

UNIVERSALISING COMMUNITY-LED NATURAL RESOURCE MANAGEMENT

IN MEGHALAYA

For Enhancing Ecosystem Services
And Resilience To Climate Change

A review of policy, legal and institutional framework involving
Autonomous District Councils, State Forest Department and other
Departments for strengthening capacity and convergence

7TH OCTOBER 2021

STATE CONVENTION CENTRE, SHILLONG



Centre of Excellence
for NRM and
Sustainable Livelihood



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**CONSULTATION
PROCEEDINGS REPORT**

EXECUTIVE SUMMARY

A State level Consultation on “Universalizing Community Led Natural Resource Management in Meghalaya” was organized on 7th October 2021 in Shillong by the Government of Meghalaya and supported by the World Bank.

The State level Consultation was held in the backdrop of a series of Community consultations in the Garo, Khasi and Jaintia Hills that were held earlier in April 2021 for mapping the natural resource governance issues including the capacity needs of the ADCs. This led to the preparation of a “Context Specific Roadmap” for each ADC aimed at enhancing the capacity of the communities towards sustainable NRM at the village level.

In the State Consultation, the officials from the State Government, the representatives from the Autonomous District Councils (ADC), community representatives from the Garo, Khasi and Jaintia Hill Districts, experts and the Chief Minister of Meghalaya called for enhanced attention to the existing regulatory and institutional framework on natural resource and climate governance in Meghalaya. All the stakeholders had an opportunity to highlight the natural resource governance issues, particularly from the lens of sustainable forest use and management and shared their experiences and perspectives on the context specific challenges in the three Autonomous Hills Districts in the State.

The Consultation was designed to facilitate the informed exchanges among the stakeholders with focus on enhancing the knowledge and experience sharing between the State Government and the ADCs. The Consultation also provided an opportunity for sensitization on increasing impacts of developmental activities and related vulnerabilities due to climatic change experienced in the mountain state.

The deliberations in the Consultation have resulted in a number of useful ideas and suggestions for building a proposal for reviewing the existing natural resource policy, legal and institutional framework in the state. The key messages and ideas from the stakeholders include the need for Mapping Vulnerability for ensuring climate proof livelihoods; Need for programmatic and comprehensive legal frameworks to strengthen existing processes; Need for coordination for the Scientific Management of Unclassed Forests, Need for formalizing the coordination efforts between the State Government and the ADCs, solid partnerships are imperative for framing legal frameworks; Synchronize the efforts for amending the laws; Need for identifying specific areas of legal harmonization; Collective approach for resolving common problems.

These suggestions and ideas are further detailed below.

CONSULTATION HIGHLIGHTS AND SEVEN KEY MESSAGES

Mapping Vulnerability for ensuring climate proof livelihoods:

Dr Ashutosh, Director and Co-Chairman of Centre for Excellence highlighted that Meghalaya being mountainous and ecologically fragile is particularly vulnerable to climate change due to over dependence of its rural population on natural resources and thus managing resources sustainably is the only way ensuring future livelihoods. Institutions such as Centre for Excellence established by the State Government are working in this direction.

Need for programmatic and comprehensive legal frameworks to strengthen existing processes:

Mr. Sampath Kumar, Principal Secretary and CEO of MBDA stressed that strength of Meghalaya lies in its communities who exercise autonomy over their natural resource management so programmatic and legal frameworks should be built to help strengthen these existing processes. Various initiatives and institutions are such as the Village Employment Councils and Village Water Resources Councils constituted under the Meghalaya State Water Policy, 2019 have been constituted at the community level and are engaged in NRM. He hoped that the outcome from the workshop would lead to a comprehensive proposal to build a legal framework to generate momentum in the state for protecting the natural resources.

Need for coordination for the Scientific Management of Unclassed Forests:

Mr B.K. Lyngwa, PCCF and HOFF underlined that the forest area under the community and private owners and control of the Autonomous District Councils should also be managed scientifically since some of the customary practices are not always based on sound, sustainable forest management. He stressed that the coordination of the State Departments and ADCs is the need of the hour.

Need for formalizing the coordination efforts between the State Government and the ADCs, solid partnerships imperative for framing legal frameworks:

Smt R. Suchiang Chief Secretary, Govt of Meghalaya emphasized the need for better understanding the role of the Meghalaya Forest Authority Act, 1991 that provides for establishment of a Meghalaya Forest Authority to advise the state govt & ADCs on proper implementation of Forest laws, preparation of forest schemes and any matter which is related to the preservation and conservation of forest. She also stated that the important task at the moment is to formalise the coordination efforts between the State Government and the District Autonomous Councils on forest management. Forming a solid partnership amongst the stakeholders was also the need of the hour since public input on natural resource management is also imperative in framing legal and institutional framework.

Synchronize the efforts for amending the laws:

Mr. Conrad K. Sangma, Hon'ble Chief Minister of Meghalaya stressed on creating opportunities for sustainable livelihoods and alternatives. There is a need for understanding the importance and role of ADCs in NRM and encouraged for synchronizing the efforts of all the stakeholders involved in NRM for amending the existing laws, if that is desired and emerged from the deliberations in the Consultation. He proposed that North Eastern Council (NEC) should become a regional council for climate change and that all the policies of the North Eastern states should have a common agenda that connects them all.

Need for identifying specific areas of legal harmonization:

Conflicts between laws of the ADC and state exists. Some of the areas that were identified that require resolution is definition of forest, transit regulations, Agro forestry regulations, regulations governing wood-based industries, movement of Timber, inclusion or exclusion of 'Bamboo' in definition of Tree.

Collective approach for resolving common problems:

There is an urgent need for the Autonomous District Councils and the State Forest Departments to collectively discuss challenges faced by both parties in the area of forest and natural resource management. A common forum between the ADCs, state forest department and allied groups is required for discussion and resolution.

