

Report of Sub Group- V
on
“International Cooperation
and Law”

Under
Working Group on Forestry & Natural
Resources Management

Constituted by
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Report of the Sub Group V on International Cooperation and Law

The present report is an attempt to focus on how our national policies and programmes can be better appreciated and reflected in the country's obligations and commitments to the various international instruments related to forestry and wildlife. This envisages that the country is better prepared to address global concerns while ensuring sustainable management of forests, conservation of wildlife and biodiversity and protecting national interests. The report recognizes the need for a more systematic, dynamic and futuristic approach to international negotiations and programmes and provides for capacity building of personnel and strengthening of institutions dealing with natural resource management in a coordinated manner. This calls for greater interaction, involvement of various institutions working in related fields through multipronged mechanism consisting of various programmes and institutional arrangements as suggested in the recommendations with appropriate financial support in the 12th Five Year Plan.

The subject was discussed by the Sub Group with a view to recommend policy initiatives and programmes for sustainable management of forests and wildlife in view of international commitments to be incorporated in the 12th Five Year Plan. The report also emphasis the development of a mechanism for implementation of international cooperation and law.

A. Executive Summary

Forests being an important and integral part of environment are increasingly attracting the attention at National and International Fora. Forests have an important role to play in achieving United Nation's Millennium Development Goals of environment sustainability, poverty eradication and end of hunger. Discussion at various National and International Fora have emphasized the role of forest conservation in sustainable development and climate change mitigation. REDD+ under the UNFCCC is an attempt in this direction. The concepts and norms of sustainable development have been incorporated in major environmental conventions such as the CBD, UNCCD, UNFCCC etc.

The development of international law is a dynamic process, which requires continuous examination of not only current, but also future environmental trends and challenges. There is greater need for cooperation in forestry and wildlife between developed countries and developing countries to achieve common global goals. India being a signatory to the most of the important International Conventions on forestry and wildlife, it is imperative to have proper understanding of their impacts on India's internal policies and programmes. This calls for institutionalizing the approach for taking a more systematic and proactive stand during future international negotiations. It is important to have an institutional arrangements and proper mechanism for negotiation, compliance, follow up and monitoring and reporting on International Conventions, Treaties, bilateral agreements, MoUs etc.

Implementation of domestic and international instruments to meet national needs and international obligations requires a compatible planning process. Appropriate strategies, programmes, schemes, and action plans constituting a dynamic planning process, evaluating the efficacy of present systems and instruments, and filling in the

critical gaps found therein, are intended to form a prominent part of this report. The foresters being important implementers in the field need adequate exposure to latest developments at international level to tackle forests and wildlife related important issues. There are constraints of proper capacity, financial resources and access to technology. International Co-operation may be an effective tool in overcoming these constraints.

The report suggests establishment of a Centre to work as Multi-stakeholder Forestry Forum/ (MFF) for Consultation and Evaluation to facilitate development of country's position in respect of important international conventions and agreements of interest to India. The Centre or MFF is intended to be a permanent institution serviced and funded by the MoEF to enable evaluation of the stand of the country on various international instruments in different forums, and suggest adjustment and modification in the existing country position inconsonance with the national interest. The Centre/ Forum will also help in drafting and finalizing inputs for specific meetings of the sessions of international conventions and agreements in collaboration with other institutions and stakeholders, wherein India is participating. The Centre of Forest Policy and International Cooperation Studies (MFF) is proposed to be created at MoEF which will enable participation of all concerned ministries, departments and research organizations of the Central and State Governments, reputed scientific and educational institutions in the private sector, and individual experts and subject matter specialists outside government.

Despite international importance of forests, subject of relevance 'International Cooperation and Law' has never made it to the description and treatment of forestry sector in the five year plans of the country. For the first time, an attempt is being made to include the subject of 'International Cooperation and Law' in the chapter on Forestry in the 12th Five Year Plan document of the Planning Commission. A scheme is being proposed during the 12th Five Year Plan (FYP) that will support and service the Centre of forest policy and International Cooperation Studies.

Issues of international Cooperation:

1. Trans-boundary issues and PAs with Bhutan, Nepal and Bangladesh etc.
2. Country's position in various International instruments and fulfillment/ implementation of obligations.

The subject 'The International Cooperation and law' has not been part of earlier Five Year Plans; therefore the sub-Group has proposed capacity building of officials and strengthen institutional framework in the 12th FYP.

The new proposals are indicated below:

I. Institution Building:

Setting up of New Institutional mechanism for:

- (i) Setting up of new institutional mechanism like a Centre for Forest policy and international cooperation Studies for providing inputs in Forest Policy including issues relating to International Cooperation conventions / treaties at MoEF with a view to introduce synergy in policy and implementation.

- (ii) CITES Management Authority with Regional Centres.
- (iii) Creation of REDD+ Architecture (Cells in the MoEF and States).

II. Strengthening of Existing Institutions for dealing International Cooperation:

- (i) Technical/Financial Support to various Institutions like BSI, ZSI, FSI, IGNFA, ICFRE, etc. for improving their infrastructure to take up theme based training programmes, in the field of international cooperation.
- (ii) Awareness creation on matters related to International Cooperation and Law.
- (iii) Project based funding to NGOs such as WWF, TERI etc. to work on specific policy issues, related to international instruments.
- (iv) Providing inputs on forestry related issues on continuous basis to PMI on international treaties.

