

COVER NOTE: This draft Advisory Review is focused on the extent to which the India High Range Landscape Project complied with UNDP standards, and includes advice for UNDP indicating ways standards might be met.

It was prepared in response to a request for an Advisory Review filed by individuals in the project area. These individuals were concerned about the project, and the UNDP Country Office staff indicated that a request for a Review was an option available to them.

The report does not describe all opinions and expert views related to the project. While some interviewees expressed concerns and reservations about the current approach to the project, other interviewees expressed strong support for the project. This review is not an assessment of this support, or of the balance between the two perspectives. It is not a review of all aspects of the project, but rather focuses on the concerns filed with SECU.

The findings and advice are provided by an independent entity within UNDP's Office of Audit and Investigations – the Social and Environmental Compliance Unit (SECU) - and do not necessarily reflect the views of operational management of UNDP.

The draft is open for comment from any interested stakeholders who may have information to clarify aspects of the draft before it is issued as a final report. It is open for a period of 20 days, closing 26 August 2016.

Please note: The signatures have not yet been added while the report is in draft form. Signature by relevant individuals will be added after the report is finalized.

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UNITED NATIONS DEVELOPMENT PROGRAMME

Social and Environmental Compliance Unit (SECU)
Office of Audit and Investigations

India High Range Landscape Project

Advisory Review into Allegations of Non-Compliance with the Social and Environmental Standards
and other Relevant Policies

Relating to the India High Range Landscape Project in the Western Ghats of Kerala, India

26 July 2016

Draft

Case No. SECU0001

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Basic Data

Case No.	SECU0001
Category of Non-Compliance:	Primarily Social
Location:	Delhi and Kerala, India
Date Complaint received:	December, 2015
Source of Complaint:	M.P. Mr. Joice George
Eligibility assessment conducted by:	Anne Perrault, Lead Compliance Officer, a.i.
Compliance Officer assigned:	Anne Perrault, Compliance Officer
Other investigators assigned:	Paul Goodwin, Research Analyst
Related Case(s):	N/A

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Signatures:

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Approved by: _____ Date: _____
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I. Executive Summary

1. In May 2014, United Nations Development Programme (UNDP), the Government of India, and the Government of Kerala approved the India High Range Mountain Landscape Project (IHRML), Atlas Project ID: 00087493 and Atlas Award ID: 00075746, (the Project) to conserve biodiversity in the highly biodiverse mountain landscape of the High Ranges in the Western Ghats of India (<http://open.undp.org/#project/00075746>). The project budget is US\$36,275,000, with US\$28,000,000 provided by the Government of India, US\$6,275,000 provided by the Global Environment Facility (GEF), US\$ 1,000,000 by UNDP-managed sources, and US\$1,000,000 provided by the private sector. The project document (prodoc) indicates that the project is a 'Direct Implementation' project – implemented by UNDP, but with the national Ministry of Environment and Forests (MoEF) as the Executing Entity/Implementing Partner, and the Kerala State Department of Forests and Wildlife as the Implementing Entity/Responsible Partner.
2. The prodoc reflects an apparent commitment to increase conservation efforts in 84,600 additional hectares of 'high value biodiversity areas,' and to create a new protected area system in 11,650 hectares of these areas. The prodoc does not describe the specific possible latitudinal and longitudinal locations of these areas or restrictions to be imposed, but instead reflects a strategy to create a cross-sectoral platform – the High Range Sustainable Development Society (HRSDS) - that will involve a wide range of stakeholders in making both landscape-level and sector-level land-use decisions and monitoring and enforcing such decisions. It indicates that the composition of the HRSDS, and the process through which decisions will be reached by the HRSDS, will be researched and decided within the first year of project implementation. Documents provided by UNDP staff describe forty field visits, including three meetings with cardamom farmers, two meetings with tea-estate managers, a two-day meeting with tribal communities in the tribal panchayat of Edamalakudy, a meeting with scientists, two meetings with forest officers, and one with the tourism industry.
3. In November of 2015, Indian Parliamentarian Advocate Mr. Joice George and cardamom planters and spice growers in the Idukki District of Kerala, filed a complaint with the Social and Environmental Compliance Unit of the United Nations Development Programme conveying concerns that the project as currently designed and approved would significantly adversely impact them and other local communities, including primarily by restricting their access to land and natural resources upon which they depend. In their view, such restrictions would result in community displacement, create 'conservation refugees,' and otherwise adversely impact their livelihoods, wellbeing, cultural heritage, and property rights.
4. They believe project information was incomplete and inaccurate, and consultations and support for the project inadequate.
5. In June 2016, the Social and Environmental Compliance Unit traveled to Delhi, Trivandrum, Munnar, and Kochi, and, based on discussions with UNDP staff, government officials, complainants and other stakeholders, determined that despite successful efforts of project staff to detail the significant biodiversity in the western Ghats, threats to this biodiversity, and possible measures to respond to these threats, shortcomings of the project document have created and exacerbated concerns of communities potentially impacted by the project. These concerns relate to information and assessment of impacts, as well as shortcomings in the consultation process. They include an unclear description of decision-making processes and the role of potentially-impacted individuals and communities in identifying and agreeing to measures to protect biodiversity, a confused picture of decisions that have been made to date and by whom, how, and when future decisions will be made, an incomplete assessment and description of risks to individuals potentially impacted by the project,

an incomplete picture of the context within which the project is occurring, particularly related to resource-related conflicts, an inadequate number of consultations and with inadequate representation, information, and discussion, and insufficient support for the project.

6. To help ensure UNDP's compliance with its policies, SECU makes the following three recommendations:
 - (1) More specifically describe likely possible locations of protected areas and high value biodiversity areas. Based on this information, identify, notify, and engage with individuals and communities potentially impacted by possible restrictions, particularly through local self-government organizations. For such engagements, provide information in local languages and in accessible, non-technical terms.
 - (2) Perform a more complete screening and assessment of the project for risks to local individuals and communities, and ensure that project statements are adequately documented.
 - (3) Clarify the relationship of the proposed project to previous conservation initiatives as well as to conflicts related to land, forests, and other natural resources in the area targeted for protection, particularly the Cardamom Hill Reserve (CHR) area.

