

4TH TERI-KAS ENVIRONMENTAL GOVERNANCE DIALOGUE

Environmental Governance in the Context of Sustainable Development in India

October 6–8, 2013
Bangalore

THE CASE OF PLATEAUS AND HILLS



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Dialogues on Environmental Governance in the Context of Sustainable Development

The fourth Dialogue on Environmental Governance in the context of Sustainable Development was organised from October 6th to 8th, 2013, at Bangalore and was focused on the case of the Plateaus and Hilly Regions of India. The purpose of these dialogues is to utilise an ecosystem approach to capture the diversity of stakeholder opinions and increase participation of major groups in governance mechanisms for sustainable development. Particularly, these stakeholder dialogues have a role to play in:

- Identifying and engaging with multiple viewpoints and outcomes;
- Formulating and observing norms/rules for sustainability; and
- Embracing the concept of 'knowledge' as an enabling factor for 'science' in environmental policy-making and regimes.

The discussions on the first day of the dialogue spanned across the various stakeholders, their interests and environmental changes in the region; the prevalent science and

politics around environmental governance in the plateaus and hills; and the emerging institutional and policy innovations for strengthening environmental governance. After these discussions, several overarching issues were identified and delved into further. These issues were:

- Ecosystem concepts and their role in policy-making;
- Development and land use policies;
- Science and communication for environmental governance;
- Role of judiciary in environmental governance; and
- Theoretical and pragmatic considerations for environmental governance.

Following is a summary of the discussions during the dialogue and the themes identified by participants for better environmental governance in the plateaus and hills.

The Plateau and Hill Regions of India

The plateau and hilly region of India comprises the Deccan plateau—in the form of a raised triangle congruent to the country's coastline; the Chhota Nagpur plateau, which forms the continental part of the Deccan plateau in the eastern part of India; the Eastern Ghats, which are a discontinuous and eroded chain of hills, running parallel to India's east coast; and the Western Ghats, which are a range of hills running parallel to India's west coast.

Administratively spread across the states of Jharkhand, Odisha, Chattisgarh, Maharashtra,

The plateau and hilly region of India comprises the Deccan plateau; the Chhota Nagpur plateau; the Eastern Ghats, which are a chain of hills running parallel to India's east coast; and the Western Ghats, a range of hills that run parallel to the west coast

Goa, Andhra Pradesh, Karnataka, Kerala, and parts of Tamil Nadu, the region under consideration has much to boast. It consists of some of the hottest biodiversity hotspots in the world along with India's prime forests. The region is the most important source of India's mineral wealth and is home to the country's most important urban and economic centres below the Tropic of Cancer. Besides urban centres, it is also home to a large tribal population spread across the forests and hills.

Today, the region is experiencing extreme pressure of rapid economic development and urbanisation. The cities of the region are facing acute water shortages; there are increasing human-animal conflicts in regions such as the north Karanpura Valley, Hazaribagh and the tiger and elephant corridors; issues of livelihoods and non-compliance of environmental laws are at opposing ends of conflicts around mining in Goa and Bellary; there is loss of forest cover and infringement on the rights of tribal people in Niyamgiri; and a lack of robust governance frameworks for the delicate ecosystems of the Eastern and Western Ghats.

Stakeholders, Interests and Environmental Change

Environmental governance in India can be seen as trying to balance positions between different sets of attitudes, informed by varied experiences and influenced by information flows from our history, culture, geography and numerous other disciplines. It can also be seen from the broad framework of environmental justice, which brings issues of equity to the centre stage. In a country where inequalities exist because of class, caste, ethnicity, religion and economic conditions, there is a need for discussion on the underpinnings of the development model adopted so as to ensure equitable outcomes.

Environmental governance in India no longer only deals with issues of environmental protection. It exists within a background of the economic growth paradigm, issues of livelihoods, issues of rights of communities and of institutional arrangements that influence the environment discourse. Strategies for promoting economic growth have been at the expense of the environment; under the



V.S. Vijayan (seated second from right), Chairman, Salim Ali Foundation, making his comments in the open discussion during Session 1

pretext that the achievement of economic growth will automatically lead to environmental protection—as has been put forth by the hypothesis of the Environmental Kuznets Curve. This approach, though dominant for years, has seen social unrest, resistance and negotiations by groups who have had to face the immediate consequences of poor environmental conditions and loss or depletion of natural resources to the cause of economic growth. An example where this was most evident in the plateaus and hills was in the mineral development sector in Goa, Bellary and Niyamgiri.