III. Capacity building: not only limited to present but futuristic to anticipate action for new challenges.

- (i) Training/ Sensitization/ Orientation of Forest Officers as well as officers of other related Services (IAS, Indian Foreign Service, Indian Customs Services etc.) in Forestry, Wildlife and Climate Change related International Instruments and law at Joint Secretary and above level for better coordination and appreciation of roles of various concerned agencies in both domestic as well as abroad in International Conventions/ Instruments related courses.
- (ii) Capacity Building and enhancing participation of Forest Officers, legal professionals, Scientists and technical staffs in International Conferences including officials of the State Forest Departments.
- (iii) Building mechanism for greater interaction and cooperation among existing institutions on policy issues including exchange programme.
- (iv) Inclusion of specific course curriculum in LLB Degree/ PG diploma Courses in Universities for specialization purpose in the field of emerging forestry sector issues impacting national policies.

IV. Forging/ Strengthening Cooperation/ collaboration at International/ Regional level in forestry issues:

- (i) Forging partnership/ cooperation with international institutions on forestry, wildlife conservation and climate change related issues in forestry sector.
- (ii) Strengthening bilateral cooperation with China and other emerging countries especially on forest productivity, farm/ agro forestry and wildlife conservation.
- (iii) Strengthening regional cooperation at SAARC, ASEAN, Asia Pacific, and Central Asian and African countries with a view to take a logical stand due to similarities in socio economic conditions as well as common issues faced by these countries in international forum.

1. Introduction

Globally, there is a trend to view the role of forests in addressing socio economic issues and meeting UN Millennium Developmental Goals (MDGs) of eradicating poverty and elimination of hunger, employment generation and environmental sustainability. There is growing concern for strengthening practices of good governance and sustainable forest management for continuation of ecosystem services in perpetuity. Forestry sector has emerged as an important component in strategy for mitigation and adaptation of climate change at national as well as global level.

1.1 Forests play an important role in sustaining life support systems by providing ecosystem services, various essential products and also have a critical role in climate change mitigation and adaptation. Forest management in India is guided by the National Forest Policy 1988 which lays emphasis on ecological and environmental security of the country and addressing livelihood needs of people.

1.2 India, based on its vast experience in SFM, rightfully has to take proactive role in addressing these concerns. Following are International conventions to which India is signatory including both legally binding and non-legally binding instruments.

Table 1
Status of India vis-à-vis International Environmental Conventions

Convention / Forum	Effective	Year Signed and Enforced
Convention Relative to the Preservation of Fauna and Flora in their Natural State (1933)	1936	1939
International Plant Protection Convention (1951)	1952	1952
International Convention for the Prevention of Pollution of the Sea by Oil (1954)	1974	1974
The Antarctic Treaty (Washington, 1959)	1998	1983
Convention on Wetlands of International Importance, Especially as Waterfowl Habitat (Ramsar, 1971)	1982	1 October 1981 (ac)
Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972)	1978	1977
Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973)	1976	1974
Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979)	1982	1979
Convention on the Conservation of Antarctic Marine Living Resources (Canberra, 1980)	1985	--
Convention on Early Notification of a Nuclear Accident (1986)	1988	1986

United Nations Convention on the Law of the Sea (Montego Bay, 1982)	1995	1982
Protocol on Substances That Deplete the Ozone Layer (Montreal, 1987)	1992	19 June 1992 (ac)
Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel, 1989)	24 June 1992	5 March 1990
Amendments to the Montreal Protocol on Substances That Deplete the Ozone Layer (London, 1990)	1992	19 June 1992 (ac)
Convention on the Prior Informed Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC or Rotterdam, 1990)	Not signed	N .A.
Protocol on Environmental Protection to the Antarctica Treaty (Madrid, 1991)	1998	1992, 1996
United Nations Framework Convention on Climate Change (Rio de Janeiro, 1992)	1994	1 November 1993
Convention on Biological Diversity (Rio de Janeiro, 1992)	18 Feb. 1994	5 June 1992
Convention to Combat Desertification in Those Countries Experiencing Serious drought and/or Desertification, Particularly in Africa (Paris, 1994)	17 Dec. 1996	14 October 1994
Agreement relating to the Implementation of Part XI of the UNCLOS 1982 (1994)	1996	1995
International Tropical Timber Agreement (Geneva, 1994)	1997	17 October 1996
Protocol to the United Nations Convention on Climate Change (Kyoto, 1997)	2005	1997
Cartagena Protocol on Biosafety (Nairobi, 2000)	23 January 2001	17 January 2003

Source: Compiled from UN Treaty Register and websites on multilateral environmental agreements:

1.3 The ToRs for Sub-Group-V are given below:

Terms of Reference for Sub-Group V on International Cooperation and Law

1. To recommend strategy for a proactive national stance on national and international forestry related issues such as climate change, biodiversity and desertification, CDM, Global Green Fund, REDD+ etc. This ToR also includes international conventions like CITES, IWC, CBD etc.
2. Review and recommend ways of strengthening the present mechanism of implementation of international commitments.
3. Recommend innovative ways for augmenting flow of resources into the sector through integrated investment framework.

