



# SUNDARBANS CLIMATE JUSTICE PARTNERSHIP INITIAL REPORT

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# 1. Introduction

The Sundarbans Climate Justice Partnership is working to raise awareness of the effects of, and pursue accountability for, the impacts of climate change on those living in the Indian Sundarbans. Central to the project is the commitment to empowering communities to access climate justice by exploring transnational legal remedies. Pursuit of these transnational remedies is intended to ensure that those most responsible for climate damage are held accountable for the human costs of their actions.

The Sundarbans is a biodiverse region which straddles India and Bangladesh and is a UNESCO Heritage Site. It is home to one of the largest mangrove forests in the world which itself is home to the Bengal Tiger. Unfortunately, it is also vulnerable to the consequences of climate change. Currently the Sundarbans are subject to rising sea levels, continuous cyclones, and catastrophic flooding (Hazra et al 2002).

The impacts of climate change on the Sundarbans have been documented over the course of two decades through the work of oceanographer Professor Tuhin Ghosh. Inspired by Professor Ghosh, Krishnendu Mukherjee, a barrister at [Doughty Street Chambers](#), penned [an article](#) on the need for adequate legal remedies for those living in the Sundarbans.

In response to Mukherjee's call for better legal accountability for those living in the Sundarbans, a partnership was born between three universities in India and UK. Since 2020, Sue Willman from the [King's Legal Clinic](#) has coordinated the project, working with Krishnendu Mukherjee, Professor Ghosh and Roopleena Porel at [Jadavpur University](#), alongside Agnidipto Tarafder and Ankita Chakravarty from the Legal Aid Society at the [West Bengal National University of Juridical Sciences \(NUJS\)](#) in Kolkata. Academic insight has been added by Emily Barritt, Senior Lecturer in Environmental Law at the Transnational Law Institute at King's. Both she and Willman are members

of King's Climate Law and Governance Institute. Students from KCL and NUJS have also played a critical role in the project, enriching and enabling its outcomes.

The pilot phase of the project, supported by seed funding from King's Global Partnership Fund and the Environmental Defence Law Centre ('EDLC') in the United States has encompassed legal and practical training for law students in India, a field visit to the Sundarbans Delta and to peri-urban parts of Kolkata city, legal and scientific research on mitigation and adaption to climate change in the Sundarbans and fundraising and networking for the future.

The focus of the project is on the pursuit of **transnational soft law remedies for climate change** in the Sundarbans. These remedies are designed to hold to account the companies responsible for generating the emissions which have led to global warming. In the long-term, it envisions a sustained research partnership between India and the UK to identify remedies and draw attention to the increasing vulnerability of coastal communities such as the Sundarbans to climate change.

At the heart of this collaboration is a commitment to robust clinical legal education between India and the UK. The pilot has already identified possible funding to engage partner universities in India and the UK to curate and develop a collaborative module on remedies and corporate accountability for climate damage. The partnership will explore options such as pop-up legal clinics in the Sundarbans to understand climate-related issues and address them with suitable remedies. Throughout its activities, the project strives to learn from, be respectful and inclusive of diverse perspectives from academics, students, and legal practitioners from around the world, and most importantly, from the people of the Sundarbans themselves.

## **2. Methodology and Approach**

The project is underpinned by qualitative research methods, primarily a narrative approach (Tomaszewski et al 2020) which sought to enable residents of the Sundarbans and Kolkata to share their stories and experiences of living with the impacts of climate change. Central to this qualitative method, was a recognition of the vulnerabilities of the communities and individuals involved and the balance of power in the interviewer/interviewee relationship. An awareness of these dynamics has shaped the direction and ethos of the project, with particular attention being paid to decolonial approaches.

At the core of this partnership lies a commitment to decolonise our approach towards research and relief in the Sundarbans Delta. A decolonised approach is particularly important in this context because this has not always happened with past interventions by a range of bodies. We want to be conscious of our position as western professionals and Indian academics seeking to work with Indigenous people in the region. We strive to be inclusive of local perspectives and genuine interests of the stakeholders.

Over a course of several months, the partnership has conducted discussions with field experts and professionals in India and the UK to agree on the ethical parameters needed for interviewing these vulnerable communities, and best practices to collect, store and preserve data that has been collected from our participants in accordance with General Data Protection Regulation ('GDPR').