II. Overview of Advisory Review Process

7. For complaints meeting UNDP criteria and approved prior to 1 January 2015, SECU can provide Advisory Notes to help UNDP comply with its policies. In January 2015, SECU determined criteria for the complaint related to the Project were met: the project relates to a project supported by UNDP, raises issues relating to UNDP's compliance with its social and environmental commitments, and poses risks of adverse impacts to local communities. On 29 January 2016, SECU posted draft Terms of Reference (TOR) for the review on the SECU website, and finalized the TOR 26 February 2016. In early June, after initial desk-based research, SECU conducted field work in Delhi and Kerala. In Delhi, SECU met with UNDP-India staff members and relevant national government officials. In Kerala, SECU traveled to the state capital of Trivandrum where it met with relevant state ministry officials, UNDP staff/consultants involved in the project design and implementation, and other individuals identified by SECU as reliable and relevant. After Trivandrum, SECU traveled to Munnar, the town in the center of the project area. In Munnar, SECU met with multiple groups of complainants/stakeholders and relevant individuals and groups identified by SECU as reliable and relevant. After Munnar, SECU traveled to Kochi, a town on the coast of Kerala. In Kochi, SECU met with relevant individuals identified by SECU as reliable and relevant. In late June, SECU prepared a draft advisory report for public comment. In July, the report was finalized and submitted to relevant UNDP offices.

III. Background and Concerns that led to Advisory Review

8. On 16 December 2015, the Social and Environmental Compliance Unit (SECU) of the United Nations Development Programme registered a complaint from Indian Parliamentarian Advocate Mr. Joice George and cardamom planters and spice growers in the Idukki District of Kerala, India, concerning the UNDP-supported India High Range Landscape Project - Developing an effective multiple-use management framework for conserving biodiversity in the mountain landscape of the High Ranges, the Western Ghats, India (the Project) .
9. In an August 7, 2015 letter to UNDP-GEF, and in a subsequent formal complaint to SECU, the complainants conveyed concerns that the project as currently designed and approved would significantly adversely impact them and other local communities, including primarily by restricting their access to land and natural resources upon which they depend. In their view, such restrictions

would result in community displacement, create 'conservation refugees,' and otherwise adversely impact their livelihoods, wellbeing, cultural heritage, and property rights.

10. They indicated a perception that the project will advance such restrictions primarily by supporting a shift in the legal status of lands they currently occupy and use from one in which most of the lands are government-owned 'revenue' lands leased to farmers (with some land owned by farmers through pattas), with trees in the entire area managed by the Forest Department, to one in which most of the lands are 'Forest Reserve' lands and/or protected areas, owned and managed primarily by the Kerala Forest Department.
11. Through documents submitted by complainants and in-person meetings with complainants and other stakeholders, SECU was able to determine that complainants believe potential harms are related to: (1) a failure of UNDP to ensure that project information, including an assessment of impacts, was complete and accurate; and (2) that potentially impacted communities were not adequately consulted and were not in support of the project.

IV. Policies Identified as Relevant

12. When the project was approved, UNDP's Programme and Operations Policies and Procedures (POPP) required UNDP to meet listed social and environmental policy commitments reflected in the POPP (See Annex 1), and to screen and assess the project for possible adverse impacts to local communities and the environment using UNDP's Environmental and Social Screening Procedure (ESSP).
13. Given concerns raised by complainants and UNDP's social and environmental commitments at the time of project approval - particularly commitments listed in the POPP to 'ensure effective and informed participation of stakeholders in the formulation and implementation of programmes and projects' and 'respect and promote the human rights principles of transparency, accountability, inclusion, participation, non-discrimination, equality and the rule of law, and standards derived from international human rights law' – compliance with the following two broad policy requirements will be assessed in this report:
 - (1) Adequate Information and Assessment of Impacts
 - (2) Consultation and Effective Participation of Stakeholders in Decision-Making

V. Reviewing Compliance with Policies

Adequate Information and Assessment of Impacts: Concerns Expressed

14. The complaint and related documents submitted to SECU indicate that complainants found information about the project lacking and inaccurate. Through in-person meetings with listed complainants and other stakeholders supporting the complaint, SECU identified more specific key concerns of complainants relating to project documentation, as follows:

Incomplete description of areas to be protected

15. The complainants note that the project document appears to reflect a commitment to GEF to create a new 11,650 hectare protected area system and to increase conservation efforts in 84,600 additional hectares of 'high value biodiversity areas,' but fails to include the specific possible latitudinal and longitudinal locations of a new protected area system and high value biodiversity areas. An annex (Annexure 17: List of High Value Biodiversity Areas to be Added to PA System), indicates only the number of hectares of high value biodiversity areas within each Forest Division, the number of these

hectares to be added to each existing protected area for a new protected area system, and the name of the existing protected area to which the addition is to be made. Specific locations are not provided.

Incomplete description of individuals/communities that might be impacted by project and how they might be impacted

16. The complainants indicate that paralleling the lack of information relating to possible locations of the new protected area system and high value biodiversity areas is an inadequate description of individuals and communities that might be impacted by this new protected area and measures pursued in high value biodiversity areas. Complainants note that they cannot determine who, specifically, may be impacted by proposed measures, and, in turn, the possible extent of impacts. They note a dearth of information relating to specific impacts to growers, farmers, and others, e.g., employment impacts, economic costs, mental and emotional challenges, impacts to revenues to the area through reduced trade. They also believe the project document seeks to downplay impacts by underestimating population size per hectare, particularly in the Cardamom Hill Reserve.

Inaccurate description of the legal status of lands within the proposed project area

17. Complainants believe the project document provides an inaccurate description of the legal status of lands within the project area, particularly the Cardamom Hill Reserve Area, and that this inaccurate description is an attempt to support a position that is legally disputed. They believe, for example, that the following language in paragraph 9 on page 10, 'The Cardamom Hill Reserve (CHR), even though notified as a Reserved Forest in 1897 with an area of 865 km², has only a marginal portion under exclusive conservation regimes (e.g., Mathikettan National Park); the rest being production areas under varied land use – from small towns like Kattappana and Nedumkandom through cardamom estates to forested revenue lands' is intended to support the position that most lands in CHR are 'forest reserve' lands and not revenue lands. Complainants believe such a position would mean the area is already subject to stricter management by the Kerala Forest Department (KFD).

Inaccurate description of threats

18. Complainants object to the project document's description of threats to biodiversity posed by agricultural practices. More specifically, for example, complainants disagree with assertions that cardamom farmers are using new varieties of cardamom that need more sunlight and require removal of forest canopy. They also disagree with the project document's implications of excessive use of chemical fertilizers and pesticides in tea and cardamom sectors. The project document notes, for example, that 'the long-term impacts and challenges of intensive agronomic practices, (e.g., excessive use of chemical fertilizers and pesticides) in tea and cardamom sectors canopy opening in CHR, ... need to be understood in detail and translated for local guidance for land use planning.' (para. 62)

Excessively technical and inaccessible project document

19. Complainants additionally find the document too technically difficult to understand and inaccessible due to the fact that it is not available in a language other than English. Many of the farmers and other stakeholders speak primarily, or only, in local languages, including Malayalam, the principal language of the state of Kerala.