1.4 The issues relevant to the country in various International Conventions are listed as under:

- Sustainable Forest Management (SFM)
- International co-operation in forestry and wildlife Management
- Access and benefit sharing of biological diversity
- Green Economy
- Trade of timber, NTFPs and Forest Certification
- Conservation of Wetlands and Mangroves
- Conservation of Migratory Species
- Implementation of various provisions of CITES
- Conservation of Marine Biodiversity in cooperation with neighbouring countries
- Climate Change Mitigation and adaptation of climate change by REDD+ activities through forestry activities.
- Clean Development Mechanism

1.5 To further strengthen the Governance in Forestry, Wildlife and Biodiversity sectors based on the experiences of the operationalisation of the XI Plan and the engagements of MoEF in Policy and Law-making, a variety of programmes of action in following areas need to be addressed:-

- (i) Legal and Institutional Reforms
- (ii) Capacity Building
- (iii) International Commitments and Compliance and
- (iv) New Initiatives for harmonizing International obligations with national requirements and socio economic conditions
- (v) Transboundary concerns of forestry and wildlife.

1.6 Existing Schemes and Status during 11th plan (targets and achievement)

This subject was not part of XI FYP or any previous Plan therefore the report is based on discussions and views of members of Sub Group and inputs from related officials/ persons. The International Cooperation matters are dealt by IC division in the MoEF,

which participates in International Conferences/Workshops etc. and has budgetary allocation based on 11th Plan outlays. The Forest International Cooperation division deals with matters/ issues related to UNFF, COFO, APFC, FAO and USAID etc.

1.7 The Forest International Cooperation Division is dealing partly with forestry matters with respect to UNFF, FAO (COFO), APFC, International Conventions, etc.

Division wise distribution of subjects of International Instruments

Division/ Focal Point	Subject matter		
	International conventions	Regional	Bilateral
Forestry Wing of MoEF			
FIC	UNFF	APFC	India China
	FAO- COFO		
FP Division			USAID/ India
SU Division	ITTO		
FPD Division	INBAR		
RT Division			Forestry Capacity Building with financial assistance from international institutions.
EAP Division			Externally Aided Forestry Projects supported by international funding agencies such as JICA, AFD, World Bank, etc.
Wildlife Division	CITES	SAWEN	India China
	Convention on Migratory Birds		
	International whaling Commission		

1.8. The budget for meeting International obligations/ commitment is presently placed with IC Division besides small provisions in the schemes implemented by various Divisions which coordinates on behalf of other Divisions.

1.9. Focal points for international conventions / institutions are nominated by MoEF. Normally, they are in the rank of DIGF / Director, and above level.

2. Regional, National, International dynamics and concerns which have emerged in the sector w.r.t. ToR

- 2.1. India has well defined framework with MoEF at the Centre and the State level. The role of the MoEF is in framing of National Policies, providing guidelines and on issues of national and global importance etc. The decisions taken at international forums are disseminated by MoEF to the States for implementation and compliance.
- 2.2. The depletion of forest resource base adversely impacts resilience capacity of vast majority of people (rural population around 70%) of the country to meet challenges of climate change. Recently launched Green India Mission (GIM) as one of the eight Missions under the National Action Plan on Climate Change has taken innovative and holistic approach towards qualitative and quantitative improvement of forest resources through landscape treatment. There are immense opportunities for the forestry sector in employment generation, poverty alleviation, ensuring food security, rural development and urban renewal as well as increasing resilience of forest dependent people against adverse impacts of climate change.
- 2.3. International Instruments on forestry, wildlife and climate change etc.
 - 2.3.1 Forestry: There are international instruments like Agreement, Charter, Treaty, Convention, Protocol, Declaration, International customs and general principles of law. Of the 19 international forests related legally binding instruments, 18 deal with forests only as part of another issue, of these 16 focuses on sectoral or very specific issues and 2 deals with specific forest types. Only one is dedicated to forest namely ITTO, focusing on tropical timber.

However, of the 21 regional forest related legally binding instruments, 3 deal exclusively with forests, while several others treat forests in a more holistic manner than many of the global instruments.

United Nations Forum on Forests (UNFF) is the main inter governmental body that is addressing all policy and management aspects of forests in a comprehensive manner. Though its instruments are having the effect of non- legally binding but it plays an onerous duty and responsibility of all member countries to take steps to implement them.

Acknowledging the important contribution and potential of forests as a link between climate, biodiversity, and land degradation - critical global environmental concerns - the Rio Conventions, namely, the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention on Biological Diversity (CBD) and the United Nations Convention to Combat Desertification (UNCCD), all are working together to enhance synergies in the forestry area to achieve their respective goals and objectives.]

2.3.2 **Climate Change:** The mechanism and internal capacity to negotiate is in place but that is often ad hoc and in terms of knee jerk response. Often the official delegates to international negotiations are selected and informed at the last moments leaving little time for developing well thought out and researched national responses. This situation needs to be addressed and a more elaborate and institutionalized mechanism needs to be put in place by strengthening existing institutions and building new ones wherever felt necessary so that a well thought, coordinated response on a continuous basis is articulated at international level.

2.3.3 **Wildlife protection and management:** India has fairly well developed network of Protected Areas with many success stories in conservation and protecting wildlife to share with other countries. Transboundary issues with Bhutan, China, Nepal, Myanmar and Bangladesh regarding migratory corridors and illegal trade/trafficking in wildlife articles are important and need strengthening of regional and bilateral cooperation.

