



Case Study:

Removal of vegetation from Mendhoo, Laamu Atoll

1. Introduction

The Maldives is an island nation vulnerable to climate change and at constant risk of coastal erosion and tidal surges. The most significant protection from such catastrophes is the naturally existing vegetation systems on islands. Coconut palms and other terrestrial vegetation enrich biodiversity and are crucial for coastal defense against beach erosion (MEE, 2015). While conservation of such vegetation is vital, exploitation continues with little or no consequence. In recent years demand for coconut palms has increased due to their use in landscaping islands reclaimed for resort development. This resulted in the mass removal of coconut palms and other plants from uninhabited islands across the Maldives. This paper focuses specifically on the implications of ecocide in Laamu Mendhoo.

2. Locations

Mendhoo is an uninhabited island in Laamu Atoll, located near Hithadhoo and Kunahandhoo (as shown in Figure. 1). Mendhoo was leased for agricultural purposes to the Southern Farmers' Cooperative from 2012 to 2017. The Ministry of Fisheries and Agriculture leased the island to Hassan Adil of S. Maradhoo on 5th June 2017.



*Fig. 1. Location of Mendhoo
Source: Google Earth*

3. Issue and EPA’s response

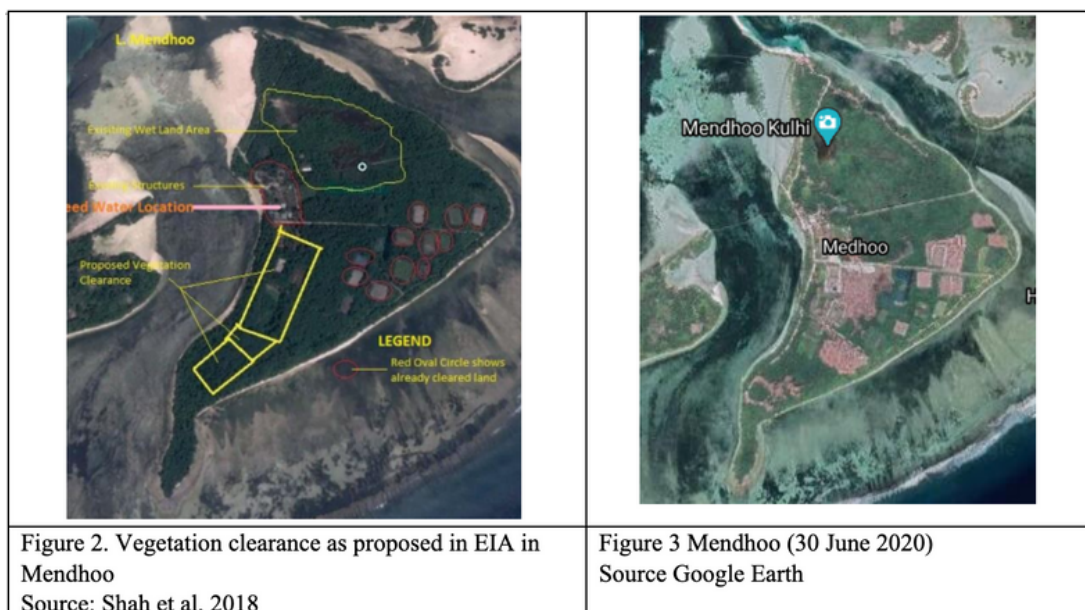
In March 2019, concerning media reports and images surfaced showing barges full of uprooted coconut palms transported out of Mendhoo. The legality of the tree removal was questioned by the concerned public, following similar concerns with other similar recent incidents (Waseem, 2019). Environmental Protection Agency (EPA) is mandated to monitor adherence to the EIA regulations and legislation on environmental protection (MEE, 2013). EPA’s response to the public’s initial concern was that the EIA approval was given to the lessee prior to commencement. EPA also urged the public and media to refrain from spreading misinformation (EPA, 2019).