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GENERAL BACKGROUND

General Context and Objectives

The State of Meghalaya has over 76% of its geographical area under forest cover and is known as global Biodiversity hotspot. Thus, its economy is closely tied to its natural-resource-base and climate-sensitive sectors such as agriculture, water, and forestry. At the same time the state is particularly vulnerable to water-induced disasters because of its location in the eastern Himalayan periphery, fragile geo-environmental setting and economic underdevelopment is likely to pose considerable threat to the resilience of poorer and vulnerable hill communities. Due to its very unique ecological and vulnerability context, the State is under tremendous pressure to sustainably manage its forests and natural resources and at the same time fulfill its human development aspirations. With a view to deescalate the loss of natural resources and promote nature bases livelihoods and enterprise development, the State has established a unique institution in the form of the Meghalaya Basin Development Agency. However, the emerging ecological and economic challenges likely to be exacerbated by climate change and natural disasters underline the urgent need for creating more resilient environment by improving and modernizing the regulatory and institutional framework on natural resource governance in the State.

The main objective of State Consultation was to facilitate the deliberations on identifying the strategies and pathways for strengthening the community led landscape management, capacity and convergence based on the collective review of the legal and institutional management of forests in the state, particularly in view of the recent scientific information with regard to increasing impacts and vulnerability due to growing climate and socioeconomic changes and adaptation needs of the vulnerable people in the State.

Background to the State Level Consultation and Specific Objectives

Community Led Landscape Management Project (CLMMP) supported by the Government of Meghalaya and the World Bank and implemented in the 400 villages by the Meghalaya Basin Management Agency (MBMA) aims at mainstreaming participatory land and natural resource use planning to support local people's life base, resilience and adaptive capacity in view of the emerging challenges of forest degradation and climate change. Apart from implementing the project in the above 400 villages, it is envisaged to spread the concept of landscape approach to the management of natural resources, across the 6500+ villages in Meghalaya with the active participation of the communities and the traditional institutions. Strengthening the knowledge and capacity of communities and their autonomous institutions for improved natural resource management (NRM) has been identified as one of the key strategies to mainstream CLMMP.

The ground level experience suggests that CLMMP requires multi-pronged approach where involvement and capacity enhancement of all local stakeholders including the constitutionally recognized Autonomous District Councils (ADCs) is critical for mainstreaming sustainable management of natural resources.

A series of three Consultative Workshops were held in the Autonomous Districts of Garo Hills, Jaintia Hills and the Khasi Hills in April 2021. The intense multi-stakeholder consultations on improving sustainable NRM in the Hill Districts revealed that there are many provisions of the NRM laws which are no more relevant or are redundant in the current context. Furthermore, there are some of the provisions in the Acts and Rules of the ADCs which are in conflict with those which are being enforced by the State Forest Department (SFD). This led to preparation of a "Roadmap" outlining the legal and institutional capacity enhancement needs of ADC's.

In the above backdrop a State level Consultation was organized on 7th October, 2021 at Shillong to deliberate further on the legal and institutional capacity enhancement needs involving ADCs and the State Government Departments including those that have been documented in the 'Roadmap' to have a holistic perspective by engaging with the State Forest and allied Departments. (The agenda is at Annex A)

Consultation Participants

The State Level Consultation was attended by Senior Government officials from all the relevant line departments, representatives from ADC's, representatives from traditional communities, civil society organizations, and academicians from the prestigious academic institutions. The List of participants is at Annex-B.

The Specific objectives of the State Level Consultation were:

- A comprehensive stock taking of relevant policies and laws applicable in the State at all levels, identify areas of conflicts, if any, need for amendments, and possibilities of convergence
- Diagnosis of the legal and institutional frameworks in the context of Capacity Building needs of the ADCs as expressed during the Community Consultations held earlier
- Discuss the strategies to mainstream village natural resource management plans (VNRMPs) developed under the CLLMP to all the villages in the State in view of the existing legal and institutional framework.
- Discuss pathway for transitioning community Forest Management Plans to Working Schemes and the related issues of scale, capacity building and convergence.

Consultation Components

The Consultation contained address by the political representatives and officials followed by the brief presentations from the forestry experts which was supplemented by the interactive question answer sessions. This offered a space for exchange of knowledge and experiences in conducive environment, specially tailored to the needs of Meghalaya.

INAUGURAL SESSION



1. Welcome Address

In his Welcome Address, Dr. Subhash Ashutosh, highlighted the Sixth Assessment Report of the Inter-Governmental Panel on Climate Change (IPCC) that painted a grim scenario for our future and stressed on how the 1.5-degree Celsius rise in global temperature could have a catastrophic impact on the climate in 10 years instead of the projected year of 2050 which is of concern for the mountainous and ecologically fragile regions such as the state of Meghalaya where 80% of its population is dependent upon natural resources for their livelihood. Adapting to climate change through sustainable natural resource management is the only way to climate proof livelihood and make the ecosystem resilient to climate change. He lauded the community of Meghalaya for being environmentally conscious and being receptive to green practices. Establishing Centre of Excellence for NRM and Sustainable Livelihood (CoE) on World Environment Day, 2021 by the Chief Minister of Meghalaya, shows that the environment is of top priority for the Govt of Meghalaya. Through the CoE, MBDA intends to universalise the scientific practice of Natural Resource Management and encourage adoption of best practices developed under the World Bank funded Community Led Landscape Management Project (CLLMP) in all the villages of the state. He underlined the need for convergence of the concerned departments to achieve goals of Natural resource management.