2.3.4. **Biodiversity Conservation, Wetlands and desertification:**

Conservation and sustainable use of biodiversity with access benefit sharing is important both from conservation as well as livelihood point of view. India should engage likeminded countries to share experience and advice on efforts to enhance biodiversity conservation including creating opportunities to capitalize on biodiversity thereby improving livelihood of local communities. Strengthening cooperation with the neighbouring countries and also at regional level in the South Asia and South East Asia in assessing and arresting forest degradation, forest fragmentation and related biodiversity loss can provide good opportunity for conservation and sustainable use of biodiversity.

Wetlands are very important for water security, livelihood, fisheries and conservation of avian fauna. Ramsar convention and other international instruments are required to be effectively implemented with necessary policy, legal and financial support.

CCD requires greater efforts. Combating desertification is another challenge and requires concerted efforts. Comprehensive strategy involving afforestation supported with innovative soil and water conservation measures need to be adopted. Financial and technical support from international donors may be explored in view of limited resources.

3. Gap analysis: mapping of potential areas & issues requiring intervention

I. Law:

3.1 **Legal & institutional reforms:** The legal regime concerning Forests, Wildlife and Biodiversity needs to be reviewed in view of recent developments both at national and international level. The Indian Forest Act, 1927, the Wild Life (Protection) Act, 1972 and the Forest (Conservation) Act, 1980 may be revisited to accommodate subsequent legal developments with respect to the country's fulfillment of international commitments without compromising the basic livelihood requirement of people apart from ecological security of the country.

3.2 **Governance and Coordination issues:** A regular mechanism to register, analyse, evaluate and monitor commitments and coordinate within or outside the Ministry with stakeholders needs to be developed. Intra and Inter-Ministerial coordination on issues/ matters having international ramifications or subject matters of international instruments needs strengthening so that stakeholders interest is not compromising while meeting international commitments.

3.2. One of the major problems in Environmental Governance in India is that of lack of coordination and harmony in the functioning among different agencies of State. This has invariably led to the Environmental imperatives neither informing and influencing policies nor their translation into the programmes of action and working of other sectors associated with Natural Resource Management (Water, Land etc.) and those that deal with economic development (Industry and Commerce). There is an imperative need for coordination, right from the policy to law-making to their implementation.

3.3. Strengthening the Capacity in the Green Laws:

This has two dimensions:

(a) Strengthening ability in putting across Indian position in an effective manner, bargaining for a better deal in International Negotiations and in International law-making processes, and

(b) Strengthening the Capacity in implementing effectively the domestic law.

II. Constraints in International Cooperation:

3.5 **Inadequate Capacity:** There is lack of exchange of information, experience sharing, and capacity to ensure compliance, follow up, monitoring and reporting at the ground level of the obligations/ international commitments as there is limited exposure of field official/ implementing authorities at international level.

- 3.6 **Lack of Institutional Network:** There are many institutions working in many aspects of various international matters but the information sharing and convergence is sometimes missing. There is also duplicity of activity as institutions are not aware of other institutions work. The lack of collaboration between institutions dealing with law, international matters arises in view of lack of common platform or forum for sharing views exchange ideas regularly, which needs to be addressed.
- 3.7 **Little collaboration/ partnership with international institutions:** This is very important as Indian institutions will be greatly benefitted with tie ups/ collaboration with regional and international institutions in evolving coordinated action plans through exchange of information and technological capabilities.
- 3.8 **Lack of continuity of officials/ ad-hoc approach:** Most of the time experts/officials meet at short notice and are constrained to take views for the country's position. Change in official positions due to regular transfers sometimes result in inadequate preparations that consequently affect quality contributions and final outputs as well as country's settled position. Hence there is a need to ensure continuity of officials engaged in international negotiations.
- 3.9 Lack of specified budget to meet expenses/ contributions for international fora.

4. Challenges :

4.1. Identification of challenges in International cooperation:

- Each country has its own priorities. Forestry and wildlife issues are locally as well as globally important and at times do not receive the desired focus in developing countries which have different set of priorities for socio economic development.
- Lack of institutional mechanism for follow- up, implementation and monitoring of decisions taken at International negotiations. Many international arrangements on forests are dynamic and evolving. The effectiveness of these arrangements needs to be reviewed periodically. Proper understanding of their impacts on India's internal policies and programmes with a view to develop effective strategies for implementation of the commitments calls for institutionalizing our approach which somewhat appears to be lacking. Hence it results in adhoc approach and knee jerk reaction.
- International negotiation mechanism is complex and dynamic, needs permanent institutional backing, continuous dialogue and participation of stakeholders.
- Present mechanism of negotiations at International level depends heavily upon the individual initiatives. The experts/officials should be given adequate time and resources to take views for the country's position by strengthening institution and capacity. The mechanism needs to be institutionalized to that settled stand of country is not compromised.
- Ensuring continuity of officials in dealing with a particular International Convention with back up teams to enhance quality of contributions and final outputs.

