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## UNIT 10 REGIONAL INITIATIVES

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### 10.1 INTRODUCTION

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Environmental protection entails cooperation at all levels of global society. Many environmental problems transcend national boundaries and require technologies and resources that countries may not individually possess. Also, some problems are, by nature, limited in scope and impact to a particular region and are therefore not best addressed by international law. It is to bridge this gap that the body of regional environmental law has evolved. This unit introduces the relevance of regional cooperation towards environmental protection. It takes a brief look at the regional initiatives in various regional arrangements around the world. Admittedly, the largest initiative at the regional level has been that in the European region. There is a strong case for regional cooperation in the South Asian region as well and this call is directed at the South Asian Association for Regional Cooperation (SAARC) members. Some of the initiatives taken under the SAARC framework, though limited in nature, are discussed in this unit.

Regional mechanisms are effective means for addressing trans-boundary issues such as atmospheric pollution and pollution of shared rivers and water bodies, which nations are unable to solve on their own. Moreover, certain environmental problems are peculiar to certain regions. It is difficult to evolve a common environmental programme for all countries of the world, which are at different levels of development, have varying levels of responsibility for environmental degradation and have different carrying capacities. Regional agreements involve fewer transactional costs, are less time-taking and have higher chances of success. For instance, when not all countries were satisfied with the negotiation of a global agreement on the trans-boundary movement of hazardous wastes (Basel Convention of 1989), regional responses to hazardous wastes trade were evolved which were more acceptable and effective.

Even if the environmental problem at issue is not trans-boundary, countries located in geographical proximity are likely to face similar problems and a cooperative arrangement helps member countries to learn from each other's experiences in combating their national environmental problems. Regional arrangements are also helpful in consolidating a common stand on particular environmental issues at international negotiations. Regional organisations can monitor and support both global and national initiatives. For example, a series of conventions on regional seas has grown from the United Nations (UN) Regional Seas Programme. These regional arrangements support and are consistent with the global UN Convention on the Law of the Seas (UNCLOS). Regional agreements serve as ideal theatres for implementing environmental principles and testing them for potential effective implementation at other levels, being in other words, 'laboratory for cultivating solutions to international issues'.

This unit focuses on regional initiatives towards cooperation for environmental protection and sustainable development. Whereas, the regional efforts in various parts

of the world are mentioned in passing, the central focus remains on the South Asian region.

## Objectives

After studying this unit, you should be able to:

- discuss the relevance of regional cooperation for environmental protection and sustainable development;
- articulate the need for SAARC countries to seriously consider the case for regional cooperation for environmental protection; and
- describe the initiatives taken by the SAARC countries in the field of environmental protection.

## 10.2 INITIATIVES BY REGIONAL ORGANISATIONS

The European Union (EU) represents a success story of regional cooperation in the field of environmental protection. The *Treaty of Rome, 1957* establishing the European Economic Community (EEC) made no explicit reference to 'environment'. So the primary aim of EEC (as embodied in Article 2 of the Rome Treaty) was of promoting economic growth. The *Single European Act, 1986* (SEA) formally introduced environmental policy within the scope of the Rome Treaty. The development of Community environmental policies began in 1972 and since then, a large body of Directives, Regulations and Decisions has been developed. The environmental principles enforced by the EU include the preventive principle, subsidiarity principle, integrative principle, polluter pays principle etc.

