

Membership Excluder Devices

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Evidently, some time in late 2006, the IUCN signed an agreement with the Dhamra Port Company Ltd (DPCL) toward “developing a sound environmental management plan for development and operation of the Dharma Port.” (http://cms.iucn.org/about/union/secretariat/offices/asia/asia_where_work/india_programme_office/dhamra_port/index.cfm), but exact details of the agreement do not appear to have been made public. It seems IUCN sought specialist assistance from the Species Survival Commission (SSC) Marine Turtle Specialist Group (MTSG), through its voluntary Co-Chairs, Roderick Mast (Conservation International) and Nicolas Pilcher (Marine Research Foundation). Mast and Pilcher, in turn seem to have concluded that Pilcher should represent the MTSG in this matter. Pilcher, seemingly with the support of Mast, undertook investigations and made various recommendations in the name of the MTSG and IUCN.

There are several contentious issues arising out of IUCN and MTSG’s involvement in this project. Of concern here, several IUCN and MTSG members, particularly those from India, are troubled by the lack of transparency in IUCN and MTSG involvement. The SSC has provided guidance on these matters through their ‘Terms of Reference for SG [Specialist Group] and TF [Task Force] Chairs 2005-2008’ and ‘Guidelines and Advice for SG and TF Chairs 2005-2008’ (available here: http://www.iucn.org/about/work/programmes/species/about_ssc/governance/index.cfm). We endeavour to analyze if the process of involvement followed these terms and guidelines.

Information exchange

The SSC rightly prioritizes “*Communication and networking*” as “*a crucial role of SG and TF Chairs, as the establishment of effective communication is essential to the functioning of any SG/TF.*” Added specifically to this direction is the provision of “*Up-to-date information on*

the most important threats to biodiversity and the actions being taken to mitigate these threats”.

In an important and controversial case such as the Dhamra Port facility, even basic information on the involvement of IUCN and the MTSG, such as the agreement between DPCL and IUCN was not provided to members. Meetings between MTSG leadership and Indian members were never convened, and Indian members have been sidelined.

A lively discussion of the Dhamra project dominated the Annual Meeting of the MTSG held at the 28th International Sea Turtle Symposium in January 2008, but no minutes of what transpired have been circulated, even to members.

Consultation

The SSC advises the SG Chairs to: “*Make interventions on technical issues in the name of the Group, ensuring adequate consultation within the Group prior to making such interventions,*” and “*Where such issues are **potentially controversial**, wide consultation and review within Groups, as well as consultation with the Species Programme staff and the Office of the Chair, is expected.*” Recognizing the voluntary nature of the efforts made by SG members, the SSC sees one benefit of consultation being: “*An ability to influence policy and decision making within the group, the SSC and ultimately the IUCN through the World Conservation Congress*”.

The MTSG Co-Chairs insist that consultations about MTSG involvement with DPCL occurred, specifically involving Indian MTSG members B.C. Choudhury, Bivash Pandav and Kartik Shanker. But these people state that there has been no consultation. The MTSG leadership says that no minutes of these consultations were recorded, and to prove their claim of consultation, an email dated 29 August 2006, from Kartik Shanker, the then Regional Chair,

was referred to. But this message merely provided background information on the Dhamra issue to the Co-Chairs. According to Pilcher, B.C. Choudhury and Bivash Pandav did not respond to emails, so it is unclear how that constitutes consultation. It does not appear that MTSG members outside India were consulted at all. The case for broader consultation and involvement with local MTSG members, which arguably did not happen in this case, is considered fundamental to the ability of the MTSG and any other SSC-Specialist Group to function effectively. After all, specialists who speak the local languages, live and work within the socio-political system, and have dedicated decades of their lives to conservation should have something useful to contribute. On the other hand, the absence of any local participation jeopardizes the long-term sustainability of the project.

Conflict of interest

The SSC advise that *“Chairs should transparently reveal their own conflicts, but they need not exclude themselves from discussion or relinquish their leadership role.”* With regard to ‘Managing Money’ the SSC is more specific, *“Implementing conservation action should largely remain the domain of individual SG members or groupings of members. The SG Chair and other SG officers play an important role in supporting their members but not in the implementation of projects or programmes, per se.”*

Using one’s knowledge and expertise to further the cause of conservation of biodiversity is not an unethical way of earning a living. However, using the credibility of the combined membership of the MTSG to raise funds for one’s own organization or personal benefit constitutes conflict of interest. In this case, there has been talk of money changing hands for consultant’s fees with DPCL. By what criteria then did an overseas Co-Chair and his organization get the job? Who gets paid? What are the terms of engagement? How is such a consultancy handled within the framework of the IUCN? When these questions were understandably raised with the broader MTSG membership, on an e-mail discussion list, no clear and transparent answers were forthcoming, suggesting the process undertaken by the MTSG Chairs was not consistent with the SSC

guidelines. Indeed, the MTSG Regional Chair for India (Kartik Shanker) resigned over what he considered a failure to observe due diligence on behalf of the MTSG Chairs.

