

EQUATIONS Response to Ecologically Sensitive Areas Notification in the Western Ghats Region

03rd December, 2018.

To,
**The Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan,
Jor bagh Road, Ali Ganj,
New Delhi-110003**

Subject: Objection to Draft Notification No. S.O.5135(E) dated 03.10.2018

Dear Ma'am/Sir,

This is with respect to the draft notification dated 3rd October 2018 issued by the Ministry of Environment, Forests and Climate Change notifying Ecologically Sensitive Areas in the Western Ghats region. I write on behalf of Equitable Tourism Options (EQUATIONS), which is a research, advocacy and campaign organization that works on the environmental, economic, social and cultural impacts of tourism.

At the outset, we feel that the notification has been made available only in English and Hindi and in none of the regional languages of the six Western Ghats States. This is a limitation to public participation in the notification process from a large section of the population affected by the notification, who do not read or understand English or Hindi. We suggest that the draft also be made available in all regional languages of the Western Ghats states.

We strongly believe that the Western Ghats are a unique ecosystem of ecology and people and efforts must be made to conserve and protect the Western Ghats. As has also been stated in the notification itself, the Western Ghats region is an extremely important region and rampant extraction of the riverine and forest resources will only affect the local communities' livelihood, health, social and culture.

From the notification, it is evident that the recommendations of the High Level Working Group (HLWG) report, submitted to the Ministry in 2013, is being implemented and the recommendations of the Western Ghats Ecology Expert Panel (WGEEP) report is not being implemented. This has had the unfortunate consequence of reducing the protection and conservation of the Western Ghats to a small patch that has been identified as extremely fragile. We ask that the Ministry to consider and implement the recommendations of the WGEEP report as well, which sees the Western Ghats as a holistic landscape and allows for the conservation of the landscape in a more holistic manner.

It is also important to keep in mind that the terms of reference for the HLWG was to examine the WGEEP report and suggest ways to implement the report. However, the HLWG instead diluted the recommendations of the the WGEEP report and drastically reduced the areas for declaration as ecologically sensitive and allowed many other current threats to the Western Ghats to continue unabated. Tourism is one such threat, which has been explained under.

Particularly in the light of the recent floods in Kodagu and Kerala, it is much more important to act fast now and put in measures that would mitigate the impact of such disasters in the future. The diluted recommendations of the HLWG does not fulfil the objective of conservation and protection of the Western Ghats and fails to be such a protection mechanism. For this reason, we ask that the Ministry, which has also accepted the WGEEP report "in principle", to put in conservation and

protection measures that truly recognize the Western Ghats as an ecologically fragile region that supports life of all forms- plant, human and animal.

Moreover, the notification does not follow the due process of Gram Sabha consultations prior to notification of the ecologically sensitive areas. As local governance bodies, the 73rd and the 74th Constitutional amendments vest power in the Gram Sabhas to decide the development in their areas of jurisdictions. This mandated constitutional process will ensure that the people also participate fully in conservation and protection of the Western Ghats region and will also take into account local specificities of ecology, bio-cultural relations and needs of the local communities. We believe that this notification has failed to fulfil a constitutional mandatory requirement. For this reason as well, this notification, if implemented as is, would only be usurping the constitutional functions of the local governance bodies. We believe that a bottom up approach to conservation and protection of the Western Ghats, which has also been recommended in the WGEEP report, would be in keeping with the Constitution of India.

The threat that tourism poses has been completely ignored:

One of the biggest threats to the ecological security of the Western Ghats region has been tourism. Rampant, unplanned and unregulated proliferation of tourism has already caused a lot of damage to the ecology of the Western Ghats. The Western Ghats are known for hill station tourism and over the years, increasing numbers of tourist every year has led to the saturation of many hill station destinations. A large number of tourists in the dry season has meant that resources are unable to rise to meet the demands of the tourists. The rapid growth of an affluent rural and urban middle class which had the leisure and means to travel for enjoyment was one of the many reasons that resulted in a tourism boom which changed the very landscape of towns such as Udagamandalam, in the Nilgiris. This saw changing socio-economic scenario of the region with increased construction activity, destabilizing hill slopes and triggering landslides, and the competition for basic resources such as fuel and water between tourists and local residents (A detailed paper titled 'Tourism in Forest Areas of Western Ghats', EQUATIONS, 2011 is available at <http://www.equitabletourism.org/files/fileDocuments972_uid11.pdf>). Tourism in certain areas of the Western Ghats is far beyond the tourism carrying capacity of the place.