Dr. Subhash Ashutosh
Co-Chairman & Director, Centre of
Excellence (NRM&SL)

“Adapting to climate change through sustainable natural resource management is the only way to climate proof livelihood and make the ecosystem resilient to climate change”



Shri Sampath Kumar
Principal Secretary to Govt of Meghalaya &
CEO, MBDA

“Strength of Meghalaya lies in its communities who exercise autonomy over their natural resource management so programmatic and legal frameworks should be built to help strengthen these existing processes”

a community conservation corps similar to what the US did after World War II. He informed that through the CLLMP project in around 2000 villages at least 3 people in each village are trained in NRM planning and use of NRM technologies. There is an urgent need to bridge the gap between Autonomous District Councils (ADCs) and the state. He hoped that the outcome from the workshop would lead to a Comprehensive proposal to build a legal framework to generate momentum in the state for protecting the natural resources.

2. Opening Remarks

In his Opening Remarks, Shri Sampath Kumar made a reference of Yuval Noah Harari, a philosopher and author, who mentioned in his writings that modern leadership should talk about three things out of which, one is ‘Climate Change’. He applauded the Chief Minister of Meghalaya for taking up the issue of climate change. He also stated that strength of Meghalaya lies in its communities who exercise autonomy over their natural resource management so programmatic and legal frameworks should be built to help strengthen these existing processes. The State of Meghalaya is already engaged in Natural Resource Management at various levels through CoE, village employment councils (VEC) and the State spends around INR 400-500 crore through MGNREGS. The State Water Policy has led to establishment of Village Water Resource Councils in around 5000 villages in the State. He announced that, along with the Community and Rural Development Department, MBDA is coming up with a new policy to form Village Natural Resource Management Committee (VNRMC) within the VECs where the communities, especially the youth will be trained in technological support to work on natural resource management. The aim of MBDA is to engage with the youth and to raise

3. Address by The PCCF & HOFF

In his address, Mr B.K. Lyngwa mentioned that Meghalaya, despite occupying only 0.7% of the country's geographical area, had 76% of its geographical area under forest cover which makes the state rich in biodiversity. He stated that only about 12% of the forest area was under Government control which are managed scientifically through working schemes but he reiterated that the rest of the forest area which are under the community, private owners and control of the Autonomous District Councils should also be managed scientifically since some of the customary practices are not always based on sound, sustainable forest management. He stressed that the coordination of the State Departments and ADCs is the need of the hour. He also shared that despite the Forest Departments efforts to bring as much forest cover under working schemes as possible, the areas under Garo Hills are yet to be covered. He stressed on the fact that the regulatory framework at the State and ADC level needs to be harmonised without causing conflicts. He congratulated MBMA on their efforts of reaching out to 400 villages in Meghalaya under CLLMP and hoped to achieve covering the remaining forest areas under working schemes by implementing the CLLMP programme in all the villages through MBDA under the guidance of the Forest Department and convergence with ADCs.



Shri B.K. Lyngwa
PCCF & HoFF, Forests & Environment
Department, Govt. of Meghalaya

“Coordination of the State Departments and ADCs is the need of the hour... and the regulatory framework at the State and ADC level needs to be harmonised without causing conflicts”



Shri Wankit Swer
General Manager, MBMA

“CLLMP seeks to strengthen the community led natural resource management in the state by providing a holistic approach to tackling climate change. CLLMP supports 400 of the most degraded villages identified through a survey conducted by North Eastern Space Applications Centre (NESAC).”

4. Presentation on The CLLMP Model

Presenting the Community Led Landscape Management, Mr Wankit Swer talked about the vision for NRM in Meghalaya. He stated that despite Meghalaya boasting of rich natural resources, the impact of climate change is visible in the shortage of water that several villages face during dry season even though the state receives heavy rainfall, change in landscape due to deforestation and mining, etc. He explained the working model of CLLMP which seeks to strengthen the community led natural resource management in the state by providing a holistic approach to tackling the burning issues of climate change. CLLMP supports 400 of the most degraded village identified through a survey conducted by North Eastern Space Applications Centre (NESAC). He explained that CLLMP supports various projects such as the Living Root Bridge Project which focuses on conservation of traditional knowledge in forest conservation as well as implementation of the Sadhana Forest model in the state of Meghalaya which focuses on reclaiming and rejuvenating barren lands. CLLMP also focuses on water harvesting and rejuvenation of soil which has been depleted and sets out to map the springs across Meghalaya since a lot of communities rely on spring water. For this purpose, VCFs are trained and equipped with tools

to map springs and collect data which they feed into a central database that is made accessible to everyone. He also explained that CLLMP seeks to enable communities to better handle their natural resources through various technologies like Open Lime Canal technology for the treatment of mines affected areas. CLLMP aims to apply all

these learning from the 400 villages and scale up to the rest of the villages in Meghalaya through convergence with SWCD, SRES and other technical partners through the Green Meghalaya Movement. He further explained that the scaling up of the programme has been possible due to introduction of various technologies such as CLART, DET tools, PDA tool, etc.

5. Address by the Chief Secretary

In her address, Smt R. Suchiangs stated that the issue of legal, institutional and policy framework related to natural resource management in Meghalaya is a complex and challenging one. Since management of forest is both under the Forest Department and the Autonomous District Councils, laws and regulations set out by Central and State Government cannot be solely followed due to the fact that the constitution empowers ADCs to enact their own laws under the 6th Schedule for the forests under their control. She also stressed that coordination of the various departments is required in order to make the authorities comply with the rules and regulations notified by the Central Government. She stated that the Meghalaya Forest Authority Act, 1991, provides for establishment of a Meghalaya Forest Authority to advise the state govt & ADCs on proper implementation of Forest laws, preparation of forest schemes and any matter which is related to the preservation and conservation of forest. She also stated that the important task at the moment is to formalise the coordination efforts between the State Government and the District Autonomous Councils on forest management. Forming a solid partnership amongst the stakeholders was also the need of the hour since public input on natural resource management is also imperative in framing legal and institutional framework.



Smt R. Suchiang
Chief Secretary, Govt of Meghalaya

“The important task at the moment is to formalise the coordination efforts between the State Government and the District Autonomous Councils on forest management.”