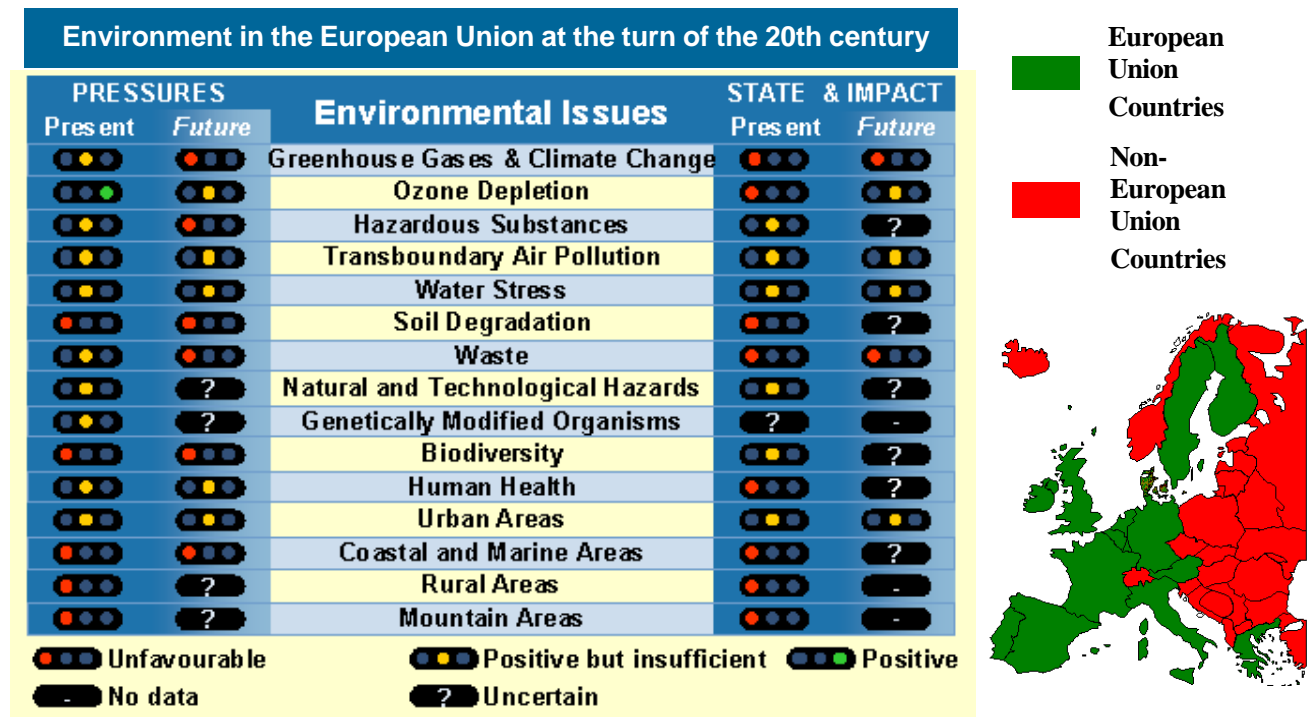


Fig.10.1: The European Union is a pioneer in the environment protection initiatives  
(Source for the chart: reports.eea.eu.int/ SPE19990625/en/page023.html)

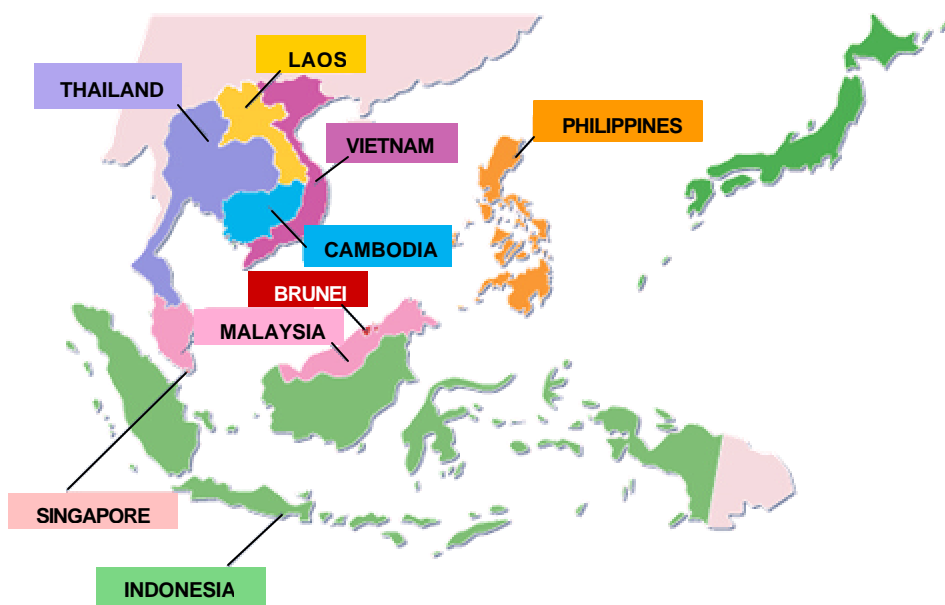
In 1992, the *Maastricht Treaty* amended Article 2 of the *Treaty of Rome* placing environmental concerns alongside economic growth. Article 2 of Rome Treaty now provides for 'sustainable growth respecting the environment' – there is no hierarchical