As the island was leased for agricultural purposes, a mandatory EIA was carried out allowing 1199 coconut palms to be cleared (Shah et al, 2018). The EIA recommended replantation of coconut palms on Mendhoo, or alternatively allowing the palms to be moved to another island by an interested party for replantation (Shah et al, 2018).

In October 2019, civil society expressed concern that the uprooted quantity of trees in Mendhoo island exceeded the approved quantity (Abdulla, 2019; Save the Maldives; 2019; Azhaar, 2019). Unlike inhabited islands, individuals or concerned media are not allowed to visit islands leased to private individuals or companies without a permit from the island’s operator.

As EPA did not have staff in Laamu atoll, they contacted the police to verify if trees were uprooted and removed according to the EIA done for the island’s agricultural project. Following increased public pressure, EPA staff made a site visit to investigate the case further. The investigation uncovered that the number of trees, including coconut palms, uprooted from Mendhoo was well beyond the number approved by EPA and that these coconut palms were taken to Emboodhoo lagoon in Kaafu Atoll, where reclaimed artificial islands were planned for building integrated tourist resorts (Waseem, 2019). Vegetations were also “grabbed” for landscaping and beautification of resorts that were under development in Emboodhoo lagoon.

To understand the extent of the destruction, EPA used aerial photos, analyzed the vegetation, and compared it with the older photos. Some baseline information on vegetation was available from the previous EIA (see Figure 2). Aerial photos at the time of investigation show the removal of coconut palms from areas not approved in the EIA (see Figure 3). However, the actual destruction is unknown as the number of removed trees cannot be accurately verified using aerial photos.



4. Legal implications

Removal of coconut palms from Mendhoo was considered a legal offence because the removals exceeded the approved quantity in the EIA. The lessee committed an additional offence as they also encroached on areas within the Environmental Protection Zone.

There were no prior requests to authorities seeking permission nor an impact assessment for removing additional coconut palms. Moreover, the coconut palms did not belong to the lessee of the island, rather, they were “Bandaara Ruh” (or state coconut palms). Meaning, the lessee does not have legal rights to the palms. However, EPA did not mention this fact in their public statement.

On 20th November 2019, Hassan Adil was fined MVR 275,000 for violating the Regulation on Environmental Liability (2011) and Environmental Protection and Preservation Act (1993). Under chapter 6, Article 1 of the EIA Regulation (2012), an additional fine of MVR 20,000 should have been imposed on the leaseholder for taking action without an EIA. The fine of MVR 275,000 was required to be paid within 30 days. Upon inquiry, EPA informed that the fine imposed back in 2019 is yet to be received and they have requested Attorney General to proceed with prosecution. It is important to note that no action has been taken against any other party except the lessee, Hasaan Adil.

5. Chances of repeating the violation

Chances of repeating such violations are high as more islands continue to be reclaimed. In June 2019, EPA announced that a vegetation plan must be submitted for reclamation projects (Ali, 2019). However, Gulhifalhu is currently being reclaimed without a vegetation plan submission. “The reason was stated as not relevant for now” and that a vegetation plan will be submitted later (Shah et al, 2018). EPA has legal limitations in demanding for aerial photography as part of vegetation plans due to the lack of legal requirements.

In 2014, a large number of uninhabited islands and lagoons were leased to develop resorts and for agricultural purposes. This has resulted in the deterioration of pristine, untouched lagoons and additional damages to other uninhabited islands where trees were illegally removed to meet the high demand for landscaping and beautification of new resorts that were under development. The case of the tree grab from Mendhoo is not an isolated event. A similar incident took place on the island of Vaavu Fulidhoo (Ibrahim, 2018).

6. Monitoring

The Regulation on Cutting Down, Uprooting, Digging Out and Export of Trees and Palms from one island to another formulated under the Environmental Protection and Preservation Act (1993) state that for every tree or palm removed in the Maldives two more should replace it. Due to lack of reliable monitoring mechanisms, whether revegetation was undertaken in Mendhoo could not be verified.

