



Compensatory afforestation: Saving trees or greenwashing?

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In the last three years, several institutional and regulatory mechanisms have been changed to facilitate large-scale land investments in India's union territories of Ladakh, Lakshadweep, J&K, Daman & Diu and the Andaman and Nicobar (A&N) Islands that are directly governed by the central government. The NITI Aayog has proposed measures "to promote competitive spirit amongst the UTs to expedite the process of development." Many of these areas are ecologically exceptional and support distinct forms of lifestyles and occupations of indigenous and local communities. These regions are also at the forefront of climate change impacts.

One such investment is a large complex of infrastructure projects proposed in the Great Nicobar Island, part of the Andaman and Nicobar group of islands. This 72,000-crore proposal involves land use change of 166.10 sq km, approximately 78% of which is pristine tropical forest with unique, endangered wildlife species. The projects have already resulted in the denotification of Galathea Bay wildlife sanctuary and will denotify part of a tribal reserve. They directly threaten the survival of the Shompen and Nicobarese communities. Their transformative impacts are justified by routine arguments applied to every real estate or land development project as being strategic, essential or in national interest.

The environment and forest approvals of this project rests on several commitments and post facto impact studies. One of the conditions laid down for the Andaman and Nicobar Islands Integrated Development Corporation Ltd (ANIIDCO) is a compensatory afforestation (CA) scheme to mitigate the diversion of 130.75 sq. km of forest land and felling of over 8 lakh trees. The condition requires ANIIDCO to secure non-forest land, such as private, institutional or revenue land, in the state of Haryana. Once the scheme is approved, this non-forest land will be transferred from the original owners in favour of the state forest department. The other options for the CA scheme are on degraded forest land in Madhya Pradesh or states adjoining the National Capital Region.

CA is one of the few conditions of project approval that are not "industry friendly" as forests don't grow unless the natural conditions are conducive. Also, from the days when the legal requirement for CA first came into force, there has been "scarcity" of land for CA. State governments were unwilling to give up their valuable non-forest land to grow plantations in lieu of forest land 'diverted' for developmental projects. They were also not willing to help meet the CA requirements of projects in other states, preferring to keep their lands for the CA requirements of projects in their own states. So, on the one hand, projects were in violation of this legal requirement and on the other, funds that were collected for afforestation activities from projects lay unused in government accounts. A number of clarificatory orders and amendments to the rules and guidelines under the Forest Conservation Act show how this aspect of forest law has been stretched to deal with the unavailability of land for CA and to accommodate the ever-growing needs of mitigating large-scale forest diversion for developmental and infrastructure projects. This issue has been extensively dealt with in the gazetted Forest Conservation Rules of 2022.

In recent years, India's commitments to deal with climate change are being dovetailed with domestic policies and regulations in the agriculture and forestry sectors. Growing forests are part of India's voluntary targets under the Paris Agreement on climate change. Both private and government agencies are now encouraged to monetise available lands and grow plantations on them. These could serve dual purposes — as carbon stocks and as compensatory afforestation. As many critics have pointed out, this

reductive view of forests and food systems works for the benefit of the biggest polluters of the planet. Projects that consume good forests can engage states or private entities to undertake paid plantations in distant regions despite no compatibility in terms of the qualities of what is lost and what is to be recreated. Several states may now be willing to bring public and common lands under plantations. These ways to compensate for the loss of forests and mitigate climate impacts through afforestation may appear like a win-win formula. But their implementability is a huge question. Even in the best of scenarios, compensatory afforestation has been a challenge. Although courts and audit agencies have recognised the failures of CA, the imperative to grow carbon stocks may bring in new support for these afforestation schemes. CA will continue to greenwash unworthy projects. The dependence of large-scale projects such as the one in Great Nicobar and climate change policies on such schemes make the task of reviewing compensatory afforestation policies even harder.

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