Inadequate attention to development needs relative to conservation needs

20. Complainants express a belief that the project's primary orientation is toward conservation, without adequate attention to the livelihood needs of local communities.

21. *Adequate Information and Assessment of Impacts: Findings*

22. SECU finds that these concerns of communities relate to, and are exacerbated by, the following shortcomings of the project document with respect to information and assessment of impacts:

Unclear description of decision-making process

23. The project document does not provide a clear description of the role of potentially-impacted individuals and communities in identifying and agreeing to measures to protect biodiversity, including identifying and agreeing to a new protected area system, high value biodiversity areas, and possible restrictions in these areas.
24. Instead, it provides a confused picture of what has been decided already, and by whom, how, and when future decisions will be made.
25. Regarding what has been decided already, for example: The project document reflects an apparent commitment to establish a new protected area system of 11,600 hectares, but inexplicably fails to provide an understanding of possible specific locations. Likewise, there seems to be a firm commitment to modify how resources are used in 84,600 hectares of high value biodiversity areas, but without a clear understanding of possible locations of these areas. It is unclear if these commitments are not firm and the specific numbers of hectares are aspirations, or if the commitment is relatively firm and areas generally known, but possible locations simply not specified.
26. Regarding future decisions relating to restrictions on activities in protected areas and HVBA: Several project document provisions reflect a desire to ensure that potentially-impacted communities participate effectively in these decisions. And UNDP and project staff in in-person meetings likewise indicated that the project commitment to establish a new protected area system and adopt conservation measures within HVBA in exchange for GEF funds does not necessitate an imposition of restrictions on communities. They noted that community-accepted decisions relating to protection measures can and will occur now that the project is approved, including through a new formal institutional platform, the High Range Sustainable Development Society (HRSDS).
27. However, the project document provides a convoluted picture of (1) whether agreement on restrictions is necessary for moving forward, i.e., the document reflects a desire for agreement on 'prescriptions' on land use while also indicating a willingness to move forward with prescriptions even in the absence of agreement, and (2) how potentially-impacted individuals and communities would participate in these decisions, including through the HRSDS.
28. Outcome 1, for example, indicates that the project will 'put in place a cross-sectoral land-use management framework, compliance monitoring and enforcement system to ensure that development in economic production sectors are congruent with biodiversity conservation needs.....' This land-use management framework will begin with a Landscape Level Land Use (LP) plan and sector-plans that 'cumulatively shall seek to balance biodiversity needs and production objectives by: a) improving the management of existing PAs; b) identifying areas of high value biodiversity to be afforded higher protection status; and c) prescribe appropriate land uses and management practices in the adjacent production landscape. Further, this component will enable evolution of a dedicated multi-sector landscape level institutional platform for ensuring sectoral compliance with Landscape and Sector Plan prescriptions.' (para. 171)
29. While indicating an intention for the project to advance a 'proactive engagement approach' with production sectors, e.g., encouraging these sectors to factor biodiversity considerations into their

operations, the document also describes that the project is 'partly about giving the appropriate 'push' by enshrining this thinking in the legal and policy framework.' (para. 168)

30. The final version of the Environmental and Social Screening Summary (signed by Srinivasan Iyer, Assistance Country Director & Head-EEU-UNDP-India, on 7 August 2013) appears to reflect the tension between a need for agreement and a need to ensure that measures to protect biodiversity are implemented.
31. The Summary acknowledges that the project will, through various plans, dictate land use permitting decisions and restrict choices regarding land use. And while it notes that the project's solution for avoiding impacts to rights associated with the process of identifying and imposing such restrictions is the HRSDS, it also observes that rights could be 'halted' and, in this instance, the project would identify alternatives 'in close consultation' with communities.
32. This summary states, 'Land tenure issues: the elaboration of the landscape level land use plan will inadvertently affect the land use patterns in the project landscape, at the least insofar as the plan will dictate land use permitting decisions. In addition the decisions on setting aside areas for biodiversity conservation will alter access and rights of different stakeholders in the area, in particular those of local communities. These will alter the pattern of resource use and the ability to put their land to land uses of their choice.'
33. The summary additionally notes, "The project will through the HRSDS, a multi-sectoral collaborative coordination mechanism, ensure that land use planning and permitting decisions taken are acceptable to all and importantly that they preserve the security of access/use rights of local communities. Where it is necessary to halt those rights in critical areas, the project will identify alternative areas or alternatives and promote them in close consultation with communities.'
34. The intention to avoid impacts to rights of potentially-impacted individuals and communities through this mechanism is noted and clear. However, the means through which this mechanism will actually avoid or mitigate such impacts is much less clear in the project document.
35. The following project document provisions describe the HRSDS as a platform that will involve all possible stakeholders in making both landscape-level and sector-level land-use decisions, as well as monitor and enforce such decisions. But how HRSDS will be composed and reach decisions has not yet been decided. Even the research to inform the composition and decision-making process of HRSDS has yet to be undertaken.
36. The document notes, 'The proposed HRSDS will have representation from relevant government agencies (Department of Forests, Revenue, Tourism, Agriculture, Industries, Electricity Board etc.); Local Self Governments; private sector (representatives of key production sectors – tea, cardamom etc.); communities (functionaries of traditional community institutions, Kudumbasree, EDCs, JFMCs, CRC, BMCs, agriculture associations, commerce and trade organizations); research institutions (e.g., KFRI, Periya Foundation, Cardamom Research Station etc.) and representatives of NGOs (e.g. HRWEPA, WWF, WTI, etc.) The primary mandate of HRSDS will be to provide for a formal institutional platform by which government policies, programs and resources, as well as non-government activities can be better mobilized/channeled/harmonized to ensure the long-term sustainable use of resources in HRML, even while individual sectors continue to pursue own sector objectives.... A senior level officer (at least the rank of Chief Conservator of Forests/Secretary to state government) may head this institution.' (para. 192)
37. "As a preparatory process to the formation of HRSDS, an assessment will be conducted of existing international and national experience with such institutional mechanisms to articulate issues such as mandate, operating principles, bye-laws, and rules ... The assessment will be followed by extensive

consultations at various levels involving stakeholders (government, community, academia, civil society etc.) and the Society will be established through a Government Order within the 1st year of the project. HRSDS will be a cross-sectoral platform with enough convening power representing various stakeholders in the landscape....The Society will also have the mandate of compliance monitoring of sectoral operations that have a bearing on biodiversity. Towards this, HRSDS shall be vested with appropriate powers under the Environmental Protection Act, 1986. Further, the Society will also develop a financial sustainability strategy for post-project functioning. (para. 193)