Shri Tittosstrawell Chyne
Chief Executive Member, KHADC

“Intend to come up with a participatory forest management plan, enhancing capacities of community members and KHADC and also utilising community members as guardians of the forest instead of policemen.”

6. Address by the Chief Executive Member, Khasi Hills

In his address, Mr Chyne stated that the theme of the workshop is relevant in the current scenario considering the balance to be maintained between livelihood and developmental progress in the face of globalisation. He acknowledged that the ADC’s management of forest is in consonance with the traditional practice of forest management by the community and the individuals. He stated that KHADC intends to have an inventory of its forest cover, forest products as well as Sacred Groves. He also conveyed that they intend to come up with a participatory forest management plan under its control, enhancing capacity building between community members and KHADC and also utilising community members as guardians of the forest instead of policemen. Technical training is required for undertaking mapping, surveys, monitoring through satellite imaging and posts need to be identified to absorb such trained personnel for undertaking such activities. He stressed the importance of the Sacred Groves in the Khasi and Jaintia Hills that had traditional as well as religious significance for the communities and the synergy between ADCs and the Communities have to be worked out in regard to preserve such special forests.

7. Address by the CEM, GHADC

Mr. Marak in his address stated that GHADC should have been consulted and made a part of the implementation of the CLLMP programme. Making a reference to Sixth Schedule of the Constitution of India, Mr Benedict underlined that power has been granted to the ADCs to safeguard the Rights, Culture and tradition of the Indigenous Tribal Communities in Assam, Meghalaya, Tripura and Mizoram and that it included the management of land, water, forest. He controverted a finding mentioned in the Background note circulated for the workshop as regards to ADCs lacking in fund and resources and he claimed that although it might be partially true, the ADCs have funds to fulfil its mandate. He stated that amendments would be made in the laws of the ADCs to keep up with the changing times and asked for the full support of the state in such endeavours. He underlined that NRM should be implemented only through the Autonomous District Councils.



Shri Benedict R Marak
CEM, GHADC, Garo Hills

“Amendments would be made in the laws of the ADCs to keep up with the changing times, requires full support of the state in such endeavours.”



Shri Lakhmen Rymbui
Hon'ble Minister of District Council Affairs,
Govt. of Meghalaya

“Various Acts like Meghalaya Catchment Rules, Biodiversity Acts and Rules, etc remain only on paper and unimplemented because it is difficult for a single agency to implement it.”

8. Address by the Hon'ble Minister of District Council Affairs

Shri Lakhmen Rymbui explained the uniqueness of the state of Meghalaya where the administration of the land belonged to the people and central, state and council authorities have roles to play and laws to implement leads to conflicts. He expressed such difficulties will always arise when it comes to implementation until the capacity of these institutions are built and enhanced. He also added that various Acts like Meghalaya Catchment Rules, Biodiversity Acts and Rules, etc remain only on paper and unimplemented because it is difficult for a single agency to implement it. Ambitious projects such as Jal Jeevan Mission become difficult to implement since the ownership of source of water is also conflicted. He expressed that the State Government, through CLLMP, could synergize authorities to work together to preserve the natural resources. He urged the Forest Department to impose and uphold rules related to mining and for all the stakeholders to work together so that the state and the people can benefit from NRM Planning.

9. Voices from the Communities

The voices from the community shared their experiences of natural resource management and its challenges in their villages. Smt. Banrilin Iawphiaw from West Khasi Hills shared about the fast-depleting forest covers in West Khasi Hills due to unregulated felling of trees which also led to drying up of their main river source from which water was supplied to neighbouring villages.



Smt. Banrilin Iawphiaw



Shri. Clebirth Marak

Shri Clebirth Marak, a representative from North Garo Hills also shared about how their village had a lush green cover which is slowly depleting due to the traditional practice of jhum cultivation. He expressed his sadness about the community having the desire to conserve the forest and its flora and fauna but unable to let go of practice of jhum cultivation due to lack of alternative means of livelihood.

Shri. Yowanphai Lyngdoh, representing West Jaintia Hills spoke about the widespread effects of coal mining and quarrying activities which has not only degraded that landscape but has rendered the land infertile and uncultivable and poisoned the water as well as the marine life in it. However, these villages have initiated community nurseries for reclaiming barren lands with the help of CLLMP funding and availed of the expertise provided by CLLMP to rejuvenate coal mining affected land crops like potatoes, beans and turmeric are being cultivated.



Shri. Yowanphai Lyngdoh

10. Address by the Chief Minister

The Hon'ble Chief Minister in his address acknowledged that everyone who was present in the workshop had played their part in either mitigating, reversing or adapting to the climate change. He reminded everyone that the increase in livelihood opportunities hasn't always been environmentally friendly and the balance of livelihood and maintenance of environment is the crux of the problem. The Chief Minister stressed that creation of livelihood which is sustainable in nature is the need of the hour and a parallel system for livelihood opportunity needs to be created before completely shutting down and banning existing livelihood means such as rat-hole mining. Mr Sangma stated that through mitigation or adaptation the inevitability of climate change can be handled. Citing the CEM, GHADC's remarks, Mr Sangma said that we need to understand the importance of District Councils in our society and they need to be included in implementation. He encouraged the participants to synchronise the efforts and amend laws if required if that is what emerges from the deliberations. He believed that CoE would play a key role in synchronizing the efforts of all agencies and to erase duplication of efforts. He proposed that North Eastern Council (NEC) should become a regional council for climate change and that all the policies of the North Eastern states should have a common agenda that connects them all. Involvement of Community was paramount to the success of these policies and the community talking about it would highlight the importance of climate change. He also announced that Meghalaya already had a Youth policy where environment and climate change was a very important pillar of the policy.



