South Asian Environmental Diplomacy: Species Conservation And Beyond

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Abstract- *The South Asia region has been facing multitude of environmental threats which are beyond control of any singular country. Most of the South Asian Countries are Party to various multilateral environmental declarations, agreements, treaties, conventions and frameworks. With its unique geographical features including trans-boundary river system, trans-boundary ecosystems with protected areas spreading over international border, are the South Asian Countries adopting or pursuing to environmental diplomacy to resolve their trans-boundary or regional or global environmental problems? Have international instruments transformed or facilitated or being catalyst for regional environmental agreements among South Asian Countries? This essay delves into species conservation efforts in South Asian region with a special critical look at recently concluded Memorandum of Understanding between India and Bangladesh. This paper also highlights potential of regional forum like SAARC to accelerate regional environmental diplomacy.*

Key Words*: Environmental diplomacy, endangered species conservation, climate change, South Asia.*

Introduction

Environmental diplomacy has its origin in biological conservation dates back to the Treaty Concerning the Regulation of Salmon Fishing in the Rhine River Basin among Germany, Luxemburg, the Netherlands and Switzerland in 1886. However, during last fifty years, the emergence of 'environmental concerns' facilitated by great discoveries and voyages with substantiated by international science, the environmental diplomacy has been gaining momentum. The UN sponsored global environmental conferences have streamlined diplomacy on environment as one of the priority political agenda. Since UN Conference on Human Environment (UNCHE) and especially during Conference on Environment and Development (UNCED), the notion of environmental diplomacy added to the lexicon of foreign affairs of countries. Are the South Asian Countries adopting or pursuing environmental diplomacy to resolve their trans-boundary or regional or global environmental problems? Most of the South Asian Countries are Party to various multilateral environmental declarations, agreements, treaties, conventions and frameworks. Have these international instruments transformed or facilitated or being catalyst for regional or bilateral environmental agreements among South Asian Countries?

Environmental Diplomacy

'Environmental diplomacy' or 'eco-diplomacy' has been a recent phenomenon in international relation. Despite its volume and momentum with growing number of specialised professional representatives of the governments to deal with, there is no commonly accepted definition in arena of international politics. Further, the study on environmental diplomacy in South Asia is very limited. While the region produced a masterpiece of 'complete diplomacy' as in Kautilya's *Arthashastra* in 4th Century, there is no coherent effort to develop 'environmental diplomacy' as a tool to address trans-boundary environmental challenges in India. More recently an attempt has been made to critically look at the MENs and capacity of South Asian countries for its implementations[1]. Mitigation of environmental stresses in South Asia is possible only through ecological cooperation as building trust to resolve long-standing territorial disputes[2] and by entering into treaty[3].

Eco-diplomacy is a new fields in international relations, in essence a kind of environmental stewardship that emphasises international cooperation and multilateral actions to address transnational environmental harm[4].

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"Environmental diplomacy", as defined by UN Environment Program (UNEP), "as a combination of tools and approaches to help parties in dispute create opportunities for cooperation, confidence building and conflict transformation by addressing joint environmental and natural resource issues".[5] The UNEP promotes shared natural resources or common environmental threats as a platform for dialogue, confidence-building and cooperation between countries.

The basic understanding of structure, process and outcome of environmental diplomacy has provided by Susskind who describes the actors, stages of negotiations and information exchanges[6]. While there has been a growing number agreements regarding conservation, protection, and management of species, it has been clubbed into four types of negotiations on biological conservation[7]. The first is the traditional form of conservation treaty negotiation, intended to provide participants with a fare share of a reserve and to prevent overexploitation of a resource. The second type of negotiation involves conservation of a species or habitat that is not currently being exploited. A third type of negotiation concerns joint measures to contract a threat to a common stock other than by overexploitation, such as by pollution. A fourth type of negotiation aims at ensuring a sustainable yield and at regulating international trade in products obtained from a natural resource.

