IDA struggles “...to ensure that the development process fosters full respect for their dignity, human rights, and cultural uniqueness.”

51. Late discussions with Management established that the “Alternative People's Plan” was received as claimed by the Requesters on August 9, 1996. Management admits that this Plan was not considered during the preliminary phase, as might be expected under the OD. It has informed the Panel, however, that it intends to consider it later within the context of developing the PA Management Plan. “It is

³¹ OD 4.20, para. 13 says: “When the bulk of the direct project beneficiaries are indigenous people, the Bank's concerns would be addressed by the project itself and the provisions of this OD would thus apply to the project in its entirety.”

within this PA Management framework that proposals such as the People's Plan, attached to the Request, as well as other proposals from other groups, will be debated and the conflicts addressed."³²

To Stay or to Voluntarily Resettle?

52. As noted earlier, there are over 6,000 *adivasi* ("original forest dwellers"), representing over 1,550 families, living in some 58 villages or "haadi" within the park boundaries. They belong to communities like the Jenu Kurubas, Yeranas and Soligas. The Requesters fear that the Ecodevelopment Project will place these families in a position where they ultimately have no choice but to relocate outside the park. Indeed, they suspect that in not mentioning "...any tribal population as living in the 'core areas' of Nagarhole National Park," IDA's report confirms an intention to insist on "...rehabilitation of tribals from the core areas by developing 'voluntary reallocation opportunities' for people".... And they feel that the concept of "...local people is used ambiguously giving convenience for misinterpretation and thus for the dislocation of the tribals forcefully."

53. Discussions with Management reveal that the fundamental premise underlying the Ecodevelopment Project is that the population resident in the park, including all the *adivasi*, have a choice to stay or leave. They can choose to stay in their communities within the park, or they can choose to voluntarily resettle in communities adjacent to but outside the park. Moreover, the Project is based on the further premise that these two options are true options. That is, they have equal weight and value in terms of the support they are to receive from project resources. Indeed, Management informed the Panel that budgetary allocations for investments to support either option would be driven entirely by the choices made. That is, for example, if 50 families chose to leave and 1,500 families chose to stay, the aggregate allocation of project resources would reflect those choices.

54. According to the Management Response, the language of the SAR and the legal covenants "are unambiguous" on this question. They state clearly that the Project States "...shall ... not carry out any involuntary resettlement for any people resident within the PAs." They also state that, "Any proposals for voluntary relocation of people under...the Project shall be prepared and implemented in accordance with criteria agreed with the Association and the Bank, and after prior approval of the Association and the Bank."³³

³² See attached "Management Response to Inspection Panel, May 5, 1998, paragraph 20.

³³ Project Agreement Schedule paras. 5 (a), 5 (c), and 5 (d). See also the Minutes of Negotiation para. 18, which refers to the SAR Annex 20.

55. Concerning the 'stay option', the covenants appear similarly clear. They direct that, "Each of the Project States shall prepare in accordance with procedures and guidelines agreed with the Association and the Bank *an indicative list of ecodevelopment investments for people opting to remain within the PAs*, and shall include such people in the village ecodevelopment activities under ...the Project." (Emphasis added).³⁴

56. Concerning the balance between the two options, the SAR states that "...relocation under the project will be voluntary in the sense that it would be driven by the wishes of the local people and *planning will take place in the context of options that would not involve relocation.*" (Emphasis added)

57. As clear evidence that Management intends to adhere to this "conditionality" (Management's word), they cite the fact that, "...prior to appraisal, the Similipal site in Orissa was dropped from the Project because there were doubts about whether a recent relocation of people had followed what were to become the agreed criteria for voluntary relocation under the project."³⁵

58. While the intent of the above seems clear enough, the reality on the ground, as witnessed by the Inspector, does not appear to support it. The two options do not in fact appear to have the same weight and value. The voluntary relocation option is very real. For historical and other reasons, however, the stay option appears to be very tenuous, to the point perhaps of not being a real option at all. There are several reasons for this.

Wildlife Protection Act.

59. One reason is the **Wildlife Protection Act of 1972**. It governs two basic categories of protected areas: sanctuaries and national parks.

60. **Sanctuaries.** People can continue to live within sanctuaries. Under the Act, a "Collector" is authorized "...to inquire into, and determine the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary." Such persons are then requested to prepare a written claim specifying the nature and extent of such a right. The Collector can then admit or reject the claim. If the claim is rejected, appeals can be made through the legal system all the way to the Supreme Court.

³⁴ Ibid.

³⁵ See attached Management Response, paragraph 7.

61. **National Parks.** However, state governments cannot give permission for people to live within a national park. Since 1972, most state governments have not enforced the Act, by forcing people to leave the parks. To do so would be quite difficult, both socially and politically. The case of people living within the Rajiv Gandhi National Park is clearly one of the most critical in this respect. During past decades, the Karnataka State Government has attempted to provide incentives for people to move to buffer or peripheral zones, but it has not enforced the provisions of the Act requiring their removal. In conversations with the Inspector, officials agreed that past resettlement efforts had not been successful and that there is therefore a low level of credibility with respect to future relocation promises.

62. In 1996, the World Wildlife Fund for Nature requested the Supreme Court to direct the state governments to fully implement the Wildlife Protection Act of 1972. In its ruling of August 22, 1997, the Supreme Court called upon all states to "...complete the process of determination of rights and acquisition of land or rights as contemplated by the Act within a period of one year." That period has already passed and the states are seeking an extension, but the process of establishing tribal rights in Nagarahole is now time-bound.³⁶ As the Management Response says, "...this could reduce the states' freedom to support people within park boundaries." The Association "has asked for a clarification from the Ministry of Environment and Forests about how this ruling is expected to affect the commitments made under the Project, and a response is awaited."³⁷

63. Thus there is, at a minimum, serious tension between the provisions of the Wildlife Act as recently interpreted by the Supreme Court and the Project's legal covenants not to carry out any involuntary resettlement of people living within the seven protected areas in question, including Nagarahole. While these covenants never did appear fully consistent with the provisions of the 1972 Wildlife Protection Act, Indian authorities did accept them.³⁸ Moreover, according to the Management Response, the state government has confirmed several times that, since the November 1994 pre-appraisal mission, "they had not carried out activities that could be considered implementation of a

³⁶ Management states that, "We are aware that at least one state has advised the court through an affidavit that it will be very difficult to meet the terms of the order." Management Response, para 17.

³⁷ See attached Management Response, para 17.

³⁸ It is understood that the legal documents are international treaties which would supersede any domestic laws. Although it is a reading of some of the legal files reveals serious early concerns about how the Project can oblige the States participating in the Project not to carry out any involuntary relocation when their own law requires them not to allow people to reside within national parks.

resettlement plan that had not been reviewed and approved by the Association.”³⁹

Preference Not to Relocate

64. Another reason why the stay option appears to be very tenuous is the expectations of officials concerning the choices of tribal people to relocate or to stay. The initial premise during the indicative planning phase was that there is (or would be) a significant demand for relocation. If an Indigenous People’s Development Plan had been prepared for the Nagarahole site during the years 1995 and 1996, it would have exposed the weakness of this premise. To date only 51 families have opted to relocate, i.e., approximately 3 percent of the tribal population living within the park.⁴⁰ In other words, to date, the overwhelming majority of the resident tribal population seem to have opted to stay. (Or, as some officials would prefer to express it, they have not yet opted to relocate.)

65. The information provided and views expressed to the Inspector and his colleague during their visit appear to confirm this conclusion. In an effort to determine eligibility, they had joint meetings with two gatherings of NGOs, tribal leaders and villagers, one organized by the Requesters and another organized by a separate group. For the same purposes, the Inspector visited several villages and spoke with several hundred inhabitants. He was accompanied by both the Requesters and government officials to one large village, and by the Requesters alone to the others. At the same time, in the company of government officials, his colleague visited other villages and sites. The overwhelming majority of those encountered made clear their wish to stay, not leave.⁴¹

Hope Relocation Model Will Change Minds

66. An associated reason is the expectation of state officials that the wishes of the people will change dramatically once the success of the initial relocation project is demonstrated. This initial project, a pilot, is currently being designed to relocate the 51 families who have indicated they wish to move. The Inspection Panel visited the proposed site located directly adjacent to the park’s boundaries. The project is

³⁹ Minutes of Negotiations para. 25.

⁴⁰ During a visit to a haadi, the head of one of these families approached the Inspector and informed him that he had changed his mind, thus suggesting that the situation remains somewhat in a state of flux.

⁴¹ This, of course, raises the question of how to reach the stated objectives of the Ecodevelopment Project at the Nagarahole site with an overwhelming fraction of the tribal population desiring to stay in the ancestral lands.

scheduled to take about eighteen months to complete. At the time of the Panel's visit, no specific relocation package had been finalized.

Lack of Property or Usufruct Rights

67. The expectation of a change of heart on the part of the tribals is unfortunately not based entirely on the hope that the pilot relocation project will prove to be a pole of attraction. National and state officials pointed out repeatedly that the *adivasi* of Rajiv Gandhi National Park do not have any property rights over the land and forests in which they dwell. During the colonial period, the rights of the original forest dwellers were extinguished. This did not change after independence. Their rights to use the forest (usufruct rights) by collecting firewood, leaves, honey, edible roots, and other non-timbered forest products were eliminated by the Forest Department on the basis of the 1972 Wildlife Act. Grazing rights have also been eliminated. As a result, tribals within the park do not own any cattle (unlike people living in communities adjacent to the park who do own many cattle and graze them in the park.) This places people who have traditionally lived close to subsistence level in an extremely difficult position.⁴²

68. This combination of the 1972 Wildlife Act, the 1997 Supreme Court decision, official expectations concerning the present and future choices of tribals, and the elimination of their rights to use the land and forests in which they dwell, taken together, conspire to undermine the reality of the stay option. They also seriously jeopardize the fundamental premise underlying the Ecodevelopment project. (See paras 53 and 54 above.)⁴³

Bank Management Expectations

69. But that's not all. In addition, the Panel encountered a profound difference in the expectations of Management and state officials concerning the role and scope of microplanning and the investments which are to follow the approval of microplans.

70. The Management Response is unequivocal on the question of microplans. "With respect to OD 4.20 (Indigenous Peoples), the broad parameters for compliance with the OD, including measures for ongoing consultation, were agreed during appraisal and *microplans are required*

⁴² A reading of some of the legal files reveals grave concern on this point, and raised the question of whether the choice of the relocation option will be (and will be seen to be) an act of true volition or the result of what is an essentially intolerable legal and social situation.

⁴³ A reading of some of the legal files reveals early concern on most of these points, noting that relocation and tribal matters are among the issues that have resulted in projects getting before the Inspection Panel.

prior to each set of investments at the village level. These microplans must be prepared by, and be agreeable to, the involved people."⁴⁴ Later, Management states that, with the completion of the indicative planning phase, "Microplanning is now scheduled to build up quickly...(and) ... would ultimately cover 100 percent of interested villages..."⁴⁵ Moreover, to ensure that the microplans meet the needs and aspirations of the people concerned, *the "...microplan is approved by signature of representatives of the village Ecodevelopment Committee and the PA authorities."*⁴⁶ (Emphasis added.)

71. Management is also clear about the scope of microplanning. It states that, "The Project design and legal agreements are intended to minimize any adverse impacts on people with longstanding rights to access within parks. The key elements of project implementation are: (i) a process of village level planning (microplanning) through which individual families and groups can express their needs and get financial support for improved stoves, fodder planting, weaving, tailoring, mushroom cultivation, electric fences, training as nature guides, developing tourist accommodation etc.; and, (ii) a Protected Area Management planning process through which local people can increase their involvement in overall park planning and management and resolve conflicts. ..." (Emphases added.) Finally, Management stresses that, "The Project does not require anyone to move and, in fact, contains provisions which prevent government from requiring this in sites receiving Association assistance."⁴⁷ (Emphasis in original.)

72. In meetings with the Panel, senior state officials were equally straightforward and unequivocal: microplanning will not be undertaken for any of the 58 haadi (villages) containing some 1,500 families within the park. They are not needed because they are intended to guide investments and no investments will be made in haadi within the park.⁴⁸

73. If this view were to prevail in practice, it would of course vitiate the stay option. The only way that the adivassi peoples could benefit from project investments would be to relocate.

⁴⁴ See attached covering letter, para 2.

⁴⁵ See attached Management Response, para 18.

⁴⁶ Ibid.

⁴⁷ Ibid, para 5.

⁴⁸ This view was expressed repeatedly. Although invited to do so, no senior official contradicted this view. On the contrary, several took the position that under the Wildlife Act as now interpreted by the Supreme Court, the only way that tribals and their communities within the park could benefit from project investments would be through a long legal process in which the lands on which they are located are "denotified" and placed outside the boundaries of the park.

74. A “process oriented” project would seem to assume compliance with IDA policies at the implementation stage, and suggest that the supervision role of the IDA takes on added importance. It would also seem to envision a dynamic supervision process, to be adjusted continuously as changing situations warrant. The need for this may seem evident in light of the above, but in the view of the Panel it takes on added urgency now that microplanning has begun.

75. As noted, the Ecodevelopment project is based on the premise that budgetary allocations for investments to support either the stay option or the voluntary resettlement option will be driven by the choices made. Village level microplans are to guide the investment process. To date, three microplans have been completed, all for communities outside the park. And more microplans for communities outside the park are planned.⁴⁹ Yet, it appears that at the moment, the overwhelming majority of the adivasi (some 97 percent) wish to remain in their communities within the park. But, to date, no microplans (and, hence, no investment plans) for communities within the park are under preparation or foreseen. There is thus a growing imbalance between the apparent choices of the people and the microplans for project investments, and a potentially growing gap between project policy as clearly set out in the loan covenants and the evolving reality on the ground. In the Panel’s view, there is an urgent need to correct this imbalance.

⁴⁹ Staff communication to Panel.

3. GENERAL FINDINGS

76. Management appears to have been aware of the paucity of information and research at the appraisal stage. In simply accepting the fact that objective data and scientific studies were very limited, however, IDA appears to have allowed much of the debate about the potential conflict between the two main thrusts of the project to be conducted on the basis of predetermined views and unsubstantiated claims.

77. In spite of the recognized "history of mistrust between the tribal people and the government" at this "most challenging of the seven sites," Management acknowledges that the Project did not carry out the "identification of local preferences through direct consultation" at the appraisal stage. It appears that GEF guidelines on participation were not followed either.

78. Instead of complying directly with the OD 4.20's directives in the appraisal phase, Management intended that "more detailed consultation" would follow during implementation. This decision had a number of consequences. Most important, perhaps, it has denied most of the long-resident adivasi or tribal peoples of the park any significant input on the basic assumptions and concepts underlying the indicative plan, including the traditional rights of the adivasi to use the resources of the park, the nature of future microplanning processes, and their role in the future management of the park.

79. Management admits that no separate Indigenous Peoples' Development Plan was prepared during the appraisal stage, as required by OD 4.30. If an Indigenous People's Development Plan had been prepared, it would have further exposed the tension between biodiversity protection objectives and the condition and aspirations of the indigenous people at Rajiv Gandhi National Park. It would have enabled significant input on the basic assumptions and concepts underlying the Ecodevelopment Project. And it may well have exposed the weakness of some of the premises under which the Project was conceived, at least for this particular park.

80. One of these premises, during the indicative planning phase, was that there is (or would be) a significant demand for relocation. The

Panel finds that, to date, the overwhelming majority of the resident tribal population has opted to stay.

81. Another key premise appears also to be in question: namely, that the tribal population resident in the park have the option to stay or to leave; and that these are true options, with equal weight and value in terms of the support they are to receive from project resources. In fact, the combination of the 1972 Wildlife Act, the 1997 Supreme Court decision, official expectations concerning whether the tribals will opt to stay or leave, and the elimination of their rights to use the land and forests in which they dwell, taken together, seem to conspire to undermine the reality of the stay option.

82. There appears to be a profound difference between the expectations of Management and those of state officials concerning the role and scope of microplanning and the investments which are to follow the approval of microplans. Management states that “...microplans are required prior to each set of investments at the village level. (They) must be prepared by, and be agreeable to, the involved people...and (they)... would ultimately cover 100 percent of interested villages... .” State officials were equally unequivocal in telling the Panel that microplans will not be undertaken for any of the 58 haadi (villages) within the park.

83. To date, three microplans have been completed, all for communities outside the park; and more microplans for communities outside the park are planned. Yet, although it appears that, at the moment, the overwhelming majority of the adivasi (some 97 percent) wish to remain in their communities within the park, no microplans for communities within the park are under preparation to date and none is foreseen. There is thus a growing imbalance between the apparent choices of the people and the microplanning process to guide project investments. In order to ensure compliance with the loan covenants, it is urgent that IDA supervision should assist in correcting this and avoid serious future imbalances.

4. FINDINGS ON ELIGIBILITY OF REQUEST.

84. In light of the above, the Panel finds the Request eligible pursuant to the provision of the Resolution that established the Panel.

5. FINDINGS ON MANAGEMENT'S OBSERVANCE OF BANK'S POLICIES AND THE QUESTION OF HARM.

85. There is prima facie evidence that the Bank has failed to observe its policy on Indigenous Peoples in the design and appraisal phases. In the view of the Panel, there is a significant potential for serious harm although, given the processes now underway, it may not become evident for some time.

6. RECOMMENDATION

86. The Panel finds that certain key premises underlying the design phase of the Project at the Nagarahole site are flawed, as a result of which there is a significant potential for serious harm. It therefore recommends that the Executive Directors authorize an investigation into this case.

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NAGARAHOLE BUDAKATTU HAKKU
STAPANA SAMITHI

Gadde hadi, Nagarhole P.O, South Kodagu, Karnataka, S.INDIA, Pin-571 250

September 2, 1998

Mr. Jim MacNeill
Inspection Panel
International Bank for Reconstruction and Development
International Development Association
1818 H Street N.W.
Washington, D.C. 20433
U.S.A.

Dear Mr. MacNeill,

Your letter of August 19, informing us of your decision to visit for a review of the concerns raised by us was received by us on 28th August. Given the very short time to prepare and put together all the relevant documentation available, we have prepared this note for your attention to provide you with some additional information and analysis. We hope that this note will help the team to understand better the situation in the area, which can be complimented by visiting the tribal peoples in Nagarhole Park. We sincerely hope that this will help in the process of reviewing our concerns with regard to the Eco-Development Project for Nagarhole.

This note will focus on the major adverse impacts and threats that the Eco-development Project -India financed by WB , IDA and GEF and implemented by GOI trough the Forest Department of Karnataka on the tribal peoples in Nagarhole.

We strongly believe that the Inspection Panel team should report to the Board of the World Bank about how this project has been implemented so far by the GOI, giving attention to the actions and the practices of the Forest Department that affect the tribal people of Nagarhole.

We also believe that, by financing the so-called Eco-development for the peoples leaving in the fringes of the park and by pushing forward the 'voluntary relocation' of the people leaving inside the park, the overall approach of the WB project fails to recognize the traditional indigenous people rights to the land and the natural resources and their rights to preserve their cultures and to decide about the kind of development they want.

IMPLEMENTATION OF THE PROJECT BY THE GOI AND THE FOREST DEPARTMENT OF KARANTAKA AND VIOLATIONS OF WB DIRECTIVE OD 4.20

- The tribal peoples were never consulted and they never participate in the design and on the implementation of the project - The process of releasing the preparatory and final WB documents has been delayed and incomplete.

The overall process of designing appraising and implementing the project has shown the government of India and the WB violating several of WB directives and procedures which recommend people participation and consultation.

Most of the procedures established by the Bank to obtain the 'informed consent' of the indigenous peoples themselves (among others participation and consultation procedures, releasing of information to all groups involved in the project), have been violated.

We are not aware of any 'Indigenous Peoples Development Plan' that has been so far prepared. This seems to be the most important document required, in accordance with WB OD 4.20, when indigenous groups are present on the project area. During the identification stage the tribals never receive a visit of a WB officer or Govt./Forest Department officer. If the WB and the GOI carried out the IPDP it was without the contribution, consent and knowledge of the people concerned.

O.D. 4.20 clearly says that: 'identifying local preferences through direct consultation, incorporation of indigenous knowledge into project approach, and appropriate early use of experienced specialists are core activities for any project that affects indigenous peoples and their rights to natural and economic resources'.

The Jenu Kuruba, Betta Kuruba and other adivasi peoples (scheduled tribe) are the indigenous people of the territory that presently constitute the Rajiv Gandhi National Park and we have never been consulted prior and/or during the design of the Eco-development project. We think that is a violation of our basic right to determine our future and to oppose a project that we think will have a negative impact on our lives, livelihood and on the survival of our people.

The option preferred by the tribal people (outlined in the 'Peoples plan' that we sent to the IP ans enclosed herewith for your reference) were never taken in consideration.

The tribal people of Nagarhole Park were never involved in consultation with the government in order to contribute to the environmental assessment or environmental analysis.

We even don't know if any environmental assessment or environmental analysis has been so far carried out because we never received a schedule of such a process, neither a list of

studies and baseline information to be prepared during the following stages. This has resulted in a violation of the O.D.4.01 on Environmental Assessment paragraph 19.

The only document the tribals were supplied from the World Bank was the Staff Appraisal Report (August 1996) which they requested to be translated in the local language, the Kannada, but it was never done. This has resulted in a serious violation of the 1993 WB Directive on Disclosure of Information, since information disclosure is a prerequisite to meaningful consultation.

Will follow a brief note describing the main failures related to the participation and consultation of the tribals and the local NGOs working with them during the identification, preparation appraisal and implementation stages of the project.

The dubious stand of World Bank in avoiding concerned NGOs in the implementation of Eco-development Project at Nagarhole.

In serious violation of its own Operational Directive 4.20 with regard to the implementation of a project, the World Bank in the case of planning and implementation of the proposed India Eco-Development Project (at least concerning Nagarhole National Park), has taken a dubious stand, "consulting" with only the NGOs who agree to the WB position and are willing to tow its line without any open debate. This partisan attitude of WB clearly projects its vested intention to implement the project at any cost, unmindful of its own set directives, as well as becoming a party with the state government, to a number of human rights violations and purposeful avoidance of the concerned Acts & Rules of the state government.

In the first place, from the planning stage to the present status of the project, the NGOs who have been having decade long involvement with the concerned tribal population in the area have been purposefully avoided in so called "consultations" and "meetings" reportedly held jointly by WB and the government, preparatory to the implementation of the project at Nagarhole. Neither they and the concerned people's organisations were provided with correct information of the project, nor their repeated protests responded hitherto. The following are some of the salient correspondence with WB that bear witness to these facts.

1. On 27-10-1994, DEED, Hunsur and FEDINA-Vikas, H.D. Khote writes to the WB Mission to India, protesting against the project proposal made by the Deputy Conservator of Forests & Wildlife, Mr. Sreenivasiah, claiming that the proposal was made with consultations to NGOs including DEED, FEDIN-Vikasa, and CORD, Kushalnagar, and the three of them being acknowledged in his document. In response, Ms. Jessica Mott, Natural Resource Economist of World Bank, in her letter dated December 24, 1994 tells that the issues could be addressed through open and constructive dialogues with the Karnataka Forest Department and other NGOs over the succeeding months when the

project was to be finalised. Until June, 1996, there haven't been any known initiatives from the part of WB for the so called "open & constructive debate". In the meanwhile, several protests from the concerned people and NGOs have been filed with WB, with no responses at all.

2. On 1st April, 1996, Ms. Anita Cheriah at the WB/GEF-NGO Consultation in Washington and presents an analytical report on the contradictions and contrasts of the proposed plan especially with regard to the WB's own directives and principles. The WB was not concerned.

3. On 1st June, 1996 the WB New Delhi office had organized a consultation meeting on the proposed India Eco-Development Project where the participating NGOs were to be identified by Centre for Science and Environment, New Delhi, the designated focal point by GEF for South Asia. The honest list furnished by CSE was almost totally foregone (only 2 invited with hours short-notice to ensure even their own participation) and to the least, even CSE was not extended a formal invitation to the meeting. (Reference: CSE's protest letter to Mr. David Marsden, Social Development Unit, World Bank, dated 13th June, 1996.)

4. On June 17, 1996, The Budakattu Krishikkara Sangha, jointly with 7 concerned NGOs with deep involvement with the tribal people of the area register their protests on the project. In response, Ms. Jessica Mott vide her fax copy dated June 19, 1996, suggests for a consultation with the Forest Department and the complainants. The concerned tribal people were not ready for this consultation on the ground that they could not accept a plan for which they never had been consulted and the Forest Department would not give off their "prerogatives". With reference to her letter dated June 18, 1996 to CORD Ms. Jessica Mott admits that "no PPF or project-supported participatory microplanning has yet taken place but hoped for it shortly. What followed was that she had a flying visit to Nagarhole and held discussions only with the forest officials and not with the people.