4.2 In view prioritization of challenges indicated in para 4.1, there is a justification for addressing them in the 12th Plan period as under

- There is a need to strengthen mechanism for negotiation.
- The negotiation process should be based on proper analysis of situation/ impact assessment of global policies vis- a- vis national policies on natural resources management (NRM). The institutionalization will lead to consistent, systematic and well thought of strategies to address Nation's concerns, priorities and initiatives in international conferences, and avoid pitfalls faced in negotiations as brought out in foregoing paragraphs.

5. Strategies to meet the challenges:

(w.r.t. strengthening in legal domain/institutional mechanism / science & technology improvement /HRD /schemes / financing mechanism / incentives to get states on board/ people's participation in management / cross cutting issues/cross sectoral issues/areas of convergence/deliveries / awareness / employment / livelihood improvement /ecosystem services/carrying capacity / habitat improvement institutional strengthening / research and technology strengthening/ HRD /enforcement and protection/biodiversity -landscape scale on regional, national and international etc.

5.1 Strategy for strengthening Inter & Intra-Ministerial coordination:

It is necessary to evolve two pronged strategy to achieve better intra-ministerial and inter-ministerial coordination as below:-

(i) Intra-Ministerial Coordination Committee/Council: to bring synergy and harmony in the working of different aspects of environmental governance like, forestry, Wildlife, Biodiversity, Pollution Control and Waste Management, Environment Impact Assessment, CDM, Ozone Layer Protection etc.

(ii) Inter-Ministerial Coordination Committee/Council- to create a forum having policy oversight, to facilitate harmony and alignment of working of different agencies at the Central level to realize the core object of environmental governance for securing environmental integrity and promote Sustainable Development.

5.2 Legal & institutional reforms:

The Strategies for strengthening legal domain are listed below:

(i) **Legal Capacity-building exercise** to help and enable the domestic “managers” of environment and the policy-makers and international negotiators, to catch up with the developments in the law and to acquire better tools and techniques of its application to problem situations- to be entrusted to Centres of Excellence in Law, in Ecological Sciences, Economics, Natural Resources Management and the like.

(ii) **Creating “Centres of Excellence”** in legal academic and research institutions to build the capacity in law and enforcement, besides to professionalize environmental governance.

5.3 International Cooperation:

(i) Developing international Strategy- for negotiation, law-making, commitments and show-casing compliance and

(ii) Evolving a more Proactive domestic strategy and action plan – of legal reforms, forward looking plans of action and a more inclusive and participatory administrative mechanisms for better governance.

6. Recommendations and Proposed Timeline Action Plan

- 6.1 The subject 'The International Cooperation and law' has not been part of previous 11th FYP or in earlier Plans, therefore the sub-Group has proposed capacity building of officials and strengthen institutional framework in the 12th FYP at an estimated budgetary support of Rs. 25 crores (Rs. Twenty Five crores annually) which is indicative. The timelines cannot be specified as the scheme is mainly for capacity building on international cooperation and law.

The new proposals are indicated below:

I. Institution Building:

Establish New Institutions:

- (iv) Centre for Forest Policy and International Cooperation Studies at MoEF for bringing policy and implementation together for dissemination of knowledge, data through National Portal and work as a think tank.
- (v) CITES Management Authority with Regional Centres.
- (vi) Strengthening of REDD+ Cells handling forestry matters in the MoEF.

II. Strengthening of Existing Institutions for dealing International Cooperation:

- (v) Postings of the Forest Officers in Permanent Mission of India (PMI), Indian Embassies and Commissions.
- (i) Technical/Financial Support to various Institutions like ICFRE, BSI, ZSI, FSI, IGNFA, WII, IIFM, DFE for improving their infrastructure to take up theme based training programmes.
- (vi) Financial support to Law Universities for introducing legal education and awareness creation on matters related to International Cooperation and Law.
- (vii) Project based funding to institutions of excellence in the field such as TERI need to work on specific policy issues.

III. Capacity building: not only limited to present but futuristic to anticipate action for new challenges.

- (v) Training/ Sensitization/ Orientation of Forest Officers as well as officers of other related Services (IAS, Indian Foreign Service, Indian Customs Services etc.) in Forestry, Wildlife and Climate Change related International Instruments and law for better coordination and appreciation of roles of various concerned agencies in both domestic as well as abroad in International Instruments related courses and
- (vi) Capacity Building and Enhancing participation of more Forest Officers, legal professionals, Scientists and technical staffs in International Conferences including officials of the State Forest Departments.
- (vii) Building mechanism for greater interaction and cooperation between various existing institutions on policy and implementation issues.
- (viii) Sensitization and Capacity building of legal and Judicial Services Officers in forestry matters and inclusion of specific course curriculum in LLB Degree/ PG diploma Courses in Universities.

IV. Forging/ Strengthening Cooperation at International/ Regional level:

- (iv) Forging partnership/ cooperation with international institutions.
- (v) Strengthening regional cooperation at SAARC, ASEAN and Central Asian countries in view of resources and similarities in socio economic conditions.
- (vi) Bilateral cooperation with African countries on matters of mutual interests.
- (vii) Strengthening bilateral cooperation with China especially on forest productivity, farm/ agro forestry and wildlife conservation.