The growth of tourism to protected areas has also led to increasing resorts and hotels right at the periphery of the protected areas. This tourism is often dubbed "ecotourism" without having fulfilled even the basic tenets of ecotourism which are conservation, conservation education and community participation, and instead put pressure on the resources in and around the protected area. The proliferation of tourism around the protected areas has been at the cost of the adivasi and forest dwelling communities, who have already faced displacement and loss of livelihoods and a break in bio-cultural relations with the forest from the very creation of protected areas. These communities rarely find a place in the resort and hotel tourism that is the current trend of tourism around protected areas. And in the instances where they are involved in tourism, they are occupied in menial professions which lacks dignity and little opportunity for their growth.

However, the notification fails to acknowledge the threat that tourism poses.

Our response to the different paragraphs of the notification, from the perspective of tourism is below:

Para 2: Boundary and description of Eco-sensitive areas:

By considering a very small patch of the Western Ghats to be worthy of careful protection, the notification has failed to acknowledge the threat that tourism poses all across the Western Ghats. A number of tourist destinations are already over stressed with tourism- Mahabaleshwar, Dandeli, Ooty and Kodaikanal being only a few examples. Certain other places such as Kaas and Amboli, which are emerging tourist destinations, are also ecologically fragile and the increasing tourism has been posing a threat to the ecology of the area. Tourism has also been a cause of landslides in

places like Lavasa where vast areas of the Western Ghats have been converted to township and tourism projects, displacing the adivasis of the area and blasting the mountains for making roads, endangering the landscape. While some tourist places like Mahabaleshwar do feature in the annexure, the rest of the notification does not make any reference to tourism. Instead, in various ways, tourism continues to be promoted, oblivious to the threat it actually poses.

We demand that the Ministry include tourism as one of the threats to the Western Ghats and also provide suitable direction for conservation and protection of the mountains by including destinations that require additional protection and conservation and by regulation of tourism across the Western Ghats.

Para No. 3: Projects and activities to be regulated in the Eco-sensitive areas:

In spite of tourism being such a threat to the Western Ghats, the notification only encourages tourism in the Western Ghats. **Sub- para 3(d) Building, construction, township and area development** projects can hardly be considered prohibited activities. The notification, by allowing for building and area development projects and construction above 20,000 sq m, is paving the way for large resorts and hotels to come up without any restriction. Large construction on hill slopes are a death knell for floods and landslides. A prohibition of township and area development projects that are above 50 hectares, again allows a free reign for township projects, short of being mega cities.

In an ecosensitive area, that has been recognized as an ecosensitive area, we demand the Ministry to prohibit such large construction and area development and cap the area at much lower levels.

Sub- para No. 3(2) (a): Hydropower projects

Hydropower projects have been known to cause widespread displacement, hardship and loss of livelihood, apart from also causing water logging, destabilizing mountain slopes and changes to soil properties. The Western Ghats are already a landscape that is the most dammed landscape. In spite of these changes, in the name of security, fishing rights of local communities have been curtailed, only to later be a space for dam tourism in the form of boating and water sports activities. In the light of the drastic negative environmental impacts of large scale dams, we demand the Ministry to reconsider allowing hydropower projects in ecologically fragile landscape of the Western Ghats.

Sub- para No. 3(2)(b): Orange and white category of industries:

By allowing orange category of industries without any regulation, the notification allows tourism a free hand in the Western Ghats region. Hotels, which are a big part of the tourism industry, are also orange category of industry. Hotels and resorts chequer hill stations and the boundaries of protected areas. There has been a need to check the growth of such hotels in eco-fragile areas. Hotels and resorts take up vast areas of land and cause changes to land use, often displacing adivasi and forest dwelling communities. The constructions made in slopes are a threat to the mountains and the resources of water- both surface and ground water and electricity consumed are a serious concern. There is absence of any regulation on the amount of resources consumed by the tourism industry. In places like Kodagu and Kodaikanal, the water demand by the tourism industry has promoted competition for resources and it has meant that local communities have had to sacrifice their needs to make way for the tourism industry.