One of the first products of the entire team was a Baseline Survey Questionnaire to gather information relevant to the project from the inhabitants of the Sundarbans. The Questionnaire was subject to rigorous deliberation by members in India and in the UK before being introduced to Indian law students in Kolkata. To prepare students for this initial survey they were given 2 days of intensive training. The training

engaged the students on sensitive and ethical approaches to obtaining the consent of the Indigenous people who participated in the survey.

From the perspective of the collaboration, the training allowed for an exchange of knowledge and expertise between the members in the UK and the local partners in India. This included, but was not limited to, a transfer of information regarding the role of legal clinics, the methods of interviewing vulnerable communities, and the application of GDPR best practices. Facilitators in India gained knowledge of the international soft-law remedy through the OECD system and the team in the UK appreciated nuanced insights into the socio-cultural landscape and geography of the Sundarbans. As a cross-cultural event, it laid the foundation for future collaborations between the institutions in India and the UK where we complement the strengths in each other.

The surveys have sought to ensure that each interviewee was informed of their right and ability to partake in our baseline survey on their terms. While speaking to respondents in the Sundarbans Delta and in the city, the students were careful to explain unfamiliar concepts like climate change or global warming in simpler terms in Bengali. They engaged the respondents through smaller questions about daily living, natural resources in their environment, occurrence of cyclones, etc. that ultimately lead to bigger concerns for climate change. The team in India was also able to take note of the inhabitants' personal views on climate change.

During the training sessions, the students contributed information about their experience of interviewing disadvantaged communities in other contexts and discussed the competing interests of the people and the rights of nature in the Sundarbans. Lessons from this process will contribute towards changing and evolving the future activities of the project.

### 3. Training

The execution of the Sundarbans Climate Justice Partnership began with a two-day training event held over the weekend of 3 and 4 July 2021. The partnership successfully trained eight law students from the NUJS Legal Aid Society in both theory and legal skills. On the first day of the training, Professor Ghosh explained the environmental issues facing those living in the Sundarbans, followed by sociological insights from Ankita Chakravarty. Sue Willman and Krishnendu Mukherjee introduced the team to business and human rights principles that offer soft law remedies for the consequences of climate change.

On the second day, a field expert from India briefed students on ethical methods of obtaining consent and interviewing vulnerable communities. There was careful discussion of confidentiality and ethics and applying a GDPR compliant approach, respecting the data of Sundarbans residents. Roopleena Porel, an environmental researcher who has worked in the Sundarbans, prepared mock interview scripts that were immensely helpful to train students in cultural and emotional approaches to interviewing in Bengali. NUJS and KCL were also able to bring insight into legal clinics and their potential to address issues on field.

After the training, feedback was gathered from both the facilitators and the student participants to gauge the impact of the sessions and understand areas of improvement for the future.

“The interview sessions were most informative and educative for the students and had the maximum direct impact on the immediate task of data collection.”

Agnidipto Tarafder, Assistant Professor  
NUJS



## 4. Field Visit

Following the training, the team in India faced significant challenges in carrying out the field work. COVID-19 lockdowns in the state of West Bengal, coupled with devastating cyclones along the coast which severely affected the Sundarbans delta meant that travelling to the area was delayed. Local elections in West Bengal caused administrative delays in fund transfers from the UK to India tested the ability of the partnership to adapt our plans. Thanks to the flexibility of the team in India and quick action from those in the UK, we were able to overcome these obstacles. The initial research was of necessity qualitative rather than quantitative under these conditions.

### 4.1. Sundarbans Delta

On 24 July, the team in India comprising of Professor Ghosh, Roopleena Porel and Ankita Chakravarty along with three students selected from those who had attended



Figure 1: Students Taposh and Simran with Rohit in Sagar Colony II. (Date 25.07.21)

the training sessions – Simran Sonkar, Sanjula Chakaraborty and Taposh Das – visited Sagar Island in the Sundarbans to carry out the baseline survey. The team's stay in the island for two days. This time enabled them to cement their relationship with the

inhabitants allowing them to observe the daily ways of life in the Delta. The team interacted with 15 islanders whose families were relocated from their original homeland to Sagar Island due to complete erosion of their homeland.