6.2 Augmenting existing schemes:

1. Training module short, medium and long terms on International cooperation & law through institutions of excellences in the field such as TERI, IGNFA, IIFM in IC and law for forest officials/ other services officers (1 week, 2 weeks & 4 weeks).
2. To start on experimental basis a long term 10 months Theme based Diploma course in specific areas of international instruments with cross sectoral linkages.
3. National Law University to start such courses on international cooperation and law in the field of forestry and wildlife.

6.3 New schemes and financial implication: A new scheme 'Strengthening of Forest International Cooperation' is being proposed with following Sub Head for specific components:

1. Centre of Forest Policy and International Conventions Studies
2. CITES Management Authority.
3. Strengthening of REDD Plus Cell.

6.4 Financial Performance during 11th FYP:

S. No.	Schemes/ Programmes	Financial Performance in Eleventh Plan (Rs. in Crore)			
		Outlays	BE	RE	Actual Expenditure
	Nil	Nil	Nil	Nil	Nil

Note: IC Division of the ministry is implementing some schemes which do not cover these proposed programme areas.

6.5 New Scheme: 'Strengthening of Forest International Cooperation'

Sub Head	Name	Rs. In Crores	
		Average Annual Provision	Total for 12 FYP
1	Centre of Forest Policy and International Cooperation Studies, Capacity Building, Strengthening of institutions etc. under Forest Policy Division	2.0	10.00
2	Strengthening of REDD+ Architecture in the Country including REDD+ Cell in the Ministry	1.20	6.00
3	Strengthening of CITES Management Authority and Wildlife Policy Group	0.40	2.00
4.	Contribution to international agencies	2	10
	Total	6.00	28.00

6.5 Financial Outlay for 12th FYP

Scheme: strengthening of International Cooperation and Law

Table-II

S. No.	Schemes/ Programmes	Financial Projections in Twelfth FYP (Rs. in Crore) in the form of Grants						Nodal Organization
		Duration	2012-13	2013-14	2014-15	2015-16	2016-17	
1.	Centre for Forest Policy and International Cooperation Studies/ (MFF).	Permanent 5 years	2.0	2.5	3.0	3.5	4	MoEF through the Centre with collaborating Institutions.
i.	Undertaking Policy studies including Support to Institutions/ NGOs, Project based funding for specific research/ studies.							
ii.	Capacity Building of Forest Officers/ Scientists/ Officials of other services/ Law Officials/ Judiciary/ Communities through training and participation in meetings/ workshops/ conferences in International Instruments both within and abroad.							
iii.	Organizing Brainstorming Workshops/ Conferences on policy and international conventions on forestry and wildlife with SAARC, South East Asian, African Countries, etc.							
iv.	Administrative expenses							
	Total		2.0	2.5	3.0	3.5	4	
2.	Setting up REDD ⁺ Cell in Forestry Wing & providing support to States/ UTs for initiating REDD ⁺ activities, adaptation and mitigation.	-do-	1.0	1.0	1.5	1.5	2.0	MoEF
3.	Strengthening CITES Management Authority with Regional Centres and other wildlife Conservation Activities as follow up of international commitments.	-do-	0.3	0.3	0.4	0.5	0.5	MoEF
4.	(i) Contribution to International Bodies like INBAR, ITTO etc. under International Commitments/ Obligations		2	2	2	2	2	MoEF

	(ii) Expenditure related to committed participation in UNFF, APFC, ITTO, INBAR, CITES, COFO, etc. and bilateral commitments.							
	Total= 175 Crores for 12 FY Plan Period							

Note:

1. The budget mentioned is indicative.
2. The budget provisions for Forest International Cooperation for the proposed schemes are to be provided with FIC Division of Forestry Wing.

Table- III: Policy Studies proposed for 12th Five Year Plan period:

S. No	Studies and Reports
1.	Participatory Forest Management
2.	Analysis of issues and gaps in implementation of international conventions for strengthening country' position in negotiation.
3.	Studies on Review of Policies/ Acts on Forests, Wildlife, and Biodiversity for improving synergies.
4	Creation and maintaining database on compliance, implementation, monitoring, and reporting on international instruments.
5....	Other studies which may be considered to be taken up time to time.

6.7 Note on Centre for Forest Policy and International Cooperation Studies (MFF)

The Centre for Forest Policy and International Cooperation Studies to work as a forum/ platform Multi-stakeholder Forestry Forum/ (MFF) for Consultation and Evaluation to facilitate development of country's position in respect of important international conventions and agreements of interest to India. The Centre or MFF is intended to be a permanent institution serviced and funded by the MoEF to enable evaluation of the stand of the country on various international instruments in different forums, and suggest adjustment and modification in the existing country position in consonance with the national interest.

The Centre/ Forum will also help in drafting and finalizing inputs for specific meetings of the sessions of international conventions and agreements in collaboration with other institutions and stakeholders, wherein India is participating. The Centre of Forest Policy and International Cooperation Studies (MFF) is proposed to be created at MoEF which will enable participation of all concerned ministries, departments and research organizations of the Central and State Governments, reputed scientific and educational institutions in the private sector, and individual experts and subject matter specialists outside government.