The hotels and resorts right in the periphery of protected areas have a number of impacts on the protected area itself. Resources of land, water, air etc are contiguous and not bound by human boundaries. Any activities that are carried out outside the core of the tiger reserve also impacts the core of the tiger reserve.

Sub-para 4(e): Prior informed consent: We welcome the recognition accorded to the consent of the Gram Sabha under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

However, we demand the Ministry to also recognize the power of the Gram Sabhas in areas that are not covered under the aforementioned Act. These Gram Sabhas have the constitutional right to make plans for development in areas of their jurisdiction and also have a right over the biodiversity of the area under their jurisdiction.

Tourism in the Western Ghats has to be within the Tourism Carrying Capacity of the area: Any tourism in the Western Ghats should be within tourism carrying capacity of the landscape - which includes social and cultural carrying capacity.

Choices for more or less tourism have to be made after considering the many dimensions that influence tourism and the influence that tourism has on many other things. The dimensions of tourism that have to be considered are physical-ecological, socio-demographic and political-economic.

Physical- ecological are: This could be of two types:

- Fixed components such as ecology, natural heritage, length of the coastline, climate, the type of soil or rock formations, the species diversity of the area etc. That is, all those components which cannot be changed and is bound by limits.
- Flexible components such as water supply, sewerage, power, fuel supply, transportation, public services etc. That is, all those components whose capacities can be increased to an extent.

- **Socio-demographic are** elements which concern social communities and problems of interrelation between local communities and tourists, tourism facilities and tour operators; available labour, education level of workers, cultural identity of locals etc. This component is influenced by political-economic decisions or policy and its estimation involves value judgements. For instance, sacred groves which are culturally important to local communities, may have social norms around allowing visitors. Decisions to develop tourism around sacred groves will have to consider this component.

- **Political-economic are** elements of tourism which impact the local economy, governance structures, economic policies etc. For instance, grasslands in the Western Ghats are an important common lands for grazing. Development of tourism in the same area should consider the economic activity of grazing and ensure that tourism does not displace this economic activity by taking up all the available grassland or cause stress and damage to the grassland, making it barren and grassless.

Tourism Carrying Capacity needs to be thought of in a more holistic and comprehensive manner, in such a way as to consider the multi-dimensionality of tourism. Most importantly, development of any area must respect the voice of the local communities. Local level planning and development is the responsibility of the Panchayati Raj. As the TCC is also a process for management and planning of the area, it is imperative that local participation is sought at all stages.

Even in the Western Ghats region, tourism should be one that promotes community involvement and respects decision making powers of the Gram Sabha and should consider the holistic tourism carrying capacity of the area.

Para 4: Implementation and monitoring mechanism

Sub-para 4(1) The notification places the responsibility of monitoring and enforcement of the provisions of the notification in the State Government, by involving the local communities.

However, the use of the term "local communities" is rather vague and ambiguous. As the Gram Sabha is the constitutionally empowered body to take decisions at the village level, involvement of the Gram Sabha is necessary.

Sub-para 4(2) The notification provides for the establishment of a Decision Support and Monitoring Centre which will be established by the six states, in collaboration with the MoEF&CC. However, the notification does not provide clarity on who would form such an authority and what would be the "support" functions of the authority. We urge the Ministry to provide clarity in the notification on the same. The "support" functions cannot be such as to usurp the decision making powers of the Gram Sabha.

Also, as is often seen, a "scientific" assessment leaves out indigenous perspectives and knowledge and places importance on only the Western view of science. As the Western Ghats are home to many adivasi and forest dwelling communities, the traditional and bio-cultural knowledge of such communities ought to find expression in any body that concerns itself with the Western Ghats. We urge the Ministry to ensure representation of adivasi and forest dwelling communities in such a body.

We believe that this notification, by ignoring tourism as a threat and by ignoring the required participation of the Gram Sabhas in decision making and by only attempting to implement diluted recommendations of the WGEEP report, will not fulfil the stated objective of protection and conservation of the Western Ghats region. We urge you to re-assess the notification and consider the recommendations of the WGEEP report, in the interest of truly promoting conservation and protection of the Western Ghats region.

Yours Sincerely,

Nayana Udayashankar
Programme Coordinator
EQUATIONS