While penalizing an environmental offence is essential, an equal measure of importance must be given to ensure that rehabilitation work is being carried out. The reason for enforcing revegetation is to ensure the reversal of damage done to the environment.

The Ministry of Fisheries and Agriculture leases out islands for agricultural purposes. Therefore, this ministry can play a significant role in monitoring this aspect.

7. Other related issues

According to the EIA report, coconut palms were removed by the previous island caretaker before the island was leased to Hassan Adil. However, there is no accessible EIA report available on the EPA database.

Therefore, it is not clear if the previous owners submitted an EIA before removing the coconut palms. Moreover, as per the EIA regulation 2007, it is an offense to proceed with an activity without preparing an Initial Environment Impact Assessment report. Therefore, if the previous caretaker committed this offence, they are liable to a fine. Despite this, EPA has taken no such action against the previous island caretaker.

Furthermore, since an area of land was cleared already, Hassan Adil would have had to clear a proportionately smaller part of the island to conduct the project. Despite this, the number of coconut palms removed was greater than the amount recommended in the EIA. As per the EIA report, a post-project environmental monitoring report must be submitted to the EPA. Upon inquiry, EPA informed that no monitoring reports had been submitted to date for the Mendhoo case. Such reports are often delayed or not submitted at all.

In addition, the EIA report did not include the cumulative impact to the island of repeatedly removing coconut palms as per the requirement of the EIA regulation. Any significant removal of trees will cause loss of habitat for wildlife, such as birds, that depend on them. Maldives has only a few varieties of coconut palms, and it is essential to focus on conservation by identifying these different varieties. However, there was no mention of the actual varieties or species in any of the reports. It should be noted that there is no forestry law in the Maldives to support conservation, despite the Food and Agriculture Organization's (FAO) recommendations to introduce a Forestry Act for the sustainable management of trees and forestry resources in the country (Thupalli, 2009).

Several other parties are often involved in these situations, such as resort developers, brokers, contractors, transport providers and councils. The coconut palms removed from Mendhoo were taken to Emboodhoo lagoon, which was reclaimed to build nine resort islands (Masood, 2019). EPA's investigations did not mention the legal responsibility and repercussions towards any other parties involved.

On 6th November 2018, EPA issued a statement reminding all involved parties that permissions are needed prior to removing trees as per the regulation on the removal of coconut palms (article 5, clause 5, EPA, 2019c). As per the statement, councils do not have the authority to grant permissions. EPA requested to use the following as a guideline:

- (a) to check whether there is an approved EIA and whether the period is valid as per the decision statement on the EIA on the removal of trees;
- (b) to make sure that the number of trees to be removed does not exceed the permitted amount;
- (c) to make sure whether any tree was removed outside of the region approved for removal of trees; and
- (d) not to remove a large amount of soil.

Despite the guidelines, many allegations have been made against resorts, brokers, transport providers as well as enforcement authorities and EIA consultants, accusing them of collusion to facilitate tree grab and the sale of trees. These issues highlight the institutional and legal gaps within the regulatory and enforcement framework.

8. Conclusion

The fine imposed by the EPA was in regards to the breach of the EIA by the lessee. EPA investigation and action was initiated through pressure and lobbying by civil society and media reports. There is an urgent need to improve monitoring systems so that timely action can be taken and such offences can be reduced and minimized in scale. It is important to note that EPA guidelines alone will not be adequate to address environmental crimes. There is a clear connection between the different parties involved. Therefore, the regulatory framework should be strengthened together with monitoring and enforcement functions. The actions of all involved parties must be taken into consideration when imposing penalties and other legal actions to ensure accountability and preventing environmental crimes from repeating. It is also essential to acknowledge the important role of an informed public in reporting such crimes.

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