The Centre (MFF) will be a small unit under the MoEF at Delhi which will function initially under the Forest Policy and FIC Division. The Centre initially will be headed by DGF/ Adl. DGF with DIG, Forest Policy as the Convener. Executive Members will be drawn from officials of concerned Ministries/ department and other renowned Institutions to deliberate on various issues of international as well as national importance related to forestry and wildlife on monthly basis. The theme based meetings will be organized as and when necessary and outsource the studies to experts/ institutions. The centre will bring out monthly reports / presentations on developments and maintain the necessary database on international instruments and policy related matters. The Centre is expected to become functional in the first year of 12th FYP and will attain its full fledged capacity by the end of 3rd year of the 12th Plan. The permanent posts of its Head at the Adl. DGF, Convener at IGF/ DIGF level and posts of Social Scientist, Economist, Ecologist and Statistician are proposed to be created and will be filled through deputation or contractual basis drawn from reputed institutions working in NRM for a certain period of time.

The centre will maintain a panel of domain experts and ensure frequent interaction to work as think tank, generate ideas and build capacities. The experts will be provided sitting fee/ honourarium for attending meeting, delivering lectures or performing assigned tasks.

The minimum secretarial staff may be arranged through outsourcing which will involve insignificant expenditure.

The budget for meetings will be arranged from the new schemes. The secretariat services for running of the centre will be outsourced including the conference facilities.

6.8 Recommending innovative ways for augmenting flow of resources into the sector through integrated investment framework.

6.8.1 The ToR.III speaks about finding innovative ways for augmenting investment in forestry sector. The investment at present is mostly coming from the government side. However, there is a need to incentivize private participation through significant investments in afforestation especially in agro forestry, farm forestry and urban greening with special focus on coverage of area outside the forests. Appropriate policy and technical support is to be arranged by the State Forest Departments with suitable tax concessions in expenditure on afforestation/ greening. This can also be a part of Corporate Social Responsibilities.

6.8.2 The fund flow from CDM, UNCCD and from other international agencies from international agencies in arresting land degradation, afforestation and reforestation will also channelize and enhance investment in forestry sector. Appropriate institutional network needs to be created in this regard.

6.8.3 The mechanism for fund flow in REDD+ is evolving. Whereas Carbon stored in forests virtually has no market until recently, it is now traded in voluntary markets, and might soon be traded in the International Carbon Compliance markets. Including REDD+ in a post- 2012 climate agreement may spur the establishment of the global forest carbon markets even further. The inclusion of forests in carbon markets is related to the contextual revolution above, forests are valued no longer

just for their goods (timber) and the land on which they stand, but also for the environmental services they provide. The fund flow may be from the Government, International sources both from Govt. and non Governmental agencies.

- 6.8.4 For the country the important issue is how the fund flow to prevent degradation of forest can be augmented. The funding support will help in addressing the drivers of forest degradation like forest fire, grazing, firewood removal and illicit felling for timber etc. Greater investment will help in diversion of pressure from forests and creation of livelihood opportunities to people beyond land/ forest based activities. There is a need to have dedicated fuel wood and fodder plantations on community land as well as fringe forest to meet local requirement and provide alternative livelihood and employment opportunities to forest dependent communities including emphasis on stall feeding to sustenance. This will substantially reduce pressure on natural forests.
- 6.8.5 Likewise the good forest management leading to Forest Conservation and improvement of forest is incentivized and rewarded. This will help in getting support of local people in improvement of forest growing stock leading to increase in forest carbon stock. Within National programmes, a part of Rural Development budget like MGNREGA, Tribal Welfare Schemes, other schemes like watershed development, NRAA can be utilized in afforestation as well as checking forest degradation.
- 6.8.6 There are models available for REDD+ like Conservation Trust Funds (CTFs also referred as Environment funds). More than 50 CTFs have been established in developing countries in last 20 years. Strengthening National REDD+ Funding architecture: As REDD+ funding is evolving, the suitable REDD+ Architecture needs to be put in place to channelize funding from national and international agencies as and when the system matures. There are few options like Project Based funding, Separate National Fund, National Fund within the existing Government programmes.
- 6.8.7 The strength of the Project Based funding is that it resembles a market for carbon projects, thereby drawing the capacity of markets to deliver efficient outcomes. In contrast Separate National Fund is established outside the state administration and is governed by a board of representative from a broad range of stakeholders. In case of National Fund within the State Administration the fund is placed within the state administration. This could be within a ministry, or an agency under the Ministry.
- 6.8.8 A minimum specified plantation/ Green area may be fixed in case of large land based Projects like SEZs, Industrial Estates, and Residential Projects as a planned intervention to promote tree plantation. This will not only lead to carbon sequestration but also ameliorate the environment.
- 6.8.11 Specific budget support: In this option the process involved is to channel international REDD+ funding through existing budget systems in the form of general budget support, or as more or less earmarked funding. This might be an option in the early phases of REDD+, which emphasise readiness activities and specific policies and measures.

7. Monitoring and Evaluation Mechanism

The Monitoring of compliance, implementation, follow up and reporting on international instruments and commitment will be done by the Ministry of Environment and Forests with the help of Centre of Forest Policy and International Cooperation Studies periodically with appropriate studies on issues/ themes. The main objective is to enhance coordination and maintain continuity by putting in place a platform for dialogue/ discussion and convergence of ideas between experts and various stakeholders. Review of performance of the scheme centre will be taken up by appropriate agency/ institutional review.