distinction between the two objectives. Community Environmental Policy today comprises over 300 legislative acts relating to all aspects of environment. Directives are the principal legislative instruments, mandating the achievement of a result, but leaving it to the Member state as to how it will do so. The European Court of Justice has also contributed significantly to the creation of the Community environment doctrine by gradually establishing and expanding the Community's claim over environmental matters. Community jurisdiction now extends to directives on atmospheric pollution, wildlife protection, bathing water quality etc. Thus, EU quite explicitly incorporates environmental concerns.

The *North American Free Trade Agreement, 1994* (NAFTA), creating a free trade area encompassing Mexico, Canada and US, has a strong environmental component. NAFTA explicitly addresses certain trade-related aspects of domestic and international environmental regulation. Parties are encouraged to utilise the revenues from trade and economic growth to enforce their substantive environmental standards more effectively. The NAFTA text itself integrates certain environmental considerations into its text. Also, environmental concerns are addressed separately in a side agreement – the *North American Agreement on Environmental Cooperation* (NAAEC).

Environmental concerns have been central to NAFTA since its inception. The preamble of NAFTA expressly recognises environmental objectives. There is specific provision in the NAFTA extending protection to certain listed MEAs such as the Basel Convention and CITES. NAFTA also prohibits parties from lowering their environmental standards to attract investments. NAAEC commits NAFTA parties to a series of obligations to advance the environmental sustainability of NAFTA-related trade. NAAEC is primarily concerned with effective enforcement of domestic environmental law in each party and creation of new institutional arrangements for cooperation between them.

Within the framework of the *Association for South East Asian Nations* (ASEAN), numerous environmental legal instruments – agreements and declarations – have been adopted. These include agreements on transboundary haze pollution, conservation of nature and natural resources, environment and development, sustainable development, heritage parks and reserves and the ASEAN environment in general.



**Fig.10.2: Pollution due to forest fires is a major trans-boundary environmental problem for the ASEAN members**  
(Source for picture: [www.cnn.com/.../malaysia.haze.lg.jpg](http://www.cnn.com/.../malaysia.haze.lg.jpg))

Working groups have been set up on MEAs, nature conservation and biodiversity, and coastal and marine environment. A *Regional Haze Action Plan* was adopted at ASEAN and 2003 has been designated as the Environment Year.

Apart from the above-mentioned initiatives, environmental protection is an item on the agenda of numerous other regional organisations around the world. As mentioned earlier, these regional initiatives not only deal with regional problems, but also strengthen the efforts at implementation of international and national environmental law and policy.

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### SAQ 1

Trace the development of regional initiatives for environmental protection and outline the nature of problems being handled in each case.

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## 10.3 SAARC INITIATIVES

The Indian sub-continent is a distinct geographical unit with well-defined boundaries. The Himalayas in the North is shared by four countries namely India, Pakistan, Nepal and Bhutan with common rivers, watershed areas, mountains and parameters like soil, climate and vegetation. Deforestation of watershed areas in one country can lead to floods and soil erosion in the downstream country. The Indian Ocean in the South is shared by five countries, India, Pakistan, Sri Lanka, Maldives and Bangladesh that form the 'boundaries' of the region. These countries share the common marine environment.

**Disaster-proneness:** A distinguishing feature of the South Asian region is its proclivity to natural disasters. The region is at the mercy of the 'vagaries of the monsoons'. Bangladesh and India are amongst the most flood-prone areas on earth and are also frequently affected by drought. Landslides affect the Himalayan regions of Pakistan, India, Nepal and Bhutan. Cyclones frequent the region and because of the peculiar geographical factors, cause a high intensity of damage to life and property. Maldives is threatened by rise in sea-level due to global warming. The Indian sub-continent being situated on the boundary of two continental plates is prone to earthquakes. The occurrence of natural disasters is accompanied by human vulnerability resulting from overpopulation, poverty and inequality. Yet, an adequate natural disasters planning or management system is conspicuous by its absence.

