

EXPERT COMMITTEE

for drafting

Nagaland Biological Diversity Rules

Sl. No.

Dear Respected Respondents,

The Government of India had enacted National Biological Diversity Act 2002. In this Act, among other provisions the State has been directed to frame its own Biodiversity Rules. In this connection State Level Stakeholders' Consultations on National Biological Diversity Act-2002 on 8th and 9th October, 2007 at Kohima Nagaland where the participants expressed that state wide consultation to solicit the views of the communities should precede the framing of Nagaland Biodiversity Rule. The Government of Nagaland has constituted six members Expert Committee to draft the Nagaland Biological Diversity Rules and was notified accordingly.

It is envisaged that the Nagaland Biological Diversity Rules shall be framed in the local context taking into consideration the customary laws and practices governing the biodiversity, traditional knowledge and the land tenure system. Taking the benefit of the provision of the Article 371A of the Constitution of India, the State is in a position to frame the Rules that suits us best.

The North Eastern Region of India extending to deep-south of Myanmar and Vietnam is the second largest biodiversity zone of the world next to the Amazon basin of South America. This region is habitat of millions of species of rich forest, both flora and fauna. This is regarded as the largest and deepest Bio-Corridor of the South East Asia, much to the envy to the rest of the world. The rich biodiversity is the wealth of Nagaland.

We therefore, appeal to you to examine each question carefully and reply to them to the best of your knowledge because your responses will form the basis of our Nagaland Biological Diversity Rules that sustains our rich heritage for posterity.

- 1. Elusing Meru, Convenor,
Secretary (Forest) Government of Nagaland**
- 2. Vengota Nakro, Member Secretary
Member, POU Administration NEPED, Nagaland**
- 3. Akito Zhimomi, Member
Asstt. Solicitor General of India**
- 4. Sanjay Upadhyay, Member
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- 5. Amba Jamir, Member
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- 6. Raj Verma, Co-opted Member
Jt. Secretary (APC) Government of Nagaland**

Questionnaire for Public Opinion Regarding the Drafting of the Nagaland Rules for the National Biodiversity Act

1. District:
2. Name of Village/Town:
3. Name of Respondent/s:
 - a. M / F Age:
 - b. M / F Age:
 - c. M / F Age:
 - d. Organization/Institution/Department.....

A. Awareness (Please circle appropriate responses)

1. What do you understand by the term “biodiversity”? List your first thoughts on the term

2. Which of the following aspects of biodiversity are of concern to you?
(a. Conservation) (b. Over exploitation) (c. Loss) (d. Sustainable use) (e. Others)
3. Are you aware of the Nagaland State Biodiversity Action Plan? Yes / No
 - a. If Yes, were you consulted for this process? Yes / No
4. Are you aware of the National Biodiversity Act (NBA)? Yes/No
If Yes, please answer the following: If No, skip to **No. B**
 - a. Are you aware that the NBA empowers the state to frame Rules? Yes/No
 - b. Are you aware of the State Biodiversity Board and their functions? Yes/No
 - c. Are you aware of the National Biodiversity Authority? Yes/No

B. Customs, traditions and knowledge

1. Do you know of any customary laws/ practices that deal with biodiversity (*medicinal plants/ orchids/ animals/ birds/insects/ stone quarrying/ tapping of water resources.....etc*) conservation and its uses in your village/ community/ tribe/ area? Yes/No
 - a. If Yes, please elaborate.

B. How are they implemented?

2. What are the traditional norms or laws that govern or regulate the sustainable use of resources in your community? (*Hunting, fishing, plant/ mushroom/ fruit collection etc*)

3. What according to your understanding is 'sustainable use'?
 - a. Give some criteria for defining sustainable use?

 - b. Please give some specific examples of how resources are sustainably used/ harvested in your village or community?

4. How are offenders of Village Council's rules/ orders/ resolutions or restrictions on use/ abuse of resources penalised?
 - a. Are the rules/resolutions effective?

 - b. What are the difficulties in enforcing your resolutions?

 - c. How can they be strengthened?

5. What are the challenges for adjoining villages to jointly declare common conservation areas?

6. Have there been occasions where unauthorised extraction of plants, animal, butterflies etc, have been detected in your village? Yes / No
 - a. If Yes, how did you tackle the issue?