The students who went to the Delta have expressed feeling disconnected from reality when they first arrived in the Island, because they were unaware of, and unprepared for, the gravity of destruction that they witnessed. Understandably, the socio-cultural distance between city-dwellers of privilege and vulnerable island communities also added a need for sensitivity in the interview process. But the students were fortunate to have been guided by the facilitators into free-flowing conversation with the people. The narrative approach to

the research meant that students were able to focus on truly listening to the residents' stories, later transcribing the information into the Baseline Survey Questionnaire. This ensured that the residents were not put in a strictly scripted or formal dialogue.

"Since we come from privileged backgrounds, there was a distance and disconnect from the residents in the delta, and I felt like I was being callous with the questions. But the residents spoke with us freely and without barriers."

Sanjula Chakraborty,  
LawStudent,  
NUJS Legal Aid Society

## 4.2.Urban Kolkata- City Interviews

On 11 September 2021, the same team undertook a field visit to Sonarpur district in West Bengal, which forms the outskirts of the city of Kolkata. It is common for families that lose income and livelihood in the Sundarbans Delta to send one or more members to the city to take up labour in factories, garages and even houses as private



Figure 2: Sheikh Subail with his family in Sagar Colony I, joined by student Taposh. (Date: 24.07.21)

security, domestic worker, etc. Understanding the life of the islanders after moving to the city and whether or not they are effectively 'climate refugees' is also an important component of the project. The team surveyed 10 male city-dwellers over a span of three hours and the students'

prior training and experience of surveying respondents in the Delta enabled them to navigate conversations more easily with the respondents in the city.

## 5. Observations and Research

### 5.1. Sundarbans Delta

The preliminary findings indicate that due to loss of land and livelihood, many residents of the Sundarbans have had to take up employment through government schemes; some have moved to Kolkata, Gujarat and other parts of India to find jobs in the cities; some still work in agriculture in the Delta but are faced with decreasing income from their occupation. Women, though not formally employed in the market, perform intensive tasks including ploughing, harvesting, crab catching, cattle rearing and the like.

State assistance has been severely lacking in the region. The last intervention by the State was over thirty years ago, through which they were initially relocated to their current residence. Therefore, the islanders have had to find their own means and methods to cope with the drastic changes in their living environment. However, they did not assign responsibility either to State or to any private actor for driving climate change. Critically, the residents did not necessarily comprehend the larger concept of climate change or global warming. Instead, they were more aware of smaller instances that cause hardship, such as cyclones, or the ongoing Covid-19 pandemic. This might also be since we did not particularly ask them about responsibility or accountability for the issues they face. In the future, we believe that it would be helpful to ask the residents why or who they understand to be responsible for their vulnerability.

We also observed that there is a lack of scientific and anthropological data on the causes behind climate change in the Sundarbans. There are still unresolved debates about factors like embankmentation, and other physical local interventions that have an effect on the course of rivers and flooding. There is a blatant need for further research on these factors to inform the project. We have also identified that

businesses based in the UK operate in the Sundarbans in extractive industries that increase emissions. We have initiated research into this with a team of students at the King's Legal Clinic.

## 5.2. Urban Kolkata City

Following the Delta survey, a few changes were made to the Baseline Survey Questionnaire to adapt it to the peri-urban city diaspora. The responses collated from the survey confirmed that most of the participants moved out of the delta for reasons of education or employment. Each of them admitted to having land back in the Delta, but they found it futile to go back when there is no scope of earning from it. The participants also regretted that there has been no State assistance for the effects of climate change, but just smaller relief efforts in the immediate aftermath of cyclones or disasters.

This time, the students were conscious to ask the participants what they regard to be the cause of climate change, and the participants who were largely educated in English were cognizant of the concept. However, we discovered that none of the respondents attributed climate change to corporate activity or State inaction. Instead, they considered expanding population and human dependence on resources to be the driving force behind climate change. Some even regarded climate change to be a natural and inevitable occurrence.

Participants from peri-urban Kolkata were asked about their willingness to participate in more surveys in the future, and they were eager to do so. The pilot survey was thus able to build relationships with local residents which will help the longer research goals of the project.

## 5.3. UK Based Research

Simultaneously with the above work in India, the team in the UK has been undertaking research on corporate accountability for climate change. We have identified international and domestic due diligence requirements for businesses based in the

Global North, but operating in India, which have significant effects on land resources in the Sundarbans. We also hope to establish responsibilities of institutions in the West that finance such operations in India and bring a soft-law complaint to pursue remedies for damages caused.