5. The Nagarhole Hakku Samraksha Samithy filed their official protest with WB on 26th September, 1996 to which there was no response at all. Until now, this extensively based Tribal People's Organisation especially in the project area and having national linkages and recognition, was never consulted by WB or the Forest Officials.

6. The Forest Department and the India based WB office seem to have been in a conspired process to enlist NGOs who factually didn't have any involvement with the tribals, or those which have sprung up in the meantime, as being consulted and co-operated with in the planning and implementation of the project. To state examples are LIFT (Living Inspiration for Tribals) & ~~Centre for Tribal Studies~~ ^{Centre for Tribal Studies}. The visit of WB Appraisal Team during the first week of July, 1998, was intimated only to these "enlisted" NGOs and there were deliberate efforts to keep away the others.

7. WB remained deaf to protests aired by concerned NGOs and tribal movements nationwide. To state example is the joint protest placed during GEF Assembly in the first week of April, 1998.

In summary, there had been no consultations with the concerned people or NGOs. Instead there has been increased harassment of the inhabitant adivasis by the Forest Department. The *Indicative Plan* made by Indian Institute of Public Administration admits that there exists a "confrontational" and "generally antagonistic" relationship between the Forest Department and the Adivasi and in future is likely to "continue to (be) strain(ed)". And in their letter to Mr. Narendranath dated July 10, 1996, they clearly spell that the Plan lays down the procedure to be followed in detail micro-level planning which would be participatory and would start at the initiation of the project. Yet there has been no meaningful and purposive efforts from the part of WB and the Forest Department to involve the people at any level of the whole process of the project.

The traditional and customary rights to the land and the use of resources of the indigenous peoples of Nagarhole were never settled in an appropriate manner by the GOI

According to OD4 .20 (par. 15) the legal status of the indigenous groups should be assessed by the WB , as reflected in country constitution, legislation, and subsidiary legislation with particular attention to the rights of indigenous people to use and develop their land , to be protected by legal intruders and to have access to natural resources (such as forest, wildlife, and water).

The rights of the indigenous peoples living in Nagarhole have not been properly settled by implementing the Indian legislation concerning the rights of people living within National Parks. And more, the GOI and the FD of Karnataka have been committing serious human rights violation in latest years.

By remaining silent on such a human rights and peoples rights violation and by funding the implementation of such a project in an area that suffer for high encroachment of peoples rights the WB is not only violating their own rules but is possibly sponsoring further violations at the people expenses.

What will follow is a review of Indian laws and policies related to tribal peoples rights on lands and resources inside the Indian National Parks and not implemented by the GOI and the GOK. This failure in implementing these provisions and in recognising the indigenous rights to leave inside the parks, fully enjoy their rights, brought to the actual situation of the people and threats that they are now suffering. After that we give a list of documented history of the human rights violation suffered by the Nagarhole peoples in the latest years and the violations to their customary rights, their dignity of life, and the spoiling of their culture and traditional livelihoods.

The Indian law and procedures for settling indigenous rights within the National Parks: failures and bad practices

The procedure for settlement of rights for reserved, village and protected forests are provided under Sections 4- 20 of the Indian Forest Act, 1927 and for national parks and wildlife sanctuaries under Sections - 19-25 of the wildlife (Protection) Act, 1972. The acts stipulate two categories of rights settlement. One for the three different kinds of forests under the Indian Forest Act, 1927 and the other for parks and sanctuaries under the Wildlife (Protection) Act, 1972. The differences between the sub-categories are minimal and as far as rights are concerned there are only marginal differences between a park and sanctuary.

1. Briefly, once an area is notified as a park/sanctuary the Collector is to inquire and determine the nature and extent of rights held by the people in or over the notified land (Section 19).
2. The Collector is to publish in the regional language "in every town and village in or in the neighborhood of the area" (Section 21) specifying the boundaries of the notified land and informing rights holders to make a written claim of their existing rights describing in detail their nature and extent. They are also required to give an estimate of any due compensations in case their rights are extinguished. In most cases, the people are unaware of the publication of such notices and ignorant of the provisions of the law and such claims therefore are rarely brought to the Collector.
3. After the issuance of a notification, the Act bars new rights in the newly protected area "except by scission, testamentary or intestate" (Section 20).
4. The Collector is to then inquire into the claimed and unclaimed rights ascertaining them as far as possible by government records and by the "evidence of any person acquainted with the same" (Section 22). For the purpose of inquiry the Collector is vested with the powers to conduct any survey on any land and make maps and demarcations (Section 23). These inquiries cover all rights mentioned under Sections 19 and 21.
5. Those who do claim their rights under Sections 10 may have their rights either rejected or admitted and the Collector may exclude such land (over which there are claims) from the notified area or "allow, in consultation with the Chief Wildlife Warden, the continuation of any right of any person in or over any land within the limits of the sanctuary" (Section 24 (2) (C)) (emphasis added) in). The mentioned sub-clause 2(c) of Section 24. The mentioned sub-clause 2(c) of Section 24 is not applicable for National Parks. The claimant may even relinquish his rights dependent upon an arrangement with the government. In such a situation, the claimant is to be compensated in land or money or both as per the provisions of the Land Acquisition Act, 1894.

6. It must be noted that "in case of the stoppage of a public or a common pasture, the Collector may, with the previous sanction of the state government, provide for an alternative public way or common pasture, as far as may be practicable or convenient" (Section 25 (1) (l))

7. Further, The Chief Wildlife Warden may regulate, control or prohibit grazing and movement of livestock (Section 33 (d)). This too is not applicable for National Parks, however authorized persons may use livestock as a vehicle to enter the parks (Section 36 (7)).

8. The only difference between national parks and sanctuaries is therefore Section 24(2)(c) and Section 33 (d).

9. The Gujarat High Court Judgment dated 22-24, March, 1995 of SCA 6061 of 1994 (Centre for Environmental Law, WWF-India v. Sanghi Cements) has declared that despite the word "intended" Section 18 of the amended Act should be read as a final notification. The word "intended" had been introduced to accommodate changes that might be brought about in the notified area under Section 24 (2), after the rights over such area has been inquired into and determined by the Collector. In the case of any changes another notification is required demarcating the altered map of the sanctuary, hence the proviso for the final notification. The judgment holds that for all practical purposes Section 18 of the amended Act should be read as the proviso declaring the establishment of a sanctuary. It was an oversight on the part of the law makers that Section 26 (l) was substituted with Section 18 instead of being added on in the definition of a sanctuary under Section 2 (26) of the Wildlife (Protection) Act, 1972

The model adopted is that of the Land Acquisition Act, 1894 and the basic structure is similar to the one described above. The exception is that the Forest Settlement Officer may pass orders allowing the continuation of rights provided it does not affect the maintenance of the reserved forests. Shifting cultivation, right to pasture and right to forest produce may be admitted after consideration by the SO.

Despite the draconian nature of the laws, forced displacement is not legitimized anywhere in the above mentioned provisions, nor do they speak of absolute discontinuance of rights. Sanctuaries and reserved forests, in fact provide for their continuance at the discretion of the Chief Wildlife Warden and the Forest Settlement Officer. However small the space may be for maneuverability, the space exists nonetheless with perhaps the exception of national parks and there is cause to believe that the law is open for interpretation which a sensitive judiciary may do so for the benefit of the local communities.

In reality, these procedures are not completed in the majority of the parks and sanctuaries and even reserved forests. Nor is the task practical or simple, providing in addition enough ground for misinterpretation of law. Even with a petition filed in the Supreme Court (No. 337 of 1995), the forest departments are misinterpreting the Rule Nisi Order of 25th August, 1995 and subsequent order of 22nd August, 1997 to suit their own interests and

misreading the procedures of settlement of rights as proviso for displacement. The petitioners too have not strengthened their case nor taken subsequent precautions to nullify such attempts or give directives towards which right may be "settled"; till such time a consensus is reached between the people and the government regarding the existence/continuance of rights in protected areas.

In 1996 the World Wild Life Fund for Nature requested the Supreme Court in 1996 to direct the state governments to fully implement the Wildlife (Protection) Act with respect to Protected Areas (PA) which includes 80 national parks and 443 sanctuaries in the country. With regard to Nagarhole National Park, the initial declaration of intention to constitute the area into a national park under the Wildlife Act of 1972 was issued on 4.4.1975 (GO. No.FD 14 FWL) and the final declaration of the area as Nagarhole National Park was issued on 16.3.1983 (GO No.FFD 195 FWL 82).

But it not clear that the Government of Karnataka has gone through all the procedures required under the law before the final declaration is issued. For instance the rights of the tribal people residing within the park are not defined and recognised. It is not clear, if the tribal settlements have any rights to MFP or to traditional practices or to traditional religious and burial sites.

This needs to be clarified by the Government of Karnataka and if they have not fulfilled all the legal provisions before final declaration of the national park, then there is a clear case for violation of the Wildlife Protection Act of 1972. If such is the case, then this is also a violation of OD 4.20 Article NO.15 (a) which states that the legal status of the indigenous groups should be assessed by the WB , as reflected in country constitution, legislation, and subsidiary legislation with particular attention to the rights of indigenous people to use and develop their land , to be protected by legal intruders and to have access to natural resources (such as forest, wildlife, and water). In addition Article 15 (C) states that when local legislation needs strengthening (in this case not fulfilling the requirements under the Wildlife Protection Act of 1972) the WB should offer to advice and assist the borrower in establishing the legal recognition of the customary or traditional land tenure systems of indigenous peoples.

Major violations of the humans rights and the customary rights of the tribals of Nagarhole brought by both the Forest Department and Government of Karnataka practices will follow.

The experience of tribal people living inside the Nagarhole National Park is very bitter with regards to the enjoyment of their rights. From the point of view of the Karnataka Govt./ Forest Dept. the tribal people are the illegal occupants of their forest area. Though the tribal people have been living here for decades, they have no rights for cultivation, keeping domestic animals, collecting food from the forest, gathering minor forest produces, hunting small game, building houses, using roads and transporting materials and most importantly and for cultural practices and religious rituals.

Also, the forest department has forbidden undertaking of any development activities by the social welfare and integrated tribal development programmes. The Govt. of Karnataka/The Forest Department does not recognise and respect any of the constitutional guarantees, laws, social, economic and cultural productive measures meant for the tribal people.

This is a clear instance of violation of Nagarhole people's human rights and their traditional rights to land and resources, and unwillingness on the part of the Forest Department/the Karnataka state government to recognise the tribal protective measures as envisaged in the constitution, etc. The violations happen some times in the name of forest laws and many a times as an act of outright violation of tribal peoples' right to life.

So the forest department is hell-bent on evicting the tribal people from the N.P. area. The following illustrations elucidate this:

- 1) In Golur tribal hadi (H.D.Kote) people were harassed and physically beaten up by the forest department officials and the police for taking up agricultural activities in July 1998.
- 2) Some of the good-intentioned research students visiting these tribal people in their hadies were also harassed and abused by forest department officials as violating the forest laws.
- 3) In Chandanakere (Virajpet taluk) the Yarava tribals who were forcefully evicted from inside the National Park area (Shantipura) are forbidden from entering into the forest to visit their burial grounds and sacred graves in the name of development project. 36 families are squeezed into mere 13 houses built by the department in 1985-87. They are land-locked without an approach path or road. They are cut off from the forest by a trench and an electric fencing in the name of eco-development project. They are facing severe threat to their existence. There by the non-tribals who are encroaching on their land and not allowing them to use thoroughfares.
- 4) In Gonigadde, the tribal residents are harassed and abused by the forest department. People for keeping live animals like Goats, chickens and pet dogs as recently as an year back. Animals were forcefully removed and a Police case was lodged against them. The road to Gonigadde hadi is chain-gated and the key is kept by the local forest, which is not comfortably available to the people. Neither it was not given nor the road was not opened for transporting paddy grass for thatching the house-roofs.

The people are not allowed to go to the forest to collect the wild-grass, to collect honey etc. In Gonigadde, in the very middle of the hadi there is a Honey Tree which is sacred and traditionally important for the hadi people. The people are

forbidden from collecting honey from their tree in the name of eco-development project.

People are not allowed to build houses here and 2 to 3 families are squeezed into one single hut. In Gonigadde people are forbidden from cultivating their fields and monoculture forest saplings like eucalyptus and bamboo are planted on their paddy fields.

Gonigadde is a tribal Jamma centre and people who were forced out from here earlier are forbidden from visiting the temples here.

Even after repeated requests for reconstructing an electric line which had got damaged and dismantled and abandoned in the name of forest laws, is not at all repaired.

- 5) In Murkal as recently as a month back on July 28, two innocent tribal people were dragged out of their house from their sleep at 5 am in the night, beaten up and under false cases sent for the jails. These people are harassed to make them oblige to move out of their home forest simply under the threat of the forest officials. The tribal people here are afraid to move out.
- 6) In Murakal inspite of the local tribal people's opposition, the Forest Department obdurately went a load with the construction of resorts. It was earlier declared illegal by the state high court and recently the Central government too has declared it illegal and has urged the state govt. to take action against the erring officials.
- 7) In Kolangere, an year back the tribal people tried to cultivate some piece of land in their original place Eeramanehadlu. But they had to face atrocities from the RFO and his staff. Here the people are forbidden from building houses and in some houses then to their families are squeezed in one house.
- 8) In Nanáchi Gaddehadi two years back the local RFO trampled down planted paddy fields and beat up tribals and lodged false cases against them.
- 9) In Karekandi, Junglehadi and Ayarhosahalli tribal hadies, many people are harassed and beaten up for cultivating and false cases are registered against them. In the roads leading to these hadies are trenched forcefully inspite of the protests.
- 10) In Tattakere, besides all the restrictions on entering into the forest are forbidden from building house. Those evicted people are (45 families) squeezed into a small, marshy area of less than 2 acres.
- 11) In Kodange, the forest department people wanted to fence out the tribal people who live in the inside fringe of the National Park. But the people resisted this act

and the department had to fence along the de-line. But inspite of the request by the people, the department didn't allow a path out for the people's movement.

- 12) Recently, one of the tribal forest watcher J.K.Ramu, was murdered while on duty by a gang of timber smugglers. The higher up officials in the department were so callous towards this murder and are consciously avoiding serious investigation into the mafia gang behind the act. The department abs failed to pay any compensation so far.

This negligence and the failure of the department to pay any compensation is also a part of its harassment strategy to move out the tribal people.

- 13) In Nagarhole, the tribal people are harassed for going into the forest for collecting firewood, wild grass, honey, small game hunting and they have to move out always under threat from the forest officials.

Another particular instance of violation is for bidding of supply of tiles from the BDO's office by the local MLA himself.

- 14) In Bellenahosalli, Hunsur while putting trenches to demark a decline the officially of the forest department encroached upon tribal lands granted to them by the revenue department.

All the hadies and the families staying inside the park are forbidden from availing any of the development programmes from the government. The department has sent strict order to development programme's implementing agencies not to undertake any such activities like roads, drinking water, house construction etc. because they want to shift the tribal people out. This is the method of slow strangulation to force the people out of the National Park. There are also many a cases of violations in Nagarhole while people went for cultivation, put fencing for protection as in 1996 June.

The above listed instances are but a few of series of violations, which have happened sometimes in the guise of law and many a times as an outright violation of tribal people dignity and right to life.

What is the Eco Development Project and how it effects the people and the model of development that will result by the implementation of the same

Facts from the W.B Staff Appraisal Report August 1996.

- 1) The World Bank staff appraisal report says there are 96 villages and a total of 70,000 people in the 5 km radius from the fringe of the Nagarhole Forest. Of the above population 25% constitute the tribals.

- 2) Facts from the Karnataka Forest Department break-up of eco-development money
 - i) 78% money for the eco-development of the 5 km radius area from the fringe of Nagarhole.
 - ii) The rest of 22% is for strengthening the forest department within the park area with more staff facilities and other infrastructural development for the park management.

Comments and objections regarding the above facts.

- 1) In the eco-development programme : In the fringe 5 km radius does not discriminate between the tribals and the non-tribals. Tribal people need to be considered separate and special in order to enable them to enjoy the special privileges-constitutional and legal.
- 2) Facts regarding the 22% project money spent for forest department's strengthening.
 - i) During our oral discussion with the Nagarhole Forest Range Officer has said "from the 22% of the project money one A.C.F, 3 RFO's and a number of foresters and guards will be appointed for the 5 years project period.

Objections: These officers special role is not clear in the context of Eco-development programmes.

- ii) The money is used for providing cycles, torches, uniforms, shoes, umbrellas for the guards and watchers.

Objections : These trifles, we are not clear, how can it contribute to the project's goals.

- iii) We see that there in no real programme for upgrading the National Park in the form of watershed, soil conservation, replacement of Teak and Eucalyptus mono-culture, the bio-pressure from the increased animal population, scientific measures to conserve the bio-diversity, etc.

Facts regarding the implementation of Eco-development project in the Fringe Areas

- i) Forming village eco-development committees ii) Educating them not to go to the National Park area iii) Promising a development package worth Rs. 10,000/- per family.

Some facts:

- 1) One village eco-development committee is formed at Veeranahosaballi-Hunsur taluk, and many a tribal people have refused to take part in it.

- 2) The process of forming a committee in Bharatwadi-Hunsur taluk, is boycotted by the tribal people in the village.
- 3) In Kolavige-Hunsur taluk, the tribal people have refused to be a party to the committee.
- 4) In Chandankere-Virajpet taluk, tribal people have refused to be a party to forming the committee.
- 5) In Hirehalli-A and Hirehalli-B tribal hadies-H.D.Kote taluk tribal people have refused to be party to the committee. Later the RFO has formed a committee with 20 non-tribal farmers as its members.

The objections :

- i) It is always the forest department officials and the staff like the RFO, forester and the watcher who are playing a dominant role in forming these committees and many a times these officials is felt by the tribal people.
- ii) The officials are luring the people with a 10,000 rupees development package per family to form the committees.
- iii) Everywhere the tribal people have refused to be a part of this committees for the following reasons:
 - a) They are not ready to give-up their rights to M.F.P. and their socio-cultural rights to visit sacred places in the forests.
 - b) The development package shown as an inducement by the forest department people are not conducive to them. It is not suitable to the tribal aspirations like owning community land, etc.

Some comments on the Eco-development project perspectives in the 5 km radius area:

- i) The Eco-development programmes in the fringe has been turned into a normal and routine development programme by the forest department officials. The Eco-development money is proposed to be spent for buying cows, goats, sheep, chicken, constructing gobar gas plants and for purchasing consumer goods like pressure cookers etc.
- ii) There is no real sense of conservation of environment and ecology in this project. Instead it will create more bio-pressure in the form of increased cattle and animals.

- iii) The Eco-development programmes in the fringe lacks the perspectives of degraded forest revenues, grazing and community lands development. It lacks the perspective of eco-development of agricultural land in the form of watershed development, soil and water conservation, bio-mass increase in the area, etc.
- iv) The govt. too doesn't have proper policy, laws regulations and guidelines for the ecological environmental development of these areas.
- v) It is a tragedy that eco-development programme has been turned into a development programme.

How the "voluntary" relocation will effect the integrity of the tribal communities and is being done without the consent of the people

One of the central assumptions of the Eco-Development Project is the assumption that the tribal people of Nagarhole should be relocated voluntarily while the fact is that the bulk of the tribal people are not willing to relocate.

For instance the tribal people of Nagarhole made it very clear to the World Bank Team consisting of Mr. David Mead, Mr. Ridley Nelson and Mr Satish (who visited the park in 2-3 July, 1998) that they oppose evacuation from their traditional habitat. A field study by Prof MK Ramesh of the National Law School of India University, Bangalore (between 1996-97) has also come to similar conclusion. The tribal people have time and again stressed that they are not willing to move out their traditional homelands and territories.

The World Bank SAR maintains that, " relocation under the project will be voluntary in the sense that it would driven by the wishes of the local people and planning will take place in the context of options that would not involve relocation"

In the context of the above we would like to bring to your notice a proposal titled 'Centrally Sponsored Beneficiary for relocation of Tribals of National Park" by the Karnataka Forest Department (Wildlife Division, Hunsur for the period '1997-2000. (see Annexure). This scheme which is for 50 tribal families is a part of a larger plan for the relocation of 1550 families over a period of three years - 532 in the first year, 550 in the second year and 468 year in the third year . A provision has been made for Rs. 53200,000 for the implementation of this scheme for the first year. A total amount of 1,931 Ha is proposed to be released from reserve forests for this purpose, of which 731 Ha has already been released so far.

This appears to be contradictory to the proposals contained in the Staff Appraisal Report (1996) and reaffirmed in a letter of Ms. Jessica Mott of the World Bank to Mr. Roy David of CORD< Kushalnagar (Dt 18th June 1996) in which she stresses that " any proposals

for voluntary resettlement will be prepared and implemented in accordance with criteria agree with the Bank and after prior approval by the Bank. Because, the scheme mentioned above has been prepared with no participation or consent and knowledge of the tribal people of Nagarhole. There have been no discussions with the concerned tribal people and the only NGOs incharged by the Forest Department (IITE, Indian Institute for Tribal Education and LIFT, Living Inspiration for Tribals) to convince the peoples to agree to the resettlement were new to the tribal people of that areas and apparently created for this purpose. However the fifty families mentioned in the scheme who seem to have agreed for resettlement are reported to be staff of the Forest Department.

In addition the relocation will erode their tenure rights and will contradicting the WB directives and the agreement with the GOI that ensure that "indigenous peoples do not suffer adverse effects during the development process and that they receive culturally compatible social and economics benefits" (OD 4.20, art. 6), and make sure that "the process would address tribal concerns in an integral fashion under the rubric of social impacts, participation and equity, rather than as a subsidiary tribal development plan or component" (SAR 1996 par. 33).

Another problem of the project will be that in relocating peoples, there will be a division of tribal communities from within their traditional territories leading to serious conflicts between differents clans that are resettled in the same place, as seems to be proposed by this project.

We would like to know, if the above scheme has the approval of the World Bank or the World Bank is aware of and has given its consent to a proposal that has been prepared without the consent and participation of the bulk of the tribal people of Nagarhole. Our organisation and NGOs working closely with the people of Nagarhole have not been consulted or informed about this scheme.

We would also like to know if the budget for the above scheme is part of the money released by the World Bank towards the implementation Eco-Developemnt Project which received administrative approval by the Government of Karnataka on 20.11.1997 (GO No.FEE.134.FWL 95.95. Bangalore).

We request the Inspection Panel to inquire into the details of the proposed Scheme and its role in the Eco Development project

We also wonder why any plans and specific investments has so far been not prepared for the people that do not wishes to move, in accordance whit the WB policy on " Village Eco-development" (SAR par. 34 and 19).

We have learnt that there is no mention of a plan for the tribal people who choose to stay inside the forest. There is lot of space given for "Voluntary Relocation", but no mention of any plan for "Supporting the livelihood strategies" or for "a participatory involvement of these people in the pool management.

This is a serious lapse found in the staff Appraisal Report and raises questions regarding the participatory methods employed in preparing the project. We request the inspection panel to investigate into these discrepancies.

The attitude of the Bank of relocating people outside the forest is contradicting the main purpose of biodiversity conservation, by not giving consideration to the close links between the tribals and the forest ecosystem. It also clearly shows the vacuum in policies and investments planning for the peoples leaving inside the park boundaries.

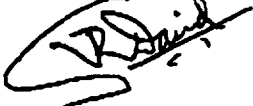
In conclusion, we would like to reiterate that the above has been put together in a very short period available to us and has not gone into details. We believe that this and the discussions we have with the Panel will provide the basis for a more detailed investigation that will look into the issues we have raised and come to concrete conclusions about the future of the Eco-Development Project.

Thanking You.

Your's Sincerely



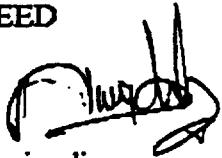
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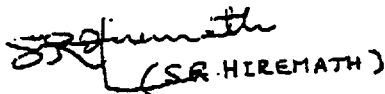
V.S. Roy David
CORD



S. Sreekant
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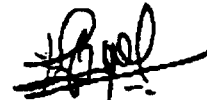


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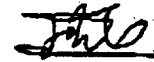


(SR. HIREMATH)

National Committee for the
Protection of Natural Resources (NCPNR)
Dharwad, Karnataka - 580001



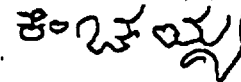
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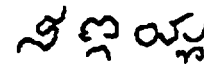
J.P. Raju
K.R.M.B.V.



G.S. Puskar
I.C.I.T.P



J.K. Kenchaiah
N.B.H.S.S.



Sannaiah
B.K.S. Mysore Dst.