According to Cyrille de Klemm (1993), sectoral conservation treaties deal either with certain species or with certain types of natural habitat or protected area[8]. Although species and area-based measures may frequently be combined, such treaty may be either global or regional. Instrument dealing primarily with the protection of wild species fall into three broad groups as below:

(a) Species whose range is shared by several states: Where the range of a given species covers several neighbouring states, effective measures for its protection are usually dependent upon the conclusion of international agreements for the taking of joint conservation of management measures to conserve stacks, control trade of preserve the natural habitat of the species in the region concerned.

(b) Migratory species**:** Migratory species are increasingly seen as an international resource, given that different states have jurisdiction at different points along their migration routes. However, the majority of international agreements are limited to the protecting of migratory birds, basically in Europe, North America as bilateral agreements. The convention on the conservation of Migratory species of Wild Animals adopted in 1979 in Bonn was an example of migratory species conservation.

(c)Treaties regulating the trade in wild species: The global Convention in International Trade in Endangered Species of Wild Fauna and Flora (CITES) was signed in Washington on 3 March 1973 and entered into force on 1 July 1975. In this global treaty trade in endangered species have been regulated. Most of the states are party to this treaty.

(d) Treaties regulating the exploitation of wild species: Certain species-based treaties may be classified as 'exploitation treaties' where their primary aim is the conservation not of biological diversity but of the basis for an economic activity. In order to prevent over-exploitation of the natural resource in question, it is necessary for joint regulatory measures to be adopted and implemented and toe share the results of scientific research into the populations of management stocks. Major examples are International Whaling Commission (ICW) signed in 1946 and the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) signed in 1980.

However, Lyster Simon's typology of species conservation treaties falls into three categories[9]. In the first category, treaties designed to protect either a single species or group of species, examples are: agreements for polar bears, vicuna, and northern fine seal, and treaties for migratory species, whales, birds, Antarctic seals etc. With a few exceptions, these treaties concentrate on

restricting killing or trading of animals rather than dealing with other threats such as loss of habitat. In the second category, the regional treaties of habitat protection in America, Africa, Europe and Antarctica are included. Third category of treaties, open to almost any country wishing to join them i.e. CITES, Convention on Migratory Species (CMS), Ramsar Convention, etc. They cover wetlands, habitats of outstanding universal values, international trade in wildlife and migratory species.

Biodiversity Conservation in South Asia

South Asia region was formed due to geophysical violence in terms of plate movement. This land mass is covered and separated from rest part of the Asia by a long stretch of Hindukush-Himalayan mountain range in the Northern side. The other side of the Indian subcontinent is surrounded by Bay of Bengal, Indian Ocean and Arab sea. This geophysical surrounding gives a unique though varied life support system. While the people of South Asia are organised within several political boundaries, however, the rivers, the mountains, and the ecosystems in general and species in particular are transboundary. The protected areas are transcending political boundary in this subcontinent. These unique features explain the diversity of species and ecosystems in Indian subcontinent.

The region comprises 22 percent of the world's population living on 3.5 percent of total land area but contain only 2 % of the world's forest area. The Hindukush- Himalayan mountain range is the host to the world's highest ecosystems. The range is home to over 25,000 major plant species, comprising 10 percent of the world's flora. Indian subcontinent has a unique feature of existing protected areas, which transcends political boundary. The Royal Manas National Park (NP) of Bhutan shares the border with Manas Tiger Reserve of India. Similarly Nepal's Royal Chitwan NP and Parsa Wildlife Reserve shares Valmiki Tiger Reserve of India. Also Suklaphanta Wildlife Reserve and Royal Bardia NP are situated adjacent to Dudwa Tiger Reserve of India and many more.

Other landscapes in the Himalayan region that are potential spot/area for trans-boundary implications are: Palas-Kaghan-Machiara complex (Pakistan and India), Western Terai (India and Nepal), Kanchenjunga Complex (Nepal, India and China), Thrumshing La-Black Mountain- Jigme Dorji-Manas Complex (Bhutan and India), Divang Valley- Walong Complex (India and China). The Sunderbans, covering some 10, 00,000 hectare of land and water formed by sediments deposited by the Ganges, Brahmaputra and Meghna, is transnational. Out of 14 percent of World's remaining mangrove forests, almost 60 percent of the Sunderbans is situated in Bangladesh while the remaining western portion lies within India [10].

