

**STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE ASIA-PACIFIC :  
DEVELOPING ENVIRONMENTAL LAW CHAMPIONS**

Colombo: 28 May-01 June 2018

**SESSION 13: REGIONAL ENVIRONMENTAL AND CLIMATE CHANGE LAW**  
**Regional Environmental Law System in South Asia**



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# Learning Outcomes

## Session Topic

- Understanding the links between regional and national environmental law

## Teaching Methodology

- Understanding how comparative case studies can be used to analyse strengths and weaknesses of regional arrangements



# Select Resources: South Asia

- Desai, B.H. & Sidhu, B.K., “Comparative Environmental Law: India (Country Studies)” in Emma Lees, Jorge E. Vinuales (ed.) *The Oxford Handbook of Comparative Environmental Law*(Oxford: OUP, forthcoming 2018).
- Hassan, ‘Good Environmental Governance: Some Trends in the South Asian Region, UNITAR/Yale University, 2014
- Desai, B.H., “Effectuation of International Environmental Law at the National Level: Some Comparative Trends in South Asia”, *Banyan* (Lahore, Pakistan), *Special Issue on The Environment: Policy & Practice*, vol.5, March 2007, pp.55-64.
- Desai, B.H., Background Paper on "Environment and Law: Comparative Trends in the SAARC Region" for the *8th SAARCLAW Conference*, Kathmandu, 22-24 September 2000.
- Desai, B.H., “Regional Measures for Environment Protection: A SAARC Initiative” *Yearbook of International Environmental Law*(Graham & Trotman, London), vol. 2, 1991, pp. 469-71.
- South Asia Cooperative Environment Programme  
[http://www.saarc-sec.org/areaofcooperation/cat-detail.php?cat\\_id=54](http://www.saarc-sec.org/areaofcooperation/cat-detail.php?cat_id=54)  
[http://www.sacep.org/html/about\\_milestones.htm](http://www.sacep.org/html/about_milestones.htm)



# South Asian Regional Measures on Environment

- ❑ **South Asia: South Asian Cooperative Environment Programme (SACEP)** <http://www.sacep.org/>
- ❑ **SAARC Environment Action Plan (1997)**
- ❑ **Dhaka Declaration & SAARC Action Plan on Climate Change 2008**
- ❑ **Delhi Statement on Cooperation in Environment (2009)**
- ❑ **Thimphu Statement on Climate Change (2010)**
- ❑ **SAARC Convention on Cooperation on Environment (2010):** Entered into force on 23 October 2013. Identifies 19 areas for cooperation in the field of environment & sustainable development ; exchange of best practices and knowledge; capacity building and transfer of eco-friendly technology.
- ❑ **SAARC Agreement on Rapid Response to Natural Disasters (2011)**





## The Asian Sub-regions

Southeast Asia  
Northeast Asia  
South Asia  
Central Asia



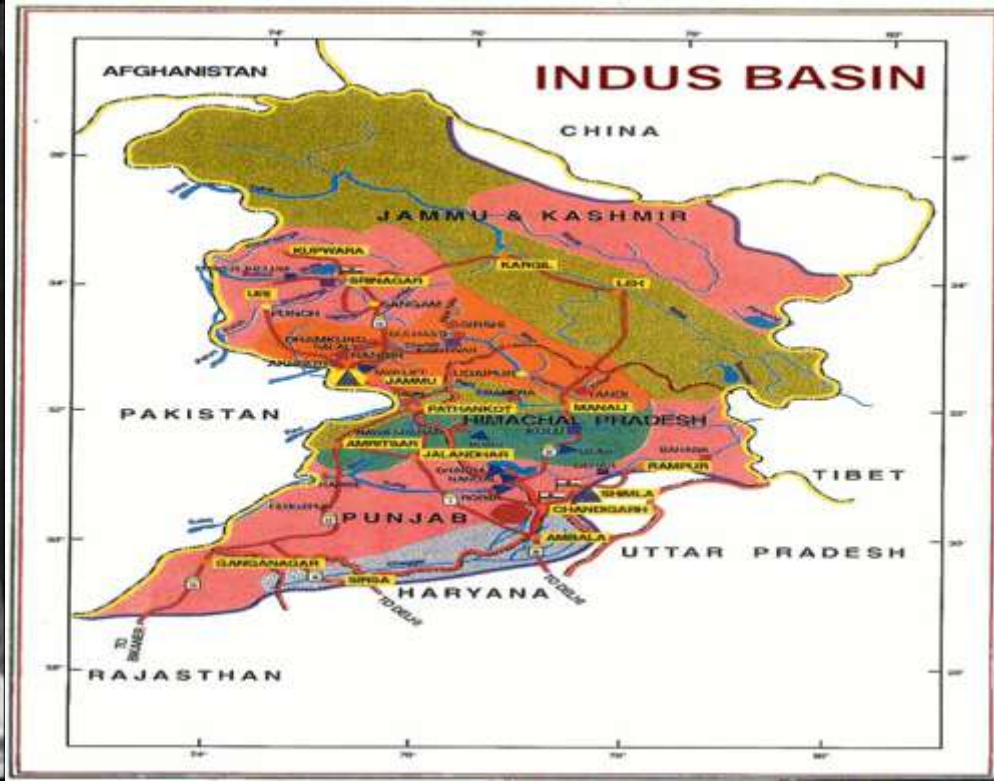
# South Asia: Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka:





# Indus Waters Treaty

- ❑ The **Indus Waters Treaty** is a water-sharing treaty between India and Pakistan. It was signed in Karachi on 19 September 1960 by the Indian Prime Minister Jawaharlal Nehru and the Pakistani President Ayub Khan. The World Bank is also a signatory as a third party.
- ❑ Sharing of waters of 3 Eastern and 3 Western Rivers.
- ❑ Shrinking of Himalayan glaciers affecting shared quantity of water.
- ❑ Environment management holds the key to realize IWT objectives



# SAARC Convention on Cooperation on Environment

- ❑ South Asia Association for Regional Cooperation (SAARC) *Convention on Cooperation on Environment* 2010
- ❑ Objective: “to promote cooperation among the parties in the field of environment and sustainable development on the basis of equity, reciprocity and mutual benefit, taking into account the principal policies and legislation in each Member State”.
- ❑ 19 aspects identified for environment cooperation.





# South Asian Cooperative Environment Program

- ❑ Inter-governmental organization established in 1982 by the governments of South Asia to promote and support protection, management and enhancement of the environment in the region.
- ❑ It was created to fulfill a vision based on the following three assumptions:
  - ❑ Recognition of environmental degradation caused by factors like poverty, over population, over consumption and wasteful production threatening economic development and human survival.
  - ❑ Integration of environment and development as essential prerequisites to Sustainable Development, and
  - ❑ Importance of co-operative action in the South Asian region where many ecological and development problems transcend national and administrative boundaries



# Questions

- What are benefits of a regional approach to environment protection?
- What are the limitations of a regional approach to environment protection?
- Does regional environment plan work better than the global one? e.g. UNEP's Regional Seas Program