Within the economic growth paradigm, the nature of investments are changing with a bigger role for the private sector, new arrangements through joint ventures and international financial institutions taking the place of large public sector entities. Different stakeholder opinions have been articulated for the utilisation of natural resources: the private sector has pursued its agenda of profit maximisation through resource exploitation; the urban communities have expressed their demands for products and services which are provided for by businesses; the rural communities are changing their way of life,

aspiring to better standards of living and shifting into roles that no longer demand them to be custodians of the environment; and tribal communities facing constant pressures in sustaining their traditional way of life are demanding their deserved rights to environmental resources that are sought by other stakeholders.

Interacting with all these stakeholders, the government and its various levels are facing the challenge of following an ethical, socially acceptable and economically stimulating course of action. This has created numerous conflicts between ministries—on promoting projects that are 'important' to the economy and stalling clearances on the basis of environmental damage and lack of remedial action. The contested nature of the balance between environment and development has created disagreements even within the Ministry of Environment and Forests on the governance of sensitive ecosystems. This was most apparent in the treatment and later rejection of the recommendations of the Western Ghats Ecology Expert Panel (WGEEP), which was replaced by the less nuanced recommendations of a High Level Working Group (HLWG).



Manju Menon (seated third from left), Senior Fellow, Centre for Policy Research, framing the issues of Session II

The varied stakeholder interests in the country points to the changing nature of the concept of development with static economic indicators. But this begs us to ask—how are the actors and institutions to decide on a viable course of action for sustainable development in a closed system, with limited resources, and ever increasing environmental pressures.

Science and Politics of Environmental Governance for the Plateaus and Hills

One of the problems with environmental governance in India today is the disconnect between science and policy. Some examples of this disconnect are the treatment of plateau grasslands as wasteland or their conversion to plantations; the arbitrary demarcation of elephant corridors in response to deaths of foreign nationals; conflicts between upstream watershed development and downstream tank rejuvenation; and the absence of a conceptual framework to use compensatory afforestation funds for conservation goals.

Science can play a positive role in empowering communities and local governments. One illustration of this was in Sindhudurg district,

where scientific knowledge about biodiversity was shared with village communities, leading to the preparation of eco-development plans and conservation agreements.

But the increasingly pivotal role played by scientific experts in environmental decision-making has become a cause for concern. Scientists are doubling up as policy experts and mediating the interaction between government and nature, while citizens are left out. Science and policy get further fragmented if limitations of science are not duly appreciated. It may not be possible to scientifically 'fix' every environmental issue. Standardised procedures may not be effective when applied uniformly to diverse ecosystem contexts. Failing to acknowledge how little we understand of ecological complexity, and uncertainty, will lead to erroneous decisions.

Besides the production of scientific knowledge, it is important to evaluate the channels through which science can influence governance. Rarely do researchers genuinely involve stakeholders in knowledge creation or create pathways to carry that knowledge forward. Civil society organisations can play



Suryanarayana Gorji (seated first from right), Head, Environmental Quality Mapping, Environment Protection Training and Research Institute, contributing to the discussions during Session II





T.V. Sajeev (seated centre), Programme Coordinator, Kerala Forest Research Institute, contributing to the discussions during Session III

a powerful role, but sometimes they tend to be possessive about their niches and prefer to work alone. Activists have used litigation to highlight environmental non-compliance, but they have refrained from engaging with powerful provincial governments for whom environmental sustainability takes backstage to economic and social agendas.

Environmental policy-making in the plateaus and hills is also challenged by center-state policy disconnects, slow pace of governance reform, and reluctance to devolve power. In the last two-three decades, coalition politics has made it difficult for central governments to have state governments implement

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environmental laws as intended. Despite constitutional amendments, governments continue to be reluctant to devolve power in practice; urban decentralisation, in particular, has not occurred at all.