Shri Conrad K. Sangma
Hon'ble Chief Minister of Meghalaya

“Synchronise the efforts and amend laws if required if that is what emerges from the deliberations. North Eastern Council (NEC) should become a regional council for climate change and that all the policies of the North Eastern states should have a common agenda that connects them all.”

TECHNICAL SESSIONS



Technical Session 1:

Session Chairman: Shri B. K. Lyngwa, PCCF & HoFF, Forest & Environment Department, Govt. of Meghalaya

Co-Chairman, Shri W. A. Sangma, Director, Soil & Water Conservation Department, Govt. of Meghalaya

Moderator: Smt. Shilpa Chohan, Founding Partner, Indian Environment Law Organization (IELO)

i. *Presentation on the Roadmap for Strengthening the Legal and Institutional Capacity of the Autonomous District Councils in Meghalaya by Smt. Shilpa Chohan, Advocate Supreme Court of India, Indian Environment Law Organization (IELO), New Delhi*

Ms. Chohan outlined the national and international legal frameworks on forest governance that has a role for improving the NRM framework in Meghalaya. She explained that it's important to understand various NRM Acts and Policies at the National level as they are applicable to the state and are implemented at the community level. All this is in the context of the NRM challenges and drivers of deforestation faced by the State of Meghalaya. Despite existence of the legal frameworks at the National, State and ADC levels, implementation is the biggest challenge. It is important to understand the reasons behind non-implementation of laws. Reflecting on the Consultations undertaken under CLLMP by IELO with ADCs and other stakeholders in April, 2021, in Tura, Jowai and Shillong she shared several key insights of the stakeholders on the existing ADC forest laws such as absence of provision on regeneration and forest land improvement, outdated penal mechanisms having no deterrent effect, lack of promotion of scientific forestry, conflicting state and ADC laws, etc. She posed a moot question of whether the existing legal frameworks were in sync with emerging challenges of climate change and existing traditional practices and land ownership in the state.



ii. *Presentation by Shri M.B.K. Reddy, APCCF (T), SF&ED, Govt. of Meghalaya*

Mr. Reddy highlighted the conflicting provisions of forest laws of Autonomous District Councils and State Forest Department. He stated that the main areas of conflict in these laws is concerning definition of forest, inclusion/exclusion of Bamboo in the definition of tree, transit regulations qua timber, forest produce and regulation of wood-based industries. He stated that State Government is already contemplating amendments to reconcile conflicting provisions, to resolve these situations. He further underlined that a discussion between the State Forest Department and ADC on such matters will go a long way to resolve conflicts.



iii. *Presentation by Shri Rangku Sangma, CFO, GHADC:*

Mr. Sangma made a presentation on the activities undertaken by GHADC qua forest management and also highlighted the difficulties faced in the implementation of Forest Laws. He informed that currently there were 400 registered village reserve forests and 150 registered sacred groves in Garo Hills, though a large number of village forest reserves, sacred groves and animal corridors needed to be registered. With a view to protecting the village forest reserves and animal habitats, the GHADC introduced the Garo Hills Forest Act in 1958 but the law has become outdated requiring amendment. He also stated that the GHADC had been active in initiating dialogues with the community to preserve forest areas as village reserve forests – the Selbalgre



Village Reserve Forest being a prime example where the focal point was conservation and preservation of the Hoolock Gibbon. He explained that the Sacred Groves in Garo Hills had many medicinal herbs and plants and GHADC had been active in re-forestation of the jhum fallows with available funds. A new REDD+ Project is under development for Garo Hills to incentivise conservation and protection of forests. A question was posed on the ways to avoid repugnancy between State and ADC laws on Forest and State Government should refrain enacting laws on subjects within the domain of ADCs.

iv. Presentation by Shri T. Saiborne, CFO, KHADC

Mr. Saiborne made a case for strengthening the legal and policy framework of KHADC under the CCLMP. He stated that KHADC has been continuously identifying drivers of deforestation with the help of MBMA and IELO and it would take measures to rectify the issues. The need of the hour as underlined by Mr. Saiborne is for the state to allocate funds to the ADCs for NRM activities since the revenue generated from forests is used for administrative purposes. He expressed the need to have capacity building at the ADC level by teams that understand the emerging issues in NRM and also aid amendment of existing forest laws. He stated that existing ADC laws and regulations are outdated and needed amendment.



v. Presentation by Shri F.W. Blah, CFO, JHADC:

Mr. Blah outlined the various challenges faced by Jaintia Hills such as illegal felling of trees, mining, agricultural expansion, shifting cultivation, etc. He also agreed that the existing laws are outdated for Jaintia Hills and new law on forest management is required. He applauded the efforts of IELO in the preparation of the new Forest Policy for JHADC.



Interactive Session 1:



Mr Reddy responded to a question raised earlier by Mr. Rangku on enactment of Forest rules/act by the State Government. In his view, State has not infringed upon jurisdiction of Autonomous District Council to enact laws on forest, except enacting rules on sawmills that are within the legislative jurisdiction of the state as its establishment is not on forest area. He stressed that the definition of 'Forest' needs to be reconciled to avoid any conflicts.

Reddy informed that a grant of Rs.10 lakhs had been given to Garo Hills for geo-referencing the forest areas and it was an ongoing process.

Aditi Jha, enquired about the difference between digitization of forests and registration of forests under the ADCs. She also asked if the ADCs were aware of number of forests that required registration. Ms. Chohan clarified that forests were registered under the Garo Forest Act but digitizing of forest areas was necessary for the implementation of Projects such as REDD+, PES, or any Forest activity that required digitized maps.

Mr Reddy also added that the difference between digitization of forest and registration of forest is that registration is done by all ADC's and is required for all forests including private forests for preparation of working scheme for the purpose of harvesting and felling within the forest.



