Defending South Asian Interest in Biodiversity Conservation: Need for Evolving Regionalism
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Why a Regional Approach to Biodiversity Conservation?

- Nature exists beyond political boundaries
- Protection within Nations is of limited impact
- Impacts of activities are felt beyond political frontiers
- Reducing conflicts over natural entities
What Happens when we adopt a Nation Centered Approach?

- Long Term Conservation of many species becomes challenging
- Conservation Efforts within a Nation are undermined: eg Amur Falcon, Hubara Bustard, Tibetan Antelope
- Trade in biodiversity (medicinal plants, wildlife products take place beyond borders)
- Migration/Movement of fishes/Wildlife effected. eg. Farraka Barrage and Hilsa Migration
Amur Falcon [*Falco amurensis*]  
‘Safe Passage’
The Amur Falcon
Nagaland, India
Black Necked Crane
China and Bhutan and wintering ground in India
Dams planned in Arunachal Pradesh: A biodiversity Hotspot
Bio-piracy: Insect Thieves
Scientists and traders are plundering our forests for rare insects that can be smuggled

http://www.outlookindia.com/article/insect-thieves/238221

Czech researchers arrested for collecting rare insects in India

Forest officials in West Bengal arrest the Czechs in Srikhola, 2008
He has contacted his friend in Czechia and asked her for contacts in India, a credit card, plus his second legally held passport. ;-) After four kilometers in a Jeep, he spent two hours by getting into Nepal. Again a Jeep, and a bus, and a fine in Nepal for being there without visas. :-) Finally, he legally received the Nepali visas, after some discussions and 2,000 rupees (= USD 40) in bribes (an online interview with readers), and bought an air ticket to Bangkok, Frankfurt, and Prague from a travel agency. That's what I call transparency. :-)
Why Regionalism and not Nationalism

- Nature knows/ respects no boundaries
- Regional Implication of Climate Change
- Air and Water Pollution crosses political territories
- Disputes over Water Sharing is essentially transboundary and beyond borders.
- Many Hydro Power Projects have transboundary implications
- Nations and states have been differentiated based on religion, language and ethnic identity and not ecological features.
Challenges towards regionalism in South Asia

• Heightened Stand of ‘Sub Nationalism’ in the Country itself.
• Water disputes stand as a testimony to this.
• Even issues with respect to conservation of forest and wildlife has a strong sub national flavor.
India WRIS

http://www.india-wris.nrsc.gov.in/wris.html

Live Telemetry
Pancheshwar Multipurpose Project (hereinafter refer red to as the “Project”) is to be constructed on a stretch of the Mahakali River where it forms the boundary between the two countries and hence both the Parties agree that they have equal entitlement in the utilization of the waters of the Mahakali River without prejudice to their respective existing consumptive uses of the waters of the Mahakali River. Therefore, both the parties agree to implement the Project in the Mahakali River in accordance with the Detailed Project Report (DPR) being jointly prepared by them
Key challenges

• Environmental issues can never be addressed within the limited confines of political territory.
• Natural entities are seen as specially water is an issue of serious concern. Water is seen not as a natural entity but as a political tool.
• Massive Dam building in the Himalayas pose immense challenge so far as addressing environmental justice issues are concerned.
Developments which impinges on Regionalism

- Massive Dam Construction in the Himalayas by India, Nepal, Pakistan, Bhutan.
- Proposed River Linking Project in India.
- Water/ Rivers as a ‘national security’ issue
Few questions

• Regional Commission/ Tribunal on Environment? It may take time but if it is an agreed goal it can be reached. India’s journey to the NGT is an example.

Liberal locus Standi:
Aggrieved Person Interpreted:

*Save Mon Region Federation vs Union of India*

*National Green Tribunal*

• “Law gives a right to 'any person' who is 'aggrieved' by an order to prefer an appeal. The term 'any person' has to be widely construed. It is to include all legal entities so as to enable them to prefer an appeal, even if such an entity does not have any direct or indirect interest in a given project. The expression 'aggrieved', again, has to be construed liberally. The framers of law intended to give the right to any person aggrieved, to prefer an appeal without any limitation as regards his locus or interest. The grievance of a person against the Environmental Clearance may be general and not necessarily person specific”
• Can transboundary EIA be a starting point? Espoo Convention in European Countries

• Can we talk of cumulative impacts beyond boundaries and Public hearings across borders? Dams in India, Nepal and Bhutan and Downstream impacts

• Can Transboundary Water agreements focus on ecology and the ‘right of the river’ as opposed to equitable sharing of water? Teesta River, Kosi River

• ++++
in response to calls to shift some of India’s last Asiatic lions to neighbouring Madhya Pradesh, the Gujarat State Wildlife Board went to the extent of calling lions [exclusively] Gujarati ‘family members’. But, in a historic judgment lauded by the world conservation community, (Centre for Environmental Law WWF-1 v. Union of India and others, Supreme Court, 2013) the Supreme Court has ruled that Gujarat has to part with some lions, to be shifted to Madhya Pradesh’s Kuno-Palpur wildlife sanctuary, upholding the nation’s right to have a second habitat for lions.