It can be argued that the current environmental governance in India has feared setting challenging precedents and offering the thin end of the wedge. For instance, the opposition by state governments and bureaucrats to the WGEEP report reflects the interests of the mining and land lobby and other pressure groups and the reluctance of the government to devolve power. In Compensatory Afforestation Fund Management and Planning Authority (CAMPA), it is assumed that afforestation will be done by the forest department on its land, which translates into very little empowerment of local communities and lost opportunities to plant on private or community-owned land.

Finally, there are issues related to the development discourse itself. There is tension between understanding environmental issues through a landscape lens and resolving environmental problems through processes

in which people are tied to their cultural identities. In fact, there is a need to examine whether concepts in the environmental governance discourse are still relevant. For instance, migrants or outsiders cannot participate in environmental movements that are based on historical ties to land. We need to question the developmental premise of any environmental intervention and recognise new actors and their aspirations while critiquing development projects.

Institutional and Policy Innovations for Strengthening Environmental Governance

The current institutional arrangements for environmental governance in India are extensive, with legal and regulatory support to achieve the goal of environmental protection. However, there are numerous challenges to environmental governance arising from the institutional framework, such as high transaction costs of seeking information and conducting negotiations; a lack of monitoring and compliance to rules; a lack of ability to make objective decisions while considering societal points of view; and regulatory issues of ensuring appropriate compensation.

These challenges highlight the fact that our governance framework has failed to recognise the interlinks between social and ecological systems. Most times, policies and institutions have taken a one-sided view, which has resulted in either ecological failure or socio-economic injustice. It is important to understand that institutions and policies do not exist in isolation and it is only through synergies between different kinds of institutions that we can reduce conflicts.

There are various perspectives on decision-making for environmental governance and it is interesting to note whose perspective is being accepted and whose is rejected. The discussions around the plateau and hilly regions of India brought out examples where a variety of perspectives were put forth by different stakeholders for the development or conservation of the same area and also saw a change in perspectives as time and issues progressed, creating challenges for decision-making.

Good governance is increasingly multi-disciplinary and environmental issues need the expertise of both natural and social scientists but bringing these groups together



Sanjeev Ahluwalia (seated centre), Independent Consultant, framing the issues during Session III



Samantha Tamma (seated second from right), Assistant Director, Samata, making her comments during the Panel Discussion

for innovative policies has become a challenge. The communication of scientific analyses across various disciplines with all stakeholders addressing a variety of issues through a variety of mediums is the need of the hour for effective environmental governance.

Innovations in the field of information technology have assisted multi-level governance, yet there is no substitute for development of social capital at the grassroots and active avoidance of centralism in decision-making for environmental issues. One of the main agendas for institutional arrangements

and policy for strengthening environmental governance is the empowerment of decision-makers at the federal, state and local levels through sharing of knowledge and appropriate devolution of statutory power and authority.

The current processes and tools lack the very important feedback loops and review processes, making them unaccountable and almost impossible to measure progress. The local level institutions in India are not empowered to look at issues because of information and knowledge gaps that can now be filled through the use of technological solutions. There are numerous advantages of new information technology solutions—low cost, open source, have already established a proof of concept and are ever more reliable with the increase of internet connectivity. Despite these advantages, these tools have not been institutionalised to assist multiple levels of government.

One of the main agendas for institutional arrangements and policy for strengthening environmental governance is the empowerment of decision-makers at the federal, state and local levels

One of the most important institutional innovations of the last decade is governing natural resources through community-based resource management institutions. However, it has been seen that while there is an attempt to capitalise on the traditional value systems by assigning them certain functions, there is not enough effort to build their competence,

recognise their successes and provide them with the power and legitimacy to take decisions on their own.

Judicial intervention has played a very important role in the evolution of our stance on environmental issues and cases such as the Godavarman case, the Samata case and the MC Mehta case have been instrumental in the evolution of our environmental governance framework. However, the judiciary is not an administrative body and while the judiciary can establish the ethical and legal stance on issues, actual action and implementation still remains out of its domain.