Besides protected areas, the major river systems both tributaries and distributaries dismantle the restricted border. Major rivers like the Indus, the Ganges and the Brahmaputra originate from southern slopes of highland Tibetan plateau and covers more than one country in their course. Distributions of species throughout South Asian countries are remarkable. Fauna like Asian Elephant are found in India, Bangladesh, Nepal, Bhutan and Sri Lanka; greater One-horned rhinoceros in India, Nepal, Bhutan; Musk deer in India, Bhutan and Nepal; the Gangetic River Dolphin is found in Nepal, India and Bangladesh. Some migratory species like Olive Ridley Turtles are found in the coast of Sri Lanka, India and Bangladesh. Most species are trans-boundary in nature, migrates from one country to another, like rhinoceros migrates from India to Nepal. However, the protected areas that shares common borders often share common problems such as poaching and illegal trade in wildlife through the porous borders. The region is prone to natural disasters such as cyclones, floods and landslides.

Thus, cooperation among these countries of the region offers great potential for the preservation of biodiversity. Trans-boundary conservation can bring many benefits to species in particular or biodiversity in general. From a biological perspective, the joining of a protected area of one country with the protected area of another expands the size of the habitat in the same ecological zone. The larger the size of the

protected area, the greater the chance of preserving the ecosystem in its totality, and of providing adequate habitat for widely-ranging species. Another benefit from cooperation is that illegal activities such as poaching, unsustainable harvesting can be addressed. To control these activities requires common legal frame works and coordination in implementation. This though transgressing the sovereignty of natural resources, it calls for diplomacy, dialogue and cooperation. It also helps countries to meet their obligations under international agreements such as CITES, Ramsar Convention, Convention on Biological Diversity (CBD).

Unilateral Conservations

The earliest codified laws in India can be treated to the third century B.C. when king Ashoka made laws in the matter of preservation of wildlife and environment. In the First Major Rock Edict, Ashok decreed that no living thing was to be sacrificed for festival[11]. The first codified law in India that heralded the era of laws for protection of wildlife was enacted by the British– was the Wild Birds Protection Act No. X of 1887. Post Independence, the Parliament passed the Indian Wild Life (Protection) Act (IWPA) in 1972. The IWPA was the first comprehensive act meant specifically for the protection of wild life. But unfortunately, even the 1972 Act under section 9, permitted hunting, though with a license, for the purpose of (a) special game, (b) big game, (c) small game, and (d) wild animal trapping[12]. Under the circumstances poaching continued on a large scale, as the trade in trophies and animal articles was not completely restricted. In 1976 wildlife in India finally got its due place and recognition under the Constitution as Article 48A (w.e.f. 3.1.1977) in part IV that contains the Directive Principle of State Policy. Article 48 (A) reads: "The state shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country"[13].

Besides IWPA 1972 (and amended Acts), Customs Act 1962 also controls import and export of wild animals. Similarly, Nepal, Bhutan, Bangladesh, Sri Lanka and Pakistan have their respective country laws and regulations to protect wildlife.

Regional Block SAARC and SACEP: Platforms for Environmental Diplomacy

With the development of international laws to conserve wildlife, South Asian countries have been incorporating measures in their national laws. It is the obligation of member countries to formulate policies accordingly. However, the unilateral laws have failed to protect the wildlife. To resolve the problems like poaching, illegal trade, migration of animals and loss of habitat, it is imperative to seek cooperation among countries.