38. The not-yet-created HRSDS is apparently intended to 'anchor' the land-use management framework for the project, including the Landscape Level Land Use Plan, which 'will provide a road map for streamlining land use thus avoiding, reducing, and/or mitigating impacts from physical development in major production sectors....' (para. 181) and sector-level land use plans, which will be under 'the umbrella of the Landscape Plan.'
39. The document does not detail, specifically, how the Landscape Plan or sector-level plans will be developed – including by whom, or through what type of consultation process, etc. It notes generally, 'The preparation of the LP will be anchored within the proposed High Range Sustainable Development Society (HRSDS)... based on extensive consultations with government, research institutions and local communities so that a pragmatic and effective conservation strategy is prepared. Particular emphasis will be placed on strategies that do not compromise local livelihoods and economic production but rather support the rights of traditional communities and other sustainable production and consumption practices in the region. The Landscape Plan will be more 'enabling' rather than 'restrictive' in nature with clear short and long-term goals for the landscape. After obtaining the concurrence of the HRSDS, the Plan shall finally be placed before the State Government for its approval.' (para. 185)
40. Although the document describes that 'conservation sector and key production sectors (e.g., tea, cardamom, tourism, etc.) will develop / revise Sector Plans (SPs) that outline sector-specific biodiversity-friendly practices for integration into respective sectoral operations' (para. 186), it also indicates 'SPs will be prepared by technical experts after extensive consultations with respective stakeholders. Preparation of Sector Plans would follow a rigorous scientific process anchored strongly in participatory approaches. The HRSDS in close association with the respective sectors shall spearhead the preparation of the SPs. After obtaining the concurrence of the HRSDS, the SPs shall finally be placed before the concerned Sectoral Department for approval.' (para. 190)
41. The project document reflects an apparent commitment to land use prescriptions in protected areas and high value biodiversity areas and a high likelihood that individuals in production sectors will face increased restrictions relating to land and resource use, but also uncertainty relating to the process through which these individuals can participate in decisions relating to these restrictions and possible adverse impacts.

Incomplete description of risks

42. The project document does not include a full and accurate assessment of risks to local communities and the environment. This shortcoming relates partly to the lack of information described above, i.e., it is difficult to assess risks fully if options/alternatives have not been described clearly. It relates, as well, however, to two other factors: (1) incomplete application of UNDP's Environmental and Social Screening Procedure (ESSP) – a tool through which UNDP endeavors to meet its obligations to seek to avoid harm to communities, individuals, and the environment; (2) incomplete incorporation into the project document of results of the ESSP.

43. As required, UNDP applied the Environmental and Social Screening Procedure to project activities. Indeed, it applied the ESSP twice – once for the Project Information Form (PIF), and the second (also quoted and cited above) during the Project Preparation Grant phase of the project.

Screening Checklist- Issues

44. For both applications of the ESSP, responses to the Screening Checklist were the same. Relevant sections of the screening checklist with responses, including both the 'yes' and 'no' responses, are included below. Several questions correctly received a 'yes' response, indicating possible environmental and social impacts. For some questions, however, the 'no' response does not appear to correspond to project document information and/or information from other sources. These include questions 4.3, 4.6, 5.2, and 8.2.

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4. Social Equity and Equality	
4.1 Would the proposed project have environmental and social impacts that could negatively affect indigenous people or other vulnerable groups?	Yes
4.2 Is the project likely to significantly impact gender equality and women's empowerment?	Yes
4.3 Is the proposed project likely to directly or indirectly increase social inequalities now or in the future?	No
4.4 Will the proposed project have variable impacts on women and men, different ethnic groups, social classes?	Yes
4.5 Have there been challenges in engaging women and other certain key groups of stakeholders in the project design process?	Yes
4.6 Will the project have specific human rights implications for vulnerable groups?	No
5. Demographics	
5.1 Is the project likely to result in a substantial influx of people into the affected community (ies)?	No
5.2 Would the proposed project result in substantial voluntary or involuntary resettlement of populations? For example, projects with environmental and social benefits (e.g. protected areas, climate change adaptation) that impact human settlements, and certain disadvantaged groups within these settlements in particular.	No
5.3 Would the proposed project lead to significant population density increase which could affect the environmental and social sustainability of the project? For example, a project aiming at financing tourism infrastructure in a specific area (e.g. coastal zone, mountain) could lead to significant population density increase which could have serious environmental and social impacts (e.g. destruction of the area's ecology, noise pollution, waste management problems, greater work burden on women).	Yes
6. Culture	
6.1 Is the project likely to significantly affect the cultural traditions of affected communities, including gender-based roles?	Yes
6.2 Will the proposed project result in physical interventions (during construction or implementation) that would affect areas that have known physical or cultural significance to indigenous groups and other communities with settled recognized cultural claims?	No
6.3 Would the proposed project produce a physical "splintering" of a community? For example, through the construction of a road, powerline, or dam that divides a community.	No

8. Socio-Economics	
8.1 Is the proposed project likely to have impacts that could affect women's and men's ability to use, develop and protect natural resources and other natural capital assets? For example, activities that could lead to natural resources degradation or depletion in communities who depend on these resources for their development, livelihoods, and well-being?	Yes
8.2 Is the proposed project likely to significantly affect land tenure arrangements and/or traditional cultural ownership patterns?	No
8.3 Is the proposed project likely to negatively affect the income levels or employment opportunities of vulnerable groups?	No
9. Cumulative and/or Secondary Impacts	
9.1 Is the proposed project location subject to currently approved land use plans (e.g. roads, settlements) which could affect the environmental and social sustainability of the project? For example, future plans for urban growth, industrial development, transportation infrastructure, etc.	Yes
9.2 Would the proposed project result in secondary or consequential development which could lead to environmental and social effects, or would it have potential to generate cumulative impacts with other known existing or planned activities in the area? For example, a new road through forested land will generate direct environmental and social impacts through the cutting of forest and earthworks associated with construction and potential relocation of inhabitants. These are direct impacts. In addition, however, the new road would likely also bring new commercial and domestic development (houses, shops, businesses). In turn, these will generate indirect impacts. (Sometimes these are termed "secondary" or "consequential" impacts). Or if there are similar developments planned in the same forested area then cumulative impacts need to be considered.	No

45. Regarding Question 4.3, 'Is the proposed project likely to directly or indirectly increase social inequalities now or in the future?' it appears difficult to reconcile a 'no' response with 'yes' responses to the following questions: "8.1 Is the proposed project likely to have impacts that could affect women's and men's ability to use, develop and protect natural resources and other natural capital assets?..." and "4.1 Would the proposed project have environmental and social impacts that could negatively affect indigenous people or other vulnerable groups?" Positive responses to the latter questions suggest that at least certain groups would not have the same access they currently enjoy to 'natural resources and other natural capital assets' and/or will be adversely impacted by project activities. It is possible, perhaps even likely, given these possible impacts, that project activities could increase inequalities *in the absence of mitigation measures*.
46. Project staff may have inappropriately based their 'no' responses to these questions on assumptions the project *once implemented* would be a net positive. That is, project benefits such as other employment opportunities for cardamom growers, would address existing and future risks external to the project, such as reduced or fluctuating market prices for cardamom. The project document heavily emphasizes these external risks to cardamom and spice growers, and project measures that would benefit these groups in light of these risks. It notes, for example, 'Cardamom industry is highly prone to persistent market risks and failures along with increasing cost of production...Markets show

vast fluctuations that spread signals of distress and uncertainty in the sector....' The report describes how project capacity building activities could help the industry.