8. Expected Outcomes

(Tangible/ intangible/ deliveries/ awareness/ employment/ livelihood improvement / ecosystem services/ carrying capacity / habitat improvement/ biodiversity)

As the number of international environmental instruments is increasing, the issue of enforcement and compliance by member countries is becoming a matter of great concern, especially for the developing countries. As a follow up to Rio, almost all the countries, especially developing countries, reviewed their national environmental regulations and reinforced these, often with the establishment of national agencies and authorities. While these institutional and regulatory changes have helped the governmental authorities in decision making on environmental issues, there is much that remains to be done. It is important for these institutions to function effectively, and at the same time, promote compliance with, and enforcement of environmental regulations.

The recommended strategies and proposals are intended to strengthen the institutional framework and build capacity to negotiate in respect of international instruments and ensure follow up of compliance, monitoring and reporting. The expected outcomes can mainly be intangibles directed for improving quality of actions and programme.

Intangibles:

- i. Capacity building: trained manpower and broad basing of the internal expertise with adequate exposure in working of international institutions and mechanism.

However the activities under the capacity building can be arranged in the form of **tangibles** like number of training courses/ programmes/ meetings or workshops organized, studies conducted and paper published.
- ii. Institutionalized and enhanced negotiation capacity and more systematic approach on international conventions
- iii. Development of a platform for regular interaction of experts and stakeholders
- iv. Improved inter-ministerial and inter-departmental coordination
- v. Improved coordination within different wings of the Ministry and departments.
- vi. Improved follow up of international commitments and better implementation of our obligations
- vii. Futuristic orientation of our approach
- viii. Better enforcement and compliance of forestry, wildlife and environmental regulations.

Annexure-I

Sub Group-V (SG-V) constituted by the Planning Commission under the Working Group on Forestry and Wildlife has been assigned the task of making a report on this important aspect of the subject of forests and forestry for the purpose of being included in the 12th Five year Plan document.

The SG-V comprises following members under the chairmanship of Shri Jagdish Kishwan, Additional DGF, Wildlife.

Members of sub-Group-V

S.No	Name of Member	Designation
1	Shri Jagdish Kishwan, Addl. DGF (Wildlife), MoEF	Chairman
2	Shri. R.K. Goel, IGF (EAP), MoEF	Member
3	Shri. Gautum Dey, PCCF, Tamil Nadu	Member
4	Shri. Madhukar Raj, PCCF, Andhra Pradesh	Member
5	Shri. Ravi Singh, Secy. General & CEO, WWF, New Delhi	Member
6	Joint Secretary, DEA, Ministry of Finance, New Delhi	Member
7	Joint Secretary, Ministry of External Affairs, New Delhi	Member
8	Shri. J.V. Sharma, CCF, Lucknow, UP/ TERI Representative	Member
9	Ms. Renu Singh, ADG (Climate Change), ICFRE	Member
10	Shri. P.C Tyagi, Representative from WII, Dehradun	Member
11	Dr. Yogesh Dubey, Representative from IIFM, Bhopal	Member
12	A Representative from TERI, New Delhi	Member
13	Prof. Bharat Desai, JNU, New Delhi	Member
14	Shri. Sanjay Upadhyay, Advocate, Supreme Court of India, New Delhi	Member
15	Prof. M. K. Ramesh, Professor of Law, National Law School of India University, Nagarbhavi, Bangalore	Member
16	Shri. Alok Agarwal, Dy. Secretary (IC), MoEF	Member
17	Shri. Subhash Chandra, DIGF (FP), MoEF, New Delhi	Member Convener

Terms of Reference

The Terms of Reference for the Sub-Group-V on International Cooperation and Law are given below:

1. To recommend strategy for a proactive national stance on national and international forestry related issues such as climate change, biodiversity and desertification, CDM, Global Green Fund, REDD+ etc.
2. Review and recommend ways of strengthening the present mechanism of implementation of international commitments.
3. Recommend innovative ways for augmenting flow of resources into the sector through integrated investment framework.

Format for Sub-Group Report

- A. Executive Summary
- B. 1. Introduction/Back drop/ Existing Schemes and Status during 11th plan (targets and achievement)
2. Regional, national, , international dynamics and concerns which have emerged in the sector w.r.t. ToR
3. Gap analysis
mapping of potential areas & issues requiring intervention
4. Challenges
- Identification of challenges
 - Prioritisation of challenges and justification for addressing in the 12th plan
5. Strategies to meet the challenges
(w.r.t. strengthening in legal domain/institutional mechanism / science & technology improvement /HRD /schemes / financing mechanism / incentives to get states on board/ people's participation in management / cross cutting issues/cross sectoral issues/areas of convergence/deliveries / awareness / employment / livelihood improvement /ecosystem services/carrying capacity / habitat improvement institutional strengthening / research and technology strengthening/ HRD /enforcement and protection/biodiversity -landscape scale on regional, national and international etc.
6. Recommendations and Proposed Timeline Action Plan
- Augmenting existing schemes and/ or proposing new schemes and financial implication
7. Monitoring and Evaluation mechanism
8. Expected Outcomes:
- tangible/ intangible/ deliveries/awareness/employment/livelihood improvement /ecosystem services/carrying capacity / habitat improvement/biodiversity
- D. Annexures
(Success stories/model for implementation).
- E. References/citation for data

Note: Graphical and pictorial presentation will be highly appreciated