The genesis of environmental diplomacy in South Asia can be traced to the formation of South Asia Co-operative Environment Program (SACEP) in early 1980s. Prior to forging a political regional block as South Asia Association for Regional Cooperation (SAARC), the need for a sub regional group for resolving regional environmental problems emerged as SACEP. Established in 1982 in Colombo, this inter-governmental organization is to promote and support protection, management and enhancement of the environment in the region. It has provided technical support by encouraging cooperative methods to tackle trans-boundary environmental problems on sea, in land and on air. The South Asian Seas Program, South Asian Coral Reef Task Force and tackling trans-boundary air pollution are being few examples of regional efforts made by SACEP.

For forging a common stance among eight South Asian countries during World Summit on Sustainable Development (2002), SACEP took a part in preparing the South Asian regional position paper on sustainable development. In 2004, SACEP and SAARC signed a MoU on cooperation for the protection of environment of the region. During its 12th Meeting of the Governing Council in Colombo, 2010, the Environmental Ministers of member countries recognising the importance of biodiversity in South Asian economy development and ecosystem service in and around the region, pledged to accelerate the efforts to halt the biodiversity loss[14]. The highest body, i.e., Governing Council had also urged SACEP forge

greater links and interaction with SAARC and to signing the SAARC Convention on Co-operation on Environment.

After immediate establishment, SAARC had initiated a special regional study on 'causes and consequences of natural disasters and protection and preservation of environment' in 1987 which elaborated the problems and sought for a regional approach through mutually agreeable financial and institutional mechanisms[15]. The Fourth SAARC Summit in 1988 decided another study regional in scope on the 'Greenhouse Effect and its Impact on the Region' to provide a basis for an action plan for meaningful cooperation among Members[16].

In early 1990s, the South Asian countries were grappled with information surge on environmental concerns around the world. The end of Cold War had opened the new chapter of diplomacy for protecting or forwarding national interest on the face of environmental degradation. As it was the beginning of environmental diplomacy in international arena, SAARC environmental ministers met first time just before the Rio Summit in 1992 for taking unanimous stand at Summit in Rio[17]. The hype and anxiety which brought by Rio Summit has not seen in SAARC unity during Post-Rio decade. Often discussion on trade and environment, sustainable development and major global environmental issues like climate change took place under SAARC Ministerial summits. The two regional technical studies had somehow pushed the governments to agree upon 1997 SAARC Environment Action Plan which identified key concerns and implementation plan approved at Male. Late 2000s have witnessed more consorted efforts in discussing environmental threats in SAARC especially on climate change. However, during almost two decades since Rio Summit, the Environment Ministers of SAARC have met eight times only. Since, SAARC has came a long way in prioritising environmental issues especially climate change.

There have been instances of growing common shared negotiating position of SAARC in MENs. SAARC has adopted common positions at Conference of Parties (COP) to UNFCCC -COP 15 (2009) and COP 16 (2010) respectively. To convey the regional aspiration on climate change, SAARC has accredited as an observer with UNFCCC since 2010. The Dhaka Declaration and SAARC Action Plan on Climate Change (2009-2011) adopted in 2008 and Thimpu Statement on Climate Change adopted in 2010 have ushered a new phase in SAARC for cooperative effort on climate change[18]. The SAARC has huge potential to provide a common shared platform on environmental issues of 21st Century but yet to utilise its potential.

Global Tiger Forum and Global Tiger Initiative: Multilateral Species Conservation

The first meeting of tiger range states to set up the Global Tiger Forum (GTF) to address the declining tiger population was held in New Delhi in 1994. It was attended by 11 tiger range countries and a number of non-tiger range countries; inter-governmental organizations and national and international NGOs. As per 'Delhi Declaration on Tiger Conservation', GTF was established and MOEF of India was elected as the first chairperson[19]. The GTF is consisting of 7 tiger range countries as members and INGOs, other non range countries, specialised agencies and so on to protect as few as 3,200 tiger today[20].

