

Free flowing and biodiversity rich Rivers:

Most Endangered species in India¹



Cauvery at Shivasamudram, Karnataka threatened by numerous Mini Hydel Projects coming up without EIAs Photo: SANDRP

Indian Rivers are some of the last global frontiers of rich freshwater diversity, endangered & threatened species. Nearly 50% of the aquatic plants of the world are recorded from the sub-continent. In freshwater fish diversity, India is 8th in the world & 3rd in Asia. The rivers support millions of livelihoods & indigenous people. Rivers flowing through Western, Eastern and North East Himalayas and Western & Eastern Ghats are global hotspots for freshwater biodiversity.

Today, India's Rivers, riverine biodiversity and river dependent communities are facing major threats: from large dams, pollution, encroachment, sand mining, deforestation & bad management practises. Time is running out for India Rivers as India does not have any strong law, policy or framework for protecting its riverine biodiversity & dependent communities from this onslaught. India has possibly the biggest number of large dams under construction.

Over 10.8 Million people depend on riverine fisheries which are degrading and collapsing at an alarming rate. Large dams are planned and are under construction in and around and are affecting ecologically sensitive sites, protected areas, Ramsar sites, World Heritage Sites, sacred sites & community conserved areas. Indigenous People are being hugely impacted by these. Nonetheless, dams are getting permissions, disregarding community concerns, ecological concerns, expert reports and even unanimous recommendations against projects from statutory and govt committees.

In this scenario, a Convention like CBD, aimed at protecting not only biodiversity, but also indigenous people and their right to natural resources, can be a boon. Can the CBD decisions on Inland Waters Biodiversity, Protocols like Aichi Protocol, and Guidelines like Akwe Con guidelines help protect India's Rivers in any way? Two decades after the CBD was proposed at Rio, and a decade after the enactment of India's Biological Diversity Act of 2002, there is little evidence to suggest that CBD or the Ramsar convention has been helpful for protection of Indian rivers or for those who are dependent on the rivers.

India's Inland Waters Biodiversity and the CBD If we analyse India's reporting to the CBD under its Inland Waters Biodiversity Program of Work, we find that Indian Rivers, their biodiversity and dependent communities find no mention in India's Reporting to the CBD so far through India Plan of Work on Protected Areas (2012), India's Report to the Ramsar Convention (2011), India's Fourth Report to the CBD (2009) or the National Biodiversity Action Plan (2008). The Ramsar definition of Wetlands includes perennial and seasonal rivers, India's definition of Wetlands as given in Wetland Rules (2010) excludes Rivers completely from its ambit. Due to these convenient definitions, rivers find no place in India's work plans or programs.

Place for biodiversity, for impact on livelihoods and for people in decision making The impact of dams on riverine biodiversity is supposed to be assessed as part of the Environment Impact Assessment under India's EIA notification of Sept 2006. There is no explicit requirement of Biodiversity Impact Assessment under this or any other law. This law excludes a very large number of projects that affect aquatic biodiversity. There is no legal requirement for a cumulative impact assessment when more than one project is proposed on the same river. EIAs limit impact assessment within the radius of 7 km, when the biodiversity impacts are likely to go much farther. Even the impact assessment that has been done is most inadequate. The assessment of impacts on aquatic biodiversity rarely go beyond names some fish species. We have yet to see what can be called a satisfactory downstream impact assessment for a dam. It is this limited impact assessment that is the basis for public consultation process for the affected community. Even this impact assessment is not available in the language and manner that the local people can understand. Lastly, but most importantly, downstream affected communities are not even considered project affected, nor is there any compensatory measures for the impacts they suffer. In this context, to talk about benefit sharing sounds a bit of a cruel joke.

¹ Shorter Note by www.sandrp.in as part of organising side event at CBD COP 11 at Hyderabad (India) in Oct 2012 on Impacts of Dams on Biodiversity: Socio-economic dimensions in the context of changing climate, contact parineeta.dandekar@gmail.com for details.

As India hosts the CBD COP 11 in the United Nations Decade of Biodiversity (UNDB) 2010-2020, India is expected to lead the key global agenda on biodiversity between 2012-2014.



Dry Baspa River in Himachal Pradesh downstream Baspa Dam Photo: SANDRP Partners

Has the CBD failed for India's rivers? The Convention on Biological Diversity, which entered into force in December 1993, has three objectives: (i) the conservation of biological diversity; (ii) the sustainable use of its components; and (iii) the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. In the context of aquatic biodiversity and rivers in India, we asked three questions: Where can we see impact of CBD in conservation of biodiversity in rivers in the context of dams? Where can we see impact of issue of sustainable use of rivers and its biodiversity in the context of dams? Where can we see impact of CBD in terms of communities being party or beneficiary of the use of riverine biodiversity in the context of dams, diversion and hydropower projects? Unfortunately we could not find any such impacts in India. We would like to know if there are indeed any.

WAY FORWARD: We urge the Indian Government specifically:

- To urgently review plans of big dams, hydropower projects & interlinking of rivers that adversely affect aquatic biodiversity and livelihoods, conduct a thorough socio-cultural-ecological assessment as outlined in the Akwe Kon Guidelines, to include concerns about massive biodiversity loss and impacts on the indigenous communities.
- To amend the EIA notification to require that all large dams, all hydro projects over 1 MW capacity and also other projects impacting

aquatic biodiversity will need require Impact assessment, mitigation plans and environment clearance, all in consultation with local people. The Impact assessments should also include the impact of the projects on Ramsar and other wetlands as also flood plains.

- To mandate cumulative impact assessment whenever more than three projects are proposed on any river.
- To urgently come out with a policy and law for protection of rivers.
- To include Rivers in definition of wetlands in the Wetlands Rules (2010) and declare specific protected rivers as no go zones in each state & in each ecological zone &, as per Aichi Protocol, to slow down rapid biodiversity loss.
- To formally protect rivers which are socially and culturally important and rivers sacred to indigenous communities, while not impinging upon community rights over their rivers.
- Provide legal protection to community protected river stretches.
- Review operation of existing and under construction projects to ensure that downstream perennial rivers get freshwater flow all round the year.
- To stop certifying CDM hydro projects as sustainable development without impact assessment and mandatory participatory process that requires prior, informed, consent from the gram sabhas.
- To improve reporting to the CBD to include dedicated Program on Work on Rivers, aquatic biodiversity and communities who depend on them.

We urge the CBD to:

- Coordinate with UNFCCC to ensure that current incentivising of destruction of aquatic biodiversity that is now going on in the name of CDM hydropower projects is stopped.
- Make clearly defined norms for participation of communities and effectively achieving the community sovereignty over biodiversity and not just national sovereignty that is the norm now.
- Make clearly defined norms for Prior, Inform Consent of the Community before any decision is taken that affects their access to biodiversity resources.
- Come out with best practices studies that show how protection of aquatic biodiversity is necessary, possible and essential without sacrificing meeting of justifiable development needs of the people.
- Monitor reports for work on rivers and dependent communities from all countries.
- Strengthen reporting framework on Inland Waters Biodiversity for all countries.

Currently the CBD fails to influence any aspect of India's decision making and management of its rivers which is proving fatal to biodiversity and livelihoods. We hope this will change before it is too late.