Highlights of Technical Session 1:

- Need for harmonisation of State and ADC Laws on Forest to avoid conflict and confusion for effective implementation. This can be undertaken by regular interaction between the officials of the State Forest Department and ADC's.
- Need to amend the forest laws of the ADC to keep abreast with the emerging challenges such as climate change.
- Enhancement of capacity of the ADC to undertake NRM activities. Handholding from the State Forest Department is required for technical inputs.
- There needs to be allocation of funds to ADC for undertaking NRM activities.

Technical Session 2:

Chairman: Dr. Vincent T. Darlong, Vice Chancellor, MLCU; Co-Chairman: Dr. B. K. Tiwari

Moderator: Smt. Shilpa Chohan, IELO

Structured Discussions on Strengthening legal and Policy frameworks to support forest and natural resource planning at the ADC level



The participants dwelled upon the following issues:-

1. What are the key challenges faced by the State Forest Department in implementing National Level and State Level Laws on Natural Resource Management?
2. Is there convergence of State Level and ADC level legal and institutional framework on Natural Resource Management?
3. What are the key challenges faced in preparation of working schemes at ADC level and the lessons for preparation of forest management plans by VNRMC under CLLMP?
4. Are the existing laws and institutional framework at State and ADC levels adequate to address the challenges of sustainable forest management?

Interactive Session 2:

Mr Rangku raised a query on the basis for collection of royalty by ADC on Agro-forestry produce such as bamboo, broomsticks and bay leaves. Dr Ashutosh clarified that if this produce came from Forest areas, they would be considered as forest produce and royalty would be collected. Mr Pawan Agrahari added that if Bamboo was cut from a government forest area, it would be considered tree-felling and transit rules would apply. There would be a requirement of a certificate specifying the origin of the forest produce.

Dr Darlong added that the Khasi and Jaintia hills have nine categories of forest whereas the Garo Hills had only two categories. He commented that many countries and states in India, particularly the Fifth Schedule Areas in the states of Chhattisgarh, Jharkhand and Orissa, undertook community led or community based NRM, the villages had very clear boundaries and areas of ownership making it easy to move forward. However, in Meghalaya, he said that work needed to be done on clarifying the concept of community in terms of land ownership, resources, and forests.

The Autonomous District Councils need to undertake serious deliberations with regards to three basic legislations in relation to the communities – 1. Need for Cadastral Survey. 2. Land Reform Bills. 3. Land Ceiling Act. He stated that existing open ended land ownership patterns is leading to landlessness in the State. The Autonomous District Councils need to be supported to implement the plans, by providing human, financial and technical resources, given that 90% of the land in the state is under the ADCs. Dr Darlong added that as per section 3 and 4 of the Garo Hills district (Jhum) Regulation, 1954, Nokma has the power to identify areas for Jhum and also demarcate and identify areas prohibited for jhum such as catchment area, water sources, village forest etc. The ADC has the power to fix the Jhum cycle, Nokma has the duty to prevent the forest fire while Jhum is undertaken, however it, lacks manpower, equipment and technical capacity to effectively prevent the fire from spreading. If the Act had been implemented and areas identified as per act, jhum cultivation could have been scientifically managed. The forest department needed to invest in human resources, technical resources, and financial resources in these areas.

Dr Darlong underlined that the Khasi Hills has 9 categories of forests under community management, though question remains as to how many of these forests had been registered, notified or demarcated and for this exercise ADC's need the support of the state forest department.

Dr. B. K. Tiwari reiterated that the issue of landlessness in Meghalaya needs attention and resolution as it is having an effect over natural resource management.

The Session concluded with the remarks that there is a need for modernising the meaning of 'Forest Management', as in the context of Forest Act of 1958 and Rules of 1960, it had an extractive connotation, so in present times Forest management has to be in line with concepts such as sustainable forest management that take into account the ecological nature of forests.



Highlights of Technical Session 2:

- There is an urgent need to conduct more such forums to discuss the issues especially as regards to the existing conflict in Forest laws of the State Forest Department and ADC.
- There is an urgent need for the Autonomous District Councils and the State Forest Departments to collectively discuss challenges faced by both parties in the area of forest and natural resource management. A common forum between the ADCs, state forest department and allied groups is required for discussion and resolution.
- Conflicts between laws of the ADC and state exists. Some of the areas that were identified that require resolution is definition of forest, transit regulations, Agro forestry regulations, regulations governing wood-based industries, movement of Timber, inclusion or exclusion of 'Bamboo' in definition of Tree. A starting point for action in this matter that was suggested is the identification of gaps in the existing laws and acts, and harmonising these gaps by issuance of govt. orders and if not, then there is a need for either amendment or formulation of new laws.
- The State Forest Department is receptive to the idea to bring in amendments to harmonise their and ADC Forest laws
- A mutual understanding is required for effective implementation of existing legislations at the State and ADC level on natural resource management.
- There is a need for enhancement of the capacities of the ADCs with regard to human, financial and technological resources.
- It was suggested that decisions on forest management need to be made on the basis of scientific research and input attuned to a certain area. This can be done through the housing of a Social and Environment Cell in the ADCs.
- Prevailing landlessness in the state needs to be acknowledged so that it can eventually be addressed.

Vote of Thanks

Shri James Kharkongor, Deputy Project Director, CLLMP, MBDA delivered the vote of thanks.