ANNEX 1

10th March. 1998

The Inspection Panel,
World Bank,
1818 H Street,
N.W. Washington, D.C.,
20433, U.S.A.

We, The Nagarahole Budakattu Janara Hakkusthapana Samithy (NBJHS) who represent the tribal people living in the area known as Rajive Gandhi National Park, Nagarahole, Karnataka State, India, claim the following for your due consideration and favourable disposal.

1. It is a known fact that the Global Environmental Facility (GEF) and International Development Agency (IDA) of World Bank has approved on 5th September, 1996, the financing of an Eco-Development Project to the tune of U.S.\$ 68 million, comprising 7 Protected Areas of bio-diversity in India, of which, The Rajive Gandhi National Park, Nagarahole extending over 643.39 Sq. k.m. to the south of Coorg & Mysore districts of Karnataka state, is one. (map attached).

2. The perplexing logic and pressures for the introduction of the project are stated as " India's bio-diversity is rich, often unique and increasingly endangered. India is one of the 12 megadiversity countries in the world that collectively account for 60-70% of world's bio-diversity..... India's biological resources are economically important; both globally and nationally. Many species of crop plants found world-wide and their wild relatives originate on the subcontinent.....The biodiversity in India's forests, grasslands, wetland and marine ecosystem faces many pressures. These include grassing cattle, cutting of trees for fuel, timber and non-timber forest products, hunting, uncontrolled forest fires and conversion and spill over from agricultural infrastructure, industrial and commercial development. India's high level human population density and growth, high incidence of poverty and large numbers of livestock, speed the degradation. Local people, when traditional rights and access are limited by the establishment of Protected Areas, often have little incentive to use natural resources in a sustainable way.....(India Eco-Development Project: Project Information Document, March, 22, 1996 -pp 1-2)

contd...../2.

3. We understand that World Bank has clear cut policies and directives for the implementation of such a project. Besides giving due attention to safeguard human rights aspects, the Operational Directives 4.20 and 4.30 clearly tell the policy directives with regard to the consideration for Indigenous Population and their involuntary resettlement. There are serious violations of Human Rights as well as of World Bank Policy Directives in the proposed Eco-Development Project.

4. The affected indigenous population of the project area whom we represent and the supportive NGOs have been opposing the implementation of this project, and now place our strong protest before the Inspection Panel, on the following grounds:

a) Human Rights Violations:

- i) India has been a signatory to the U.N. Declaration of Forced Evictions since 26.8.1991 and is duty bound to honour that commitment which explicitly states that the "ultimate responsibility" for preventing evictions "rests with the government" and "Forced Evictions constitute a gross violation of Human Rights"....."Conscious that governments often seek to disguise the violence that may be associated with forced evictions by using terms as ".....progress and development" And again, "Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a number of actors, including but not limited to occupation authorities, national governments, local governments, developers, planners, landlords.....and bilateral and international financial institutions and aid agencies". The World Bank India Eco-Development Project attacks the very spirit of the above Declaration.
- ii) The actions of the World Bank together with the national and Karnataka state governments collectively violate Articles 3,12,13 and 14 of the I.L.O. Convention ratified by India as well as 26 other countries, related to protection of properties, respect for customary procedures of transmission of traditional ownership of lands, obligation of the state to securing ownership or use of lands belonging to tribals, obligation of state to

contd...../3

undertake special measures to protect institutions, persons property and labour of the indigenous communities, and when they are to be displaced in national interests, to be rehabilitated in an environment similar to the one from where they have to be displaced

- iii). The World Bank with the sanctioning of the project has also become a corroborator in violating the special Constitutional Rights & Privileges accorded to the tribals in India, especially the provisions for Tribal Self-Rule, under the Panchayath Raj Act (Extension to Scheduled Areas), 1992, which provides for self-governance of tribal dwelling areas.

The proposed Eco-Development project covers a total area of 6,714 sq.k.m. comprising the 7 Protected Areas and Tiger Reserves in the states of Bihar, Gujarat, Karnataka, Madhya Pradesh, Rajasthan, West Bengal and Kerala and having an affected tribal population of 48,800. The World Bank Project Report has not shown any tribal population as living in the "core areas" of Nagarahole National Park, where as there are 58 tribal settlements inside the park with a population of 6145 and who belong to different communities like Jenu Kurubas, Betta Kurubas, Yeravas, and Soligas, with distinct culture and identity. At the same time the report insist on "rehabilitation of tribals from the core areas by developing "voluntary reallocation opportunities for people" especially based on the "wishes of local people". The concept of "local people" is used ambiguously giving convenience for misinterpretation and thus for the dislocation of the tribals forcefully.

b. Violation of World Bank Directives:

- i). The World Bank Operational Directives 4.20 clearly spells out that any development project implemented have to be socially and culturally compatible to Indigenous/tribal groups who have distinct social and cultural identity from that of the dominant society. This policy directive is conveniently discarded in the case of the proposed Eco-Development Project.

It is a world-widely accepted truth that the cultural traditions, social order and the values of
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Indigenous/tribal societies have flourished through their maintaining a life-style in symbiotic relationship with the nature and forests. They have been the real protectors or conservators of the forests through out the history until otherwise in instances manipulated and made use of them by outside dominating forces (which has been

an extensively continuing process in the modern times and cited as examples of forest destruction by Adivasis!). And uprooting them from their forest habitats;- their socio-cultural life base - for any sort of so called "development project" is not only the total denial of their fundamental human rights, but also pushing them to gross ethnocide.

- ii) The above mentioned Operational Directive of World Bank also tell that there should be "informed participation" of the affected Indigenous/Tribal groups and NGOs involving for their development, in the planning and implementation of such development projects. In the case of the proposed project;- at least in Nagarahole - any such meaningful process hasn't been taken place. What has taken place is a meeting of the concerned people with the World Bank representatives on 09-08-1996 at Aranya Bhavan, Mysore, where the people;- with their grievances and reasoning with an alternate People's Plan for the conservation of bio-diversity and protection of the forests in Nagarahole - were unheard and unheeded to. What overtonned were the versions of the Forest Officials. Nor did the visit of World Bank Representative Ms. Jessica Mott to the project area in January-February, 1996, did have any discussions with the local people, other than hearing the versions of the Forest Department. This, coupling with the mention of there not being any tribal population in the "core area" of the National Park and then providing for "voluntary dislocation of local people" in the project report account for the dubious intention of the project. It is also learned that World Bank is informed to the effect of discussions having been taken place with concerned local NGOs and of their assured co-operation for the implementation of the project. This is a false information and some of the

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prominent local NGOs have protested against it and written directly to the World Bank for having been misquoted as participants to such consultations/discussions.

- iii) World Bank Operational Directive No.4.30 deals with the policy and procedures on involuntary resettlement and the conditions to be met in such situations. These policy directives and procedures are evaded by not mentioning the tribal habitats inside Nagarahole National Park in the project report to World Bank. This evidently shows the intention of the concerned authorities for forceful eviction of the tribal population from the project area. Threats and pressure tactics are already in force in this regard.
- iv) The project paper says that the project would be "owned by Indians". There is the question who would "really own" it- the government? the tribals? or the masses?. Since World Bank has overlooked the existence of tribals in the core area, it is understood that the project will not be handed over to the tribals. This, together with the purposiveness to circumvent the World Bank policy directives referred above, account for the World Bank and the Government of India neither inviting nor involving the tribals of Nagarahole during the negotiations of the project. Every deal is being kept under cover and even the texts have not been translated into local language for fear of the disclosure of the details.

Other Implications:

- i) The proposal in the project for " bio-mass constitution/generation" as a means to "foster alternative livelihoods, resource use and specific measurable actions by local people to improve conservation" might imbalance the ecology of the forest especially when new varieties of plants/trees are planted in place of traditional one. This is a deliberate move to bring back "Social Forestry" to the centre stage which has earlier caused irreparable damages to the rural economy of Karnataka.

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- ii) The stress on "managing enterprise and visitor enclaves" has opened up a new enterprise system called "Eco-Tourism" in the forest area. This has provided scopes for big industrialists to operate their star hotels in the midst of the forests. Taking this advantageous opportunity, the Karnataka state government has leased out its Jungle Resorts and adjacent lands at Moorkal inside the park to Taj Groups of Hotels and constructions by them are in progress for luxurious facilities for the tourists. The tribals of the area are mounting rigorous protests and struggles against this move on the grounds that the eco-tourism enterprise will further alienate them from the forests, superimpose alien culture, link the tribal communities with consumerism, increase unemployment, destroy the ecology, and further more, provide spaces for the dominant forces to appropriate the forests both for genetic resources and entertainment.

The Appeal:

In the context of blatant Human Rights violations and rampant negligence of World Bank Policies and Directives involved as detailed above, we appeal to the Inspection Panel to abandon the proposed Eco-Development Project and in place, to seriously consider for due implementation of the People's Plan we have developed conducive to our ethos and traditional culture, for the eco-development/conservation process of Nagarahole National Park. (Annexure-1.)

Conclusion:

Conscious of the hidden agenda in the World Bank aided Eco-development Project in its present form, the tribals of Nagarahole, have been making strong appeals and protests to the concerned authorities and also to the World Bank. The copies of such documents are also annexed herewith (Annexure-2). In the absence of any favourable response, we have no

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other way than resorting to appropriate means of struggles against the implementation of the project. And this will be a "struggle unto death", for we prefer to die with dignity fighting to retain our "home lands" and identity, rather than allowing others to "kill" us.

Anticipating favourable consideration to our this appeal, We remain,

Yours faithfully,



J. L. Subramanian,
President,
Nagarahole Budakattu Janara Hakkusthapana Samithi,
Nagarahole.

Annexures: 1. Nagarahole People's Plan.
2. Copies of previous correspondance/appeals.

PEOPLES' PLAN FOR PRESERVATION OF ADIVASI AND NAGARAHOLE FORESTS IN KARNATAKA

PREFACE

The Peoples' plan for Nagarahole is the outcome of decades of adivasi struggle with the State in protecting their cultural identity and asserting themselves as the real agents of conservation of a pristine nature cover which is also their habitat. The Plan has evolved in its current shape after a series of discussions with the entire adivasi population of Nagarahole and is based on their long cherished dream of recognition of their rights by the State.

Through this plan, the adivasi offer a viable alternative to protecting the forests and their own ethnicity and seek the confidence of the State in evolving a social fence involving the adivasi in conservation efforts. The Plan has its genesis in the sustained efforts of the State in forcible eviction of the adivasi from their habitat.

The Plan has evolved with the ongoing adivasi struggle in Karnataka for assertion of their rights, stalling the efforts of the environmentalists at painting the adivasi to be the biggest threat to conservation of Nagarahole. Though the legislation of the Bhuria Committee recommendations by the Parliament has provided a fresh impetus to the adivasi struggle nation-wide, the People's Plan was a natural outcome of the adivasi struggle against Taj Resorts at Murkal and efforts at forcible imposition of the India Eco Development Project by the World Bank in connivance with the Government in 1996.

This Plan is offered as a model for the world in co-relating the adivasi identity with conservation endeavors even as self styled environmentalists, incapable of fighting the true threats to the meagre nature covers in the form of organized mafia, target the adivasi population as the prime destroyers of the precious wildlife reserves.

The Plan, in a nutshell, lays stress on community participation in conservation and preservation of the cultural identity of dying endogamous groups which offer wisdom for the future.

CHAPTER ONE

INTRODUCTION

For centuries, the adivasi traditions and cultural idioms remained the touchstone of value systems of World Civilisations. But, the consumptive materialistic lifestyle of 20th century triggered off rapid destruction of the environment and degeneration of values. This resulted in a global awareness regarding the need for preservation of the earth and its ecological balance. Understandably now, the adivasi value systems are seen as the only way to save earth and preserve human sanity during the 21st century and beyond. The situation is no different in India.

The Common Indian and the adivasi always lived in harmony with nature, each depending on the forests only for their bare sustenance. But during recent decades the adivasi and the common Indian parted ways, with the adivasi maintaining a unique lifestyle which is dependent solely on the forests and based on a symbiotic relationship with the forests and the living things in it. Simultaneously, the forests have preserved the traditional adivasi wisdom.

The materialistic lifestyle based on consumptive desires, developed by those living outside, began to tell on the forests and its flora and fauna during the early part of the current century. The adivasi began to be targeted for their resistance to such irreversible destruction of the forests. But, untouched by these developments, the adivasi have preserved their remarkable cultural identity, nurturing an unbreakable bond with nature. It is the British who brought about a perceptual change in the Indian towards the forests and the adivasi. For the British, forests and wildlife, be it the flora or the fauna, was a resource to be exploited and the adivasi expendable 'junglees'. Free India adopting the British model of conservation, brushing aside indigenous knowledge and wisdom, continued the destruction. The forests and the forest dwellers, from the adivasi to the wildlife, have been at the receiving end. The self assertion of the adivasi which began nation wide towards the later half of the 20th century now remains the only hope

ROLE OF THE BRITISH RAJ & THE EARLY DAYS OF INDEPENDENCE

The British brought in commercial exploitation of the forest cover into the sub-continent. If forest trees were cut for timber and hectares and hectares of forest turned into teak plantations, the wild animals became their objects of pleasure during their hunting expeditions in search of trophies. The adivasi became 'funny and curious creatures'. They legitimized their acts by bringing in the 1877 Forest Act. Sadly, this anti-people act, which was formulated with the sole objective of filling the coffers of the Crown, continues to be the touchstone of the Nation's forest laws even today. This brought untold miseries to the adivasi and aided unabated state sponsored destruction of the forests during the fifties and the sixties. A new breed called forest contractors came into existence and many are now millionaires at the expense of the Nation's forests. The wild animals became target of the poachers, who exploited the laws and began to cater to commercial markets of skins and body parts of wild animals. The destruction of the forests and the woes of the adivasi increased manifold with extensive mining operations and construction of Mega dams and reservoirs. The commercial loot of forest wealth by the Government and its agencies without any thought being given towards sustaining it had a direct impact on the life of adivasi. The adivasi, who had nurtured their precious home lands across the country by putting off forest fires and carefully maintaining the ecological balance through indigenous parameters like nurturing medicinal plants, hunting food based on the re-generation cycle and leading a life style without disturbing the forests, had their umbilical cord violently severed. Many indigenous cultures died and few tribal communities disappeared. Only few Adivasi communities like Bhirsa Munda and Santhal tribes of Central India resisted this loot of the forests and destruction of their habitat. However, this meagre resistance was not enough to push back the British bulldozer and the forest cover began to shrink and undisturbed forests turned into teak plantations. Many animals and birds became extinct and those still living figure on the endangered list.

But this adivasi resistance in Central India heralded the freedom struggle for the Nation and the British also granted partial autonomy and declared these regions as 'scheduled areas' recognising the adivasi rights and capability to manage and enjoy the resources in a sustainable manner. However, the woes of the adivasi in free India has also been a story of untold misery and struggle with independent India refusing to recognise both this right and capability of the Adivasi not only in Central India but also in other parts of the Nation.

THE GOVERNMENT POLICIES:

Directly related to the decay of adivasi communities and destruction of indigenous cultures is the shrinking forest cover. The world wide cry for wildlife conservation in the sixties and early seventies shook the Indian Government to take stock of the home realities. However, the resultant Wildlife Act of 1972 only heightened the miseries of the adivasi. The Act recognised only the need for preserving the wildlife. The forest dwellers and their rights were curtailed and even forcibly displaced. 'Forests are only for the animals and forest dwellers are agents of destruction', became the 'mantra' of the government. This formalised the forced evictions of the forest dwellers on the one hand, and ushered in the era of Sanctuaries and protected areas on the other. Adivasi came under tremendous state sponsored pressure to leave their habitat and many adivasi communities fell prey to the hawks of the

village societies. But, the eighties revealed the naked failure of these protection efforts with evaluations showing more and more areas of denudation. The Government grudgingly accepted this harsh truth and acknowledged the vital role indigenous communities in sustaining the forests. The outcome of this institutional acceptance of ground realities is the Forest Policy of 1988. Accepted and acknowledged across the board by one and all, this policy has

(a) "meeting the requirements of fuel wood, fodder, minor forest produce and small timber of the rural and tribal population", as its basic objective.

(b) "to ensure environmental stability and ecological balance including atmospheric equilibrium which are vital to sustenance of all life forms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this.....", as its principle aim.

(c) "The rights and concessions from forests should primarily be for the bona fide use of the community living within and around the forest areas specially the tribal.....If the principle is accepted that entry of private persons into forest for collecting fuel is to be avoided, alternative arrangements for fuel supply through depots can be augmented. In making these changes rights and interests of tribal should be fully protected", as its forest management strategy.

(d) "Having regard to the symbiotic relationship between the tribal people and the forests, a primary task of agencies responsible for forest management.....should be to associate the tribal people closely in the protection, re-generation and development of forests.....", as its focus on tribal people and forests.

THE GROUND REALITIES:

But, despite this stated policy of the Government, the forest laws in operation continue to be based on the repressive Act of 1972. The proposed amendments to this Act in 1991 also did not reflect the State Policy either in its letter or spirit. Consequently, the state has taken away the forest rights of the 40 lakh plus forest dwellers who are living inside the 521 tribal habitats declared as Sanctuaries and National Parks covering 4.25 percent of the total land area in the country. Caught in the vortex of this double speak of Government's conservation paradigm in practice to date, nearly 25 % of the Eight crore adivasi population have been violently uprooted and their cultures disintegrated. The adivasi living inside the national parks have been declared illegal residents by the forest laws. As for those living inside Sanctuaries, the forest department has sought to illegitimate their presence with the Government giving its tacit approval for forced evictions. If one follows the current provisions of law to its letter and spirit, as many as Five million adivasi will join the 20 million already displaced from their natural habitat.

This cumulative failure of the Governmental agencies resulted in the involvement of many peoples' organizations and activist groups in protection of indigenous cultures and conservation of the green cover in the 80's. The adivasi assertion of rights over their natural habitat as per the constitutional guarantees and the current demand for self-rule are indicators of this adivasi struggle against the oppressive Forest laws and insensitive Government.

THE NEED FOR ADIVASI PARTICIPATION:

The experience with forest conservation during the last Fifty years clearly establishes the need for participation of the adivasi in the conservation efforts. In fact, it will be more appropriate if the adivasi themselves are to manage and sustain their natural habitat. The forest department which has personnel who are 'paid servants' has failed in its brief as the personnel do not have any emotional attachment with the forests nor are they mentally tuned to conserving the forests, belonging as they do to a department which was born for commercial exploitation of the 'resources'. This apart from the lack of indigenous knowledge regarding the forests which the adivasi possess. More startling a reality is the widespread corruption within the forest department, which has come to be established beyond any reasonable doubt. There can be no better testimony to this truth than the reduction in the forest cover

and denuded forests, and teak plantations after decades of 'scientific' conservation efforts by the forest department. A crucial aspect, generally forgotten as the obvious, is the fact that the personnel of the forest bureaucracy belong to the consumptive culture and perceives the forest as that to be protected after his material needs are met. Forest department, for all its claims of scientific management of the forests, appears to have crystallised into a sales outlet for forest produce. Protected areas turned into nurseries for timber yielding Teak, Eucalyptus, Sal, Sissu, and Khair trees. Thus, rampant poaching, timber smuggling and denuded forests cast a dark shadow of doubt on management of forests by Forest department without peoples' participation.

ADIVASI AND CONSERVATION:

Adivasi perception of conservation, on the other hand, needs no explanation. Having sustained the forests over centuries, they have evolved a 'low desire level'(LDL) lifestyle which enables them to live in unique harmony with nature. Rather than being mere watchmen of the forests as the Government agencies have been, the adivasi realises and inherits the sensibilities regarding the conservation and sustenance of the bio diversity. These endowments of the Nagarahole adivasi is seen in their lifestyle right from their sketchy dwelling hutments to their food collecting habits. The huts of these adivasi is seen constructed utilising only deadwood and dry leaves. As a tradition they do not cut branches of live trees for any purpose including their fuel requirements. During the past decades, the adivasi had a migratory lifestyle like most forest beings moving from one location to the other within a specified area in order to help re generation of the forests. However, with the shrinking forest cover, the adivasi also adopted lifestyles based on the behaviour of the animals and instead of migrating the adivasi himself moved to distant ocaions to return with their daily requirements. The medicinal plants which the adivasi use are nature's gifts and after their movement was hampered, the adivasi began to spread the seed around to have these plants available in more than one location. The conservation idioms of the Adivasi is also seen in their hunting practices. The Jenu Kuruba never takes the honey completely from the honey comb in order to ensure that the bees did not suffer and the production does not come to an abrupt end. Similarly, the tubers and other roots on which adivasi sustain are never uprooted fully and is used ensuring that the mother plants survive and reproduce. And the rare hunts on which the adivasi embark is guided by availability of left leftovers left behind by the carnivores. Contrary to the popular perception that the adivasi are junglees using bows and arrows, the adivasi use only mud balls and other traps to stun small preys and use stones and sticks to move away from elephants and other animals. The adivasi also do not fear the beings of the wild as they have a deep rooted belief that the beings of the wild are spirits of their ancestors and would only protect them.

The conservation sensibilities of the adivasi are also seen in their rituals and their songs. The adivasi ritual revolves around sacred trees and the use of forest vegetation is predominant. The songs of the adivasi also center around the forest bio diversity and focus on the changing seasons with each tree and each being of the forests being worshipped. The adivasi also worship many animals such as elephants and snakes and nurture the firm belief that all the beings and life species of the forests are nurtured and protected by the presiding spirit 'Ajjappa'. Hence, it is beyond doubt that the adivasi are part of the forest eco system and there can be no conservation without them. The dependence of forest personnel on the adivasi for putting off forest fires, for tracking animals and identifying the flora & fauna is a reality not disputed. This must secure primacy for preservation of any eco-system.

During this era of global warming and acid rains, preservation of adivasi culture and traditions acquire greater relevance for the survival of mankind itself. Their sustainable agricultural practices and life which have over centuries kept the forests intact and left small pockets of earth undisturbed are parameters for future living. Hence, preservation of adivasi culture, traditions and the adivasi themselves in their natural habitat acquires a special significance and has to become a special area of focus in any conservation exercise.

Forests have never been amusement parks for the adivasi. The forests have always been and continues to be their habitat. They have an emotional empathy with the forests as any individual is patriotic

about his country. This gives them a moral legitimacy to 'nurture' the forests and those who are out to 'manage' forests through Eco tourism, National Parks and at all cannot shut themselves out of this reality.

THE NEW WORLD ORDER & CONSERVATION:

The new economic order being pushed to the Third World by the leading economic powers of the world poses fresh threats to the common land resources. The rapid liberalisation of the Indian economy aimed at achieving growth through industrialisation, by soliciting multi national companies to come and open shop, puts tremendous pressures on the Nation's biotic resources.

Apart from bringing in a maximum degree consumptive lifestyle (MDCL) among the outside societies, in contrast to LDL, and selling them using the brutal idioms of market economy, these countries have targeted the bio diverse resources of the developing countries as potential rich pockets of earth to be colonized, through the world economic bodies which they control.

Coming in the garb of good Samaritans with concern for conservation, after having destroyed and utilised the resources to the hilt at their end of the planet, these forces through their MNC agents and pliable state governments are zooming in on marketing these bio diversities and establishing ownership on them. The British model of seeing forests as a resource base to be exploited rather than being conserved is now seen transformed in the form of international commercial and business houses entering into the 'arena' of 'green industrial revolution', motivated by the lucrative business propositions and therefore marketing 'tree and vegetation growth' in different hues and forms. This the adivasi recognise as the challenge of the new horizon.

CHAPTER TWO

THE NAGARAHOLE FORESTS

Nagarahole forests in Karnataka spread over Mysore and Kodagu districts is a stretch of precious tropical semi ever green forests nurtured by the Dravidian indigenous people over centuries. Declared by the Government as a National Park, comprising an area of 643.39 sq.kms, in 1975, it was christened as Rajiv Gandhi National Park five years ago. The forests are now seen as a part of the Nilgiri Biosphere, which comprises an extended adivasi homeland of 5,500 sq.kms. The Nagarahole is surrounded by River Kabini which divides the forests from the Bandipur Tiger Project in the South-East, the Wayanad Wildlife Sanctuary of Kerala in the South, the Brahmagiri Wildlife Sanctuary in the South-West and the Coffee plantations of Kodagu in West and the Mavukal reserve forests in the North. The dry farmlands of the Deccan plains to the East is the only non-forest stretch abutting Nagarahole.