**History:** SAARC countries also share a common history. They share a set of historically determined socio-economic characteristics that resulted from their experiences with colonial rule. Having undergone colonial exploitation, they have more or less similar problems like poverty, depleted natural resources, low levels of technological development and skills etc.

**Socio-economic conditions:** SAARC countries comprise 20% of the world's population living on 3.5% of the total land area and generating only 2% of the world's GNP. These socio-economic conditions create enormous pressures on the natural environment of the region. Environmental protection is doubly important in this region because of the high level of poverty and the fact that a vast majority of the population depends directly on the environment to meet its needs. The resource-to-population ratio is extremely low, which suggests that exploitation of resources at unsustainable levels is inevitable.

**Culture:** The SAARC region has a history and tradition of conservation, environment-friendly lifestyles, great respect for plants, animals as well as an attitude of living in harmony with them.



Based on the above-mentioned commonalities, the identifiable common environmental concerns of the countries in the South Asian region include land degradation, deforestation, water availability and quality, atmospheric pollution, marine and coastal pollution, loss of biodiversity, population explosion and concentration in a few areas, development-related displacement etc.

Considering how much the SAARC countries share in common, a strong case emerges in favour of regional cooperation for environmental protection. SAARC countries stand to gain from a regional environmental mechanism – it is necessary to envisage and concretise some coordination and cooperation in the areas of law and policy in the field of environment. They have common and interlinked problems that can be better addressed by the countries together than individually. They have much to learn from each other. Also, SAARC countries need a stronger voice at international fora so that the emerging international environmental law incorporates their interests. With the weight of the regional organisation behind it, even the smaller members of SAARC can have their voice heard at international fora.



**Fig.10.3: The SAARC countries have a shared history and culture, and also have similar socio-economic and environmental problems**

The SAARC Charter takes cognizance of the common problems, interests and aspirations of the peoples of South Asia and the need for joint action and enhanced cooperation. The SAARC Charter, however, includes no specific mention of environmental protection objectives. The only inference that can be drawn of any such intentions is from the objective of promotion of the 'welfare of the peoples' of South Asia and improvement of their 'quality of life'. The Charter talks of promotion of collaboration and mutual assistance in the economic, social, cultural, technical and scientific fields, with no mention of the environmental field.

SAARC countries have acknowledged, however, that cooperation in the field of environment under the SAARC framework is crucial, considering that the environmental problems in the area are common and interlinked. But concrete action in this direction is yet to be taken.

A collective effort for protecting the region's environment was first discussed at the third summit meeting of SAARC in Kathmandu (1987). Deep concern was expressed at the fast and continuing degradation of the environment and the affliction of natural disasters, which gravely undermined the development process and prospects of member countries. It was decided that regional cooperation in this direction should be undertaken and a group of experts was constituted to prepare a draft study in the field of environment. The Group met in July 1988 in Kathmandu and sought to identify areas of national priority requiring further action and of common areas of regional concern. In the fourth summit meeting in 1988 in Islamabad, there was a renewed determination to strengthen disaster management capabilities – it was a fallout of earthquakes in eastern India, floods in Bangladesh and cyclones in Bangladesh and India. Also, the need was felt to study the 'greenhouse effect' on South Asia, with five of the seven member states vulnerable to sea-level rise. In the 1990 Male summit, it was declared that 1992 would be observed as SAARC Year of the Environment.

*The Regional Study of Greenhouse Effect and its Impact on the Region* and the *Regional Study on the Causes and Consequences of Natural Disasters and the Protection and Preservation of the Environment* were completed in 1992. The first study made various recommendations for regional and global cooperation. The latter forms the basis for concrete programme in the future. Its final recommendations include (i) measures to protect and preserve the environment, (ii) measures to strengthen disaster management capabilities and (iii) implementing mechanisms for recommendations. The study suggested *inter alia* that scientific capabilities of member states must be shared and developed and that members should cooperate through exchange of experiences, information, technology, expertise etc. It also suggested programmes of joint research and regional action and cooperation on environmental issues in international fora. It recommended measures to strengthen disaster management capabilities including networking of institutions, establishment of a SAARC relief and assistance mechanism for disasters, development of modern disaster warning systems, a regional research programme and regional information exchange system in disaster management.

