

## **Are we winning the race to stop biodiversity loss?**

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With the natural forest loss rate at 13 million hectares a year – about 25 hectares a minute – the race is on to protect what's left of the world's forests.

If the world's governments want to significantly reduce the current rate of biodiversity loss by 2010, as they have signed up to do under the United Nation's Convention on Biological Diversity, they are going to have to stem the tide of deforestation, and increase protection efforts and sustainable uses, such as certified forest management.

Forests are the lungs of the earth, regulating the earth's climate, and are our storehouses of biological diversity, hosting over two-third of known terrestrial species and numerous plants and herbs, some of which may hold the secrets to curing cancer and other diseases. It is estimated that some 1.6 billion people worldwide depend on forests, including 60 million indigenous people who call them home.

But, only about 12%, or 480 million hectares, of the planet's forests have been formally protected. WWF, the global conservation organization, has been part of the drive to increase protection, helping to safeguard large tracts of forests and pristine landscapes in the Amazon, Borneo, the Congo Basin, Russia, Canada, China and beyond. WWF aims to see another 75 million hectares of the world's most outstanding forests brought under protection by 2010.

With such a timeline just several years away, the only way to accomplish these ambitious – but achievable – goals is through creative partnerships.

The single most ambitious partnership to date is the Amazon Region Protected Areas initiative, led by the Brazilian government in collaboration with the World Bank, Global Environment Facility, the German Development Bank (KfW), WWF and together with local communities. Through this initiative, some 50 million hectares of the Amazon's diverse habitats and species will be protected in a system of well-manage and well-financed parks and reserves – surprising the size of the entire US National Park system.

Protecting the Amazon from high rates of deforestation and land clearing is no easy task, but the multi-stakeholder initiative has been living up to expectations and delivering extraordinary conservation results. Nearly 16 million hectares of protected areas have already been created. And, just last month Brazilian President Luiz Inacio Lula Da Silva signed a decree creating new protected areas in the Amazonian State of Para. Comprising

an area of 6.4 million hectares – twice the size of Belgium – the designation includes two new national parks and the major expansion of a third, four national forests, and an environmental protection zone where development is strictly regulated. This mosaic of new protected areas opens genuine prospects for halting deforestation, conserving biodiversity, and promoting sustainable local and regional development.

Hundreds of indigenous communities living in the Amazon account for the region's rich, cultural diversity. Protecting forest areas helps these communities protect their land and culture from external threats and development, and in some areas, allows them access to the forests to sustainably harvest such important commodities as Brazilian nuts. It is critical for local and indigenous groups to be part of the conservation process. Without them, biodiversity would surely be lost.

This large-scale conservation vision in Brazil, based on good science, strong public and private partnerships, and community involvement is a recipe for success and must be replicated elsewhere.

In fact, half way across the world, WWF is working with the governments of Brunei, Indonesia and Malaysia to conserve 22 million hectares of inter-connected equatorial rainforest in Borneo – the world's third largest island – through a network of protected areas and sustainably – managed forests.

And in Africa, WWF helped bring together African heads of states to sign an agreement to protect and sustainably manage over seven per cent of the Congo Basin, the second largest area of tropical forest in the world after the Amazon. These forests are home to more than half of the continent's animal species, including most of the forest elephants left in Africa and the entire world's population of lowland gorillas. They also provide food, materials, and shelter to some 20 million people.

The conservation and sustainable management of forests and the survival of local, rural and indigenous communities in the developing world, many of whom are poor and have been marginalized by poorly designed development strategies of the past. Bold commitments and ambitious partnerships are the secret to achieving successful conservation.

As diplomats and environmentalists gather in Brazil this week at a meeting of the UN Convention on Biological Diversity to address the rate at which the world's natural resources are being degraded and destroyed, they should look to large-scale, multi-partner conservation initiatives as a way to make it to that 2010-targeted finish line.