47. The project's attention to such external risks may well be useful for these communities. However, risks posed to communities *in the absence of mitigation measures* or project results must also be examined and explored with communities potentially impacted.
48. A 'no' response to Question 4.6 'Will the project have specific human rights implications for vulnerable groups?' similarly appears to conflict with affirmative responses to other questions. A 'yes' response to the following questions: 4.1 Would the proposed project have environmental and social impacts that could negatively affect indigenous people or other vulnerable groups?, 4.2 Is the project likely to significantly impact gender equality and women's empowerment?, 6.1 Is the project likely to significantly affect the cultural traditions of affected communities, including gender-based roles? and 8.1 Is the proposed project likely to have impacts that could affect women's and men's ability to use, develop and protect natural resources and other natural capital assets?, point to the possibility the project will have specific human rights implications for vulnerable groups. Human rights implicated by 'yes' responses to these questions include, for example, the right to property, the right to culture, the right to livelihood, the right to be free from all forms of discrimination, among other rights.
49. Regarding Question 5.2 'Would the proposed project result in substantial voluntary or involuntary resettlement of populations? For example, projects with environmental and social benefits (e.g. protected areas, climate change adaptation) that impact human settlements, and certain disadvantaged groups within these settlements in particular' the project document reflects an intent to expand protected areas by nearly 11,600 hectares, and increase protections in high value biodiversity areas of more than 84,600 hectares. As indicated earlier, a significant shortcoming of the project document is the lack of information related to where these increased protections could occur and who might be impacted. The summary does indicate, however, that land use patterns and access to resources will be altered. If restrictions on use are significant, including, for example, if they occur where farmers and growers and other local communities live or use resources for their livelihood, these restrictions could compel communities to move. Alternatively, restrictions may lead to economic displacement, which, while not clearly covered in question 5.2, is covered under question 4.6 (via concerns related to rights noted above and others). The significant omission of information related to possible locations of protected areas and land use restrictions constrains an ability to answer this question accurately. Screening results will remain inadequate without this information.
50. The 'no' response to Question 8.2 'Is the proposed project likely to significantly affect land tenure arrangements and/or traditional cultural ownership patterns?' appears inconsistent with project information. As noted in the previous paragraph, the final Environmental and Social Screening Summary provides acknowledgement that the project will impair abilities to 'put land to land uses of their choice.' This could significantly affect land tenure and/or traditional cultural ownership patterns.
51. What are the implications of 'no' responses to these questions and deficiencies in the Environmental and Social Screening Summary? Screening questions prompt consideration of all angles of possible impact. When these angles are not acknowledged risks go unexamined. If risks are missed, the checklist may incorrectly point to a need for a lower level of assessment than actually required. In this instance, 'yes' responses to 8 questions, and not just 4, more clearly indicate a need for a robust assessment of potential impacts.

52. An Environmental and Screening Summary should briefly describe risks identified in the checklist, the possible significance of these risks (as reflected in the risk category chosen) and next steps – including in particular any additional review necessary and how to approach this review. As noted in the Environmental and Social Screening Procedure for UNDP Projects Guidance Note (2012), ‘The outcome of the environmental and social screening process is to determine *if* and *what* environmental and social review and management is required.’ (Guidance, pg. 3)
53. The summary for the India project importantly notes most key risks checked ‘yes’ in the checklist – including land tenure issues, rights of tribal groups, and gender equality issues. However, it does not clearly describe these risks, note the possible significance of the risks, or describe how these risks will be further reviewed and assessed.
54. For example, while a brief paragraph on ‘rights of tribal groups’ acknowledges ‘impacts that could negatively affect indigenous people or other vulnerable groups’ and another paragraph on ‘land tenure issues’ reflects that ‘decisions on ... conservation will alter access rights’ the summary fails to provide any additional detail. It fails to describe, for example, how many tribal communities/individuals might be impacted, where these impacts could occur, how access might be restricted and how likely this is to occur, etc. The potential significance of the impacts and risks are, therefore, impossible to ascertain. The paragraphs do not clearly indicate that any additional review or assessment of these potential impacts to tribal communities will occur prior to approval of the project. Instead, the summary suggests that *after* project approval the project will ‘work on developing a resource governance approach that will effectively implement tribal peoples forest rights under the Forest Rights Act (FRA)... and ‘any potential risk that may arise that could threaten their tradition and culture as a result of the management model *will be identified and mitigated.*’ This language suggests an intention by UNDP to move key risk identification and mitigation processes to the project implementation stage – after key decisions have already been made.
55. Similarly, while the summary acknowledges gender concerns and notes ‘The project team has ascertained the views, concerns and interests of women, poor and disadvantaged groups...’ it does not summarize these views, concerns, and interests, nor indicate whether and /or how they should be explored in additional reviews. Mention is made of a rapid gender impact assessment, but this assessment is not obviously in or attached to the project document.
56. The brief description of land tenure issues acknowledges many issues acknowledged in the checklist, including possible impacts to indigenous peoples and vulnerable groups, cultural traditions, and abilities to use and access natural resources, as well as several not acknowledged, including impacts to land tenure and traditional cultural ownership patterns. However, the description does not indicate where, how, and to whom land tenure impacts will occur, and information provided appears to be contradictory. For example, while the summary notes in one instance that access and rights and land use pattern *will be* altered by the project (noted above), it indicates, as well, ‘The project will through the HRSDS, a multi-sectoral collaborative coordination mechanism, ensure that land use planning and permitting decisions taken are acceptable to all and importantly that they *preserve the security of access/use rights of local communities.*’ And then, ‘Where it is necessary to halt those rights in critical areas, the project will identify alternative areas or alternatives and promote them in close consultation with communities.’ The summary does not describe any additional review or assessment prior to project approval, despite the potential gravity of impacts described.
57. Finally, it is not clear why Category 3a was chosen instead of 3b. Category 3a includes ‘impacts and risks that are limited in scale and can be identified with a reasonable degree of certainty and can often be handled through application of standard best practice but require some minimal or targeted further review and assessment to identify and evaluate whether there is a need for a full environmental and social assessment (in which case the project would move to Category 3b).’