The Regional Study is the most productive result of the SAARC initiative on environment. But despite comprehensive recommendations, nothing concrete has taken place in the direction of regional approach to environmental management. In the Dhaka meeting in 1992, a Committee on Environment was set up to (i) examine the recommendations of the study, (ii) identify measures for immediate action and (iii) decide on the modalities of implementation. In Summit Meetings thereafter, the need for concerted action has been expressed repeatedly but nothing substantial has come out of it. The recommendations of the study have not been implemented as yet. The SAARC Environment Ministers, who met in Male in October 1997, formulated an **Environment Action Plan** for the implementation of the recommendations contained in the two studies. Progress on the Action Plan was reviewed in 1998. At the tenth meeting in Colombo (1998), early implementation of the SAARC Environment Action Plan was called for and members committed to prepare National Environmental Action Plans and State of the Environment Reports.

SAARC Environment Ministers have been meeting at regular intervals. When they met in Colombo in 1998 for their fourth Annual Conference, they adopted a common environment programme for the region as a follow-up on the SAARC Action Plan on the Environment. The Sri Lankan president called for a regional approach to "translate good intentions into concrete action to harness the energies and capabilities of the region and to strengthen national efforts." Several meetings of expert/expert groups were planned on various aspects of the environment to evolve a common approach for

access to genetic resources, conservation of biodiversity, transboundary movement of hazardous wastes etc. Networking and disaster preparedness were given high priority. The Technical Committee on Environment set up under the SAARC framework has studied topics such as approaches to environmental legislation, regulations and standards in SAARC countries, rehabilitation of degraded lands. It has also recommended training courses and workshops on environmental issues.

Steps have also been taken towards consolidating a SAARC stand in international environmental fora. SAARC ministers met at New Delhi in April 1992 to decide their stand at United Nations Conference on Environment and Development (UNCED). The New Delhi conference resulted in the issuance of a communiqué, which outlined the common policy of the SAARC states on issues before the UNCED. This was the first successful exercise in intra-SAARC consultations and coordination for an international conference. The SAARC ministers also met in April 1997 to consolidate a common SAARC position before the United Nations General Assembly Special Session (UNGASS) in 1997. Such meetings have now become a regular feature of SAARC. So a will to cooperate on environmental matters is now visible at the SAARC level.



**Fig.10.4: This painting by a child reflects our desire to have a safe environment to live in**  
(Source: [www.saarc-sec.org/old/freepubs/profile/Pdf%20files/CHAPTER7.PDF](http://www.saarc-sec.org/old/freepubs/profile/Pdf%20files/CHAPTER7.PDF))

## SAQ 2

Describe the efforts being made by the SAARC countries to bring about regional cooperation on environmental issues.

## 10.4 INSTITUTIONAL MECHANISMS

Towards the enforcement of the process of sustainable development, several institutes were established at the regional level in the Asia-Pacific area.

### South Asian Preferential Trade Agreement (SAPTA)

The South Asian Preferential Trade Agreement was enforced in December 1995 by the members of SAARC. This was an attempt to strengthen regional trade links in the South Asian region and to initiate the developmental process in the countries



especially Bangladesh, Bhutan, Nepal and Maldives which are considered the least developed nations. Till date there have been three rounds of trade negotiations and trade concessions were offered on goods and services. Beginning with 226 commodities in the first round, trade concessions increased to 3456 commodities in the third round of negotiations.

