



Draft on Framework Legislation for Conservation and Protection of Wetlands in South Asia

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To Start With...

- Statement of Objects and Reasons
 - Aim-Framework Legislation for Debate and Follow up as per country specifications
 - Focusing on: Ecological Balance, threats to wetlands, need for sustainable use, respect for internal agreements, ensuring parity in laws
- Preamble
 - Reflection of Objects and the way to do it
 - Decentralization of management
 - Use of Technological Advancement



Definitions

- Definition of Key terms with an understanding of basic scientific terms
 - Authority
 - Wetlands
 - Critical Wetlands
 - Ecologically Sensitive Areas
 - Sustainable Use
 - Wise Use





Categorization of Wetlands

- Need for categorization
- Parameters for identification of wetland
 - Geo-hydrological indicators-glacial/desert/palustrine....
 - Area-
 - Size-circumference and volume
 - Location-Urban/Non-Urban
 - Nature-Seasonal/Perennial and Critical/Non Critical



Mapping, Data Bank and Notification of Wetlands

- Mapping Process
 - Use of Technology
 - Involvement of Scientific Institution
 - Record of Customary Rights and Management Practices at the time of mapping
 - Involvement of Public and Civil Society in mapping process
 - Mapping of wetlands missed out in the first go.-right of public-use of age old maps and historic right
 - How do we include the traditional boundaries now-can we reclaim the lost wetland or its land for restoration
 - Fencing at the time of mapping
- Recording in the Data Bank
 - Done at State Level
 - Time Frame -3 months
 - Open to Public Viewing
 - Inclusion of FTL and maximum water spread of the wetlands in the record
- Notification
 - State Notification
 - Rights of people having any right/interest



Authorities

- Constitution of authorities at three levels
 - Central, State/ Province and District
- Central Authority
 - Authority for Management and Conservation and not Development
 - Inclusion of concerned line departments, civil society and local representation
 - Functions-Critical, Inter State, Transboundary, Enforcement, Coordination
- State Board
 - Chairperson-not a bureaucrat
 - Inclusion of Line Departments to ensure coordination in wetland management
 - Experts-for identification
 - Functions: Identification, notification, management, conservation, dispute resolution and coordination
- District Committee
 - Committee and not an authority
 - Members-representation of line departments, involvement of Panchayat/Ward Agencies, Existing Lake/Water User Agencies
 - Right not just to assist but also to prohibit or restrict
- Wetland Managers
 - Monitoring of wetlands
 - Extension Staff of Line Ministries



Regulation and Management of Wetlands

- Division of various activities:

Prohibited activities

- Reclamation
- Industries
- Waste Disposal
- Construction
- Leasing to Private Companies (to be added)

Permissible activities through a due process

Permitted activities

- Special position of trans-boundary and seasonal wetlands in law
- Recognition of customary rights and management practices along with the corresponding duties arising from it



Conservation and Restoration of Wetlands

- Creation of ESA's
 - 5 km boundary
 - Deemed to be a wetland and managed as such
- Participation by local communities
 - Left the process for doing so open
- Creation of a wetland conservation and management fund
 - Used for conservation and restoration activities
- Incentive-based mechanisms
 - such as tax benefits
 - Rights to local communities
 - Not for private companies!
 - Restoration through giving back reclaimed wetland to the public



Offences and Penalties

- Offence to Compounded on the basis of the “Value of Damage to the Wetland” (How do you assess the damage?)
- Power to compound offences with the State// Provincial Govt.
- Imprisonment upto three years and fine upto 100,000
- Offences to be cognizable and non-bailable



Miscellaneous

- Power to make rules and regulations
- Act not in derogation of other laws but still has to be upheld





On a Final Note....

- This is work in progress
- Suggestions for Improvement are not only welcome but necessary to take this unique process forward !

THANK YOU!