The Nagarahole on the inner frills of the Western Ghats and abutting into the southern tips of the Deccan plateau receives an average rainfall of 50 to 70 inches each year. The Nagarahole is a bio reserve of hard wood, the Big cats and its preys, Elephants and a range of indigenous Dravidian tribes. Hard wood species such as Adina, Dalbergia, Terminalia, Pterocarpus and Careya, to name a few, makes Nagarahole a valuable green cover on earth. The divergent riches of wildlife sheltered by the Nagarahole include Langur, Jackal, Hyena, Hare, Gaur, Fox, Wild Dog, Spotted Deer, Mouse Deer, Barking Deer, Small Indian Civet, Jungle Cat, Wild boar, Leopard, Giant Flying Squirrel, Sambar, Porcupine, Pangolin, Slender Lois and many more apart from the Tiger and Elephant. A wide variety of reptiles and birds and a wide range of vegetation embellish Nagarahole, which is also the abode of indigenous dravidian tribes such as Jenu Kuruba, Betta Kuruba, Paniya and Panjari Yerava and Soliga. Nagarahole was the favourite haunt of the Mysore Maharaja who were subservient to the British. The Maharaja's hunting expeditions in Nagarahole perforce involved the adivasi who used to accompany the Maharaja's parties during their forays into the forests to hunt Tigers, Elephants, Leopards, Gaurs, Barking Deer and Wild Boars. The famous Khedda Operations in Nagarahole for trapping wild pachyderms was based solely on the expertise of these indigenous people.

The Old Mysore administration declared a portion (284.16 sq.kms) of Nagarahole as a game sanctuary in 1955, heralding in the era of protected areas in Karnataka. In 1975, the State Government expanded the game sanctuary to cover 571.55 sq.kms and declared it as a national park. Further expansion of the National Park to cover 643.39 sq.kms of Nagarahole came about in 1988. The Park area was demarcated into Four zones namely Core, Buffer, Tourism and Restoration Zones for restricting the movement of tourists and purportedly for conservation needs. For administrative purposes, the Park area was divided into Seven blocks called Ranges, namely Mathigodu, Kallahalla and Nagarahole in Kodagu district and Metikuppe, Kakanakote, Sunkadakatte and Veeranahosahalli in Mysore district. The Park area nestles 56 tribal hamlets called the 'Hadis' which are inhabited by more than 7,000 indigenous dravidian adivasi, belonging to Yerava, Paniya, Jenukuruba, Bettakuruba and Soliga communities. Before Nagarahole was declared as a National Park, these adivasi living in harmony with the wild flora and fauna sustained themselves on forest edibles like tubers, mushrooms, tender bamboo shoots, honey, yam, pumpkins, a variety of greens and small games.

These edibles except for small games were later declared as minor forest produce by the Government and despite policy formulations have barred the adivasi from sustaining themselves with legal permissiveness. The indigenous medicine systems of these adivasi based on forest produce such as wild turmeric, wild ginger and 'sarpa ghandhi', a wild scrub, apart from many other barks, roots and leaves also flourished inside the park area.

DESTRUCTION OF NAGARAHOLE:

More so during the 20th century than earlier, Nagarahole has fallen victim to various forces which have with the changing times inflicted varying degrees of irreversible damages to the bio diversity and left behind scars which continue to destroy the forest to date. The tale of woe of Nagarahole which began with the hunting expedition of the Mysore Maharaja and his British guests, aggravated further when the British appropriated the forests as Government property in an impropriety, using it also as a convenient 'resource' base for loot of pristine timber. The British perpetuated this destruction of the forests by formulating laws using their authority.

Simultaneous was the stampede of the rich coffee planters of Kodagu to Nagarahole, devouring forest lands to expand their plantations. The planters continue the encroachment to date with the administration turning a blind eye. Major irrigation dams like Kabini and Taraka of the post independence era resulted in submergence of large portions of Nagarahole and displacement of as many as 500 adivasi families.

The 90 sq.km teak plantation, apart of what is now known as the Nagarahole National Park area, stand mute testimony to the organized destruction engineered by the British. These plantations, tombstones of destruction of pristine tropical semi ever green forests, are now the match sticks which ignite Nagarahole each summer. The fires apart from creating a scarcity of forage for the herbivores, creates soil erosion and engineers irreparable damages to the Nagarahole bio diversity.

During the recent decades, high levels of corruption among the forest bureaucracy and the unholy nexus between them and poachers and smugglers has virtually destroyed large tracts of Nagarahole and many wild animals have fallen victims to the guns of the poachers. And the laws still profess conservation, by bureaucracy.

ECO TOURISM & ECO DEVELOPMENT:

One of the major intrusions into Nagarahole, consequent to the acceptance of British mind set of forest as resource to be exploited for material needs, is eco-tourism. A government domain till the 80's, the liberalization of the economy and opening of the nation's economic gates for outside invasion in name of investments has resulted in the MNCs of the tourism industry casting a hawk's eye on

Nagarahole flouting the provisions of even the Wildlife Act. These MNCs include both the Indian and Foreign companies.

The modus operandi of these companies is to promise eco-development and 'development' of the adivasi till they secure an entry into the Forests for earning tourist revenue by meeting the consumptive needs of nature tourists and pleasure seekers. The first such onslaught on Nagarahole by the Taj Group of hotels in 1996 was protested by the adivasi through a public interest litigation filed before the Karnataka High court questioning the eco tourism project keeping view the larger interest of the tribal residing in the forest and the apprehension that the promoting of such eco tourism will spell doom for the precious undisturbed forest cover and will bring in modern day vices of the ultra urban culture.

The adivasi secured a land mark judgement by the court terming the resort project 'illegal' and directing this Indian MNC to hand over the property at Nagarahole to the Government. Noting the dangers of consumptive tourists and projects such as resorts being destructive to the eco balance, the court observes in its orders. "The issues raised herein are quite fundamental in nature affecting the wider public interest requiring maintenance of ecological balance and environmental requirements.....There is an absolute prohibition on the grant of such rights under Sec.20 read with Sec 35 (3) of the Wildlife (Protection) Act, 1972".

The adivasi reject all such projects funded by private business interests and international monetary agencies like the World Bank and the IMF, which promise to preserve the ecological balance and sustain bio diversity. Some efforts in the current decade by the forest department and the government to push through such projects, which were motivated by market forces, and use the same to displace the adivasi have been forcefully rejected. The Eco Development Project of the World Bank - GEF is one such which has zoomed in on Nagarahole projecting the cause of conservation and proposes to gain a foothold in the natural wealth of what has been left untouched by the forest department in this pristine nature cover. "The forest needs to be 'nurtured' and not 'developed' or 'managed' and is not a resource to be exploited but a habitat to be sustained and preserved"-- This is the mantra of adivasi of Nagarahole.

CHAPTER THREE

NAGARAHOLE AND ADIVASI

Adivasi of Nagarahole are indigenous people of Dravidian origin. Though the present day rulers and die hard environmentalists bend backward to disown the Nagarahole adivasi of their habitat, the earliest record documenting the presence of these indigenous tribes show that adivasi such as Jenu Kuruba, Betta kuruba, Paniyas and Yeravas have had Nagarahole as their habitat since Seventh century A D. British Anthropologist Thurston in his book "Castes and Tribes of South India" (1909) deals with the Nagarahole adivasi from an ethnographer's perception. He traces the ancestry of the Nagarahole adivasi like Betta Kurubas, Yeravas and Jenukurubas in their habitat to the Seventh Century A D basing himself on the data available through the 1891 ' Madras Census Report'.

The 'Madras Census Report' shows that these adivasi are part of a large group of descendants of the Pallavas, who were inhabiting the then vast forest tracts of what is now known as the 'Nilgiri Biosphere'. Over centuries since then, these adivasi have come to be choked in small protected areas following sustained destruction of their biosphere by various races which invaded thereafter. Many fell victims to the destruction of their habitat and only the adivasi surviving inside the Nagarahole and other forest pockets have their cultural identities, inextricably linked as it is to their habitat, intact. A few who were forced out of their habitat have fallen victims to the dominant sections of the outside societies since then.

Supporting these frugal documentary evidences in the possession of the mainstream societies is the life and ethos of Nagarahole adivasi according to adivasi themselves. The traditions and history of the Jenu Kuruba adivasi, according to adivasi elders revolves around 12 'Kotthis' meaning different streams which have similar characteristics and has over the years adopted the a homogeneous lifestyle and thus

have come to be recognised as the Jenukuruba adivasi. The story of these jenu kuruba adivasi, as passed on by the word of mouth over the centuries, revolves around Nagarahole forests which has been their habitat for decades. The 12 jenukuruba streams were spread over different locations within Nagarahole like Gonigadde, Ganagooru, Siddapura Hadlu, Ammale, Lakkunda, Bargur and Billanahosahalli. The complete list is not available as the recent decades have seen certain jenu kuruba streams disappearing or merged with the mainstream society abetted by the conservation laws and the ever increasing destruction and encroachment of the forests by the farming communities and other village societies.

But, these streams which have disappeared are still remembered as part of jenu Kuruba traditions in the form of 12 pillars which symbolize each 'Kotthi' in a marriage pendal. Yet, these 12 'Kotthis' are still alive in the form of the traditional burial grounds and places of worship of their spirit 'Ajjappa'. These spirits are invoked even to this day on every auspicious occasion through a ritual performed by the Yajamans (which is known as 'Burude Kartha' in Jenu nudi). The same rituals are followed by other forest dwellers too though each tribe identifies with these rituals in different forms as per their dialects. For ex: 'Burude Kartha' is 'Thudi' beating for the Yeravas and these forest dwellers have 16 'Chammas' instead of 'Kotthis'. The habitat of the Yeravas earlier spread over from the forests of Wayanad in Kerala to Nagarahole in Karnataka was earlier known as 'Yeravanadu' and these adivasi use the same 'Thudi' for both marriage and death ceremonies reflecting the deep rooted belief of the adivasi that the generation-re generation cycle of nature was a process of creation affecting all beings.

During the rituals the adivasi invoke all beings of the forests from trees to other forest produce. The crux of adivasi traditions and belief is that the spirit of the dead is equal to god and it is these spirits which protect them. If the predominant belief of the landed communities is to accord a befitting and ceremonial send off to the 'atma' of the dead, it is just the opposite among the adivasi. The adivasi invoke the spirits of the dead during each funeral ceremony to come and dwell in their household, reflecting the surreal nature of life and death being a eternal process which is physical and at the same time metaphysical. The Yerava adivasi observe an annual celebration named 'Kaanemmaru' in which the spirits of all those who were responsible for the birth of nature and its beings are called seeking answers to the woes of those times. These apart the Nagarahole adivasi reflect tribal characteristics which has found global acceptance. These are:

(a) Nagarahole adivasi do not beg and beggary is alien to their sensibilities.

(b) Nagarahole adivasi do not hoard food and this is in keeping with the realities of their life in their natural habitat.

(c) The endogamous societies of these adivasi clearly show that they are merged in a collective anvas emerging out of which is a lifestyle, harmonized with nature. The values of collective self with conceptual boundaries among these adivasi also has its genesis in they being thus supremely content and spiritually evolved with Nagarahole. This shames and brutalizes the possessive territorial feudalism and induced confinements of main stream societies.

(d) They possess an animistic belief in the spirits of their ancestors which they worship as being manifest in the various natural endowments of Nagarahole forests. Their traditions and ritualistic practices are symbolic of the pre-sanskrit era as also is their formless gods. This simply because the sanskritic practices did not touch these dwellers of forests for centuries. The latest records establishing these adivasi as forest dwellers is Karnataka State Gazetteer of Mysore District of 1986. Recording the adivasi community rights in Nagarahole ('Jamma' rights), the Gazetteer reads....."They had their habitats (forest area) divided which were exclusively meant for them and outsiders were allowed only on invitation"....."They have inborn talent for gathering honey. Men go for hunting, fishing, timber cutting and honey gathering etc., while the womenfolk with their digging sticks go in search of edible roots and fruits".(Chapter III -People-Tribes & Castes). Lifestyle Mirroring A Pristine Cultural Evolution: These adivasi still live deep inside Nagarahole, near water bodies in

harmony with the beings of the wild. The hamlets (Hadis) are so located that they blend with the topography of the forest. The hutments: simple shelters made of bamboo walls and thatched roofing of wild grass. The staple food : indigenous strains of rice called 'Doddi' (which withstands vagaries of nature without chemical fertilizers), wild ragi, tubers, mushrooms, greens, tender bamboo shoots and seeds, honey , goose berries etc and small games. Traditional wild vegetables and fruits such as varieties of yams, beans, brinjals, bitter gourd, banana, lentils and pumpkins stud kitchen gardens of these people. Contrary to the popular perception, which has been propagated by the forest department personnel and other related agencies that the adivasi are poachers and killers, these indigenous people have hunting habits which are regulated by traditions, based on food gathering needs. When on search of food, these adivasi utilize the first morsel of meat they come across. This generally are left over of kills made by the carnivores.

Though these forest dwellers carry bows, they do not carry arrows to kill and instead carry hard mud balls and such others ammunition which generally stuns an animal and hence is used more often for self defence. Other forms of game hunting practiced by these adivasi include snares and traps. During honey collection, they collect honey just enough for them and leave behind the rest for the re-generation cycle.

The small games which these dwellers hunt include wild chicken, wild boar, hare, porcupine , pangolines, giant squirrels, flying squirrels, monitor, civet, wild cat and a variety of birds.

The folklore of these forest dwellers do not offer any evidence to support the claim of the Forest Department or the Naturalists that these adivasi are big game hunters or destroyers of forest life. Being worshipers of the spirit, believed to manifest in all beings of the forests, the folk traditions do not either glorify the hunt of game or express fear of the wild. The bonds with nature is so strong among these forest dwellers that the identification of all the beautiful constituents of the forests as the souls of their forefathers continues as a deep rooted ethos. Startling alive too is the animistic belief encompassing the entire Nagarahole with the deep felt adivasi virtual reality that the spirits of their forefathers control the elements of forest and protect them from all ailments. And so survives, the adivasi traditions and beliefs strongly rooted in this concept of protective ancestral umbrella of the forests, in everything from the whisper of trees to the movements of animals. The adivasi harbours no fear of the wild animals. He believes that the ancestors are controlling their movements and he enters the forests in search of food with this Armour in the mind. It is this empathy with Nagarahole which now makes the adivasi feel insecure and naked when he is violently displaced from his forest habitat. He continues to harbour the fear of the outside world and so, the villager first and the city man thereafter are entities he fears.

The Nagarahole adivasi do not fear death. Death merely provides an opportunity to enter the world of their elders and an opportunity for them to become a part of the protective ancestral umbrella. Marriage is no ceremony. It is an act of copulation for procreation. The younger adivasi choose their own partners and enter the forests for decision making. The courtship extends into living together if liking turns to love. And if it sours, man and woman have equality unparalleled in other societies to come out of the family bonds. The touchstone of all adivasi tradition is simple clean living and life itself is self sustained and holistic, closely knitted to Nagarahole.

The forest is the book for an adivasi child and the plants and animals the lessons. Preservation and Re-generation cycles the class rooms. All elders in the collective his parents. The sounds of the forests his music systems. It is a culture Nagarahole adivasi develops and carries with him from the cradle to grave and beyond. It is a unbreakable bond that cannot be severed. Nagarahole adivasi cannot survive without his forest and will not allow its continued desecration.

CHAPTER FOUR

CHALLENGES TO ADIVASI LIFE

These children of Nagarahole have survived constant pressure and threats from the outside systems, for centuries. The nomenclature, such as Yerava and Kuruba, with which these adivasi are identified is used as words signifying 'the lowly born' by the feudal gentry and the village societies of Kodagu and Mysore districts, even to date. The racial overtones are unmistakable.

Right up to the 19th century, Yerava, Kuruba and other Nagarahole adivasi used to cover themselves with barks and shreds of cloth. Though this continues among adivasi old timers even today, some started to wear a round of textile called 'Dhoti' to cover themselves during the early part of the 20th century, emulating the rest in the outside societies of South India. But, during those early decades, the feudal gentry had arrogated to themselves the sole right to let this piece of textile below the knee. The adivasi, who dared emulate them, were hounded and beaten up. They were expected to cover their modesty only upon their thighs, and this was applicable even for the adivasi women. Kuruba and Yerava old timers recall many such instances with emotion welling up in them.

But, it was not only in such forms that the adivasi came to be discriminated by the outside societies. Many were forced into bonded labour by the feudal gentry and adivasi women became a target for their pleasurable pastimes. The innocence and gullibility of the adivasi were thus thoroughly exploited. Meanwhile, the loot of the forests continued unabated and the British and their subservient Indian counterparts like the Mysore Kings started converting large tracts of the forests into teak plantations in the name of scientific forest management. Many adivasi were forced into menial labour, with the overwhelming power of the state stifling whatever desire they had in them to protest.

ERA OF DISPLACEMENT:

The engineered deprivation of these Nagarahole adivasi by the mainstream societies of Kodagu, even if one goes by available records, dates back to a century. The few well meaning efforts by concerned members of the bureaucracy during the British era negated itself by a lack of sensitive understanding of adivasi life and values and aided the land Sharks of Kodagu society make away with the benefits.

During 1899, the then Kodagu Chief Commissioner's administration brought to force a law known as 'Coorg Land Revenue and Regulation Act'. This Act benefited some Nagarahole adivasi communities with the Commissionerate distributing lands around the Nagarahole forests to few adivasi communities for cultivation. Sadly however, this was not based on an understanding of the community self of the adivasi and their ethos of community cultivation. Yet, the administrations' well meaning effort had provided an opportunity to the adivasi to stand on par with the land sharks. The Commissionerate gave individual land holding records to the adivasi, who in turn made efforts at cultivating these lands in accordance with their values of collective life, oblivious of the importance of individual land records in the State's scheme of things.

This lack of understanding of the tribal ethos by the administration which resulted in handing over individual land records to the adivasi, helped the village sharks to grab these landholdings from the gullible forest dwellers. Use of social pressures in such land grabbing are also not discounted. Reflected in these efforts by the Commissionerate of Kodagu is the classic lack of understanding regarding the adivasi among those in the administration or the State apparatus. Such moves at perceiving the adivasi reality, based on the State's understanding of the value systems of the poor and the landless of village societies over the century, resulted in adivasi being put under tremendous pressure. Violent displacement of many adivasi communities from Nagarahole during the decades that

followed, after conservation concerns became a global agenda for the States, is merely an amplification of this perceptual lacunas.

STATE SPONSORED CONSERVATION & ADIVASI SUBJUGATION

These projected conservation concerns resulted in the State's 1972 Wildlife Act during the later half of the current century which compounded the adivasi woes. The Act, by being silent on the adivasi issue and the rights of the forest dwellers, legitimized the exploitation of adivasi till then. The Act only recognized wildlife preservation needs after decades of forays by the trophy hunters. Simultaneously, the forest department continued felling of timber and loot of precious non-animal forest produce. The Department, busy with its teak plantations and commercial exploitation of the forests and the adivasi, turned a blind eye to the social atrocities on the adivasi and the rapid poaching of wild animals of Nagarahole.

By Eighties, Forest Department had identified adivasi as the biggest threat to their 'operations' in Nagarahole. Forced evictions of the adivasi from their age old hamlets inside Nagarahole, which was declared as a Wildlife reserve in 1975 and upgraded as a National Park in 1983, began. Many adivasi were forced to timber plantations in conditions worse than those at the concentration camps. Their human dignity and rights were molested by the hour at these plantations which continued till 1984.

Between 1975 and 1984 as many as 34 adivasi hamlets were forcibly dislocated by the Forest Department from the Nagarahole forests. While some were forced to new locations inside the National Park area, others were forced to leave their habitat. The hamlets which became targets of the Forest Department during this period are Athurkolli, Olalekolli, Ammale, Maaranakolli, Meedirakolli, Siddapurahadlu, Shantapurahadlu, Sullikolli, Meenukattakolli, Berukolli, Byranakolli, Kaatisattahalla, Joyikolli, Chotteparehadlu, Padusaarehadlu, Kolakere, Kanthooru, Malalukolli, Somanakolli, Navulugadde, Bandehadlu, Eermanehadlu, Aanesattagadde, Sujjilu, Kesavinakolli, Morsamihadlu, Karlugadde, Kuntuneragadde, Gundre, Chawdigadde, Doddagadde, Hebbala, Begur and Mattigodu. As many as 2000 adivasi families were cultivating around 5000 acres of land around these hamlets using their unique forest based techniques which did not even involve use of cattle.

ADIVASI DECAY & DESTRUCTION:

Once displaced, the forest dwellers were caught between the deep sea and devil called the forest department and the landlords of Mysore and Kodagu societies, respectively. The forest department 'rehabilitated' around 300 families in the outskirts of the forests in matchbox houses near Chandanakere, Brahmagiripura and Majjigehalla. But, these concrete structures, each standing on Three cents of land and having a built area of 14 x 16 feet without the elements of nature having access inside, were alien to the adivasi. They use these houses as cattle sheds and live in thatched hutments adjacent to it, even to this day.

Apart from these structures, the department did not provide any alternative means of livelihood for these adivasi. Revenue lands provided to a handful of them, like those at Chandanakere, became easy meat for the coffee planters of Kodagu, with neither the Forest department nor the Revenue authorities offering them any protection. The adivasi were cheated, harassed or literally kicked out of these landholdings. These adivasi along with their less fortunate brethren were forced to become plantation labourers, their life at the mercy of the coffee planters.

In many such colonies to which they have been evicted, the adivasi have been forced to live life which are worse than the worst. Hunger deaths, deaths owing to newly acquired diseases from the outside societies and situations wherein they are consciously made to waste themselves away are dime a dozen. The hunger deaths at Daddadalli Colony and the wasting away of many adivasi especially in the H D Kote sector in Mysore district of the Park are recent examples.

The story of the adivasi still living inside the forests was no different. They became target of the forest department's highhandedness and exploitation. Old timers recall how department personnel had pushed many adivasi into the forest fires, and projected them to be accidents when they were involved in either putting off forest fires or creating fire lines, since 1950s.

Thus, the forest rights of the forest dwellers were severely curbed. They were prevented from leading their traditional lifestyle based on forest produce. Those forest dwellers who joined the forest department as watchers and guards became targets of ridicule and racial discrimination.

Other adivasi, who dared voice their protest were targeted for such special treatment, like beatings and false complaints of poaching and smuggling.

DESTRUCTION & EXPANSION OF NAGARAHOLE FORESTS :

Meanwhile, forest department personnel continued their loot of the forests and the influential coffee planters of Kodagu, their encroachment of the Nagarahole forests. Substantial portions of the forests were turned into coffee plantations. But, as pressure mounted from environmentalists and other nature lovers, the department conveniently identified adivasi as root cause for destruction which the department personnel themselves had actively perpetrated along with Kodagu's coffee planters and Mysore's tobacco growers.

Consequently, adivasi, who still continued their indigenous agricultural practices inside the forests, had their crops destroyed. They were hounded out of the forest. This, incidentally, was a part of the forest department's strategy at showing an increase in the National Park area and marginally compensating for all the encroachments by the Planters and Tobacco growers. Instances such as the destruction of the standing crops of Maralukolli adivasi by the forest personnel using tamed elephants in 1984 are dime a dozen. Brahmagiripura adivasi recall how the Maralukolli adivasi petrified by the brutal act, disintegrated to different areas, both in and out of the forests.

During the mid 80s, forest department intensified their assault on the adivasi rights and dignity. The department forcibly encroached on agricultural lands belonging to the adivasi since centuries at Nanachi, Balekovi, Gonigadde, Madenooru, Kumbarakatte, Ganagooru and Junglehadi, and converted nearly 500 acres into bamboo, teak and eucalyptus plantations. This process of alienating the adivasi from their traditional habitat continues with the department as recently as three years ago expanding the National Park area by nearly 5000 acres, encroaching on adivasi lands. Continuous efforts have also been made at severing the adivasi' links with the forests by digging up roads leading to the forests from certain adivasi hamlets and preventing the adivasi from entering the forests for their traditional festivals and rituals.

CHAPTER FIVE

FAILURE OF THE WELFARE STATE

The Story of the Nagarahole adivasi is both a tale of the majority in a pluralistic society imposing its will on a segment which is neither vocal nor powerful and the State imposing its conservation concerns with scant regard either for their welfare or human rights. Neither the welfare state of the erstwhile Maharaja' of Mysore nor the democratic model of free India, has been in tune with the ground realities these indigenous people.

Since independence, the models conceived and thought to be good for the forest dwellers is largely motivated by the interests of the majority society and not the interests of the adivasi or their cultural

realities. The experience of the last 50 years establish that the plan priorities of mainstream society and their welfare models mean destruction of both the adivasi and their culture and their habitat, the Nagarahole forests.