58. UNDP's Guidance provides ten steps for determining whether the category should be 3a or 3b. Not all steps appear to have been taken for this project. Step 1. Is to 'Identify if Potential Environmental and Social Impacts Can be Readily Addressed through Minor Modifications to Project' and Step 2. Is to 'Determine Need for Additional Scoping and Assessment' and further indicates the following 'Determine if the key environmental and social issues relating to the proposed project have been adequately identified and addressed and the project revised accordingly. For projects where there are potentially significant impacts, or where these may be controversial in nature, or where there remains debate about whether environmental and social impacts have been adequately addressed, then further scoping and assessment will be needed.'
59. 'If potential environmental and social impacts are easily addressed through the application of best management practices and minor adjustments to the Project Document, then the project falls within Category 3a and no additional review is required. If further review is necessary then the project falls with Category 3b and an environmental and social assessment is required.'
60. It is not difficult to imagine that if a large number of local communities face the prospect of reduced access to natural resources upon which they depend, impacts may be controversial, if not significant, and likely to lead to debate about whether impacts have been adequately addressed. It seems clear that such impacts likely cannot be easily addressed through application of best management practices and minor adjustments to the project document. All of this suggests the most appropriate Category would have been 3b, which would have required a full assessment and identification of ways to prevent, minimize, mitigate or compensate for adverse consequences and enhancing positive ones.
61. Other relevant steps not clearly met include Step 4., which is one of the most important parts of a screening and assessment process – identifying potential alternatives. The Summary provides no indication that alternatives were developed and considered. Step 6., identify environmental and social impacts, is, as mentioned earlier, lacking – specific impacts to communities before mitigation measures were not clearly considered. Step 7. – preliminarily identify potentially applicable environmental and social mitigation, monitoring and capacity development measures to be included in the environmental and social management plan, would not have been possible without an assessment of risks. Step 8. is to identify the types of assessment – including a gender assessment. Documents make reference to such an assessment, but it is not clearly in the project document. Step 10 is to develop a stakeholder engagement plan. As described earlier, the Project Document identifies a need to engage stakeholders more comprehensively, particularly through the HRSDS. However, the structure and process for accomplishing this outreach remains unclear. Extensive engagement to understand and address concerns during project development did not obviously occur based on a review of the project documentation and our interviews with project complainants and stakeholders.
62. Approaching categorization through these steps likely would have pointed to Category 3b and preparation of a full assessment. However, even for Category 3a, given risks identified, additional review and assessment should have been performed. As noted in the Guidance, 'Key objectives' to be met by a review and management process **regardless** of whether Category 3a or 3b is chosen, include the following:
- (1) Applying the precautionary principle – ensure the burden of proof falls to those wanting to take action,
 - (2) Ensure environmental and social impacts are identified and addressed
 - (3) Engage stakeholders in the process of identifying, reviewing and managing impacts and risks

- (4) With respect to indigenous communities, consultation should be mutually acceptable to project proponents and to the communities, and there should be evidence of agreement between the parties as to the outcome of the consultations
- (5) Anticipate and avoid, minimize or offset any significant adverse impacts
- (6) Promote development that is environmental and socially sustainable
- (7) Ensure environmental and social benefits, impacts and risks are factored into project design and execution.

Results of Screening and Assessment Process - Issues

63. As noted in the Guidance, 'Determining the significance of impacts will require varying degrees of environmental and social review which, in turn, *will lead to the identification of specific environmental and social management measures that need to be incorporated into the project.*'
64. Inexplicably, neither the results of the screening nor specific detailed measures to address identified risks to communities appear to be incorporated into the project document or are otherwise publicly available. The section that would most obviously reflect risks identified during screening, the 'Risks and Assumptions' section within the 'Strategy' section of the project document, is a brief (just over one page) description of risks that are focused entirely on risks to project success.¹ Six out of seven of the risks identified in the final project document are exactly the same risks identified in the earlier project document draft. One additional risk – insufficient resources – is included in the 2014 document. Although the project document identifies the need for a platform to discuss and address concerns with communities it does not, for example, indicate how restricted access concerns might be addressed.
65. Clearly, the project document provides useful baseline information, including information related to 'socio-economic' context. But specific identified risks to communities are not covered well.

Missing Context

66. The project document fails to provide a full picture of the broader context within which UNDP is supporting efforts to advance conservation in the Western Ghats. This missing context includes the relationship of the proposed project to previous conservation initiatives as well as to conflicts related to land, forests, and other natural resources in the area targeted for protection, particularly the Cardamom Hill Reserve (CHR) area. This void in information caused suspicions that the project, as approved, was an attempt to quietly advance conservation-related recommendations and positions previously promoted and disputed.
67. For example, in August 2011, not long before the project was approved, the 'Report of the Western Ghats Ecology Expert Panel' (also known as the Gadgil Committee report after panel Chairman Madhav Gadgil), was issued, with recommendations that included restrictions on activities in CHR

¹ Risks identified include: Limited support from production sector due to apprehension that their economic interests would be jeopardized due to participation in the planned conservation interventions; Policy amendments and regulations for addressing biodiversity conservation in sector practices may not receive government and political support; Local communities may not be willing to participate in the project unless the project addressed their livelihood needs; The benefits generated by the project may be offset by the impacts of climate change; Stakeholders may perceive the project as restrictive rather than enabling due to its focus on biodiversity; The history of the landscape is replete with efforts to establish rights over land and the idea of a landscape level plan may appear to be pitted against existing tenurial interests; Resources of the project are insufficient for meeting the objectives over the large area of the landscape

and elsewhere in the project area. These proposed restrictions were (and are) of concern to many living in these areas. The project document, inexplicably, fails to indicate how the UNDP project does or does not relate to the proposed recommendations for the same areas. In the absence of a clear understanding of this relationship, those concerned about restrictions believed the UNDP project was advancing Gadgil Committee recommendations. Additionally, in 2012, 39 sites in the Western Ghats were inscribed as World Heritage Natural Sites, and raised concerns among many. The creation and extension of the Periyar Tiger Reserve also contributed to anxieties for some farmers/growers, particularly in Cardamom Hills.

