

## INDIA

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## A defective document

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The draft National Environment Policy marks an advance from the past approaches but has basic flaws that would limit its effectiveness.

A BOLD, visionary policy, dealing with India's environmental crisis, is an urgent necessity. Even the most conservative official figures reveal the serious extent of deregulation of forests, pollution of water and air, poisoning and erosion of soil, exposure of millions of people to toxic substances, displacement in the name of `development', and the threat of extinction of animal and plant species.

After several years of inaction, the Government of India finally put out in August 2004 a draft National Environment Policy (NEP). The draft makes an attempt to tackle a complex subject. Environmental destruction and conservation are intricately linked to economic, social and political aspects of life and are not amenable to easy solutions.

It describes the key environmental challenges facing the country, and their causes and impacts; lays out a set of objectives, which include conserving critical resources, ensuring equity between and within generations in the use of natural resources, integrating environmental factors into economic and social development, achieving efficiency in resource use, governance, and raising resources for conservation; lists a set of principles with a strong emphasis on the "right to development"; lists out measures to review the implementation of the policy once a year through a participatory process and a review of the policy itself once in three years.

Unfortunately, though it provides a fair diagnosis of the crisis, the draft NEP falls seriously short of fundamental changes needed to tackle it. These changes are needed in development and economic planning, and in the governance of natural resources. This failure is not entirely surprising, given that the NEP has been formulated without involving the most important sections of society that depend on natural resources for their life and livelihood.

The draft NEP contains a number of strong points. Its makes fair assessment of the institutional, policy, and other failings. For instance, it rightly points to the fact that the government has been responsible for the alienation of tribal and other communities from their common lands, thereby undermining the sophisticated traditional systems of resource management that these communities practiced. It also points to macro-economic policies, such as subsidies on chemicals that cause ecological damage. Although it fails to mention the increasing role of consumerism by the rich in degrading the environment, the draft NEP goes beyond what previous governments had to say on the subject.

It stresses the need for a flexible, evolving environment policy. Among the principles and methods it suggests for dealing with the environment are the precautionary principle under which action can be taken even in the absence of conclusive scientific proof of environmental damage caused by the project; equity in the way benefits are derived from natural resources; decentralised, participatory processes, and the doctrine of public trust by which the government is not the absolute owner of natural resources but holds them in trust for public good.

Several important strategies are laid out, including a review of economic policies that lead to environmental destruction, establishing stronger regulatory mechanisms, facilitating partnerships between communities, official agencies, non-governmental organisations (NGOs), and private parties, safeguarding ecosystems and species that are of "incomparable value", promoting organic farming, using economic instruments to curb polluting and destructive activities and integrating the economic value of natural resources into budgets and plans.

THE NEP has a number of basic flaws which will undermine the ability of the government, or other

actors, to get to the root of the problem and arrive at sustainable solutions. The following key elements are essential for a national level policy on environment:

A fundamental vision: Where does the country want to be, say 25 years from now? Does it want a world in which everyone has a right and easy access to fresh water, fresh air, healthy food, productive lives, and so on? Is there a plan to move towards a governance model in which people who are living amidst natural resources have a major say in deciding about these resources? Do people respect the right of other species to survive? A bold vision for the future addressing these concerns is missing.

An alternative model of development that puts the natural environment and people at the centre: The draft NEP does not challenge the fundamental nature of the current model of 'development', even though it is now widely recognised that this model is at the heart of environmental destruction. This model makes a holy cow of unlimited 'economic growth' (instead of a more holistic process according importance to human welfare and well-being), and in the process treats nature (and people) as commodities. It does not recognise nature as the basis of all human activities, and instead relies on essentially technological solutions to problems that are fundamentally social or political in nature.

For instance, its emphasis is on increasing food production through artificial inputs whereas the real problem is not quantum of food produced but the unequal control over its production and distribution. The draft does talk about 'mainstreaming' environment into economic planning, but without fundamentally challenging the model of development (and the wasteful consumerism that it perpetuates), this would amount to some minor tinkering. What is needed is a vision that puts nature and overall human well-being (cultural, spiritual, material and intellectual) at the centre of a process of development; from this would emanate the core principles and strategies for ecologically sustainable development models.

Plan for water and land use: A long-term plan for the use of land and water resources is a dire necessity. Many governments have promised it, but none has developed one yet. With a new government with a fresh mandate in place, this is a great opportunity to move towards a long-term policy. This would include a plan to map out areas where, for ecological and cultural/social reasons, land use should not be changed for any reasons.

A model for governance of natural resources: The draft NEP implies that the current way of governing natural resources has failed. But it does not offer a bold new alternative. It talks of decentralisation, of "partnerships" amongst various sections of society, and of specific elements like public access to information. But what is needed is an overall vision of how natural resources will be governed, who should take decisions at what stage and how will current institutions of governance change. The doctrine of "public trust" mentioned in the NEP should be followed up to its logical conclusion by vesting far greater powers in village and urban communities.

A holistic view of people's relationship with nature and natural resources: This relationship includes ethical, cultural, spiritual, and material dimensions. Other than the material dimension, other dimensions are missing from the draft NEP. This is strange, given that these dimensions have been an integral part of all Indian traditions.

Assertion of the fundamental human right to a healthy environment: The draft NEP lays emphasis on the critical role of the natural environment in economic activity. It does not, however, assert that a healthy environment (including access to fresh air, clean water, healthy food, and natural surroundings) is a fundamental human right. Such a right is increasingly being recognised in many countries.

The process of developing the NEP has been flawed. The claim that the draft NEP was "prepared through a process of extensive consultation with experts, as well as diverse stakeholders", highly disputable. On September 3, nearly 70 prominent environmentalists and environmental groups in the country signed an open letter to the Ministry of Environment and Forests (MoEF), in which they asserted that the draft NEP has been developed in an extremely non-participatory manner. Even village communities, which have a direct stake in the natural environment, were kept out. The draft is available only on a web site, and only in English, which means that local communities and most community-based NGOs continue to remain outside the consultation process.

Unfortunately, the draft NEP also has not incorporated the lessons and results of one of the most participatory exercises that the MoEF itself facilitated, the National Biodiversity Strategy and Action Plan process (NBSAP). The MoEF has not acted on the draft NBSAP prepared after four years of extensive consultation across the country. All the flaws in the draft NEP find mention in the draft NBSAP. This is a classic case of the one hand of the MoEF not knowing, or rather ignoring, what the other hand has done.

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