Free India promised much for the adivasi with many constitutional guarantees. The declaration of adivasi as scheduled tribes under Article 342 of the Constitution recognized and granted them a special place in the Indian canvas. This meant a constitutional recognition of the need for providing special protection and rights for the adivasi, including protection of their human rights and granting special privileges vis-a-vis opportunities and avenues through Reservation benefits. Article 46 of the Constitution states that 'the state shall promote, with special care, educational and economic interests of the weaker sections of the people, in particular the scheduled tribes, and shall protect them from social injustice and all forms of exploitation.'

But, these constitutional guarantees have remained mere illusions for the Nagarahole adivasi. The categorization of adivasi with Scheduled Castes in a 'SC & ST' bracket for all policy formulations and administrative needs, results in nearly all special programmes of the State being modelled on the needs of the more dominant Scheduled Castes of village societies, except some forest related activities.

Simultaneously, the number of communities in the Scheduled Tribes list has increased since independence, with more and more communities being included in the list based on the vote bank politics of parties in power. Thereby, the benefits of reservation and such other special programmes does not reach these forest dwellers. The provisions of Article 46 thrown to winds, State turned a blind eye to the exploitation of the Nagarahole adivasi by the planters and tobacco growers even while legislating many forest laws, perpetrating state sponsored exploitation.

STATE IMPOSED WELFARE MEASURES:

Naturally, under the circumstances the priority of the State revolved around forceful eviction of the adivasi from their habitat and 'civilize' them through various welfare schemes such as providing modern education, giving them alien implements such as those which are used by the village societies and providing them with various traps of materialistic lifestyle without any thought towards preserving their pristine cultural identity or their LDL lifestyle.

When the State found that there was a resistance to these efforts from the adivasi, the Integrated Tribal Development Programme was launched countrywide in 1976. But, even the IIDP was not evolved based on the adivasi needs and reality and instead became a re packaged implementation of the earlier programmes through different agencies. Naturally, even the IIDP failed to deliver anything keeping with the current realities and did not even provide the adivasi with a model of even a protected commune within the forests with responsibilities of conservation being devolved to them.

Thus, the various welfare schemes meant for the adivasi is in effect an imposition of the State. With no efforts being made either at micro planning or to study and understand the adivasi needs, the Nagarahole adivasi is forced to accept education, health, housing and other inputs planned and perceived to be their needs by the Delhi or Bangalore planners though totally alien

EDUCATION

Consequently, the curriculum of education to the adivasi is the same as that of the children of mainstream societies. That this is alien to the adivasi child as it does not incorporate either the adivasi value systems or language is brushed aside by the State. Till the 60s even these teaching institutions were located based on the needs of village societies. This meant that the adivasi child had a narrow access to the education facilities made available.

In these schools, the adivasi child suffered racial discrimination and humiliations from children of village societies. Many left their schools with education appearing irrelevant and emotionally traumatic. In the process, he is cheated the opportunity to evolve a consciousness to combat outside pressures and guard his values, owing to lack of education.

The adivasi resistance to education through integration with the mainstream societies, owing to the divergent socio economic status of the village communities and related discrimination, dawned on the State during the 70s. The result is 'Ashram Shale', an adivasi residential school model, making an effort at taking primary education to the doorsteps of these forest dwellers by developing a model combining both education, again as perceived by the mainstream society without incorporating the tribal ethos, and child health, through nutritious food programmes.

Seven such tribal residential schools inside Nagarahole, seek to cater to the forest dwellers by imparting education using curriculum no different from the other government run schools in the rest of Karnataka. Meant exclusively for the adivasi children, these schools hold the promise of treating the children as boarders provided with nutritious food, clean cloths and such other necessities to maintain personal hygiene. These schools are manned by a warden, cook and teachers who are provided residential quarters near the schools.

This model is widely accepted by the social scientists as a laudable endeavour. But, the success of the model among the Nagarahole adivasi is only marginal. Only 50 percent of the children attend these schools and the drop out rates are extremely high. The model is a failure as a residential school as neither the children nor the teachers and other staff reside at the school. The nutritious food is merely remained a dream with scandals of diversion of commodities and black marketing of the same having become a regular affair. Imparting education at these schools is more of a play acting with these children who attend these schools turning out to be only 'signature' literates at the end of their primary education.

Thereby, at least two generation of the Nagarahole adivasi is not been empowered to enjoy the benefits of special guarantees incorporated in the Nation's Constitution like Reservation et al, both in education and employment. The advent of Non Governmental Organizations during the 80s, intervening for the adivasi and their habitat, in a severe indictment of the State & its machinery, helped at least a handful enjoy the benefits.

HEALTH:

The Nagarahole adivasi has minimum access to State's health systems. A lone Primary Health Center, established in late 70s continue to cater to the 4,000 strong adivasi population inside the Nagarahole. A mobile tribal health unit was provided just as recently as Seven years ago. These forest dwellers have no access to the emergency health systems of neighbouring villages and towns. The State has not made any effort at providing health systems in keeping with the adivasi life and their habitat. Efforts have also not been made to integrate the highly evolved herbal medicine systems of these adivasi with the modern medicine systems.

The State has failed to recognize the dependence of the Nagarahole adivasi on the State's health systems, which is predominantly based on modern medicine systems. The adivasi herbal medicine system is rich for forest related and other ailments. Yet, sustained pressures on these forest dwellers apart from violent dislocations from their habitat from time to time has put the clock back on its evolution. The lack of state patronage also adversely affected these systems, increasing the adivasi dependence on the State's health system.

Consequently, the mortality rate among the adivasi was on a high and till the late 80s when NGOs intervened to provide emergency services and necessary reach to these forest dwellers. The State's immunisation programmes reached the adivasi only during the 80s, with the NGO activities animating the State agencies.

The failure of the State to provide adequate health support systems in keeping with the needs of the adivasi has resulted in many hunger deaths in Nagarahole. The high rate of malnutrition among these forest dwellers owing to the State policies preventing them from subsisting adequately on the forest produce is reflected in the record number of epilepsy patients. Bone diseases and hampered faculties also stand out. A down swing in the population of these indigenous communities was clear till the 80s before the NGO and other support groups intervened to halt a process which was akin to efforts aimed at deliberate extermination of a race.

The lone PHC inside Nagarahole is an example of a truant health center with irregular doctors and inadequate medical supplies. The adivasi who visits the Center only when his condition is in an advanced state do not find the cure, as the Center is ill equipped to meet the situation. This is a reflection of failure of the State in creating systems in keeping with the value systems of the adivasi, which is based on an immense faith in the spirits of Nagarahole. Further, if a health unit is at a distance of more than 5 kms, he is discouraged to go.

The Mobile Health Unit is not in working condition half the year. And when it is condition, it seldom reaches either the colonies which have no other transport access or meet the requirement of the adivasi who is in dire need of medical attention. The Unit is more regularly involved in implementing Family Planning programmes on an indigenous population which is barely managing to survive diverse pressures on its very existence.

HOUSING

The State's efforts at providing housing is a patent example of urban planning for an adivasi society. The State brought in alien structures into Nagarahole during the late Sixties to replace the community conclave of hutments of the adivasi. The structures brought into Nagarahole were matchbox constructions without the elements of being allowed even a peek. These dark holes were also of poor quality and were modelled without even the rudimentary understanding of adivasi ethos of community life. Such houses built in a straight line reached Five percent of the adivasi families.

Instead of providing alternative houses which was modelled and constructed in keeping with the adivasi needs, these houses turned the 'beneficiary' hadis into slums. The structures were rejected by the adivasi with most using these structures as stores for their meagre belongings. The adivasi family put up traditional thatched hutments attached to the walls of these structures for their use. The structures also affected the community hygiene of a traditional adivasi hadi and stood out glaringly to the topography of Nagarahole.

CHAPTER SIX

THE ADIVASI ASPIRATIONS

The Nagarahole adivasi thus sandwiched between the designs of the State backed by the strong lobby of environmentalists and the ever increasing pressures of the forests from the outside societies aspire for due recognition of their cultural identity and their role in conservation efforts and want any development model to revolve around their habitat and its sustainability. In keeping with these aspirations, the adivasi-model revolves around three different strata of the Nagarahole namely (a) forests which are dwelling habitats of the adivasi (b) forests which are conserved and protected by the adivasi and (c) the sacred forests of the adivasi.

The first category comprises of 9,000 acres of forests outside the core area around the forests for meeting the habitat requirements of 1,500 adivasi families with provisions for adivasi to carry out their time tested sustainable agricultural practices. These forests would act as social fences against exploitation of the forest wealth by the agents of the consumptive societies. The location of the adivasi haadis in this area has been identified based on the adivasi traditions and 'sthala purnas' passed on over the centuries. This comprises of Six 'jammnas' in Virajpet (Kodagu) sector namely Nanachi (980 acres, 196 Jenu Kuruba families), Gonigadde (1,184 acres, 237 Jenu Kuruba families), Bommadu (860 acres, 163 Jenu kuruba/yerava families), Kaantur (495 acres, 99 Jenu kuruba families), Madenoor (645 acres, 129 Jenu kuruba families) and Aayirhossali (1630 acres, 326 panjari yerava/ Jenu kuruba families); three 'jammnas' in Kakanakote region (3,250 acres, 650 Jenu kuruba/betta kuruba/ yerava families). The second category comprises forests with a radius of 12.5 acres around each adivasi haadi which would be under direct conservation efforts of the adivasi with rights over minor forest produce and medicinal plants. This is forest land to the extend of 22,500 acres.

The third category comprises the rests of the forest cover which would be barred from access to anybody and would be conserved together by the adivasi and the State for preserving the bio diversity.

CONSERVATION STRATEGY:

(a) The Nagarahole forests must be under the direct supervision of the adivasi, in tune with their indigenous identity and with due recognition and powers to their conservation idioms with the guarantee that there would be no forced re location of any of these adivasi families from their habitat.

(b) All conservation strategies must be in consultation with the adivasi and with their prior approval, in keeping with the time tested indigenous knowledge and expertise in their possession.

(c) There should be no commercial exploitation of Nagarahole either for timber or for wildlife, including consumptive tourism. Tourism, if a must, should be in the adivasi idiom with visitors staying in adivasi haadis and living their lifestyle in harmony with the forests. The Nagarahole must cease to be haunts for pleasurable past times.

(d) The Nagarahole must be managed by a Steering Committee comprising Jamma Sabha yajmans, representatives of the State, environment groups, adivasi organizations and experts in different spheres and concerned individuals.

(e) Various works such as building of roads and concrete structures inside the Nagarahole must stop with immediate effect. The adivasi reject any development initiative which destroys the canvas of the wild. The adivasi families which have been forcefully re-located to the fringe forest areas must be vested with the right to enter the forests for performing their traditional duties and observing their festivals, apart from enjoying their minor forest produce. These families include 600 families in 12 haadis in Virajpet sector and 800 families in 34 haadis in Hunsur sector.

(f) Vigorous efforts must be made to curtail 'fence eating the crop' with necessary vigil on the agencies of the State and adivasi and the state agencies should work hand in hand in keeping out the smugglers and the poachers. Forest contractors should be banned.

(g) All disbursement of payments for conservation efforts including fighting forest fires et al must

be through the management committee and should not be vested solely with forest department personnel.

(h) The state should initiate special efforts at imparting specific training to the adivasi in order to blend traditional wisdom with acceptable modern conservation strategies with the ultimate aim of the adivasi himself assuming positions such as Conservators and above. As an interim strategy, the state should recognize adivasi yajmans in the necessary manner by according them honorary titles with equal powers as the agencies of the State.

(I) Movement of all vehicles except to meet conservation requirements and emergencies must be banned inside the forests. These vehicles must be solar powered to reduce noise and environmental pollution. All approach roads passing through the forests must be diverted outside the forests on a war footing.

(j) All concrete structures within 10 km radius of the forests should be demolished and strict regulations must be enforced for any structure which comes up in future.

(k) All research activities must have the unanimous approval of the managing committee and the managing committee should be the final authority for clearing any research project. The committee should also have the right to withdraw its permission for any research project if and when it is found to be anti conservation.

(l) Adivasi rapid action forces must be deployed in strategic locations with necessary mobility and communication networks. The State should stand with the adivasi in fighting the pressures on the forests from the village societies.

(m) The adivasi reject all externally funded conservation efforts as long as these efforts are funded in the form of loans. The adivasi stand is that all such conservation efforts must first secure the approval of the adivasi and the high power management committee and any funds should be in the form of grants which are not to be repaid or have any strings attached in the form of patenting and such others.

MANAGEMENT STRATEGY:

Currently, Nagarahole is being managed by the State agencies without any scope for active participation of the adivasi. The dangers of such efforts have been enlisted earlier with the teak plantation and the eucalyptus misadventure standing out as glaring examples. It is also clear that without a community effort and participation of all, the forests given the intense pressures on it will not last beyond the next two decades of the 21st century. The adivasi gravely disturbed by such a serious situation, propose the following management module.

The British model of wildlife management which still in vogue even 50 years of independence has the Nagarahole segmented into Seven ranges under two conservation circles, one territorial and another wildlife. These ranges and their range officers have over the decades merely made it a pastime to attack the adivasi for all the denudation and destruction of the forests. This is not established by facts.

On the contrary the facts establish that there is large scale encroachment of the forests by the powerful planters of Kodagu, that most of these forest officers are rich beyond their normal means, that a strong timber lobby still pry on these forests with the connivance of the agents of the state and that wildlife meat is available for the planters at their fancies. On the adivasi part, the only fact that exists is that a handful of adivasi have been coerced into wielding the guns provided by the planters under threat given the feudal sensibilities of these planters and powerful farmers who continue to address the adivasi in derogatory terms as 'hey, kuruba' (meaning infidels in their parlance and not recognition of an ethnic identity).

The indigenous model for management of the forests, under such circumstances, to be implemented by the adivasi is a three tier system comprising (a) Haadi Sabha (b) Nagarahole Jamma Sabha and (d) Steering Committee. These management systems include (a) Forest Conservation Committee and (b) Arbitration Committee at each Haadi and Jamma level.

(a) The Haadi Sabha comprises of all adivasi elders and women of each adivasi haadi, who have attained 18 years of age. All programmes will be planned and implemented in each haadi by the haadi sabha which will also have the responsibility of supervising these programmes. All conservation efforts and utilization and distribution of minor forest produce in the forests which are in the ambit of each haadi will be as per the guidelines established by the haadi sabha. The forest conservation committee at the haadi will be a committee established by the haadi sabha and it will have the responsibility of preventing all disruptive activities on the forests apart from implementing and supervising conservation exercises. The Arbitration Committee would also be brought into existence by the haadi sabha and this committee would be the final authority in settling any disputes and the punitive measures declared by this committee on erring members of the haadi will be final. The traditional yejaman of the haadi will be the chairman of the haadi sabha and the arbitration committee. The chairman of the conservation Committee will be appointed by the haadi sabha, which will meet once a week. The conservation committee shall meet once in fifteen days and arbitration committee whenever there is a dispute.

(b) The forests will have Nine Jamma Sabhas which will meet once every month. These Sabhas will have three representatives from each haadi sabha comprising the Yejaman, the chairman of the conservation committee and a lady representative. The Yejaman of the Jamma Sabha will be an unanimous choice by the representatives of the Sabha and the Steering Committee will arbitrate on the nominees for Jamma Sabha Yejaman from the list submitted by the Jamma Sabha in the event of there being no unanimity among the Jamma Sabha members. The Jamma Sabha will be the final appellate authority for resolving any dispute which is carried over from the haadi sabha and decisions shall be arrived at with full participation of the Jamma Sabha members with the Yejaman announcing the decision only with the mandate of the majority. The Jamma Sabha shall also co ordinate implementation of various programmes and shall lay the directions as per the requirements decided by the haadi sabha and if necessary, guidelines of the Steering Committee. The Jamma Sabha shall also be responsible for co-ordinating with forest department personnel as and when necessary and laying the broad outlines of requirements and functioning of the various bodies in the Jamma based on the decisions taken by the haadi sabhas.

(c) The overall management of the forests will be vested with a Steering Committee, comprising the Yejamins of the Nine Jammās; the forest department officers from DCF to CF and beyond; Environmental expert as identified by the adivasi and forest department; representatives of the NGOs involved in adivasi struggle in the region as identified by the adivasi; representatives of NGOs involved in environmental issues as identified by the adivasi, the forest department and the local administration; a representative from the concerned district administrations; Adivasi experts from the academic circuit as identified by Adivasi and NGOs working among Adivasi; Local MLAs whose constituency encompasses the forest; Local MPs; and three other representatives from other professions who are knowledgeable about the forest and the adivasi.

The Committee has not exceed more than 35 members and shall meet once three months. The Committee will be jointly chaired by an adivasi representative and a representative of the forest department. The meetings shall be convened compulsorily once in three months by the Government representative and as and when Ten members of the Committee jointly represent for a meeting. The adivasi Co-Chairperson will be nominated by the Jamma Yajamins. The Steering Committee Chairperson will be nominated from among all the Steering Committee members. The Secretary of the Committee who shall convene the meetings shall be a representative of the forest department.

The Committee has finalized the guidelines for management of the forests and the protection of adivasi culture based on the opinions expressed by the members of the Committee. The Committee shall also be responsible for mobilizing and channelising funds towards conservation and adivasi welfare.

The Committee shall also have the powers to decide on stringent punitive measures against all those involved in anti conservation activities and exploiting and infringing on the human rights and forest rights of the adivasi. The Committee shall also have the powers to nominate a Jamma Sabha Chairperson from among the list of nominees submitted by the Jamma Sabha in the event of the Sabha failing to make an unanimous choice. The Committee shall liaison with the Government and voice the micro planning inputs and ensure that the plans of the government are in keeping with the conservation needs and adivasi aspirations. The Committee shall ensure that there is no forcible eviction of adivasi from the forests and arbitrate on the actions of the forest personnel as and when cases are foisted on the adivasi without any basis. The Committee shall also be the final authority in appointment of lower level field personnel for conservation needs and adivasi welfare.

ADIVASI DEVELOPMENT STRATEGY

(a) The adivasi economy shall be based on sustainable cultivation practices which has been followed over the centuries by these forest dwellers in the form of medicinal plants and forest produce such as gooseberries, honey, tubers, roots and shoots. The adivasi shall enjoy the rights over inter cropping without affecting the forest canvas around his haadi and without using any modern machinery or chemical fertilizers. Horticultural produce shall also form a back bone of the adivasi economy and food habits. The adivasi shall have the rights over small prey which shall be listed out by the Steering Committee in consultation with the Jamma Sabhas based on seasonal observations.

(b) The adivasi haadis shall be established by the adivasi in keeping with their traditions and merging with the topography of the forests without any destruction of the forest cover. The adivasi shall be given assistance for putting up their traditional dwelling structures using dead wood and dry leaves. If the State is keen on providing them with community electricity, the adivasi opt for solar electrification for lighting purposes and reject high tension wires passing over the forest endangering the wildlife. The adivasi shall also be given assistance for cleaning up traditional water holes in the forests which have long gone unkempt, affecting both the wildlife and the adivasi.

(c) The adivasi children shall be educated in their mother tongue with Kannada being an optional language at the primary level. The curriculum shall be framed with the help of adivasi yejamans, adivasi experts and educationists, based on the inherent conservation idiom of the adivasi. After due education, the adivasi shall be given preference in agencies involved in forest conservation and preservation of indigenous cultures. Each Jamma shall have a high school and collegiate education shall be given outside the forests with special facilities and institutions being established by the Steering Committee in the adjoining villages and towns. An Ashram Shale based on decisions taken by the haadi sabha shall be established in a adivasi hutment for every five haadis in order to ensure nutrition inputs to children. The adivasi rejects construction of roads leading to the haadis and want only path ways to approach different haadis. Educated adivasi shall be given preference while appointing teaching for the primary and high school education by the Steering Committee.

(d) The adivasi health system is invariably based on both the traditional systems and modern medical practices owing to irreversible process of history. While the adivasi need encouragement for sustaining its indigenous medicinal practices which are based on herbs and other forest produce, the adivasi also need access to modern medical practices for treating ailments which have reached the adivasi from the village societies. Hence, apart from bringing the existing health apparatus under the Steering Committee for better supervision, the adivasi shall have a PHC for each Jamma. Each Jamma Sabha Chairman shall also be given wireless communication systems managed by the forest department to call for mobile medical help in the case of emergencies.

CONCLUSION

The adivasi struggle at Nagarahole forests presents the saga of a continuous struggle by the indigenous forest tribes like Jenu Kuruba, Betta Kuruba and Yerava for protection of their habitat and their cultural identity amidst grave threats to both from the State and the organized communities. Though these tribes stand out as uncorrupted examples for living in harmony with nature and sustaining their habitat, they have over the decades faced severe threats of forcible re location and organized efforts of the mainstream societies in painting them as the sole threats to a pristine nature cover.

Apart from the cultural shocks which these adivasi suffered during the pre independence era with rampant felling of the forests and encroachments literally reducing a large majority of them into subservience before the village societies, the post independence era brought to them the age of forced re locations. The 80s saw many such adivasi groups being forced out of the forests and most of these adivasi groups especially the Yeravas have been reduced to labourers at the mercy of rich coffee planters of Kodagu.

The advent of NGO groups such as CORD, DEED and Fedina Vikas around this time to take up the cause of these dying adivasi groups has now resulted in the adivasi standing strong and resisting pressures to which they gave in during the previous decades. The spread of awareness regarding their rights in this adivasi belt of Virajpet in Kodagu district and Periyapatna, Hunsur and H D Kote in Mysore district have borne fruit during the late 90s with the resistance to the Taj Resorts at Murkal in gross violation of the existing laws standing out as a prime example. Despite severe pressures from the Government and its agencies, with the moneybags of the Taj Group doing the talking, the adivasi stood firm and finally took the Taj to the portals of Karnataka High Court.

The adivasi felt their real power as a organized group when they declared a Nagarahole Bundh on Dec. 29, 1996 and succeeded like never before. The Nagarahole Bundh was the historic first in post independent India when the adivasi asserted their supremacy over their traditional domain in no uncertain manner. This success had a sugar coating a month later when the Karnataka High Court in January 1997 gave a verdict in favour of the adivasi, exposing the State and its agencies. The matter is now, ironically, pending before the Supreme Court with the State holding the brief on behalf of the Taj.

And since then, there has been no looking back for the Nagarahole adivasi. The legislation of Bhurui Committee recommendations by the Parliament giving mandate for tribal self rule saw the Nagarahole adivasi celebrating the Haadi Republic Day on January 26, '97. It was a day when even the State's agencies stood mute spectators in awe. The Nagarahole adivasi followed this with a forceful rejection of the India Eco Development Project of the World Bank for Nagarahole boozing the WB delegation away in Feb. '97. This has resulted in the WB and the Union Government giving the entire project a new dimension taking the adivasi sensibilities into account.

Now, the adivasi have taken it up themselves to declare self rule in their haadis with the State dragging its feet in implementing the Tribal Panchayat Raj Extension Act of 196 based on Bhuria Committee recommendations. The State's agencies can enter such haadis only with the permission of the Yejaman.

The Peoples' Plan is a document borne out of these struggles and precedes even the Bhuria legislation. Yes, the Nagarahole adivasi have come a long way from the dying kurubas exploited by the State and village societies and emerged into a strong fighting force clear about their needs and capabilities.

*****ENDS*****

CONVENOR
DISTRICT COMMITTEE
BUDAKATTU KRISHIKARA SANGHA
COORG DISTRICT.

011 4619393

MS. JESSICA MOTT
MR. SAM TANKRAJ
WORLD BANK.

Dear Mr. Jessica Mott and Mr. Sam Tankaraj,

We came to know that you are World Bank's representatives and are responsible for sanctioning money to Nagarahole Eco-Development Project. We are surprised that you are about to sanction money to this project which will negate Nagarahole Adivasis their right to life.

We too need the forest. Our life depends on it. But such a life supportive forest has been seen by the Government and the Forest Department only as a source of revenue through logging and auctioning wood and timber. The trees and great many parts of the forest we depended for fruits, tubers, honey, etc., are cut and cleared by them.

We know that the directive principles of your Bank says that to sanction money to any project first of all it should be guaranteed that the implementation of the project doesn't violate the human rights of the indigenous people.

That in the preparation of the project these people should be involved and consulted and that their opinions be respected.

And the development project which the forest department has prepared and which is going to be funded by you has never been made available for our observation. The forest department has never cared to translate it to our language.

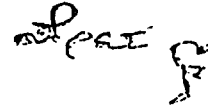
So the present Eco-Development Project is prepared without caring for our traditional rights, without discussing with us. It aims only at our displacement. It neglect our role in the development our the projects. At present the department officials are constantly misbehaving with us, ill-treating us and oppresing us to push us out of the forest.

We too believe that forests should be saved, all its flora and fauna be protected and tribal life be prospered. But the method and means of acheiving it should be incoherence with our feeling and emotions. It should never violat our rights. So in this directionly an Eco-Development Project be prepared.