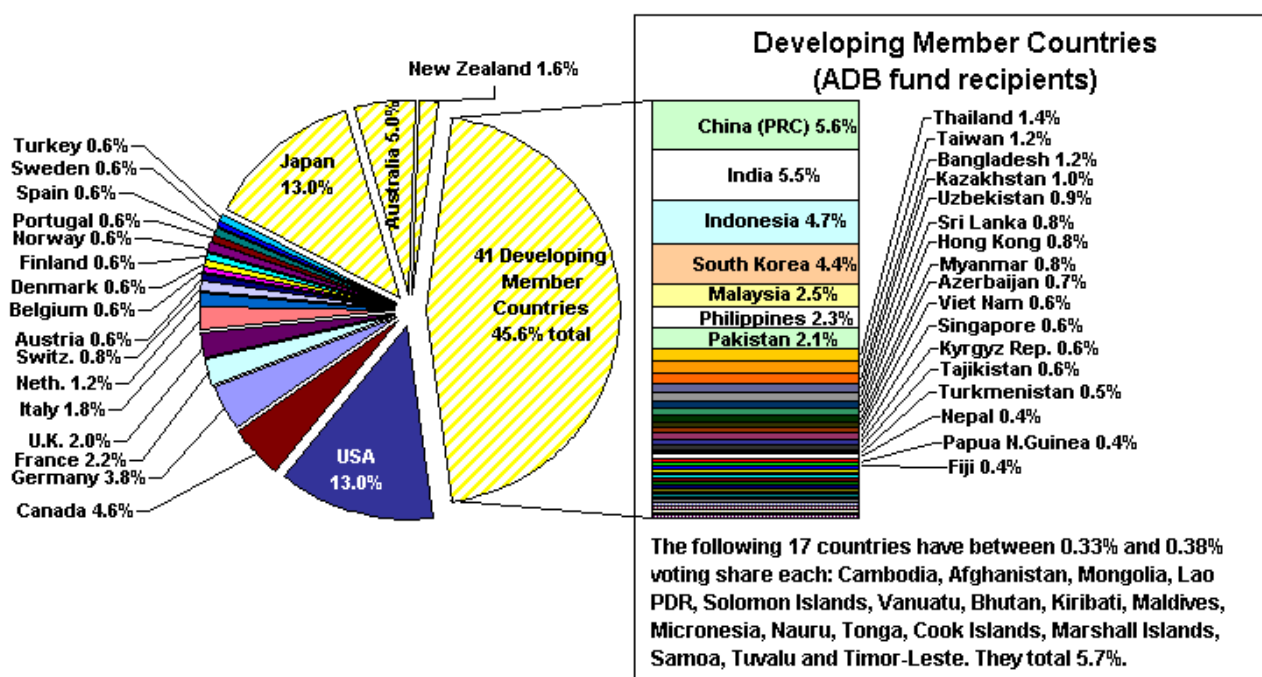
### **Asian Development Bank (ADB)**

The Asian Development Bank was established after a resolution was passed on economic cooperation by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in 1965. Its goals include:

- Promoting economic growth.
- Reducing poverty.
- Improving the status of women.
- Development of human resources.
- Bringing out management of natural resources and environment.

The bank provides

- loans and equity investments for the economic and social development for its members,
- technical assistance for developmental projects, and
- promotes public and private capital investment for development.



**Fig.10.5: Distribution of ADB funds** (Source: [www.etan.org/lh/graphics/adb01](http://www.etan.org/lh/graphics/adb01))

### **United Nations Economic and Social Commission for Asia and Pacific (ESCAP)**

The United Nations Economic and Social Commission for Asia and Pacific (ESCAP) was established in March 1947 and promotes social and economic development in Asia and the Pacific region.



Its main goals include:

- Trade policy and promotion.
- Industry and technology.
- Rural development.
- Environment and natural resource management.
- Communications .