Policy, Legal and Institutional Response to CLLMP: Recommendations and the Way Forward

The Recommendations are drawn from the discussions held in the State level Consultation and are centred around enhancing capacity and convergence for ensuring sustainable forest management in the State and are as follows:

i. Need for stocktaking, review and amendments in the ADC forest laws towards strengthening legal and institutional capacity of the ADCs for mainstreaming notions of scientific forest management and meaningful community participation

Pursuant to the mandate of the Sixth Schedule, the administration, control and management of all unclassified forests was transferred to the District Councils enabling them to exercise de jure control of the forest resources whereas communities have de facto rights over the forest land and forest produce in the unclassified forests in the state. The regulation and management of these forests by the ADCs is done as per the Forest laws enacted by them in 1950's. The ADC forest laws are 'tree and extraction' centric and thus extremely limited in their scope so far scientific and participatory forest management is concerned. Additionally, there are legal ambiguities that often result in conflict with the state forestry legislation which is further complicated by the multilevel and diverse institutional landscape. In this scenario, there is an urgent need for a comprehensive SWOT analysis, review and redrafting of the desired amendments suited to the specific context and needs of all the three ADCs

ii. A concerted program for Enhancing Technical Capacity of the ADCs for scientific management of forests:

In order to manage a very large forest area, the ADCs have developed their forest bureaucracies but lack in capacity - both human and technical, and have not been following scientific management of forests. The mandate for the scientific management of forests based on forest working plans irrespective of ownership cannot be effectively realized until the technical capacity of the ADCs is enhanced. The state forest department thus needs to engage with the ADC forest departments to emancipate their technical and functional capacities, especially given the large areas and complex ownership regime of unclassified forests. There is thus a need for evolving and implementing a long term concerted program aimed at improving technical and human resource capacity of the ADCs by also involving local traditional growers and conservators of forests.

iii. Need for a unified approach to joint forestry activities for achieving uniform conservation goals and poverty alleviation in all the forest areas in Meghalaya

Apparently, there are many conflicts that arise due to the complex forest management scenario involving so many institutions. The prominent, however is the fact that there is a wide gap between the conservation programs in the state administered forest areas and the forest lands under the ADCs. The State Forest departments have been implementing eco-development schemes and Joint Forest Management in the wildlife sanctuaries and reserve forests, respectively. Many of these activities are aimed at enhancing participatory forest management and income generation and have got technical and financial support, both from the state and the central government. On the other hand District Councils do not have similar schemes for the forest areas administered under them. The fact that state has less than ten percent of forest with them and ADCs have not introduced poverty alleviation in forest management, the overall livelihood and poverty alleviation impact of JFM activities is negligible in the state. Thus there is a need for attempting unified poverty alleviation schemes in the forest areas throughout the state irrespective of the administrative control.

iv. Incentive linked conservation will pave the way: Need for a pilot scheme on incentivising community driven conservation and community forest management

In the absence of livelihood options, forests are viewed as resource for extraction and revenue generation. So far, there has been little attempt on mainstreaming economic returns of conservation popular among local communities thus generating little interest in restoration or sustainable forest use and management. At the same time ADCs also

rely on income from revenues on timber and transit fees for their administrative expenses while ignoring the long term sustainability. Thus forest provides income to both communities and the ADCs but in a way that is not driving conservation and sustainable forest management. In this scenario, the economic stakes in conservation need to be clearly established by incentivising communities through innovative programs aligned with the Green India Mission and Climate Adaption programs at the national level.

v. Need for full land survey in the state to assess the status of land degradation and success of forest management

No full land survey is known to have been carried out in Meghalaya. The Report of the Land Reforms Commission for Khasi Hills, 1975 has hinted in this direction. There is a need for a comprehensive land survey to assess the impact of livelihoods missions under the MBDA, the JFM activities by the State Forest Department and the impact of creating village reserve forests on forest lands by the ADCs. The survey is likely to provide a factually correct baseline for planning and implementation of future policy and capacity development measures for planning, sustainable use and management of forests.

vi. Support for livelihoods centric forest restoration and management strategy by the ADCs:

Non forest based livelihoods will play a defining role in ensuring sustainability of forest resources in Meghalaya. Depending on the livelihood impacts of various categories of forest under the state and ADCs, restoration strategies should be mobilized. Unclassified Forests are the backbone for local livelihoods and food as it is here that shifting cultivation and other extractive activities takes place. Currently, all types of unclassified forests – village, community and private are put to all kinds of uses of meeting subsistence needs in terms of forest produce and fuel wood. Reorganizing or designating certain areas for specified use and extraction with a concurrent scheme to grow fuel and fodder in the village or community forests is likely to prevent haphazard extraction and degeneration of unclassified forests.

vii. Convergence of approaches between the Forest Departments at various administrative levels: Need for partnership in conservation and livelihoods

The State Forest departments are technically and financially well equipped but its management strategies and priorities are not necessarily aligned with the local scenarios and forest management strategies of the District Council Forest Departments. Thus the lack of coherence in objectives and purposes of two different forest bureaucracies in the same state does not allow promotion of conservation and restoration in areas where these are needed the most. While the ADCs may be driven by revenue generation from timber and royalties as their only source of income, all the forest management in the state has to be carried out as per the approved Forest Working Plans that must create a room for convergence and synergies for scientific and wise use of forests irrespective of administrative control and ownership.

viii. Need for aligning multilayered forest management in the state towards conservation and not revenue:

The multilayered forest management structures in Meghalaya, though aligned with the spirit of the Sixth Schedule, have not necessary resulted in the conservation of unique forest and biodiversity of the state. The vision for improved forest management cannot be realized based on the revenue generation focus alone. The emergence and infiltration of market forces has led to gross erosion of community management and more and more forest lands are converted into mono culture plantations, especially the Arica nut plantation throughout the state. Thus while Jhum is still managed by community and customary system, private lands are being converted to plantations rapidly to meet short term needs thus eroding community management. A more unified approach is needed where short term needs are met by alternatives provided by the ADCs as lands fall under their administration. In other scenarios the community may evolve a regulatory system to sustain local forest resources where privatisation and revenue generation is treated secondary to conservation. The ongoing MBDA livelihood missions may be mobilized in this direction.

ix. Reducing the multiplicity of institutions on forest management:

The presence of a large number of institutions exercising jurisdiction over forests in three different hill districts creates confusion and non-coherent approach to planning and management of forests at each level by a different institution, administrative or customary. There is a need to integrate functioning of various institutions with the aim to have less number of institutions administering the same area. The thrust however needs to be paid to ensure strong and meaningful participation of communities to evolve more dynamic forest management strategies within the framework of the Sixth Schedule.