Hoping for your favourable response and immediate action.

Yours sincerely,

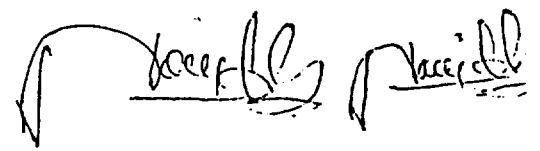
1. Mr. Somanna, Convener,
Girijana Jilla Smithy,
Mysore District.



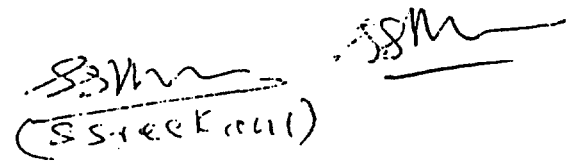
2. Mr. J.P. Raju,
Co-Convener,
Karnataka Rajya Moolanivasi Budakattu Janara Vedike,
Karnataka.



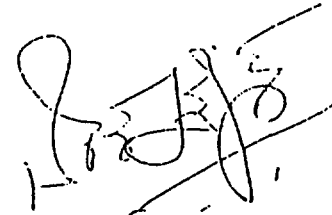
3. Mr. Nanjundiah,
Secretary General,
FEDINA-VIKASA,
H.D. Kote, Karnataka.



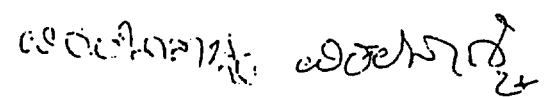
4. Mr. S. Sreekant,
Secretary,
DEED, H.D. Kote Road,
Hunsur, Karnataka.



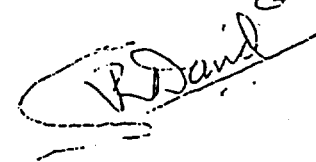
5. Mr. Venkatesh Padakanaya,
Convener,
Tribal Joint Action Committee,
Karnataka.F



6. Mr. Vittal Nanachi,
Member, District Tribal Committee,
N. Begur P.O., Bramhagiri,
H.D. Kote, Karnataka.



7. Mr. V.S. Roy David,
Director,
CORD, Kushalnagar Po,
N. Kodagu 571234.
KARNATAKA.



copy to:

1. The Prime Minister, Government of India.
2. Minister of Forests, Government of India.
3. The Chief Minister, Karnataka State.
4. The Forest Minister, Karnataka State.
5. The President, World Bank.
6. The Press.

011 4619393
pages 2 including this one

Ms Jessica Mott
Mr Sam Tankaraj
World Bank

Greetings from CORD, the Coorg Organization for Rural Development.

- 1 I trust you already have on record our objection to the ecodevelopment plan, and the analysis of the violations of the bank operational directives.
- 2 We bring to your notice once again that we have not been consulted, nor have the points raised been addressed in the preparation of the plan.

For instance, The forest department, even at your meeting on 1 June 1996, sticks to its position that the law does not permit human inhabitation within National Parks, while your directives

- a. [15 a and 15 c] are clear that legal protection for ensuring the customary rights of the people should be in place before the plan is approved.
- b. there should be informed participation
- c. where adverse impacts are unavoidable and adequate mitigation plans have not been developed, the Bank will not appraise projects until suitable plans are developed by the borrower and reviewed by the Bank.

We also fail to understand how the plan could even reach this stage when your own documents catalogue in painful detail how it conflicts with your policy [see Ecodevelopment In Nagarhole, India -- a critique by Anita Cheria; presented at your consultation in Washington on 1 April 1996], and after the Government of India, thru its forest department has made it abundantly clear that evictions will take place since according to the law human habitation is not permitted in National Parks at the meeting in New Delhi on 1 June 1996.

We find no evidence that any of these criteria have been fulfilled.

- 3 Despite this, the project seems all set to be sanctioned. We once again reiterate our opposition to the plan in its present form.
- 4 Your own documents state that there exists a 'confrontational' and 'generally antagonistic' relationship

between the forest department and the adivasi and that in future is likely to 'continue to [be] strain[ed]'. Yet it depends on just this section to decide on the future of the adivasi. It might be legal, but it certainly is illegitimate.

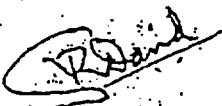
- 5 We cannot and will not be part of a plan that is essentially anti-people in nature. Moreover, it would seem that we are to be consulted on and asked to be executors of the micro-plan. In all fairness you will appreciate that we would not like to be 'contractors' and execute a plan we are not part of in either its policy development nor formulation.

Our role in the present plan would seem to push us into active opposition. To paraphrase the father of our nation, there comes a time when it becomes the duty of citizens to actively oppose the illegal acts of their government.

- 6 Despite recording our objections with you, there seems to be no will to address them. We are thus forced to go to a more public forum. Even at this late stage we would urge you to start a genuine dialogue with the people, who have a plan to develop their homelands, and suspend the project till then.

- 7 In the meanwhile, please send to the following a full set of plan documents, and keep us informed of any further developments. Provision should be made for adequate time and other resources to translate and share the plan with the adivasi. Only then, if they do give their informed consent, should the project be given the go ahead.

CORD, Post box 23, Kushalnagar, Karnataka, India 571234
DEED, Hunsur, Mysore District, Karnataka, India 571105
VIKASA, H D Kote, Mysore District, Karnataka, India 571114
ICDSS/TJAC, Near Al amin college, Kalya gate extension,
Margadi, Karnataka, India 563120
FEVORD-K, 44 New Bamboo Bazaar Road, Cantonment,
Bangalore, Karnataka, India 560 051


V S Roy David,
Secretary

CORD
Bangalore

5 June 1996

cc DEED, Hunsur and Vikasa, H D Kote

CORD, Post Box 23, 119/1 4th Block, Kushalnagar, Kodagu District,
Karnataka, India 571234
phone and fax: +91 8276 74487

ನಾಗರಹೋಳೆ ಬುದಕಟ್ಟು ಹಕ್ಕು ಸ್ಥಾಪನ ಸಮಿತಿ
NAGARHOLE BUDAKATTU HAKKU
STAPANA SAMITHI

Gadde hadi, Nagarhole P.O, South Kodagu, Karnataka, S.INDIA, Pin-571 250

Date : 06-08-97

To,
The Chairman,
Review Panel World Bank Projects,
WORLD BANK,
1818 H, Street N.W.
Washington D.C.20433,
U.S.A.

TELEFAX : (202) 477-6391

Dear sir,

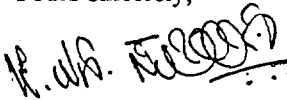
Sub: Request to review Nagarhole Eco Development Plan, stop funding immediately, your intervention urged.

We the members of NAGARHOLE BUDAKATTU HAKKU STAPANA SAMITHI (Nagarhole Tribals Rights Restoration Committee) herewith record our protest against the proposed Nagarhole Eco Development plan & tribal rehabilitation supported by World Bank and implemented through Karnataka Forest Department which is against the wishes, aspirations and the tribal laws of the land.

Inspite of our repeated protests World Bank seems to be determined to Fund this project through Karnataka Forest Department to evict the Adivasis from their home land in the name of rehabilitation, protection, management and eco tourism, It is further convincing for us through the statements issued by none other than the Karnataka Forest Minister Mr.Nagamarpalli which reads that the the World Bank has released Rs. 30 crore for the rehabilitation of Nagarhole tribals. This will further contribute to cultural marginalisation of adivasis and it amounts to Human rights violation. This is also against the World Bank directives which is a clear contradiction of World Banks lending principles.

We therefore demand your intervention at once and review the project, stop unproductive and destructive funding. If the World Bank is really interested let it look into the people's plan and laws relating to local Self Governance. We hope you will do the needful and contribute to social justice.

Yours sincerely,



Mr.J.L.Subramani
Convenor (NBHSS)



Mr.J.K.Babu
Convenor (BKS)



Mr.J.T.Rajappa
Convenor (ASR)

Copy to:

- 1) Mr. Puce Rich EDF, Washington DC, U.S.A
- 2) Mr.S.R.Hiremat, SPS, Dharwad, INDIA


Bles
for
Nagarhole
file

ANNEX 2

OFFICE MEMORANDUM

DATE: May 5, 1998

TO: Mr. Alvaro Umaña, Chairman, The Inspection Panel

FROM: James D. Wolfensohn, President, International Development Association 

EXTENSION: 85120

SUBJECT: **INDIA - Ecodevelopment Project (Cr. No. 2916-IN; GEF TFG No. TF028479-IN)**
Management Response to Request for Inspection

1. Reference is made to the Memorandum dated April 3, 1998, to the President of the International Development Association, by which the Chairman of the Inspection Panel requested Association Management to provide the Panel with written evidence that it has complied or intends to comply with the relevant policies and procedures in the implementation of the Ecodevelopment Project.

2. The Request for Inspection alleged, with respect to Nagarhole in Karnataka, that the Association violated two Operational Directives (OD), namely OD 4.20 Indigenous Peoples and OD 4.30 Involuntary Resettlement. The Panel also noted that there may be issues relating to Operational Policy (OP) 4.36 (Forestry). Management considers that it has complied with these ODs and the OP. With respect to OD 4.20 (Indigenous Peoples), the broad parameters for compliance with the OD, including measures for ongoing consultation, were agreed during appraisal and microplans are required prior to each set of investments at the village level. These microplans must be prepared by, and be agreeable to, the involved people. With respect to OD 4.30 (Involuntary Resettlement), the covenants are unambiguous; there will be no involuntary resettlement. With respect to OP 4.36 (Forestry), the Panel did not make clear where its concerns lay. Some of the aspects of the OP are covered by OD 4.20. With respect to the issue of forest policy, the Nagarhole Protected Area is a national park covered under the Wildlife Act and not a forest reserve covered under the forest legislation. The Wildlife Act has been addressed separately in the Response.

3. Management reiterates here six related points included in the attached Response.

- First, when this Project was proposed, past experience pointed towards a process design. We knew we did not have all the answers and that a process was needed to establish ongoing planning mechanisms and simultaneously to get things done on the ground. This process approach is critical to understanding the issues raised in the Request and the Association's compliance with OD 4.20. Management was open about the process design of the project.

- Second, substantial consultation took place prior to appraisal. About 35 NGOs were involved in the seven sites and many Participatory Rural Appraisals, Social Assessments, studies, workshops, and discussions with groups or individuals in the field were held. Those that took place at Nagarhole are indicated in the Response.
- Third, Nagarhole, the site of concern in the Request Letter, is the most challenging of the seven sites because of a history of mistrust between tribal people and government. The Project was designed to help address these longstanding problems. We think that the issue is not that the concerns of tribal people have not been listened to or understood, but that the solutions are very complex and cannot be easily resolved.
- Fourth, implementation has not yet started at this particular site. The first funding under the Project reached this part of the Project only a few weeks ago. Intensive supervision is planned. Management's intention is to comply with the relevant ODs and OPs in the implementation of this Project, as it has during the design phase.
- Fifth, the processes set up under this Project are based on prior experience. They draw partly from the experience of participatory processes in parks in other countries and from the experience in India with "joint forest management". They also draw from a successful pilot in India, the Kalakad-Mundanthurai Tiger Reserve in Tamil Nadu, funded under the Forestry Research Education and Extension Project.
- Finally, Management has been open about Project risks throughout project processing. It was well understood that it would be a controversial Project largely because of divergent views coming from those with interests in biodiversity and from those with interests in expanding people's access to resources.

4. Management stands ready to provide any additional assistance that the Panel may require for the purposes of preparing its recommendation to the Executive Directors and would be happy to meet with the Panel for this purpose.

INDIA

ECODEVELOPMENT PROJECT (Cr. No. 2916-IN; GEF TFG No. TF028479-IN)

MANAGEMENT RESPONSE TO INSPECTION PANEL

I. INTRODUCTION

1. This is the IDA Management response to IPN Request RQ98/1 providing to the Panel written evidence that it has complied, and intends to comply, with the relevant policies and procedures in the design and implementation of the above-referenced Project. The response refers to the Request Letter from the Nagarhole Budakattu Janara Hakkusthapana Samithy (NBHHS).
2. The Request alleges violations of Operational Directives (ODs) 4.20 (Indigenous Peoples) and 4.30 (Involuntary Resettlement). The Panel also noted that there may be issues relating to Operational Policy (OP) 4.36 (Forestry).
3. The response is in four parts: Background, Summary of Conclusions, Discussion, and Conclusion. Attached are four Appendices: Project Fact Sheet, Matrix Relating Project to OD 4.20 (Indigenous Peoples); Sequence of Main Dates from Project Identification to the Present, and a letter of response dated June 18, 1996.

II. BACKGROUND

4. The objectives of the Project are: (i) to assist in the conservation of biodiversity by implementing an ecodevelopment strategy that would increase collaboration between people in and around the Protected Areas (PAs) and PA managers and improve PA management; and, (ii) to support the preparation of future biodiversity projects in India. The lessons from other conservation projects in areas with human pressures have been that a top-down, target-based, approach has not worked; that building consensus is difficult and takes time; that participation at grass roots level is essential; and that reciprocal commitments between government and local communities are needed. This past experience pointed towards *a process design project which, after a period of indicative planning to establish the framework and define appropriate processes, proceeded to get things done on the ground*. Understanding this process approach, which was conveyed to, and accepted by, the Board, is critical to understanding the issues raised in the Request.
-

5. The Project design and legal agreements are intended to minimize any adverse impacts on people with longstanding rights to access within parks. The key elements of project implementation are: (i) a process of village level planning (microplanning)¹ through which individual families and groups can express their needs and get financial support for improved stoves, fodder planting, weaving, tailoring, mushroom cultivation, electric fences, training as nature guides, developing tourist accommodation etc.; and, (ii) a Protected Area Management planning process through which local people can increase their involvement in overall park planning and management and resolve conflicts. People can elect not to participate in either of the above two sets of activities. Some funds are provided for those who wish to request voluntary relocation. The amounts for this have not been accurately projected because there is no relocation target, but it is expected to be about 1% of the total project costs. *The Project does not require anyone to move and, in fact, contains provisions which prevent government from requiring this in sites receiving Association assistance.*

6. With respect to project implementation at the Nagarhole site, the Project has not yet started, although two draft microplans have been prepared. Union cabinet clearance did not come through until the end of October 1997 and no funds were made available through the Karnataka state budget to the Project authorities until March 31, 1998, the last day of the financial year.

III. SUMMARY OF CONCLUSIONS

7. In relation to the above-referenced Request for Inspection, Management's position is as follows:

- With respect to OD 4.20 (Indigenous Peoples), the main allegations are that the Association has overlooked the existence of tribals in Nagarhole National Park (one of seven Protected Areas covered under the Project), that the Project fails to comply with OD 4.20, and that informed participation has not taken place. **Management does not agree and considers that it has complied with this OD.** The requirements of the OD have been addressed during project design and are being addressed in the implementation phase. The broad parameters for compliance, including measures for ongoing consultation

¹ Microplanning comprises mapping of the PA-people interface collaboratively with the local people mobilized through the village Ecodevelopment Committee and with the PA authorities to: (i) identify and prioritize impacts, both positive and negative, of the PA on people and vice versa; and (ii) draw up a plan for mitigating the negative and enhancing the positive by developing: mutually approved objectives, investments, inputs, obligations on both sides, implementation schedule, monitoring indicators, agreed arrangements for cost and benefit sharing, assessment of proposals with respect to eligibility and feasibility, administrative arrangements, training, Participatory Rural Appraisal exercises to ensure a voice for vulnerable and often excluded groups, etc.

and security of access to resources, were agreed during appraisal and microplans are required prior to each investment. These microplans must be prepared by, and be agreeable to, the involved people. The intention is to strictly supervise project implementation.

- With respect to **OD 4.30 (Involuntary Resettlement)**, the main allegations are that the Association has failed to comply with the OD by not mentioning the tribal habitats inside the park and that the Staff Appraisal Report (SAR) insists on rehabilitation of tribals from core areas. **Management considers it has complied with this OD.** The SAR clearly refers to ² tribal people living in the park *and does not "insist on rehabilitation" as is claimed in the Request. The covenants are unambiguous; they state that the Project States shall not carry out any involuntary resettlement for any people resident within the Protected Areas (PAs).* Furthermore, there is clear evidence that Management intends to adhere to this conditionality. Prior to appraisal, the Similipal site in Orissa was dropped from the Project because there were doubts about whether a recent relocation of people had followed what were to become the agreed criteria for voluntary relocation under the Project.
- With respect to **OP 4.36 (Forestry)**, the Panel did not make clear where its concerns lay, however **Management considers it has complied with this OP.** Some of the aspects of the OP are covered by OD 4.20. With respect to the issue of forest policy, the Nagarhole Protected Area is a national park covered under the Wildlife Act and not a forest reserve covered under the forest legislation. The Wildlife Act has been addressed separately in the Response.

8. Management has always recognized that the Project has significant risks related to participation, trust, realism of expectations, regional pressures, extent of implementation capacity and level of government support ³. Staff were open about the risks throughout Project processing. It was well understood that it would be a controversial Project. Nagarhole is undoubtedly the most difficult and ambitious of the seven sites given the history of conflict, but, the process itself is by no means untested. A similar approach under the earlier Forestry Research Education and Extension Project at the Kalakad-Mundanthurai Tiger Reserve in Tamil Nadu is working well with substantial benefits for both people and biodiversity.⁴

² SAR page 88

³ In particular, in Annex 21, page 296: "...it would be unrealistic to expect that the Project would be able to completely redress past negative impacts of the PAs on local people. Furthermore, biologists and social scientists have different perspectives and agendas that are sometimes impossible to fully reconcile".

⁴ This experience is written up in a recently published South Asia Brief.

IV. DISCUSSION

9. The discussion addresses five main areas of concern: project design, issues related to OD 4.20, issues related to OD 4.30, other concerns; and, OP 4.36 (Forestry).

A. Concerns about Project Design

The Request expresses concern about "The perplexing logic and pressures for the introduction of the project" (Page 1)

10. While not a matter related to Operational Directives or procedures, Management's response is that the logic and objectives of the Project are clearly stated in the Project Objectives section of the SAR (page 8). Briefly, they are: "to improve capacity of Protected Area management to conserve biodiversity and increase opportunities for local participation in Protected Area management..." and to "reduce negative impacts of local people on biodiversity, reduce negative impacts of Protected Areas on local people, and increase collaboration of local people in conservation efforts."

B. Concerns related to Operational Directive 4.20 on Indigenous Peoples

The allegations under this heading are: that the Association has said that there are no tribal people in the core area of the park (Page 4, Item b (ii)); that OD 4.20 is discarded in the case of this project (Page 3, Item b (i)); that any meaningful process of informed participation of tribal groups and NGOs has not taken place (Page 4, Item b (ii)); that OD 4.20 is evaded by not mentioning the tribal habitats inside the Park (Page 5, Item b (iii)); that the project circumvents the OD 4.20 and that the project will not be handed over to tribals since the Association has overlooked the existence of tribals in the core area (Page 5, Item b (iv)); and, that the Association has misquoted participants to consultations (Page 5, Item b (ii)).

Tribals Resident Within the Park

11. In a number of places in the Request there are statements to the effect that the Association has said there are no tribal people in the 'core area' of the park. Management is not clear what the relevance of this statement is. It appears to be correct that there are no people living in what is known as the 'core area'⁵ (which is not a legal designation). The Project documents have made specific reference to about 7,000 tribal people who live inside the park boundary (albeit not within the 'core area') and another 70,000, both tribal and non-tribal, outside the park within about 2 km⁶. However, even if there were

⁵ This 'core area' is shown in red in the SAR map IBRD 27844.

⁶ SAR Annex 6, page 88.

people living in the 'core area', while relevant to biodiversity conservation, it would be of no relevance to the issue of compliance with the Operational Directives. OD 4.20 applies to all tribal populations wherever they are located. OD 4.30 would also apply, however the Project does not include involuntary resettlement.

The Incorporation of OD 4.20 Requirements into Project Preparation and Implementation

12. No separate Tribal Development Plan was prepared, because over half of the project beneficiaries are tribal people and all areas have significant numbers of tribal people. Therefore, in accordance with OD 4.20, para. 13 the provisions of the OD would apply to the entire Project.⁷ Appendix 2 provides a detailed response to each of the substantive issues raised.

13. Regarding the allegation that meaningful "informed participation" has not taken place, Management's response is that OD 4.20 was complied with and that informed participation did take place. The framework for compliance, including arrangements for consultation, resource security, and implementation, were discussed at appraisal and agreed in the legal documents. Adherence to the OD has been, and is being, carried out within the framework of a process-oriented project with indicative planning coming before appraisal and more detailed consultation following during implementation.

14. We outline the process in the following paragraphs. The Project was designed to involve a two phase three-step process. Indicative planning to establish the main areas of conflict, appropriate participatory mechanisms, eligible types of investment, and effective institutional arrangements was undertaken during project preparation. The more detailed consultative microplanning and Protected Area management planning, during which individual families and groups express their needs and resolve conflicts in a context with funding available, will be carried out during project implementation. These three steps are elaborated below.

A. Project Preparation Stage

15. *Indicative Planning and Consultation.*⁸ The Staff Appraisal Report outlines in Annex 4 the main consultative steps in the development of the Project design up to and including appraisal. About 35 NGOs were involved directly in project preparation work for the whole Project which included Participatory Rural Appraisals, Social Assessments, village meetings, workshops, and discussions with individuals. At Nagarhole 5 NGOs were involved either in workshops or studies: Indian Institute of Public Administration,

⁷ OD 4.20, para. 13 says: "When the bulk of the direct project beneficiaries are indigenous people, the Bank's concerns would be addressed by the project itself and the provisions of this OD would thus apply to the project in its entirety."

⁸ The term Indicative Planning as used here refers to all the project preparation and appraisal work..

Mysore Resettlement and Development Association (MYRADA), Society for Promotion of Wasteland Development (SPWD), SETT and Bharatiya Agro-Industries Foundation (BAIF). Discussions were held by staff with a few others. At Nagarhole the sequence of consultative steps was as follows:

- (a) Over the period August 1993 to March 1994 the Indian Institute of Public Administration (IIPA), funded by GEF through UNDP, carried out an Indicative Planning exercise. This involved field visits by IIPA staff to the area, Participatory Rural Appraisal (PRA) training programs, meetings and workshops, and a PRA exercise which, in Nagarhole, was sub-contracted to MYRADA. It covered 14 villages, one of them inside the park, the rest very close to the boundaries in locations where there were substantial park impacts on people or people impacts on parks. (OD 4.20, 15 (b),(e), (f)). This exercise led to some frustration because local people expected funds to be immediately available. It was therefore decided not to raise expectations by including more villages inside the park at that time.
- (b) In November 1994 three Bank staff held discussions with individuals and small groups of tribals at several locations both inside and outside the park. Discussions were held also with national and local NGOs. In particular, a Bank social scientist had discussions with people in 3 villages inside the park⁹ and 3 villages outside. Separately a Bank ecologist had discussions with an NGO already working inside the park. The Aide Memoire of this mission (November 28, 1994) identified the need for additional studies and the need to expand the studies to tribals within the park. *Of particular relevance to the allegations related to relocation is that, at this point in the process, the pre-appraisal mission was instrumental in halting an earlier resettlement plan which was to move all or most of the tribal residents out of the park.*
- (c) In February 1995, a Social Impact Assessment, again, using Participatory Rural Appraisal (PRA) methods was carried out by an NGO - the Society for Promotion of Wastelands Development (SPWD). Ten villages in locations mostly on the park boundary from just inside to about 4 km outside were sampled. Meetings were held by SPWD with 3 other NGOs - MYRADA, DEED, and Fedina Vikasa. A range of aspects were explored including income earning activities, reliance on forests, problems faced by people, and possible Project investments. (OD 4.20, 14, 15.)
- (d) In April 1995 an Ecodevelopment Study was carried out by an NGO MYRADA using PRA methods in 9 villages inside and near the periphery

⁹ There are about 45 hamlets inside the park.

of the park. Main information related to family data, land holding and use, income sources, assets, public amenities, linkages to sources of labor, culture and religion, forest and non-timber forest product dependence, wildlife depredations problems, aspirations, and attitudes to relocation. (OD 4.20, para. 15)

- (e) September 26, 1996 two staff met NGOs and tribals in Bangalore.¹⁰
- (f) In December 1996, prior to effectiveness, a stakeholder analysis (Goal Oriented Project Programming (GOPP)) was carried out by Om Consultants funded out of the Project Preparation Facility to feed into the implementation plan. During this analysis discussions were held with a range of stakeholders including tribals, NGOs, Department staff, etc. (OD 4.20, para. 15)
- (g) During the first review mission (in effect a supervision mission, but prior to project effectiveness) in February 1997, prior to any budgetary allocation to the project, further meetings were held with NGOs and tribals (one meeting with 50 tribal representatives of H D Kote taluk (an administrative block) including 10 women, two visits to villages on park periphery, one visit inside park). During this mission the 'People's Plan' was raised by tribals and five elements discussed (information, local participation, forester/tribal interface, transparency of financial transactions, customary rights). In discussions, the mission proposed further dialogue between tribals and the Forest Department on the plan in the context of the designed project process.