Dispute mediation

The SSC Guidelines recognize that disputes between Specialist Group members will occur from time to time, and suggests SG chairs should remain impartial, transparent, be trusted, respected and thus able to exert authority.

In this case, the MTSG Co-Chairs have initiated a process, in the name of the MTSG, that has unquestionably caused a dispute between MTSG members and the Co-Chairs. The lack of transparency in the process and the leadership’s vested interest in the project has eroded confidence that members need to have in the Co-Chairs, making it improbable that they would be able to mediate disputes. It is difficult to see how this dispute can be resolved amicably within the MTSG, unless the SSC and/or the affected members of the MTSG and the Co-Chairs appoint an independent arbiter. There has been some casual discussion between the Co-Chairs and three of the Indian MTSG members about a possible meeting in Bhubaneswar, India, around September 2008, but four other Indian MTSG members have not been included in the exchange of emails.

Discussion

Specialist Group members provide the SSC and IUCN with unique human resources; people skilled in the technical challenges of conserving plants and animals, people familiar with the different national contexts in which conservation needs to be pursued, and people so committed to the IUCN and its conservation goals that they are prepared to volunteer their efforts. All they expect in return is to be treated with professional respect and be included in the processes of advancing conservation, particularly within their own countries.

For the Indian MTSG members, who have long been significant contributors to the MTSG, and who have been active in fostering sea turtle conservation within India for decades, their marginalization is inexplicable. One can only imagine the response that would occur in other countries, if Indian MTSG consultants were

engaged to solve such a controversial development problem, without engaging local MTSG members from the country involved. Attempts by the Indian MTSG members to obtain clear and transparent explanations about the MTSG involvement in the Dhamra project

have been met with elusive responses, couched in derogatory terms, which has further aggravated the situation and added to the frustration. Hence our attempt to explain the situation, as we see it.

IUCN–Tata partnership – undermining conservation

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A handful of mass nesting locations remain worldwide for the olive ridley turtle. Gahirmatha is one of the largest. Already threatened by trawling, the last thing the turtles need is a mega port less than 15 km from their mass nesting beaches. The port is also less than 5 km from India's second largest mangrove forest, Bhitarkanika.

Given that this will be the deepest port in India and the entire region, and one of the largest, its location in an area of ecological significance is obviously a matter of concern, particularly given that no proper environment impact assessment has ever been conducted for this project. The only EIA that exists has serious flaws, and considers a project with a different location and specifications from the one being built. (See www.greenpeace.org/india/press/reports/critique-of-the-environmental for a critique of the EIA). A biodiversity assessment study conducted in 2007 has thrown up rare species of reptiles and amphibians on the port site itself, species that found no mention in the EIA!

There are some things about the IUCN-Tata partnership that just don't make sense. Like the IUCN agreeing to provide advice on mitigation measures, rather than first insisting on a comprehensive impact analysis. The IUCN has acknowledged that procedural loopholes prevented a proper review of the port's environmental impacts, and also that the project's EIA was substandard (see http://www.dhamraport.com/download/dhamraport_iucnreport.pdf). The IUCN also said in its first scoping report that a comprehensive EIA was needed, yet this was never done. Why didn't the IUCN first conduct such an EIA? How can it

advise on mitigation after accepting that the impacts are unknown? Is this in keeping with the Precautionary Principle?

Another puzzle: The IUCN's refusal to consult with turtle researchers, Marine Turtle Specialist Group (MTSG) members and conservation groups in India. Tata approached IUCN prior to July 2006. Yet there was no effort to inform, let alone consult or involve, other groups in India. The apprehensions of conservationists, NGOs and fishermen's associations had been public for close to eight years. Why the secrecy?

What really doesn't make sense is Dr. Nicholas Pilcher, MTSG Co-Chair and now chief consultant on the mitigation plan, vociferously defending the economic necessity of the port itself, and asserting that it poses little threat to turtles (<http://lists.ufl.edu/cgi-bin/wa?A2=ind0803&L=cturtle&T=0&P=12430>). It doesn't make sense because Dr. Pilcher had clearly stated in December 2006 that turtles would be impacted, by lighting, dredging and most of all the secondary development that would follow the port's establishment. Why the turnaround?

In 2005, the Bombay Natural History Society refused to undertake a Tata-funded study to ascertain turtle presence in the area on the grounds that the project (land acquisition, etc.) was already underway, raising the probability of a *fait accompli*. Tata now claims that it was ready to abandon the project had anyone advised them. But surely continuing work while an impact study is ongoing doesn't indicate readiness to abandon a project (see <http://www.greenpeace.org/india/turtles/background>).