Sustainable Development in the Plateaus and Hills

Ecosystem Concepts and Their Role in Policy-making

Valuation of ecosystem services has been seen as one of the ways of getting investment for conservation and a way of justifying diversion of resources on the basis of alternatives considered for analysing the costs and benefits. While proving to be a popular tool in making policy decisions, valuation has also been considered as a double-edged sword as it increases the tendency to monetise priceless components of ecosystems while creating access rights for transactions. If we accept that our knowledge of ecosystems is very limited, there are going to be inevitable gaps in terms of ascertaining the intrinsic value of ecosystems in the light of irreversible change and valuing alternatives that are mutually exclusive.

Nevertheless, valuation and monetisation can help set minimum levels for consideration when creating compensation packages for those who lose access to ecosystem services.

The current problem is that there are only a limited number of alternatives considered when comparing the valuation and more often than not the social benefits of alternatives are ignored along with the benefits accrued from interactions between society and ecology. Since private benefits are easier to calculate in monetary terms, it ends up taking precedence

than the larger public benefit. The exercise runs the risk of being subjective, based on who is conducting the exercise and how benefits can be accrued by different stakeholders.

Further, changing cultures and practices within communities may also change the value of ecosystems with time.

Development and Land Use Policies

Since land forms the basis of all activities for economic and sustainable development, land use policies need to ensure equitable access to food, water, housing, fuel and livelihoods to every citizen while maintaining the sustainability of ecosystems. This aim requires that policy-makers look at not only ecosystems, but at numerous other sectors such as agriculture, industry, urban development and transport, among others, when creating a master plan for the country. The need is to come to a balance between all the demands for land in the country and promote the efficient use of land simultaneously.

Science and Communication for Environmental Governance

The science behind environmental governance has been prone to a lot of misinformation, misrepresentation, manipulation and loss in translation. The gaps in science communication have been identified as a lack in clarity of communication of underlying assumptions, a lack of incentive to communicate effectively to the public and a lack of feedback loops from the public back to the scientific community. The challenge to scientific communication is looking at micro-

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experiences and overcoming the differences between the nature of the media that are used and, at the same time, maintain objectivity.

It has been suggested to provide maximum data and information in the public domain and support a two-way flow of data between source and stakeholders. This requires the involvement of unconventional players such as illustrators, graphic artists and communicators in the communication process who can help innovate the field of visualisation of data and information to make it comprehensible for even the illiterate.

Role of Judiciary in Environmental Governance

Judicial interventions and most notably the processes of Public Interest Litigations (PILs) have played an important role in the realm of environmental decision-making, particularly when the executive and legislature failed in upholding the rule of law.

But the issue of judicial overreach has come into light with the judiciary substituting its wisdom for that of the legislature or executive, especially when there is a distinction between matters of law, which can stay only in the purview of the judiciary, and matters of policy, which are supposed to remain in the purview of the executive and the legislature.

In the light of changing attitudes and experiences, environmental governance also needs to progress and stakeholders across the board have the responsibility to determine the principles of sustainable development

Within the judiciary, the operability of the National Green Tribunal (NGT) has also had certain loopholes that are creating top-heavy structures of decision-making. This has depreciated the powers of the NGT and lower courts to consider environmental issues, as has been seen in the appeals in the Supreme Court against several mining bans directed by the NGT.

The judiciary's role needs to stop at identifying problems and gaps in the functioning of the executive and the legislature—as a check on the two—rather than taking up the task of solving the problem completely on its own and through its own devices.

Theoretical and Pragmatic Considerations for Environmental Governance

Environmental governance has been working on the information flows of traditional knowledge and modern science—both of which, though considered as dualities, need to be seen in tandem as informing rational decision-making. In the light of changing attitudes and experiences, environmental governance also needs to progress and stakeholders across the board have the responsibility to determine the principles of sustainable development. This context points to the importance of a participatory process that empowers people and puts them in a position to make informed choices.

Institutions for environmental governance exist at all levels and their success depends on numerous contextual factors—which means that though we may not want to standardise and upscale a successful model, there is still a role for a democratic process that can identify innovations and provide them with the space to exist in a larger array of practices.