# **Conservation of Wetlands: An Analysis of Indian Laws, Policies and International Obligations**

Lakes, floodplains, marshes and deltas: Indian wetlands are not only the home of a wide variety of plants and animals but it also provides livelihood to the thousands of communities with a wide range of ecological services. Freshwater ecosystems, when scored on the area they cover and the number of species they harbour, are in fact the most species – diverse habitats on earth. In India, despite having unique ecosystem value and ecological services, wetlands suffer from over-exploitation, overuse of their resources, drainage and pollution. India, till date, does not have specific legislation for the conservation of these wetlands. Neither do the wetlands find specific mention in any of the numerous environmental legislation / statutes that our country has. However, there are certain laws that have an indirect bearing upon the country's wetlands. In this brief article, we have reviewed the existing Indian laws and policies and how they are supporting towards the conservation of wetland in the country.

## **Wildlife Protection Act (WPA), 1972:**

WPA provides for notification of certain areas of ecological, faunal, floral or geomorphologic value as national parks and sanctuaries. These are certain wetlands that are included in these National Parks and Sanctuaries. However, such protection is only incidental and takes place due to the fact that these wetlands are inhabited by endangered species. It further prohibits any exploitation or removal of any wildlife from a sanctuary except under a permit granted by Chief Wildlife Warden. Such a provision on the one hand keeps any person, even the local communities away from the threatened ecosystem and on the other hand leaves a scope for misuse and exploitation by way of obtaining permits. These permits are to be granted only when the State Government is satisfied that it is essential for better management of the wildlife. However, in absence of any guidelines the doors are open for exploitation.

## **Indian Forest Act, 1927:**

Similarly, under the Indian Forest Act certain areas can be declared as protected forests. In most of these protected areas, sanctuaries etc. local population's interference is either restricted or reduced to minimum and certain activities like grazing are banned. But what one fails to take into account is the fact that wetlands constitute an ecosystem that can very much flourish with humans provided it is done in a judicious manner.

## **Environment Protection Act (EPA), 1986:**

EPA confers on the Central Government the power to take all such measures, as it deems necessary or expedient for protecting and improving the quality of environment. EPA is the umbrella legislation, which takes within its ambit, air, water, land, and the interrelationship that exists amongst them and with human beings or other living beings. Ecologically, fragile or sensitive areas can be notified and restrictions on certain activities can be imposed under the EPA. Coastal wetlands falling under the coastal zone are covered by the CRZ Notification, 1991. The CRZ Notification proposes graded restriction in coastal areas including coastal wetlands on setting up and expansion of industries, operations and processes including pressures from human activities.

### **Indian Fisheries Act, 1897:**

Indian Fisheries Act though is an old act it regulated certain matters relating to fisheries and water bodies. Fisheries although is a State subject and hence certain rules are to be made by State governments in this respect. The 73<sup>rd</sup> amendment of the Constitution vests the management of common lands and water bodies with the Panchayat. Even under the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA), no State Government shall make laws which are not in consistency with the planning and management of minor water bodies of Panchayats at the appropriate level.

Thus, wetlands are not governed by any single or specific legal statute but fall within the ambit of above-mentioned legislation. These laws influence wetland conservation and management indirectly and at different levels. As a consequence, despite having various laws the wetland remains a threatened ecosystem due to factors such as jurisdictional overlapping and non-recognition as a separate ecosystem.

### **Review of Existing Policies and Conservation of Wetlands:**

India so far does not have a national wetland policy yet. Due to this absence and the nature of wetland and its ecological value, other policies such as agriculture, water, fishing etc. have an impact of them. However, the draft National Environment Policy, 2004 does recognize wetland as an important fresh water resource providing numerous ecological services. It also observes that these natural and manmade, freshwater or brackish wetlands are a threatened ecosystem today.