x. Need for comprehensive documentation of customary laws on tenure arrangements and customary use of forests:

The customs that allow de facto control over forests and their extractive uses are ordinarily unwritten thus providing very little clarity on tenurial rights, tenure security, access and use of forests. The tenure arrangements are closely linked to tribal culture of a particular clan or tribe and thus may vary from village to village. The customary land governance in Khasi and Jaintia Hills is relatively better understood due to the land records and management systems whereas in Garo hills there is absence of documentation.

xi. Evolving a standard conservation template from the Sacred Groves/Forests

The Sacred Groves of Meghalaya represent some of the best conserved forests in the state thus upholding the efficacy of traditional or community forest management system. Usually, the sacred forests are under the administrative control of the village and are regulated through religious sanctions. These are mainly in the Khasi and Jaintia Hills. Garo Hills do not have the tradition of sacred forests but Garos believe that spirits of the dead reside in the thick forest and hence thick forests attract the highest degree of religious and social protection. Importantly, there is a body of customs and rules that govern sacred forests in each village. A template can be evolved from these customs that can be made applicable to other village forests that need to be attributed high conservation status, not necessarily from the religious view point.

ANNEXTURE A

Universalising Community Led Natural Resource Management in Meghalaya

Venue: State Convention Centre, Shillong

Date: 7th October, 2021

Agenda

Time	Particulars	Speakers
09:40 AM -10:00 AM	Registration	
Inaugural Session		
10:00 AM- 10:05 AM	Welcome Address and Introductory Remarks by Co-Chairman & Director, Centre of Excellence (NRM&SL)	Dr. Subhash Ashutosh
10:05 AM- 10:10 AM	Opening remarks by Principal Secretary to Govt of Meghalaya & CEO, MBDA	Shri Sampath Kumar
10:10 AM – 10:15 AM	Address by PCCF & HoFF, Forest & Environment Department, Govt. of Meghalaya	Shri B.K. Lyngwa
10:15 AM – 10:25 AM	Landscape approach for community-led NRM – CLLMP Model	Shri Wankit Swer
	A presentation by GM, MBDA	
10:25 AM – 10:30 AM	Address by Chief Secretary, Govt of Meghalaya	Smt R. V. Suchiang
10:30 AM – 10:35 AM	Address by Chief Executive Member, KHADC	Shri Titosstarwell Chyne
10:35 AM – 10:40 AM	Address by Chief Executive Member, GHADC	Shri Benedict M Marak
10:40 AM – 10:45 AM	Address by Chief Executive Member, JHADC	Shri T. Shiwat
10:45 AM – 10:50 AM	Address by the Hon'ble Minister of Forest & Environment, Govt. of Meghalaya	Shri James P. K. Sangma
10:50 AM – 10:55 AM	Address by the Hon'ble Minister of District Council Affairs, Govt. of Meghalaya	Shri Lahkmen Rymbui
10:55 AM – 11:20 AM	Voice from the communities	Khasi Hills Garos Hills Jaintia Hills
11:20 AM – 11:30 AM	Address by the Hon'ble Chief Minister of Meghalaya	Shri Conrad K. Sangma
11:30 AM – 11:35 AM	Vote of thanks by Director (Admin.), MBDA	Shri Aiban Swer
11:35 AM -12:00 PM	Tea Break	

Mainstreaming Community Led Natural Resource Management- A review of policy, legal and institutional framework involving Autonomous District Councils, State Forest & Environment Department and other departments for strengthening capacity and convergence

Technical Session - I

Chairman: Shri B. K. Lyngwa, PCCF & HoFF, Forest & Environment Department
Co-Chairman, Shri W. A. Sangma, Director, Soil & Water Conservation Department
Moderator: Smt. Shilpa Chohan, IELO

12:00 PM – 12:10 PM	Introduction of participants	All
12:10 AM – 12:30 PM	Presentation on the Roadmap for Strengthening the Legal and Institutional Capacity of the Autonomous District Councils in Meghalaya by Advocate Supreme Court of India, Indian Environment Law Organization (IELO)	Smt. Shilpa Chohan
12:30 PM – 12:40 PM	Presentation by APCCF (P, D & LM), SF&ED, GoM	Shri. M.B.K. Reddy
12:40 PM - 12:50 PM	Presentation by CFO, GHADC	Shri. Rangku Sangma
12:50 PM – 01:00 PM	Presentation by CFO, KHADC	Shri. T. Saiborne
01:00 PM – 01:10 PM	Presentation by CFO, JHADC	Shri. F.W. Blah
01:10 PM – 01:20 PM	Clarifications/observations/free discussions on the presentations	All
01:20 PM – 02:00 PM	Group Photo and Lunch Break	All

Technical Session -II

Chairman: Dr. Vincent T. Darlong, Vice Chancellor, MLCU
Co-Chairman: Dr. B. K. Tiwari
Moderator: Smt. Shilpa Chohan, IELO

02:00 PM – 04:30 PM	Structured Discussions on Strengthening legal and Policy frameworks to support forest and natural resource planning at the ADC level	All (Working Tea & Snacks will be served during the session)
04:30 PM – 04:55 PM	Summing up and Way Forward	IELO/CLMPP Team
04:55 PM – 05:00 PM	Vote of Thanks by Deputy Project Director, CLLMP, MBDA	Shri. James Kharkongor

ANNEXTURE B

LIST OF PARTICIPANTS

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Participating Departments: Meghalaya Basin Management Agency, World Bank, Forests & Environment Department (Meghalaya), Khasi Hills Autonomous District Council, Soil and Water Conservation Department, Regional Office of Ministry of Environment and Forest and Other key Stakeholders.



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