16. Based on these extensive contacts, Management considers that consultation was adequate and informed. One additional aspect requires clarification: did the above sufficiently address the *land rights and usage issue*? In particular did it address the anomaly that, while the Wildlife (Protection) Act 1972 does not allow people to be resident in National Parks, the practice had generally been to allow traditional rights to prevail? Management's assessment is that the land rights issue was identified and well understood both at the national and site-specific level by the time of appraisal. *The Project Agreement states that, "each state shall take all the necessary actions to ensure that the Project activities shall not erode the customary tenure rights over land and other assets of the tribal population in the PAs"*. At Nagarhole the solutions will require further extensive consultation and conflict resolution within the framework of the Project. The problems seem likely to be best resolved through a combination of reciprocal agreements at the local level related to customary usage, some rationalization of

¹⁰ We are not aware of any meeting attended by staff in Mysore on August 9, 1996 which is mentioned in the Request as the only specific consultation with the Association.

boundaries, some voluntary movement, and agreements on sharing of park management by-products, tourism income, etc.

17. A new issue that has emerged recently is a Supreme Court ruling of August 22, 1997 which calls for all states to issue the further national park notifications under section 21 (the final notification stage) of the Wildlife (Protection) Act 1972, within two months and "complete the process of determination of rights and acquisition of land or rights as contemplated by the Act within a period of one year". This makes the process of establishing rights time-bound when it was previously not time-bound. Depending on how the states respond, this could reduce the states' freedom to support people within park boundaries. The Association has asked for a clarification from the Ministry of Environment and Forests about how this ruling is expected to affect the commitments made under the Project. A response is awaited. There are a number of different ways the states could meet this order¹¹.

B. Project Implementation Stage

18. *Microplanning.* The next consultative stage following the Indicative Planning is the microplanning at the village or hamlet level which was designed to be done, with financial resources provided by the project, after project effectiveness. Microplanning is now scheduled to build up quickly. These micro-plans would meet the requirements of OD 4.20 in the following ways:

- (a) the PAMIA (Protected Areas Mutual Impact Assessment)¹² microplanning process, a form of PRA exercise, which would ultimately cover 100 percent of interested villages, involves: direct consultation and the incorporation of indigenous knowledge (OD para 8 and 9); development plans based on full consideration of options preferred (OD para 14 (a)); full consideration of local social organization, beliefs and resource use (OD para 14 (d)); production systems suited to needs and environment (OD para 14 (e)); and, plans for indigenous people to benefit directly from the Project investments(OD para 9).
- (b) The microplan is approved by signature of representatives of the village Ecodevelopment Committee and the PA authorities; and
- (c) the involvement of NGOs in the process would bring in locally experienced people including sociological experts (OD 4.20, para 5 and 14).

¹¹ We are aware that at least one state has advised the court through an affidavit that it will be very difficult to meet the terms of the order.

¹² The PAMIA process is described in SAR, page 121, Box 1.

19. *PA Management Plans.* In addition, PA Management Plans address OD 4.20 requirements by:

- (a) broadening participation and cooperation of local people and other stakeholders through direct consultation, representation on committees, participation in workshops, developing vision statements, rationalization of PA boundaries, and management of forests and other resources (OD 15 (d), (e), (g));
- (b) enabling participatory planning to develop ways to mitigate negative impacts of PAs on people (OD 15 (d)); and
- (c) supporting dissemination of PA plans and encouraging debate of critical emerging issues (OD 14 (a), 15 (d)).

20. The SAR Annex 7 on Improved PA Management says that “before finalisation (of the PA Plan) all stakeholder groups ...would have the opportunity to review the plan and to comment on its recommendations”. In addition, the Association would comment on the Annual Plans and the Project conditionality requires that those comments be taken into account. It is within this PA Management framework that proposals such as the People’s Plan, attached to the Request, as well as other proposals from other groups, will be debated and the conflicts addressed.

21. *Site Specific Issues.* Nagarhole is the biggest challenge of the seven sites and will require intensive supervision.¹³ This site is more difficult than others under the Project because of a history of mistrust between tribals and government. As an instructive comparison, similar issues exist at the Gir National Park in Gujarat, one of the other Project sites, but there has been a more collaborative approach and better consultation.

22. With respect to the allegation in the Request that the Association has misquoted certain NGOs as having been participants at consultations/discussions, this has been raised before. Drafts were shared in a spirit of consultation and there was an error in an earlier draft of the Staff Appraisal Report, Annex 4, which had inadvertently listed NGOs that had participated in a discussion that was not directly a part of the project preparation. The final version of the SAR, Annex 4, excludes these NGOs and includes a footnote on page 67 to clarify that consultations revealed a range of perspectives among NGOs and that inclusion in the list does not imply support for the Project.

23. With respect to consultation through correspondence and specifically the three letters attached to the Request, one is to the Inspection Panel not to the Association. The

¹³ Two supervision missions are planned within the next two months. Initial microplanning activities will start in those villages (the majority) which are not represented by the Request and where early progress can demonstrate project benefits. The possibility of finding a neutral mediator is being considered for those areas represented by the Request.

other two, both undated and with similar concerns, reached the Association about June 5, 1996. One was from Mr. Roy David, the other from Budakattu Krishikara Sangha with Mr Roy David as a signatory. These were responded to on June 18, 1996 in a letter to Mr Roy David (Attached as Appendix 4).

C. Concerns Related to Operational Directive 4.30

Briefly, the allegations under this heading are: that OD 4.30 is evaded by not mentioning the tribal habitats inside Nagarhole "in the project report to World Bank" which, it is claimed, shows the intention of the concerned authorities to pursue forceful eviction (Page 5, Item (iii)); that the Association insists on rehabilitation of tribals from the core areas by developing voluntary relocation opportunities for people (Page 3, para 3); and, that the concept of "local people" is used ambiguously (same para).

24. Management's assessment is that it has complied with OD 4.30. As indicated above, the SAR indicates clearly that there are tribals living inside Nagarhole National Park. The Request also claims that "the (Bank) report insists on rehabilitation of tribals from the core areas by developing voluntary relocation opportunities for people". This is incorrect. Nowhere does the SAR insist on rehabilitation. The language of the SAR and the legal agreements is unambiguous. The legal documents (Project Agreement Schedule) for the Project specify that ¹⁴:

- 5 (a) "The Project States shall, in pursuing the objectives of the Project, not carry out any involuntary resettlement for any people resident within the PAs."
- 5 (c) "Any proposals for voluntary relocation of people under.....the Project shall be prepared and implemented in accordance with criteria agreed with the Association and the Bank, and after prior approval of the Association and the Bank."
- 5 (d) "Each of the Project States shall prepare in accordance with procedures and guidelines agreed with the Association and the Bank an indicative list of ecodevelopment investments for people opting to remain within the PAs, and shall include such people in the village ecodevelopment activities underthe Project."

25. Staff took special care to define the meaning of 'voluntary', and to ensure that the Project relocation strategy was consistent with OD 4.30 and OD 4.20 (SAR page 33, para 5.8 and Annex 20). Prior to the invitation to negotiate, all relevant departments agreed that issues relating to relocation were satisfactorily addressed. The state government

¹⁴ Project Agreement Schedule paras. 5 (a), 5 (c), and 5 (d). See also the Minutes of Negotiation para. 18, which refers to the SAR Annex 20.

confirmed several times that, since the November 1994 preappraisal mission, they had not carried out activities that could be considered implementation of a resettlement plan that had not been reviewed and approved by the Association.¹⁵

26. *Management's actions to date demonstrate its strong opposition to forced relocation.* The Similipal site in Orissa was dropped from the Project prior to appraisal precisely because there were doubts about whether the relocation carried out during project preparation fully complied with the Association's understanding of a voluntary process. Furthermore, as indicated above, the pre-appraisal mission was instrumental in halting plans for resettlement in Nagarhole.

27. Management is aware of at least some demand for voluntary relocation. Letters have been received from tribal representatives who are not a party to the Request who have expressed the clear wish of some people to relocate.

28. Finally, with respect to the allegation that the concept of "local people" is used ambiguously allowing for misinterpretation and thus for the dislocation of the tribals forcefully, we disagree. The language of the SAR and the legal agreements is very clear, the relevant condition in the Project Agreement says: "The Project States shall, in pursuing the objectives of the Project, not carry out any involuntary resettlement *for any people resident within the PAs.*"(emphasis added)

D. Issues Related to OP 4.36 (Forestry)

29. This has been responded to above under Summary of Conclusions.

E. Other Concerns

Briefly, the allegations under this heading are:

1. that biomass generation proposals might imbalance the ecology of the forest (Page 5, Item (i));and,

2. that the Eco-Tourism provision has provided scope for big industrialists to open up hotels in the forests, such as the Taj group development (Page 6, Item (ii)).

30. There are no violations of any OD in these two issues. On the matter of *biomass generation*, the project design should help to maintain, and hopefully improve, the forest ecology for three reasons. First, people participating in PA Management planning would have an input into what is planted. Second, any planting investments proposed within the park would have to be incorporated into the Annual Plan of Operations which is subject to Association approval. Third, the eligibility criteria for microplan investments includes

¹⁵ Minutes of Negotiations para. 20.

a criteria that the proposals be environmentally sustainable and specifically mentions the issue of impact of exotic species.

31. On the matter of the *Taj Group hotel*, the Project does not “provide scope”, as alleged, for the opening up of hotels. The Project does not finance hotels in the park, although the SAR acknowledges that there is an existing proposal. There are national environment-related laws and processes that govern such matters which we have reviewed in the past and with which we are satisfied¹⁶. We are aware that both the High Court of Karnataka and the Supreme Court have passed certain judgments on this hotel issue and we would consider it appropriate that it be handled in this way, through the application of the environmental laws of India.

V. CONCLUSION

32. In the light of the above responses, Management reiterates that the ODs and OP mentioned have been complied with and that the intention is to comply during implementation. Implementation has not yet started at this site. The challenge lies ahead. There is a history of mistrust between tribals and government at Nagarhole, but the Project is being condemned for the problems it was designed to address. The Project has involved substantial consultation which continues as a part of implementation. The project itself will be a series of indigenous peoples development plans which will call for a long and slow process of conflict resolution and “informed participation” to accommodate a diversity of views from a number of stakeholders.

¹⁶ Project Agreement, Schedule para. 5 (b) states: “ Each of the Project States shall ensure that activities outside the scope of the Project shall not undermine (i) effective biodiversity conservation within the PAs, or (ii) implementation of the ecodevelopment strategy under the Project.”

APPENDICES

1. Project Fact Sheet
 2. Matrix Relating Project to OD 4.20 (Indigenous Peoples)
 3. Sequence of Main Dates from Project Identification to Now
 4. Letter dated June 18, 1996 to Mr. David Roy
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INDIA

ECODEVELOPMENT PROJECT
 (Cr. No. 2916-IN; GEF TFG No. TF028479-IN)

MANAGEMENT RESPONSE TO INSPECTION PANEL

FACT SHEET

Borrower:	India, Acting by its President
Implementing Agencies:	Government of India, Ministry of Environment and Forests, and State Forest Departments of Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Rajasthan, and West Bengal
Amount:	Total outlay: US\$ 67 million; IDA Credit of SDR 19.5 million (US\$ 28 million equivalent); GEF Grant of SDR 13.9 million (US\$ 20 million equivalent)
Disbursed as of 4/30/98:	
Credit:	SDR1.65m (US\$2.26m)
GEF Grant:	SDR1.42m (US\$1.95m)
Board Date:	September 5, 1996
Signing Date:	September 30, 1996
Effective Date:	December 27, 1996

1. **Project Objectives.** The objectives of the Project are: (i) to assist in the conservation of biodiversity by implementing an ecodevelopment strategy that would increase collaboration between people in and around the PAs and PA managers and improve PA management; and, (ii) to support the preparation of future biodiversity projects in India.

2. **Summary of Project Components.** The project has five components:

- (a) **Improved PA Management (US\$14m. - 22% of base costs) includes:**
 - (i) improving PA planning processes and building capacity;
 - (ii) protecting and managing ecosystems and habitats within the PA;
 - (iii) upgrading PA amenities for field staff;
- (b) **Village Ecodevelopment (US\$34m. - 55% of base costs) includes:**
 - (i) conducting participatory microplanning and providing implementation support;

- (ii) implementing reciprocal commitments that foster alternative livelihoods and resource uses to be financed by a village ecodevelopment program and that specify measurable actions by local people to improve conservation;
 - (iii) special programs for additional joint forest management, voluntary relocation, and supplemental investments for special needs;
- (c) **Education & awareness and impact monitoring & research** (US\$5m. - 8% of base costs) includes:
- (i) promoting public support for conservation through environmental education and awareness campaigns;
 - (ii) impact monitoring and research to improve understanding of issues and solutions relevant to PA management and interactions between PA and people;
- (d) **Overall Project Management** (US\$5m. - 4% of base costs); and
- (e) **Preparation of future biodiversity projects** (US\$2m. - 3% of base costs).

3. Strategy

As a program of targeted intervention, the project would conserve seven globally significant biodiversity sites in the megadiversity country of India through an ecodevelopment strategy in and around seven critical protected areas (PAs) by: (i) improving the capacity of PA management to protect and manage ecosystems and to increase opportunities for local participation; and (ii) to map collaboratively the PA-People interface and to work with local people to draw up plans for reducing the negative, and enhancing the positive impacts. The project is being implemented by the Forest Departments in the states of Bihar, Gujarat, Karnataka Kerala, Madhya Pradesh, Rajasthan and West Bengal. The project incorporates measures to address the concerns of poor sub-groups such as tribals, women and the landless. About 427,000 villagers are expected to participate in the project and of these, 89,000 are residing within the PAs.

4. Present Status

Improved PA Management. Initial progress has been made in most states. Capacity building initiatives are starting to show results. PA staff are now generally familiar with the underlying objectives and strategies. In most cases, competent teams have been assembled for the preparation of management plans. Most states have understood the rationale for taking into account a regional perspective. PA management issues include the following: Periyar in Kerala face the impact of Pilgrims of Sabarimalai; Gir in Gujarat has two major temples within the PA and a state highway passing through it; Buxa in W Bengal is surrounded by tea estates whose laborers impact on the PA; Pench in Madhya Pradesh has to address issues related to fishing rights within the PA; grazing is a major

issue in Ranthambore in Rajasthan; Pench in Bihar has security problems; in Karnataka, the current management team faces considerable conflicts due to divergent perspectives of different groups in a park with about 7,000 people inside the boundary.

Village Ecodevelopment. All states, especially, West Bengal, Kerala, Gujarat, Rajasthan and Bihar have made considerable progress in initiating dialogues with the local communities and stakeholders. Local people have been mobilized into Ecodevelopment Committees to enable group action. Most states have issued Government Orders providing legal recognition to the committees. This has also paved the way for ensuring transparency in transactions. The microplans from West Bengal have a major focus on small scale irrigation. In Kerala, forestry staff, together with a local NGO, have helped to arrange new jobs in tea estates for interested members of one ecodevelopment committee who otherwise are completely dependent on the PA. In two other communities, the microplans are empowering local people to address a monopolistic marketing situation. Gujarat has used the project funds as leverage to attract funds from other sources and has planned a variety of microenterprises including imparting training in diamond cutting. The main focus in Palamau (Bihar) and Nagarhole (Karnataka) at present is on solar fencing to ensure protection from elephants. Land based activities and protection from wildlife figure prominently in Pench (Madhya Pradesh) and Ranthambore (Rajasthan). PA authorities in Rajasthan have also re-initiated consultations on voluntary relocation with residents of three hamlets near, and one hamlet within, the core area of the PA.

Education & awareness and impact monitoring & research. Plans are being prepared for the component on education & awareness and impact monitoring & research. While an initial list of topics to be researched into have been identified, it is proving difficult to find a single agency (in each state) which can undertake the component of research and impact monitoring in its totality. Alternative arrangements are being worked out. This is proving very staff-intensive for the Bank at present.

Response on provisions of OD 4.20

APPENDIX 2

Indian Ecodevelopment Project
 Management's Response to the Request for Inspection
 Detailed response on provisions of Operational Directive 4.20 - Indigenous Peoples

	Issue	Response
OD 4.20	Definitions	
Para.		
5	Use of specialized anthropological and sociological experts throughout the project cycle	Specialist anthropologists and sociologists have been included as integral members of all Bank missions during preparation and implementation. Specialist social scientists have been used in the pre-appraisal consultations that took place. Task team management transferred to Social Development Unit of the New Delhi Office in May 1997 and 2 social development specialists became centrally involved in on-going supervision. This was done for two reasons - the project was basically about social and institutional development, and it brought task management closer to the client. Task team management is now shared between HQ and the New Delhi Office.
Objective and Policy		
6	Ensure that indigenous peoples do not suffer adverse effects during the development process	The main objective of the project is to build the basis for a partnership with the State Forestry Departments and affected local stakeholders, both tribal and non-tribal, in and around the protected areas. The Government of Karnataka has signed the legal agreements with IDA committing itself to voluntary resettlement, and to micro-planning (as outlined in Annex 8 of the SAR). As indicated in the SAR (p.8 #2.4) most of the village ecodevelopment investments will take place in the peripheral areas. The project has been designed to ensure that the rights of indigenous people are not further eroded.
7	How to approach indigenous peoples affected by development projects is a controversial issue	The controversy between the Forest Department of the GOK and certain groups of indigenous peoples had developed before the preparation of the project. This is recognized in the SAR (p. 2, para. 1.8 and Annex 20) and in the Indicative

		<p>Plan. A central objective of the project is to address and resolve conflict by building up participatory structures, and to focus on institutional change within the Forest Department. Shifting the role of the Forest Department of the states involved in the project from that of policeman to facilitator will be a challenging aspect of the project.</p>
<p>8</p>	<p>The Bank's policy is that the strategy for addressing the issues pertaining to indigenous people must be based on the <i>informed participation</i> of the indigenous people themselves.</p>	<p>There was significant informed participation during project preparation. Preparatory work through 3 participatory studies prior to appraisal and one Goal Oriented Project Programming (GOPP) exercise after appraisal, was done in Nagarhole to gain greater understanding of people's perceptions of their socio-economic circumstances and their views about development opportunities. All these activities involved participation and information gathering. There were also village visits by Bank missions. The nature of this participation is documented in Annex 4 of the SAR. During project implementation, participation of indigenous communities will be the central focus in the preparation and execution of micro plans, through a process known as PAMIA. (Protected Area Mutual Interaction Assessment).</p>
<p>9</p>	<p>The Bank will not appraise projects until suitable plans are developed by the borrower and reviewed by the Bank. Indigenous people may wish to be and can be incorporated into the development process. A full range of positive actions by the borrower must ensure that indigenous people benefit from development investments.</p>	<p>The project itself is a series of indigenous peoples' development plans through the village-level microplans, and with a significant contribution through the Protected Area (PA) management process. Project preparation was based on the assumption that, beyond the indicative planning phase (in which the framework, criteria, lists of eligible investments, and participatory processes, were broadly defined), project implementation will involve, as a critical element, the production and execution of such plans.</p> <p>The proposed participatory micro-planning process is designed to give choices to people, both tribal and non-tribal, living in and around the National Park. There would only be voluntary resettlement where tribals and non-tribals expressed a desire to move, and where clear evidence of voluntariness is apparent. The option to remain in the National Park is also available. The option to relocate will not be timebound. Annex 8 of the SAR deal with the construction of Ecodevelopment plans, and Annex 20 deals with voluntary resettlement. The indicative planning process identified a range of possible investments, which form the basis for discussion between the Forest Department and the indigenous communities about the particular investments appropriate</p>

		for particular circumstances, at the village and/or hamlet level, both within and adjacent to the National Park.
	Bank Role	
10	<p>The Bank addresses issues on indigenous peoples through country economic and sector work. Country departments should maintain information on trends in government policies and institutions that deal with indigenous peoples. Issues concerning indigenous peoples should be addressed explicitly in sector and sub-sector work and brought into the Bank-country dialogue. National development policy frameworks and institutions for indigenous peoples often need to be strengthened in order to create a stronger basis for designing and processing projects with components dealing with indigenous peoples.</p> <p>The Bank addresses issues on indigenous peoples through technical assistance.</p> <p>The Bank addresses issues on indigenous peoples through investment project components or provisions... When the bulk of the direct project beneficiaries are indigenous people, the Bank's concerns would be addressed by the project itself and the provisions of OD 4.20 would thus apply to the project in its entirety.</p>	<p>A study of indigenous populations in India was completed for the Bank in June 1995. This provides a comprehensive overview of the tribal populations throughout the country.</p> <p>Clarification of the recent Supreme Court ruling has been sought from the Ministry of Environment and Forests, to determine its possible impact on commitments made under the project.</p> <p>The Bank has generally discussed issues concerning indigenous people at the project level, given the contextual nature of many indigenous people's issues. Sector work on incentives for Joint Forest Management has already been produced, and a thematic approach to supervision of forestry projects is being developed in partnership with the British Department for International Development.</p> <p>Discussion has focused on the development of Joint Forest Management through the sector program in Forestry, and has been based on the 1988 Forest Protection Act and the evolving strategy of building partnerships between the Forest Department and the people in forest areas.</p> <p>Many elements in the project design are aimed at providing technical assistance through the recruitment of a variety of specialist consultants, both at the center and at project sites.</p> <p>There were pre-appraisal discussions about whether or not a full Indigenous People's Development Plan (IPDP) should be produced before appraisal. Clearance with respect to ODs 4.20 and 4.30 was provided by ASTHR on June 19, 1996, after extensive discussion, particularly surrounding the issue of voluntary relocation. In accordance with paragraph 13 of OD 4.20 a decision was taken to apply the OD to the whole of the project, rather than produce a full IPDP up front.</p>
11	<p>Country departments should maintain information on trends in government policies and institutions that deal with indigenous peoples.</p> <p>Issues concerning indigenous people should be</p>	See response to paragraph 10 above.