5. Please give examples of good dispute resolution practices and processes in your village/ community.
 - A. Are they effective? Yes/ No

- b. Can they be effective even with people from outside your community? Yes/ No
- c. Would you agree to have an alternative dispute resolution mechanism on issues relating to ownership, use or control of resources; or sharing of benefits? Yes/ No
- d. If Yes, what would be an appropriate system or mechanism?

B. Community Based Biodiversity Management-Mechanisms

- 1. Are there any special effort being made by the village community, clan or family to protect any particular biodiversity resource? Yes / No

- 2. Keeping in mind the different types of land ownerships in villages and towns (private, family, clan, council, etc) of Nagaland, do you foresee any problems when a community-based Management Committee oversees the overall management of resources in your village? Yes / No
 - a. If yes, please elaborate what the problems might be...

 - b. If No, why not?

- 3. Should fees be charged from prospectors for scientific/ commercial exploitation of bio-resources (*the wealth*) from your land? Yes/No
 - a. If yes,
 - i. Who should collect the fees
 - ii. For what purpose should it be used
 - b. What should be the criteria for granting access and permission for using or collecting bio-resources from your community?
 - i. From Individual/ private land

 - ii. From collective (clan/ family)/ community land.....

- 4. Do you think it is necessary for the government to take measures for the conservation and sustainable use of resources including those that are on your personal or clan or community land? Yes / No

a. If Yes, why and how?

b. If No, why?

Note to Facilitator/Respondents: *As per the National Biodiversity Act, each state is required to constitute a State Biodiversity Board and in every village a local Biodiversity Management Committee (BMC) is to be established. **The Act also states that the BMC should consist of one chairperson and not more than 6 nominated persons out of which two members should be women. The following questions are based on the assumption that the Biodiversity Management Committees will be established.***

5. In your opinion, what should be the process for the formation of the local Biodiversity Management Committee (BMC)?

a. How should the BMC be constituted?

b. What should be the roles and functions of the BMC?

6. Should there be any special role for women in the BMC? Yes / No

a. If Yes, why and what should the role be?

b. If No, why not?

7. Please suggest ideas on how the BMC should be managed?

4. What should be the relationship (terms of reference) between the BMC and respective land owners for the collective management of biodiversity on private and collective properties?

D. Benefit sharing and Financial Management

1. How should benefits ***be shared*** by the Biodiversity Management Committee (BMC) with community and individual resource owners? Please suggest.
2. In case of knowledge based resources, should benefit go to only those clans or families who have specific knowledge on the bio resource OR should the benefits equally go to the community?
3. What should be the criteria to identify a benefit claimer?
4. Should benefits be linked to the amount of effort given to protect and conserve the particular resource?
5. If there is contiguous ownership of resources (*between villages/ different owners*) how should the benefits be shared?
6. If money is allocated for local Biodiversity Management Committees for biodiversity conservation what should be priority areas to utilize the fund?
7. What kind of institutional mechanisms might be appropriate for managing such Local Biodiversity Funds?
8. Do you think that the local Biodiversity Management Committees should directly deal with bio-prospectors (*people looking for biological resources either for scientific or commercial exploitation*) or should the state government (*State Biodiversity Board*) be a necessary party in negotiating any agreement?

E. Biodiversity Heritage Site

1. FOR INDIVIDUAL RESPONDENT: Would you agree to have your land/ area/ village land being declared a Biodiversity Heritage Site? Yes/ No
 - a. If yes, what rights would you like to continue to retain

 - b. Or what rights might you give-up?

2. FOR COLLECTIVE [#]RESPONDENTS: Would you agree to have your land/ area/ village land being declared a Biodiversity Heritage Sites? Yes/ No
 - a. If yes, what rights would you like to retain?

 - b. Or what rights would you like to give-up?

 - c. Would you agree to have such site along with contiguous area of others?

3. Please list some important points to facilitate collective management of Biodiversity Heritage Sites?

F. Personal Commitment/Suggestions

1. Would you be willing to implement restrictive measures for the conservation of biodiversity in your land/ village/ area? Yes/ No
2. What specific points would you like to see incorporated in the rules?

3. Any other comment:

[#] Representatives of family, clan or village authorities