With the help of UNEP and WWF-International, ministers from Tiger range states met in 1997 once again before commencement of General Assembly of the Forum. Subsequently, India held an informal meeting with Ambassadors, High Commissioners, and other representatives of the Tiger Range states at New Delhi during November 1995 to speed up the ratification of statutes of the GTF by the Tiger Range States[21]. In 2000, the first General Assembly meeting of GTF was held in Dhaka where 40 representative from five member countries – Bangladesh, India, Myanmar, Vietnam and Bhutan and nine non-member tiger range countries – Nepal, Laos, Cambodia, Indonesia, Malaysia, North Korea, China, Russia and Thailand participated. Besides observes from different international NGOs, WWF etc. were present in the meeting. The

meeting was primarily expected to focus on the Royal Bengal Tiger found in the Sunderbans forests in Bangladesh and India. It was also expected that both countries would try to reach a consensus for cross boundary cooperation on conservation of tigers.

The Dhaka Declaration states that for the conservation and protection of tigers and its habitats should be formulated through inter-state protocols. This ten-point declaration is to protect the existing tigers in 14 counties and also its habitats include Sundarbans, Royal Chitwan NP, Valmik NP, Parsa NP, Bardia NP, Sohelwa NP, May-U range and Chin Hills and Royal Manas and Phipso protected areas. Besides, the Assembly reviewed issues like 'inclusion of new members into the forum', the status of tiger and its habitats', 'population and threats across the world', 'illegal poaching and trade in tiger bones and derivatives' etc. Besides, it also discussed strategies for trans-boundary cooperation, protocols and the terms of inter-state agreements to save the tigers.

On the bilateral front India disclosed that it was going to sign an agreement with Bangladesh shortly in conserving the tigers, at the inaugural ceremony of the Assembly meeting. India's representative, Babulal Marandi, the then Minister of Environment of Forest, stated it would be impossible to conserve tigers without appropriate enforcement measures along the international frontiers. However, Sundarban's tiger population had to wait eleven years for such cooperation between two adjacent neighbours. The progress in GTF has been very slow due to lack of resources. Established in 1994, the GTF's first assembly meeting was held after six years. The last General Assembly, which was fifth of GTF, met in Delhi in 2011. The membership is also another concern area. The Illegal market for Tiger and its derivatives are in China, Korea and South East Asia.

Meanwhile, in 2008, the World Bank, Global Environment Facility, Smithsonian Institution, Save the Tiger Fund, and International Tiger Coalition (representing more than 40 non-government organizations), established Global Tiger Initiative (GTI) for working together toward a common agenda to save wild tigers from extinction. The GTI Secretariat, based at the World Bank in Washington, DC, assists the 13 tiger range countries to carry out their conservation strategies through planning, coordination, and continuous communication. This is more confusing at the outset of two parallel and more overlapping multilateral forum- GTI and GTF existing for one purpose to save tigers. The government's initiative multilateral forum as GTF is fading its rational against the financially backed leading by 13 tiger range countries GTI. The World Bank, as financial institution, being GTI's secretariat has pushed new model for tiger conservation till 2022.

India-Bangladesh Bilateral Relation on Tiger Conservation and Protecting Sundarban

Sunderban, habitat and the largest sanctuary for the Royal Bengal Tiger in the world, shares common boundary of India and Bangladesh. With shared concern for dwindling population of Tiger, both countries entered into agreement to ensure survival and conservation of the tiger in Sunderban in 2011[22]. The Protocol on Conservation of the Royal Bengal Tiger of the Sunderban is one of the progressive initiatives taken by neighbouring countries to jointly address threats to Tigers. The Protocol provides for bilateral cooperation in undertaking scientific research, knowledge sharing and patrolling of the Sunderban waterways on their respective sides to prevent poaching or smuggling of derivatives from wildlife and bilateral initiatives to ensure survival and conservation of the Royal Bengal Tiger in ecosystem of the Sunderban. The Protocol also provides for cooperation to promote understanding and knowledge of Royal Bengal Tigers, exchange of personnel for training and promotion of education.