Conference Agenda

Sunday, October 6, 2013

6.00 pm onwards

Registration

6.30 pm – 7.00 pm

Welcome Remarks by

Pronab Dasgupta, Distinguished Fellow and Director SRC, TERI

Mareen Haring, Project Officer, KAS

Ligia Noronha, Executive Director, TERI

Monday, October 7, 2013

9.30 am – 10.00 am

Setting the Agenda for the Dialogue

Ulka Kelkar, Fellow, TERI

Harsha Meenawat, Associate Fellow, TERI

SESSION I

Stakeholders, Interests and Environmental Change in the Region

10.00 am – 11.30 am

Chair: **Ritu Kakkar**, Director General, Environmental Management and Policy Research Institute

Framing the Issues:

- **Kanchi Kohli**, Independent Researcher
- **A. Ravindra**, Advisor to Government of Karnataka

Discussants:

- **Aparna Watve**, Assistant Professor, TISS Tuljapur
- **Samantha Tamma**, Assistant Director, Samata
- **Mrinalini Vanarase**, Professor, Symbiosis College, Pune
- **Snigdha Nanda**, Member, Wild Orissa
- **M. Balasubramaniam**, Associate Professor, Institute of Social and Economic Change

Open Discussion

Rapporteur:

Sumit Kumar Gautam, Fellow, TERI

11.30 am – 11.45 am

Tea/Coffee Break

SESSION II

11.45 am – 1.15 pm

Science, Politics and Environmental Governance

Chair: **R. Sukumar**, Professor, Indian Institute of Science

Framing the Issues

- **Manju Menon**, Senior Fellow, CPR
- **Abhayraj Naik**, Faculty, Azim Premji University

Discussants

- **M. Amruth**, Scientist, Department of Sociology, Kerala Forest Research Institute
- **Archana Godbole**, Director, Applied Environmental Research Foundation
- **V.S. Vijayan**, Chairman, Salim Ali Foundation
- **Suryanarayana Gorji**, Head EQM, Environment Protection Training and Research Institute
- **Shrinivas Badiger**, Fellow and Programme Leader, ATREE
- **Padmalal Damodaran**, Scientist, Centre for Earth Science Studies

Open Discussion

Rapporteur:

Ulka Kelkar, TERI

1.15 pm – 2.15 pm

Lunch

SESSION III

2.15 pm – 3.45 pm

Institutional and Policy Innovations for Strengthening Environmental Governance

Chair: **Pronab Dasgupta**, TERI

Framing the Issues

- **Sanjeev Ahluwalia**, Former Sector Specialist, World Bank and Former Joint Secretary, Ministry of Finance
- **Ligia Noronha**, TERI

Discussants

- **Sudarshan Rodrigues**, Coordinator, Tata Institute of Social Sciences
- **S.N. Prasad**, Senior Principal Scientist, SACON and Secretary, Open Source Geospatial Foundation – India, International Institute of Information Technology
- **Meenakshi Kapoor**, Namati
- **Jeena T. Srinivasan**, Associate Professor, Centre for Economic and Social Studies
- **T.V. Sanjeev**, Programme Coordinator, Kerala Forest Research Institute
- **K.S. Nikhil Kumar**, Senior Fellow, Centre for Communication Governance, National Law University

Open Discussion

Rapporteur:

Harsha Meenawat, TERI

3.45 pm – 4.00 pm

Tea/Coffee Break

4.00 pm – 5.30 pm

Breakout Sessions

- Trends in judicial overreach for environmental governance
- Concepts of ecosystem concepts and their role in policy-making
- Development and land use policies—creating trade-offs and multipliers
- Science and communication for environmental governance
- Theoretical considerations for environmental governance

Tuesday, October 8, 2013

9.30 am – 10.00 am

Summary of Last Day's Discussion

10.00 am – 10.45 am

Reporting back from the groups and open discussion

10.45 am – 11.00 am

Tea/Coffee Break

11.00 am – 1.00 pm

Panel Discussion on the Way Forward for Sustainable Development of the Plateaus and Hills

Chair: **Sanjiv Ahluwalia**

Panellists

- **K.J. Joy**, Senior Fellow, Society for Promoting Participative Ecosystem Management
- **Srinivas Ganjivarapu**, Activist and Journalist
- **Dhaval Negandhi**, Indian Institute of Forest Management
- **S.D. Badrinath**, former Advisor to UNDP
- **Barun Deb Pal**, Assistant Professor, Institute of Social and Economic Change