The Draft National Environment Policy lists following action points for the conservation of wetlands:

- a) Set up a legally enforceable regulatory mechanism for identified valuable wetlands to prevent their degradation and enhance their conservation. Develop a national inventory of such wetlands.
- b) Formulate conservation and prudent use strategies for each significant catalogued wetland, with participation of local communities, and other relevant stakeholders.
- c) Take explicit account of impacts on wetlands of development projects during the environmental appraisal; in particular, the reduction in economic value of wetland environmental services should be explicitly factored into cost-benefit analyses.
- d) Consider particular unique wetlands as entities with “Incomparable Values”, in developing strategies for their protection.

Another policy bound to have an impact on wetlands is the water policy. India's National Water Policy of 2002 recognizes water as a part of a large ecosystem and thus calls for a multidisciplinary approach to planning, formulation, clearance and implementation of projects. It also sees ecology as a priority area with respect to water allocation.

There is also a huge gap between the various sectoral policies. The fact that any policy does not work in isolation is ignored. The policies governing fisheries, agriculture etc. has absolutely no provisions for conservation and wise use of wetlands. These policies have a deep impact on the ecology and economy of wetlands without even giving recognition to wetlands. From the perspective of wetland conservation and use, coordination between various policies is missing.

### **International Conventions and India's Obligation:**

India joined the Ramsar convention on wetland in 1981. The mission statement of the convention is conservation and wise use of all wetlands through local regional and national actions and international cooperation as a contribution towards achieving sustainable development. Even though twenty-four years have passed, there is a lot left to do for the conservation of wetlands in India. As noticed above, the mission statement of Ramsar embodies two principles in it. We may have taken certain action towards the first objective but the second aim i.e., the wise use of wetlands has still been ignored largely.

Towards India's obligation for conservation of wetland of international importance, the MoEF has identified 66 wetlands in the country covering 7.6 mha in 21 States for conservation and management. Of these, 19 sites are enlisted as wetlands of international

importance under the Ramsar convention. Of the nineteen Ramsar sites, two are listed under the Montreaux Record (Loktak & Keoladeo National Park). Another wetland area under the Montreaux list till 2002 was Chilka Lake. Not only was it removed from the list, but also awarded the International Ramsar Convention Award for 'outstanding work in the field of conservation and wise use of wetlands involving local communities'. A blend of integrated approach and existence of appropriate institutional mechanism has led to this achievement. We need to learn from this experience and develop a comprehensive and inter-disciplinary and inter-sectoral strategy for conservation and management of wetlands.

Moreover, India is also a party to the Convention on Biological Diversity (CBD). CBD addresses concern related to water ecosystems through its international programme of work on Inland Waters Biodiversity. At the COP-4 meeting a Joint Work Plan between the CBD and the Ramsar Convention in Wetlands was enclosed. It was suggested in decision IV / 4 that CBD Parties requesting Global Environmental Facility funding for projects related to inland water ecosystems take into account the criteria for Wetlands of International Importance as adopted under the Ramsar Convention. In the recently concluded 11<sup>th</sup> meeting of Subsidiary Body on Scientific, Technical and Technological Advice of CBD held in Montreal, wetland also finds mention on the provisional agenda.

#### **Suggested Terms of Reference (TOR) for the Wetland Policy:**

Thus, in view of the immense value that wetland has, the threat it faces from biotic and abiotic factors and India's obligations under international Conventions, it becomes absolutely essential that India develop a National Wetland Policy. Following are some of the suggested TOR that should be taken care of while formulating any regulatory, legal or policy framework for an effective conservation and management of wetlands:

- Evaluation of existing scheme in terms of SWOT analysis (strength, weakness, opportunities and threats)
- Identification of unique wetlands with incomparable value.
- Identification of proximate threats, proposed policy and legal measures.
- Assessment and evaluation of environmental and economic services.
- Multi Stakeholders participation and Capacity building.
- Monitoring and enforcement with legally enforceable mechanism.
- Classification of wetlands according to their ecological and economic value.
- Integration of cross sectoral policies and plans
- Analysis of customary practices and customary laws for wise use of wetlands.
- Eco sensitive areas under the EPA and amendments to WLPA and EPA