	addressed explicitly in sector and subsector work and brought into the Bank-country dialogue. National development policy frameworks and institutions for indigenous peoples often need to be strengthened in order to create a stronger basis for designing and processing projects with components dealing with indigenous peoples	
12	Technical assistance to develop the borrower's abilities to address issues on indigenous peoples can be provided by the Bank. Technical assistance is normally given within the context of project preparation, but technical assistance may also be needed to strengthen the relevant government institutions or to support development initiatives taken by indigenous people themselves.	See response to paragraph 10 above.
13	For an investment project that affects indigenous peoples, the borrower should prepare an indigenous peoples development plan that is consistent with the Bank's policy. any project that affects indigenous peoples is expected to include components or provisions that incorporate such a plan. When the bulk of the direct project beneficiaries are indigenous people, the Bank's concerns would be addressed by the project itself and the provisions of this OD would thus apply to the project in its entirety.	The decision was taken, and supported by management, that micro-plans involving full participation of the local and tribal populations would be prepared as the project proceeded, since it was judged that the project could not be replanned in detail given the specificity of local conditions.
Indigenous Peoples Development Plan - Prerequisites.		
14 (a)	The preparation of a culturally appropriate development plan based on full consideration of the options preferred by the indigenous people	The design of the project requires that a culturally appropriate development plan be prepared before implementation at each of the project sites, using a participatory methodology for all affected communities. These

	affected by the project	microdevelopment plans will be based on the options preferred by the indigenous people themselves and will be implemented with the help of local NGOs wherever appropriate.
14 (b)	Studies should make all efforts to anticipate adverse trends likely to be induced by the project and develop the means to avoid and mitigate harm.	Studies and participatory assessments to anticipate adverse trends were carried out prior to appraisal, and will continue to be carried out during the course of implementation. The implementation processes are outlined in Annexes to SAR. (Annex 8 - Village Ecodevelopment strategy. Annex 20 - People in the Protected Areas and Voluntary Relocation, Annex 7 Improved PA Management. Mitigation efforts were identified prior to appraisal, and project implementation involves working with indigenous people to ensure that they benefit from the project through the development of appropriate activities and institutions.
14 (c)	The institutions responsible for government interaction with indigenous peoples should possess the social, technical, and legal skills needed for carrying out the proposed development activities. Implementation arrangements should be kept simple. They should normally involve appropriate existing institutions, local organizations, and NGOs with expertise in matters relating to indigenous peoples.	The institutions responsible for government interaction do not currently have all the requisite skills. The project aims to equip government officials with the skills to deliver improved PA Management, to support participatory micro-planning and implementation, and to improve impact monitoring and research. (See Annex 7 p. 115 on training and the indicative training plan, and Annex 13 for indicative costs of such training.) Specialist NGO services and the services of national experts will be utilized to develop participatory micro-planning processes during implementation. Implementation arrangements are relatively simple and involve appropriate organizations and institutions. The SAR documents these arrangements (Annex 8).
14 (d)	Local patterns of social organization, religious beliefs, and resource use should be taken into account in the plan's design.	Central features of the design of the Village Ecodevelopment strategy, and the regional studies associated with PA management include resource use, social organization and religious beliefs. One of the eligibility criteria for Village Ecodevelopment investments listed in Annex 8 is that they are culturally acceptable.
14 (e)	Development activities should support production systems that are well adapted to the needs and environment of indigenous peoples, and should	The development activities have 2 main aims, (i) developing production systems that decrease the non-sustainable resource pressure on the Protected Areas and foster bio-diversity conservation, and (ii) supporting the development of

	help production systems under stress to attain sustainable levels.	appropriate and sustainable production systems of the local populations.
14 (f)	<p>The plan should avoid creating or aggravating the dependency of indigenous people on project entities</p> <p>Planning should encourage early handover of project management to local people.</p> <p>As needed, the plan should include general education and training in management skills for indigenous people from the outset of the project.</p>	<p>The project aims to increase participation by local communities in the management of Protected Area resources in order to give greater control by communities, and to reduce dependency on the Forest Department.</p> <p>Project plans include greater involvement of local stakeholders in the development of PA management. In forest areas outside the National Park, government policy encourages the pursuit of a Joint Forest Management (JFM) strategy. The issuing of Government Orders to set up Joint Forest Management Committees in Protected Areas controlled by the Forest Department is a prerequisite for involving local people and is pursued in all Bank-supported forestry projects. The issuing of Government Orders to set up Ecodevelopment committees in reserve areas is a prerequisite for involving local people in the Ecodevelopment Project.</p> <p>Each state is in the process of developing a training plan for microplanning and implementation support personnel as well as Ecodevelopment Committee members and local NGO members. An indicative plan is outlined in Annex 8 of the SAR (p.141)</p>
14 (g)	<p>Successful planning for indigenous peoples frequently requires long lead times, as well as arrangements for extended follow-up.</p> <p>Remote or neglected areas where little previous experience is available often require additional research and pilot programs to fine-tune development proposals</p>	<p>The project was designed to take a process approach partly to accommodate the long lead-times and to build trust. There has been an extended lead time in the preparation of the project to obtain as much stakeholder participation as possible and to ensure that borrower commitment and ownership was forthcoming.</p> <p>Extended follow up will be required during the implementation of the project. The project itself is designed to pilot innovative approaches and gain more information about the complexities of successful interventions in Protected Areas, for possible replication in other protected areas. It covers only 7 out of about 450 Protected Areas in India.</p> <p>Preparatory work through 3 studies prior to appraisal and one Goal Oriented Project Programming (GOPP) exercise after appraisal, was done in Nagarhole to gain a greater understanding of people's perceptions of their socio-economic circumstances and their views about development opportunities.</p>
14 (h)	Where effective programs are already functioning, Bank support can take the form of incremental	The design of the project has already built on the conceptualization and participatory planning of the earlier programs. The SAR outlines the lessons

	funding to strengthen them rather than the development of entirely new programs.	learnt from previous interventions. To date, programs for supporting PA/local community linkages have been limited and small scale. In recent years, using domestic financing, the Ministry of Environment and Forestry has initiated a centrally sponsored scheme with an annual average value of \$1 million that is distributed to dozens of PAs. The Bank has financed five forestry projects with biodiversity components that include village ecodevelopment investments associated with Protected Areas. Implementation of these programs is only now beginning.
Indigenous Peoples development Plan - Contents		
15	The development plan should be prepared in tandem with the preparation of the main investment. In many cases, proper protection of rights of indigenous people will require the implementation of special project components that lie outside the primary project's objectives - including health and nutrition, productive infrastructure, linguistic and cultural preservation, entitlement to natural resources, and education.	The development plan is being prepared in tandem. The main investment is in the village micro-plans prepared in partnership with the local Ecodevelopment Committees. The second most important investment is in the institutional strengthening of the Forest Department to more effectively carry out Protected Area Management in partnership with local populations. Interventions in terms of special project components are envisaged in support of productive infrastructure, environmental education and the design of culturally appropriate strategies. Innovative ideas arising from microplanning will also be incorporated where appropriate.
15 (a)	The project component for indigenous peoples' development should include a legal framework: the legal status of the groups covered by the OD should be included in the plan. The ability of such groups to gain access to and use the legal system to defend their rights should be assessed. Particular attention should be given to: rights to use and develop the lands they occupy, rights to be protected against illegal intruders, rights to have access to natural resources (forests, wildlife and water) vital to their subsistence and reproduction.	Most of the Protected Areas have populations within and around them living under rights that have not generally been recorded. Annex 1 of the SAR (Biodiversity Conservation Strategy and Legislation in India) outlines the status of legislation. The impact of the Wildlife (Protection) Act 1972, which is the unified national act that enables the management of such areas as National Parks and sanctuaries, on indigenous people resident in Protected Areas covered by the project was analysed extensively (SAR Annex 1). Conflict resolution mechanisms aimed at enabling indigenous people to defend their rights through the involvement of local NGOs have been devised under the project and made available to them in addition to the existing legal system for conflict resolution in India (SAR, Annex 7).
15 (b)	Baseline data should include: accurate, up-to-date maps and aerial photographs of the area of project influence and the areas	Indicative base line data has been collected (see Annex 6 for background information on selected project sites, and Annex 18 of the SAR which provides a Social Assessment) more such data for the effective development of micro-

	<p>inhabited by indigenous peoples; analysis of the social structure and income sources of the population; inventories of the resources that indigenous people use and technical data on their production systems; and the relationship of indigenous peoples to other local and national groups. It is particularly important that baseline studies capture the full range of production and marketing activities in which indigenous people are engaged. Site visits by qualified social and technical experts should verify and update secondary sources.</p>	<p>plans, and for strengthened Protected Area Management will be obtained during implementation. The TORs for Mapping of the PA (including satellite imaging) are outlined in Annex 7 of the SAR. Analysis of the social structure and income sources of the affected populations will be obtained through the participatory appraisal processes central to village microplanning (See Annex 8 of the SAR). Inventories of resources and production systems will be systematically monitored during the course of implementation (See Annex 10 of the SAR). Draft terms of reference for the development of participatory microplanning activities, social assessments are provided in Annex 11 of the SAR. Annex 20 addresses voluntary relocation and people living in the protected areas. The full range of production and marketing activities was adequately identified in the three studies prior to appraisal. Few secondary sources were available but site visits were undertaken by qualified NGOs during the course of the studies, and by qualified social and technical Bank staff on preparation and supervision missions.</p>
<p>15 (c)</p>	<p>When local legislation needs strengthening, the Bank should offer to advise and assist the borrower in establishing legal recognition of the customary or traditional land tenure systems of indigenous peoples. These steps should be taken before the initiation of other planning steps that may be contingent on recognized land titles.</p>	<p>Management early recognized the issues of land rights and tenurial security. This is a complicated matter, and one subject to considerable controversy. People who have been living within a National Park for generations have suffered from erosion of their rights both because of legislation (the Wildlife (Protection) Act 1972, and because of encroachments into these marginal areas. Management decided to proceed with this project after agreement that there would be no further erosion of tribal rights, no involuntary resettlement and that the pragmatic approach adopted by the Indian Government to people residing in these areas would continue. (Various covenants were written into the project agreement to protect the interests of the indigenous people and ensure compliance with O Ds 4.20 and 4.30.) For further details on the ways in which issues of land tenure and tribal rights were dealt with during project preparation see - Annex 7 - Improved PA Management - #s11, 16, 19 (f), Annex 18 - Social Assessment - #s12, 31, 43-45, Annex 20 - People in Protected Areas and Voluntary Relocation</p>
<p>15 (d)</p>	<p>Mechanisms should be devised and maintained for participation by indigenous people in decision making throughout project planning, implementation and evaluation.</p>	<p>Attempts have been made to ensure that indigenous people are centrally involved in decision making at all stages in project preparation and during implementation to date. This includes central involvement in the microplanning processes and through representation in decisions about PA Management. (See</p>

		Annex 7 - Improved PA Management - #s 5, 8 (f), Annex 8 - Village Eco-development, Annex 10 - Impact Monitoring and Research - #s 20 (d), 22 (e))
15 (e)	<p>Technical proposals should proceed from on-site research by qualified professionals acceptable to the Bank.</p> <p>Detailed descriptions should be prepared and appraised for such proposed services as education, training, health, credit and legal assistance.</p> <p>Technical descriptions should be included for the planned investments in productive infrastructure.</p> <p>Plans that draw on Indigenous Knowledge are often more successful than those introducing entirely new principles and institutions.</p>	<p>No major infrastructure investment is proposed. Most technical investment options will be at the micro level.</p> <p>Investments are planned to follow microplanning, to ensure local preferences and the incorporation of local knowledge about appropriateness.</p> <p>For further details see - Annex 8 - Village Ecodevelopment, Annex 11 - TORs on social assessment, micro-planning and feasibility and Annex 18 - Social Assessment - #s 25 and 26, Tables 6 & 8.</p>
15. (f)	<p>Assessing the track record, capabilities and needs of government institutions is a fundamental requirement. Organizational issues that need to be addressed:</p> <ul style="list-style-type: none"> availability of funds for investments and field operations adequacy of experienced professional staff ability of indigenous peoples' own organizations, local administration authorities, and local NGOs to interact with specialized government institutions ability of the executing agency to mobilize other agencies involved in the plan's implementation adequacy of field presence 	<p>Capabilities and training needs of GOK were assessed during project preparation and specific training plans are envisaged as part of project implementation. Adequacy of staffing will be monitored during project implementation and any needs to adjust will be reviewed with GOK. The project provides for adequate funding.</p> <p>A number of quite capable NGOs have interacted with government institutions during the preparation of the project, and the early phases of implementation. The project aims to increase such interaction. The main objective of the project is to increase the frequency of interaction and to improve its quality.</p> <p>The ability of the executing agency (the forest Department) to mobilize other agencies has not been deemed crucial for purposes of this project because its design does not entail a significant need for such interaction.</p> <p>The Forestry Department has a substantial field presence.</p> <p>Further information is to be found in Annex 2 - Current Organizational Structure and Capacity, Annex 7 - Improved PA Management - #s12, 23-28, Annex 8 - Village Ecodevelopment - #42, Annex 18 - Social Assessment - #s 31-32</p>

<p>15 (g)</p>	<p>Components should include an implementation schedule with benchmarks by which progress can be measured at appropriate intervals. Pilot programs are often needed to provide planning information for phasing the project component for indigenous peoples with the main investment.</p> <p>The plan should pursue the long-term sustainability of project activities subsequent to the completion of disbursement</p>	<p>Each microplan will have a detailed schedule for preparation and implementation, together with a set of benchmarks for evaluating progress. Annex 16 - Project Performance Review & Implementation Schedule - provides details of proposed monitoring indicators and procedures.</p> <p>The participatory processes are intended to build such sustainability.</p>
<p>15 (h)</p>	<p>Independent monitoring capacities are usually needed when the institutions responsible for indigenous populations have weak management histories. Monitoring by representatives of indigenous peoples' own organizations can be an efficient way for project management to absorb the perspectives of indigenous beneficiaries and is encouraged by the Bank.</p> <p>Monitoring units should be staffed by experienced social science professionals. Reporting formats and schedules appropriate to the project's needs should be established. Monitoring and evaluation reports should be reviewed jointly by the senior management of the implementing agency and by the Bank. The evaluation reports should be made available to the public.</p>	<p>The monitoring of progress, performance and impact of eco-development activities associated with village eco-development will be undertaken in collaboration with contracted organizations and Ecodevelopment Committees (See Annex 8 p.128). Annex 10 of the SAR spells out the approach to be adopted for impact monitoring and research, and Annex 16 provides detailed guidelines for Project Performance Review and Implementation, with a detailed list of indicators. At the PA level there are opportunities for developing stakeholder representation.</p> <p>In addition to the recruitment of an experienced Social Scientist at each of the project sites, as a member of each project team (See Annex 8 p.140 for terms of reference), the project coordinating committees at the state level will also contain social science professionals. Social science professionals will also be members of research teams associated with several of the proposed consultancies. Detailed reporting formats have been established and are beginning to be used. Arrangements for semi-annual reviews by senior management have been built into project supervision. The Bank will fulfill its role during supervision missions. Current supervision is organized so that staff can visit different sites to learn from each other.</p> <p>Substantial effort is being made, through the involvement of a wide variety of stakeholders to ensure that project documentation is available to the public.</p>

		During project implementation, major Bank supervision reports will be made public to the extent not opposed by Government. Mechanisms to ensure the wide dissemination of lessons from implementation are built into the participatory nature of the implementation process, including involvement of members of civil society on project review committees.
15 (i)	<p>The plan should include detailed cost estimates for planned activities and investments.</p> <p>The investments should be broken down into unit costs by project year and linked to a financing plan.</p> <p>Such programs as revolving credit funds that provide indigenous people with investment pools should indicate their accounting procedures and mechanisms for financial transfer and replenishment.</p> <p>It is usually helpful to have as high a share as possible of direct financial participation by the Bank in project components dealing with indigenous peoples.</p>	<p>Detailed cost estimates are integral parts of the individual microplans.</p> <p>Many final investments are a matter for resolution and choice at the village level and detailed cost estimates by project year will be provided.</p> <p>No revolving credit funds are proposed, but training of Ecodevelopment Committee members in basic accounting methods and procedures necessary for the successful operation of the investment funds will be given.</p> <p>The Bank and GEF's share is 72%</p>
Identification		
16	<p>During project identification, the borrower should be informed of the Bank's policy for indigenous peoples.</p> <p>The approximate number of potentially affected people and their location should be determined and shown on maps of the project area.</p> <p>The legal status of any affected groups should be discussed.</p> <p>TMs should ascertain the relevant government agencies, and their policies, procedures, programs, and plans for indigenous peoples affected by the proposed project.</p>	<p>The Government of Karnataka was informed and is well aware of the Bank's policy for indigenous peoples. The provisions of and the rationale for the O.D. have been communicated at all available opportunities.</p> <p>The approximate numbers of potentially affected people and their locations were determined and shown on maps of the project area. See the maps at the end of the SAR.</p> <p>The legal status of affected groups was discussed at length during project preparation. Internal-Bank discussions focused on a pragmatic and evolving way of overcoming the potential conflict between Bank policy and the borrower's laws.</p>

	<p>TMs should also initiate anthropological studies necessary to identify local needs and preferences. TMs, in consultation with the Regional Environment Department (RED), should signal indigenous peoples issues and the overall project strategy in the IEPS.</p>	<p>Anthropological studies to identify local needs and preferences are integral to project implementation.</p> <p>These issues were signaled from the very beginning of the preparation process</p>
	<p>Preparation</p>	
<p>17</p>	<p>If it is agreed in the IEPS meeting that special action is needed, the indigenous peoples development plan or project component should be developed during project preparation. As necessary the Bank should assist the borrower in preparing TORs and should provide specialized technical assistance.</p> <p>Early involvement of anthropologists and local NGOs with expertise in matters related to indigenous peoples is a useful way to identify mechanisms for effective participation and local development opportunities.</p> <p>In projects which involve land rights of indigenous peoples, the Bank should work with the borrower to clarify the steps needed for putting land tenure on a regular footing as early as possible, since land disputes frequently lead to delays in executing measures that are contingent on proper land titles.</p>	<p>Agreement was reached that the indigenous peoples' development plan would be an integral part of project preparation and implementation. Specialist terms of reference for a variety of activities which would address, inter alia, the interests and concerns of tribals during the course of the project, have been given in the SAR and accompany Annexes 7, 8, 9, 10, 11.</p> <p>Early involvement of Anthropologists and NGOs was secured and will continue throughout the project. This will assist in the development of the participatory approach which is central to project design.</p> <p>Management early recognized the issues of land rights and tenurial security. This is a complicated matter, and one subject to considerable controversy. People who have been living within a National Park for generations have suffered from erosion of their rights both because of legislation (the Wildlife (Protection) Act 1972, and because of encroachments into these marginal areas. Management decided to proceed with this project after agreement that there would be no further erosion of tribal rights, no involuntary resettlement and that the pragmatic approach adopted by the Indian Government to people residing in these areas would continue. (Various covenants were written into the project agreement to protect the interests of the indigenous people and ensure compliance with O Ds 4.20 and 4.30.)</p> <p>For further details on the ways in which issues of land tenure and tribal rights were dealt with during project preparation see - Annex 7 - Improved PA Management - #s11, 16, 19 (f), Annex 18 - Social Assessment - #s12, 31, 43-45, Annex 20 - People in Protected Areas and Voluntary Relocation</p>

	Appraisal	
18	<p>The plan for the development component for indigenous peoples should be submitted to the Bank along with the project's overall feasibility report, prior to project appraisal.</p> <p>Appraisal should assess the adequacy of the plan, the suitability of the policies and legal frameworks, the capacities of the agencies charged with implementing the plan, and the adequacy of the allocated technical, financial, and social resources. Appraisal teams should be satisfied that indigenous people have participated meaningfully in the development of the plan.</p> <p>It is particularly important to appraise proposals for regularizing land access and use.</p>	<p>An Indicative Plan was developed and submitted. After extensive internal discussion, this was considered adequate, given that micro-development plans are intended to be formulated, reviewed and carried out during the implementation stage. The risks associated with the implementation of the project were early recognized by all. Management felt justified in proceeding based on the innovative and participatory nature of the design, the safeguard agreements reached with the government, and the importance of interventions to stem environmental degradation, conserve biodiversity and support the development of more sustainable livelihood strategies of poor marginal populations.</p> <p>The appraisal team was satisfied that indigenous people had participated meaningfully in the development of the indicative plan.</p> <p>See response to paragraph 17 given above.</p>
	Implementation and Supervision	
19	<p>Supervision planning should make provisions for including the appropriate anthropological, legal, and technical skills in Bank supervision missions during project implementation.</p> <p>Site visits by TMs and specialists are essential. Mid-term and final evaluations should assess progress and recommend corrective actions when necessary.</p>	<p>Arrangements for the inclusion of appropriate professional skills in Bank supervision missions has been made.</p> <p>Site visits by TMs and by specialists have been central to supervision missions carried out so far.</p> <p>The mid-term evaluation will take place in 1999.</p>
	Documentation	
20	<p>The borrower's commitments for implementing the indigenous peoples development plans should be reflected in the loan documents.</p> <p>Legal provisions should provide Bank staff with clear benchmarks that can be monitored during</p>	<p>The borrower's and state implementing agencies' commitment is reflected in the legal agreements which have been signed by the government of India and the participating States.</p> <p>These provide clear benchmarks for monitoring compliance and performance.</p> <p>The SAR gives details of the provisions made for implementing a participatory</p>

	<p>supervision. The Staff Appraisal Report and the Memorandum and Recommendation of the President should summarize the plan or project provisions.</p>	<p>strategy for Ecodevelopment and the enhanced involvement of local communities in the conservation and protection of threatened areas of biodiversity.</p>
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INDIA

ECODEVELOPMENT PROJECT
(Cr. No. 2916-IN; GEF TFG No. TF028479-IN)**MANAGEMENT RESPONSE TO INSPECTION PANEL****Dates of Main Steps**

1.	Exploratory mission	December, 1993
2.	GOI's submission of an Indicative Plan	June, 1994
3.	Pre-Appraisal	October 18 - November 11, 1994
4.	PPF Facility Advance agreed by the Bank	January, 1995
5.	Final Executive Project Summary	April, 1995
6.	Appraisal	May 9 - June 2, 1995
7.	Negotiations Concluded	July 19, 1996
8.	Board Approval	September 5, 1996
9.	Legal Agreements Signed	September 30, 1996
10.	Project Effective Date	December 27, 1996
11.	First Supervision	February 6-26, 1997
12.	Second Supervision	April 21 - May 16, 1997
13.	Third Supervision	October 23 - November 21, 1997

The World Bank

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION

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APPENDIX 4

June 18, 1996

V.S. Roy David, Secretary
CORD
Post Box 23
119/1 4th Block, Kushalnagar
Kodagu District, Karnataka
India

Dear Mr. V.S. Roy David

Re: INDIA - Proposed Ecodevelopment Project

Thank you for your letter which I received June 5, 1996. We have mailed copies of the Project Information Document plus attachment to you and the other four organization listed below per your request. In view of their interest, I am also copying this letter to these organizations, as well as to officials of the Karnataka Forest Department, and the Ministry of Environment and Forestry as listed below.

In your first paragraph, you refer to earlier correspondence. To the best of my knowledge, the only correspondence we have received was a letter dated December 12, 1994, from DEED and Fedina Vikasa, which we responded to in a letter dated December 21, 1994.

I believe that the project objectives and design address your concerns on social issues. The objective of the Ecodevelopment Project is to conserve biodiversity in seven globally significant protected areas by increasing the collaboration between local people and government managers. The project design is not a blue print of tangible investments; rather it is a set of agreed processes and criteria that would be used for the project duration. A major element of the project design is the extensive consultation and participatory decision making involving local people, with a particular focus on forest dependent and disadvantaged communities. The project processes and criteria incorporate Bank directives that you have highlighted such as protection of customary rights of indigenous people, informed participation, and mitigation plans for adverse impacts.

Let me also take this opportunity to clarify the role of the indicative plan. The indicative planning during project preparation reflected only a sample of views; it was never intended to be comprehensive in scope, nor to incorporate the views of all potential

project participants. During project preparation it helped to identify (a) the nature of typical village ecodevelopment investments and (b) the participatory planning processes to be used to identify reciprocal commitments and investments. During the Bank preappraisal and appraisal missions, many improvements to the explicit criteria and the planning processes were incorporated into the project design, and the indicative plans have never been regarded as approved microplans or approved investment proposals. Microplans that meet the project design specifications would be developed during project implementation.

Although a Project Preparation Facility (PPF) Advance is financing some initial start-up activities, the Bank has not yet negotiated the GEF grant and IDA credit agreements for the larger project. The start-up activities include the establishment of contractual partnerships with NGOs, social scientists, and others. The PPF is also supporting the development of microplans that would meet project design criteria and process guidelines. Microplanning during the PPF would only involve a limited number of communities -- participatory planning would also take place throughout the project period. To the best of our knowledge, the PPF supported microplanning in and around Nagarhole has not yet begun.

We recognize that only a few of the staff and local people around protected areas are familiar with the project design. Now that you have a complete set of project documents, we would appreciate your helping to disseminate information on the project objectives and design. We believe that your links with local communities would help you to share this information in a language and format that could be readily understood by local people.

As you have noted, the project documents acknowledge that during the past twenty year, government's interactions with local people in and around protected areas has sometimes been confrontational, and that the establishment of protected areas has sometimes had negative impacts on tribal groups. Government officials and others have recognized the problems with this past approach and therefore proposed the Ecodevelopment Project. The transformation to a more participatory, less confrontational approach, even with the assistance of contractual partners, however, is likely to be gradual. Constructive involvement of concerned stakeholders like yourselves would assist this transformation process.

According to the proposed Bank/GEF project design, the forest departments would not cause or undertake involuntary resettlement of people in protected areas, and would ensure that any proposals for voluntary resettlement would be prepared and implemented in accordance with criteria agreed with the Bank and after prior approval by the Bank. The project documents that we have sent you acknowledge the issues involving the legal setting of the Wildlife Act, and the pragmatic approach to resident communities that the Government has used in recent years. Based on assurances that state governments have already provided, the Bank understands that since the November 1994 preappraisal, the state governments have not acquired land from current residents within the protected

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areas, provided compensation to them, built housing for them, or otherwise carried out activities that could be consider implementation of a resettlement plan that has not been reviewed and approved by the Bank. The Bank decision to exclude the Similipal Tiger Reserve in Orissa from the project demonstrated the importance that the Bank attaches to these assurances. Bank support for including particular protected areas in the project will be premised on assurances in the project legal agreements (which will be negotiated prior to project approval) that the states would comply with project guidelines on relocation.

Anita Cheria recently participated in an NGO consultation on the project held in New Delhi on June 1. Due to other work responsibilities we will not be able to finalize a summary of those proceedings until later this month, but in the meantime, I hope that you have the opportunity learn from Anita about this consultation, and about the earlier dialogue she had with Bank staff during her visit to Washington.

Sincerely,

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cc:

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