68. Similarly, although the project document alludes to different perceptions of rights to land, forests, and other natural resources in CHR, noting in paragraph 98, 'Cardamom Hill Reserve (CHR) is a tenurial enigma with a multitude of landholding patterns, often nebulous and highly ambiguous land tenure systems and overlapping jurisdictions that have adversely affected effective management of biodiversity' it fails to reflect the longstanding, significant legal disputes resulting from these different perceptions. These legal disputes include a case pending before the Indian Supreme Court. In the absence of a clear understanding of how and/or whether the project supports (or not) a given legal position, those concerned about restrictions believed the UNDP project document (particularly through paragraph 98) was an attempt to support the position that most of CHR is a forest reserve area controlled primarily by the Forest Department. When told, for example, that Annexure 17 did not include any new protected area status for CHR, complainants responded that this was because the project document assumes the area is – as a forest reserve area - already subject to comparable protections. The project document also fails to describe and note evidence of illegal land use, particularly in CHR. Concerns about such use appear to be project undercurrents.

Inadequate consultation and participation in decisions adversely impacting communities: Concerns Expressed

69. The complaint and related documents submitted to SECU indicate that complainants believe they were not adequately consulted and provided opportunities to participate in decisions related to project activities. Through in-person meetings with listed complainants and other stakeholders supporting the complaint, SECU identified the following more specific key concerns of complainants relating to consultations and participation in decision-making:

Inadequate number of consultations with inadequate representation, information, and discussion

70. Complainants believe the project document was prepared largely on the basis of only one stakeholder workshop at Munnar on 12 March 2013, and assert that it was a workshop to which very few key stakeholders were invited. SECU discussions with complainants and other stakeholders reflect concern that there was no systematic approach to inviting Panchayat representatives, registered growers/agricultural organizations, and other key stakeholders.

Lack of support/consent for project

71. Complainants indicate 'strong reservations' against, and 'huge apprehensions' about, the project. They claim, specifically, that the project 'was finalized without the involvement, participation, free, prior, informed consent of the people of the project area.' Tensions between farmers/growers and the Kerala Forest Department appear to have exacerbated these feelings.

Inadequate consultation and participation in decisions adversely impacting communities: Findings

72. Through a review of documentation and in-person meetings with stakeholders, SECU made the following findings:

Inadequate consultations

73. Not all relevant stakeholders were invited to the primary consultation meeting, and, together, the meetings deemed 'consultations' were inadequate in representation, number, and information provided.
74. In in-person meetings with six individuals representing Panchayats (Presidents from the Marayoor, Munnar, Devikulam, Vattavada, and Kanthalloor Grama Panchayaths and the President of the Devikulam Block Panchayath), SECU heard that only two of the thirty four Panchayats in the project area - the Munnar Panchayat and the Edamalakudy Panchayat - received invitations (as reflected in Panchayat records), and only those two attended the 2013 Munnar meeting. In in-person meetings with twelve individuals representing five farmer (primarily Cardamom) organizations registered with the government, SECU was told that only two individuals from only one of the five registered organizations – the Cardamom Growers Association – were invited. One of the invitees was from a local branch of the larger Cardamom Growers Association, and he indicated to SECU that he attended because the association was under the impression the meeting was not significant enough to warrant attention from the larger association and the attendee was closest in proximity to the meeting location. This invitee indicated that he sensed the consultation was primarily to discuss funds available to farmers for pursuing approaches, such as organic farming, to protect biodiversity in the area. This invitee indicated that he did not receive any written documents describing the project prior to or during the meeting. SECU was told that materials available at the meeting were in English, and not in the local vernacular language. SECU has seen materials only in English, including the powerpoint presentation from the 2013 Munnar meeting. SECU was told there is no record of invitation to the Spices Board (a board organized and recognized by the central government). The sign-in sheet for the meeting appears to reflect that an individual from the Spice Growers Association attended the 2013 meeting in Munnar.
75. UNDP staff provided a list of individuals to whom they said invitations were sent. The document lists 30 Panchayat Presidents, but does not provide contact information for these individuals. It lists 63 additional individuals/entities, but with contact information for only 14 of these. The sign-in sheet for the meeting indicates that 144 people attended. Complainants claimed that 60 were 'forest watchers, drivers and KFD officials.' They also expressed concern that numbers on the sign-in sheet were changed after people signed. They note, more specifically, that the number 1, positioned next to the President of the Munnar Grama Panchayath, was crossed out and changed to 13, to reflect 12 people signed in prior to the Munnar Grama Panchayath. This was perceived as a breach in protocol, a 'fabrication' and an offense; that the Grama Panchayath should have been retained as the first signatory and administer of the meeting.
76. UNDP staff also described efforts to ensure robust consultations, noting in written documents, 'Forty field visits were made to cover various sectors such as the Protected Areas, high value biodiversity areas, tribal settlement (Edamalakkudy in particular), Human-wildlife conflict areas like Chinnakanal (Anayirangal) and Marayur, tea plantations, cardamom plantations, reed breaks, tea plantations and other components of the landscape. The focus was on assessing the status of biodiversity management practices in the landscape and understanding the level of existing and emerging threats. Fruitful discussions were also held with individuals like State Planning Board member (C.P. John), Member of legislative assembly Devikulam (S. Rajendran), Vice Chancellor Mahatma Gandhi University (Dr. Rajan Gurukkal, prominent Social Scientist), Chairman Kerala State Electricity Board (T.M. Manoharan), P. Balan (Director Kerala Institute of Local Administration), Director Rubber Research Institute (Dr. James Jacob), Dr. M. Murugan (Cardamom scientist), Dr. K T Rammohan (Social Scientist), M. Balan (Tourism Expert), Dr. Eugene Pandala (Architect), P. Venugopal (prominent journalist from the region), forest officers, district collector, other department officials, panchayat functionaries, tea managers, cardamom farmers, scientists, tribal, eco-restoration experts, political workers, NGOs, resort owners, tour operators, taxi drivers, NGIs,

professors, academics etc. Consultations were also conducted with various stakeholders explaining the basic objectives of the project to them. The details of the consultations are briefly mentioned below.'