Simultaneously, a Memorandum of Understanding (MoU) was signed between two countries to conserve and utilise Sunderban for development and poverty alleviation (MoEF: 2011). Both the countries are parties to the CBD and are contracting parties to the Ramsar Convention. The MOU seeks to facilitate

Table 1: Countries and Year of Entry to Conventions

MENs on Species	India	Bangladesh	Nepal	Bhutan	Sri Lanka	Pakistan	Maldives	Afghanistan
Ramsar (1971)	1982	1992	1988	2012	1990	1976	NA	NA
CITES(1973)	1976	1981	1975	2002	1979	1976	2012	1985
CMS1979	1983	2005	2008	2005	1990	1987	2010	2006
IWC (1946)	1981	NA	NA	NA	NA	NA	NA	NA
CBD (1992)	1994	1994	1993	1995	1994	1994	1992	2002

cooperation in the areas of conservation of biodiversity, joint management of resources, livelihood generation for poverty alleviation and development, cataloguing of local flora and fauna and studying the impacts of climate change. A Working Group would be set up to implement the activities under MoU.

It is beyond obvious that the agreement was triggered by climate change discourse. As Sundarban can be termed as lungs of South Asia due to its vast forest cover, India suggested immediately after Copenhagen COP that both countries were joining hands to establish Indo-Bangladesh Sundarbans Eco-System Forum [23]. The Forum would include civil society organisations and local communities of both the countries, plans to coordinate efforts in afforestation, management of mangroves and conservation of the tiger. However, the Joint Working Group on Conservation of Royal Bengal Tigers at the Sundarbans under the MoU has yet to be set up to explore the possibilities of cooperation[24].

Subsequently, moving forward with bilateral cooperation, India and Bangladesh have proposed a Joint Venture between NTPC (India) and Bangladesh Power Development Board (BPDB) to set up a 1320 megawatt (MW) thermal power plant in Bagerhat which is nine miles of the Sundarbans as agreed in 2012[25]. This proposed project has attracted severe protest from environmental groups as it would affect the Sundarbans ecology[26]. However, after a site visit by Indian delegation on April 2014, Indian High Commissioner to Dhaka said that coal-fired power plant will not be harmful to the Sundarbans as 'supercritical technology' will be used in the plant[27]. The Indian government expects that plant will come into operation by 2016-17. Do India and Bangladesh have trans-boundary environmental impact assessment policies to consider the impact of such projects? There are several bilateral projects funded by international financial institutions which neither consider trans-boundary impacts nor successful in implementation. The case of Lafarge Surma cement project funded by World Bank, ADB and IFC-private arm of World Bank which faced India's apex court intervention is a trans-boundary project between India and Bangladesh.

Conclusion

Conservation is not alien to the Indian subcontinent. From third century BC to mid-twentieth century, South Asia had been passed through more or less uniform legislation on conservation. With countries getting independence from foreign rule that uniformity eroded and permitted independent regulations to emerge. These unilateral efforts have been unsuccessful in addressing natural resource degradation. Major events both at regional and international level like liberation of Bangladesh, the Stockholm Conference and institutionalisation of CITES marked the beginning of conservation through diplomacy in South Asia. It was in 1987 that South Asian countries had started environmental diplomacy in the region under the aegis of SAARC. However, environmental diplomacy is in its embryonic stage.

Until mid-2000s, the South Asian diplomacy had least touched upon environmental issues. However, the rapid economic growth on the face of severe environmental consequences has

opened the wide avenue for diplomacy. The regional cooperation on priority areas of environment needs to translate from talking points of workshops and conferences to actual implementations. International institutions like ICIMOD, WWF, IUCN and UNDP and financial institutions like World Bank and ADB have been creating a common ground in South Asia through various technical studies and projects. As a cultural unit with its value system and history and common approach to life, South Asia provides sufficient diplomatic space for negotiation and discussion on the issue of water, biodiversity, climate change that affects the human life. The species conservations which have seen a headway can have potential to amplify cooperation on shared water resources among South Asian countries. There is an urgent need of codifying the structure, process and outcome of environmental diplomacy in South Asia for further its utilisation by South Asian countries.

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