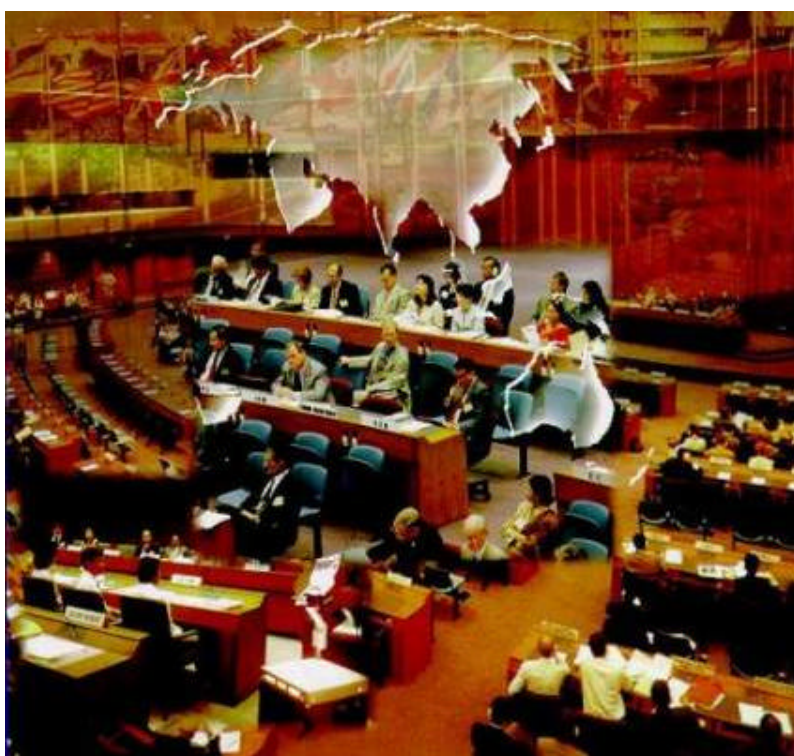
The commission has set up several institutions for the realisation of these goals like the Asia Pacific Centre for Transfer of Technology (APCTT) and the Regional Coordination Centre for Research Development of Coarse Grains, Pulses, Roots and Tuber Crops in Humid Tropics of Asia and the Pacific (CGPRT).

### **Asia Pacific Centre for Transfer of Technology (APCTT)**

It was established in 1977 for facilitating transfer of technology in the Asia Pacific region. It has two areas of activities:

- Development to strengthen technological capabilities.
- Facilitate technology transfer services to business contracts.

Its main focus is on the development of environmentally sound technologies (ESTs) for sustainable development and also of the small and medium scale enterprises. It has been successful in implementing several developmental projects, organising several training programmes and bringing about technology transfer agreements between several countries.



**Fig.10.6: ESCAP provides a forum for all member Governments of the region to review and discuss economic and social issues in order to strengthen regional cooperation**  
(Source: [www.unescap.org/](http://www.unescap.org/))

### **Regional Coordination Centre for Research Development of Coarse Grains, Pulses, Roots and Tuber Crops in Humid Tropics of Asia and the Pacific (CGPRT)**

Established in April 1981, CGPRT is a subsidiary body of ESCAP. The centre provides the member countries with technical services and facilities for enhancement of production, utilisation and trade of these crops. It strengthens the research and development activities towards solving the problems of food scarcity and unemployment in the Asia Pacific region.

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## **10.5 SUMMARY**

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- Cooperation at the regional level has a unique value in addressing environmental concerns. There are certain environmental problems that are best tackled through regional cooperation. They cannot be effectively addressed otherwise. Many of the regional arrangements, such as EU, NAFTA and ASEAN, have a prominent component of cooperation for environmental protection.
- In the South Asian region, there is a clear-cut case for regional cooperation, considering the commonality of environmental problems in the region. However, the SAARC initiative, so far, falls short of any meaningful gains as it has been limited to academic exercises. There is an urgent need for SAARC to strengthen cooperation in this field.
- Environmental issues must be recognised as potential security concerns as they have the potential to escalate into political disputes. The material damage and loss of life resulting from natural disasters, the social dislocation caused by development activities and the ensuing political unrest place the environmental issue in the centre-stage of national politics in the region. So, an attention to environmental protection is central to the well-being of SAARC.
- At the international level, it must be ensured that the special concerns of the SAARC countries are incorporated in the growing body of law. The current trend of meetings among environment ministers to decide a common stand in international fora is a healthy trend and must be encouraged.
- It must be remembered that in many conventions, environmental protection has constituted a common objective and a uniting factor among countries otherwise opposed to each other on political issues. So, cooperation in the field of environment, apart from addressing the environmental problems of the region, may also be a good place to start the process of promoting 'regionalism'.

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## **10.6 TERMINAL QUESTIONS**

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1. Discuss the various regional initiatives that have been taken for environmental cooperation.
2. What institutional mechanisms exist in the South Asian region for achieving sustainable development?
3. Assess the strength of the South Asian initiative for environmental protection within the SAARC framework.

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