77. They also provided lists of additional meetings held prior to the 2013 meeting in Munnar, including two meetings with cardamom farmers, two meetings with tea-estate managers, a two-day meeting with tribal communities in the tribal panchayat of Edamalakudy, a meeting with scientists, two meetings with forest officers, and one with the tourism industry.
78. Nonetheless, documentation of the meetings with the primary complainants - cardamom farmers - in Munnar on 21 and 22 July 2012 and at Vandanmedu on 14 February 2013, including 'Annexure- 7: Details of the consultations with Cardamom sector representatives' do not clearly reflect a discussion of the project. Instead, the focus appeared to be on 'the current ecological situation in cardamom areas' and responses to this situation. Nineteen people, including consultants, attended the three meetings. Only one person appeared to represent a growers association, the Spices Growers Association. Minutes from the meeting prepared by one attendee were labeled 'Cardamom Forests for Farmers' Security' and the workshop was described as 'a collective effort by the Forest Department and various stakeholders...for promoting more sustainable methods of cardamom cultivation by enhancing moisture retention capacity, soil regeneration, integrated pest management, biodiversity conservation and increased productivity through new farming techniques.'
79. The Indian government clearly has a right and an obligation to protect public interest concerns, including protecting biodiversity in the public interest. When such actions might impinge upon the rights of individuals - including their rights to property and access to natural resources upon which they depend - these actions must occur through a transparent participatory process that fairly balances concerns and ensures due compensation for impacts. Complainants believe decisions impacting their rights have already been made outside of such a process. Although it is not clear if decisions impacting rights have actually already been made, it seems clear the previous consultation process was inadequate, and the proposed process for future decisions is not adequately explained or will obviously protect rights.

VI. Advancing Compliance with Policies: Advice

Advice 1: The Project Document

1. Perform a substantive revision to the project document to more specifically describe possible locations of protected areas and high value biodiversity areas.
2. Clarify the relationship of the proposed project to previous conservation initiatives as well as to conflicts related to land, forests, and other natural resources in the area targeted for protection, particularly the Cardamom Hill Reserve (CHR) area.
3. Make the project document available in at least the primary local language, Malayalam, in addition to English, and written in more easily understandable terms. The technical nature of the document, and its availability only in English, have impeded the understanding of how individuals and local communities might be involved in the decision-making processes.
4. To avoid or mitigate disagreement related to project document information, adequately document statements, with noted evidence to support assertions of impacts, e.g., impacts related to use by cardamom farmers of new varieties of plants that require reduced shade.

Advice 2: Screening and Assessment

5. Rescreen the document, with attention to risks to communities and the environment. Importantly, risks to be identified must be those posed *prior* to planned mitigation measures; the idea is that mitigation measures may or may not effectively address identified risks, and as a result, relying on assumptions that measures will be effective is not a prudent course of action. This screening should involve local communities likely to be impacted and/or benefit from the project.
6. If the project remains focused on creating a new protected area system and strengthening biodiversity protection in high value biodiversity areas occupied by individuals, perform a more robust assessment. As noted earlier, the project document appears to support a more robust assessment of impacts *after* project approval – likely because funds were not available for extensive consultations and assessment prior to project approval.

Advice 3: Consultations with and/or engagement of stakeholders

7. Based on the more specific and better described protected areas and high value biodiversity areas, identify, notify, and initiate consultations with individuals and communities potentially impacted by possible restrictions, particularly through local self-government organizations – a strong recommendation by most stakeholders interviewed.
8. These stakeholders, including farmers, conservationists and others, suggested that a process that *begins* with the Kudumbasree and local self-governments – particularly the various levels of Panchayats – would be a more effective and sustainable approach to identifying and implementing conservation-friendly development practices than an approach that begins from a high-level platform that has not yet been created and does not yet have a mandate for making decisions. One interviewee suggested that meetings with the Kudumbasree and various levels of the Panchayats would number in the twenties.
9. One repeated suggestion was to allow the State Biodiversity Board to take a lead role in the process – generally, it appears that these boards have a better sense of on-the-ground conservation and development needs, a better sense of local politics, and, to at least some extent, better relations with local individuals and communities than the Kerala Forest Department.
10. In the future, to ensure meaningful stakeholder engagement at the early design phase, UNDP could/should take a staged approach to stakeholder engagement – one that secures adequate funds for the identification of stakeholders and meaningful engagement with them before the project is approved (in this instance, this would have been during the Project Preparation Grant stage). Additional engagements will be necessary post approval, but almost all community engagements cannot occur after key decisions that may impact communities have been made

List of Interviewees

- UNDP India Project Staff and Senior Management
 - o Yuri Afanasiev, Resident Representative and Resident Coordinator
 - o Jaco Cilliers, Country Director
 - o Marina Walter, Deputy Country Director
 - o Ruchi Pant, Programme Analyst
 - o G Padmanabhan, Emergency Analyst
- Ministry of Environment, Forests & Climate Change, Government of India
 - o Dr. S.K. Khanduri, Inspector General of Forests
- Adv. Joice George, Member of Parliament
- Mr. Easa, Former Director, Kerala Forest Research Institute
- Forest Headquarters, State of Kerala
 - o G. Harikumar, Principal Chief Conservateur of Forests
 - o Dr. Mallick, Chief Conservateur of Forests
 - o Other Forest Headquarters individuals
- Former UNDP Project Consultants
 - o Pramod Krishnan
 - o Dr. G. Christopher
 - o James Zacharias
- Shri S. M. Vijayanand, Chief Secretary, State of Kerala
- Shri. P. Mara Pandiyan, Additional Chief Secretary, Department of Forest and Wildlife, State of Kerala
- Kenan Devan Hills Plantations Company
 - o Jojo Thakurta, General Manager
 - o Mohan Varghese, General Manager
- Munnar Environment and Wildlife Society (MEWS)
 - o Mr. Mohan
 - o Mr. Sanjin George
- Complainants and Other Stakeholders
 - o Adv. Joice George, Member of Parliament
 - o Adv. Jagan Mohanm, General Secretary, Spice Growers Association
 - o 10 individuals representing cardamom and spice growers
 - G. Suresh Kumar, Kerala Cardamom Growers Association
 - Prasanth Koshy, Cardamom Growers Association
 - P.G. Basu, Cardamom Growers Association
 - Saji Vaskey, Cardamom Growers Association
 - T.K.S. Muttaya Kumar, Kerala Cardamom Growers Association
 - Rtn. A. Ayyappan, Kerala Cardamom Growers Association
 - N.J. Joseph, High Range Spice Planters Association
 - P.L. Matthew, Cardamom Growers Association
 - Sreekumar Chillapan, Spice Growers Association
 - S. Teevarnandar, ASF Analkkara
 - o 6 Panchayats
 - A Surandaram representing Devi Kulam Block Panchayat
 - Johan Thomas, Marayoor Grama Panchayat
 - A. Korappowang, Munnar Grama Panchayat
 - M. Crovindasamy, Devikulam Grama Panchayat
 - Kemthallacy, Ranni Grama Panchayat
 - R. Rameraj, Vattavada Grama Panchayat
 - o 6 individuals representing tea and other farmers
 - Rev. Dr. Sebastian Kochupurackel
 - Sanjay Upman

- Micky Francis
 - Jainse N.Y.
 - K.R. Vinod
 - G.K. Mohanan
- Adv. Harish Vasdudevan, Environmentalist and Lawyer

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