Open Discussion

Concluding Remarks for the Dialogue

List of Participants

Name	Designation and Organisation
Sanjeev Ahluwalia	Independent Consultant, New Delhi
M. Amruth	Scientist, Kerala Forest Research Institute, Thrissur
Sridhar Babu	Fellow, TERI
Shrinivas Badiger	Fellow, Ashoka Trust for Research in Ecology and the Environment (ATREE), Bangalore
S.D. Badrinath	Ex-UNDP Sustainable Development Advisor; Ex-Senior Visiting Fellow, TERI, Hyderabad
M. Balasubramanian	Assistant Professor, Institute for Social and Economic Change, Bangalore
Avanti Basu	Associate Fellow, TERI
Padmalal Damodharan	Scientist E II, Centre for Earth Science Studies, Thiruvananthapuram
Pronab Dasgupta	Distinguished Fellow and Director, TERI



Name	Designation and Organisation
Srinivas Ganjivarapu	Activist/Journalist, Visakhapatnam
Sumit Kumar Gautam	Fellow, TERI
Archana Godbole	Director, Applied Environmental Research Foundation, Pune
Tarun Gopalakrishnan	Research Associate, TERI
Suryanarayana Gorji	Head, Environmental Quality Mapping, Environment Protection Training and Research Institute (EPTRI), Hyderabad
Mareen Haring	Project Officer, KAS
Rahul Hiremath	Fellow, TERI
Vivekanand Honnungar	Associate Fellow, TERI
K.J. Joy	Senior Fellow, Society for Promoting Participative Ecosystem Management (SOPPECOM), Pune



Participants of the fourth TERI-KAS Environmental Governance Dialogue held at Bangalore from October 6-8, 2013

List of Participants (continued)

Name	Designation and Organisation
Ritu Kakkar	Director General, Environmental Management & Policy Research Institute (EMPRI), Bangalore
Meenakshi Kapoor	Namati, New Delhi
Ulka Kelkar	Fellow, TERI
Kanchi Kohli	Member, Kalpavriksh, Noida
Pankaj Madan	Advisor, KAS
K. Manjula	Secretary, TERI
Harsha Meenawat	Associate Fellow, TERI
Manju Menon	Senior Fellow, Centre for Policy Research (CPR), New Delhi
G. Mini	Fellow, TERI
Janakraj Murali	Fellow, TERI
Abhayraj Naik	Faculty, Azim Premji University
Snigdha Nanda	Member, Wild Orissa, Bhubaneswar
Bibhu Prasad Nayak	Fellow, TERI
Dhaval Negandhi	Indian Institute of Forest Management, Bhopal
K.S. Nikhil	Senior Fellow, National Law University, New Delhi
Ligia Noronha	Executive Director, TERI
Barun Deb Pal	Assistant Professor, ISEC, Bangalore
Suneel Pandey	Senior Fellow, TERI
S. Narendra Prasad	Senior Principal Scientist, SACON, Hyderabad
A. Ravindra	Advisor to the Hon'ble Chief Minister on Urban Affairs, Government of Karnataka, Centre for Sustainable Development, Bangalore
Veerabaswant Reddy	Associate Fellow, TERI
Sudarshan Rodriguez	Senior Programme Coordinator, Tata Institute of Social Sciences (TISS), New Delhi
T.V. Sajeev	Programme Coordinator, Kerala Forest Research Institute
Adya Shankar	Tata Institute of Social Sciences, Coimbatore
M.P. Shobha	Executive Assistant, TERI
R. Srinivas	Centre for Sustainable Development, Bangalore
Jeena T. Srinivasan	Associate Professor, Centre for Economic and Social Studies, Hyderabad
R. Sukumar	Professor and Chairman, Indian Institute of Science, Bangalore
Samantha Tamma	Assistant Director, Samata, Visakhapatnam
Mrinalini Vanarase	Professor, Symbiosis College, Pune
V.S. Vijayan	Chairman, Salim Ali Foundation, Thrissur
Aparna Watve	Assistant Professor, Tata Institute of Social Sciences, Pune

Policy paper prepared by Harsha Meenawat, Ulka Kelkar and Sumit Kumar Gautam, TERI

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German House, First Floor, 2, Nyaya Marg, Chanakyapuri, New Delhi 110 021, www.kas.de