#### **5.4. General Observations**

Beyond the climate justice focus of the project, the initial research has opened avenues for social justice more generally. Of note was the value in introducing law students from largely urban contexts to the study, assessment and assistance of completely rural communities. By bridging these social barriers, the project has the potential to lead to a much closer connection and help to foster a sense of community between people of extremely disparate backgrounds.

## 6. Action Points for the Project

<b>Consultation and Investigation</b>	Identifying partners and building relations; Training students; Undertaking base-line surveys and initial desk-based research; Reviewing the nature of project.
<b>Research</b>	Identifying research questions in relation to access to climate justice through soft law remedies; Seeking any sources of further research on debates surrounding the causes of climate change in the Sundarbans Delta; Identifying effectiveness of remedies and availability of redress through courts and lawyers; Seeking funding for research.
<b>Fundraising</b>	Obtaining seed funding; Initial small grant applications for events and self-contained projects; Large scale research grant at a later stage.
<b>Training and Capacity building</b>	Training for establishment of local legal clinics and considering the development of academic clinical course; Exchange of ideas through academic seminars and conferences; Building networks with local NGOs and civil society organisations to increase awareness.
<b>Identifying Remedies and Redress</b>	Evidence gathering inquiry into climate change in the Sundarbans with expert input; Initiating soft-law complaint to enforce rights and remedies for climate change.
<b>Publicity</b>	Officially launching project; Artistic media initiatives; Films and conferences
<b>Access to Justice on the Ground</b>	Delivering information and advice; Setting up pop up clinics; Building networks with local advice-givers/ NGOs/ law firms.
<b>Influencing</b>	Applying lessons to law reform and policy development, lobbying and dissemination.

## Acknowledgements

We are indebted to Professor Tuhin Ghosh for his unrivalled knowledge of climate change in the Sundarbans and for helping us establish relationships with the inhabitants of the Sundarbans. We are thankful to Ankita Chakravarty and Agnidipto Tarafder for their valuable time and for successfully carrying out our activities in India by guiding the law students from NUJS Legal Aid Society, whose pro bono work with this project ensured the possibility of our field research. We are also indebted to the Vice-Chancellor Nirmal Kanti Chakrabarti for committing NUJS' time and resources to this project. This report also would not have been possible without Roopleena Porel, whose field experience, drafting and analysis have been integral to the entire project.

We appreciate Krishnendu Mukherjee's ambition and expertise which have sustained the aims of the project and brought the entire team together. We acknowledge the instrumental role played by Sue Willman in consistently developing and promoting this project through all phases. We are also thankful to Dr Emily Barritt, for her research contributions and serious review of this report and to Shaila Pal for all the support that we received through the King's Legal Clinic. The project also owes gratitude to Dr Christoph Kletzer, Professor James Lee and Professor Alexander Türk from the Dickson Poon School of Law for guidance and support.

We recognise the input of Dr Athulya Arvind in establishing the partnership between the three participating universities and for obtaining seed funding through the Global Engagement Partnership Fund at King's College. We also acknowledge that the Environmental Defender Law Centre (Seattle, USA) graciously funded our legal research into climate change remedies for the Sundarbans.



Finally, the project is greatly indebted to all the work and support provided by Malavika Prasanna, our first research assistant who authored this report and contributed very much more.

With thanks to:

- Professor Tuhin Ghosh, Director, School of Oceanographic Studies, Jadavpur University
- Ankita Chakravarty, Assistant Professor and Supervising Lawyer, Legal Aid Society, NUJS
- Agnidipto Tarafder, Former Assistant Professor and Supervising Lawyer, Legal Aid Society, NUJS
- Dr Nirmal Kanti Chakrabarti, Vice Chancellor, NUJS
- Krishnendu Mukherjee, Barrister, Doughty Street Chambers
- Sue Willman, Assistant Director and Supervising Solicitor, King's Legal Clinic, King's College London
- Dr Emily Barritt, Senior Lecturer in Environmental Law and Co-Director, Transnational Law Institute, King's College London
- Shaila Pal, Director and Supervising Solicitor, King's Legal Clinic, King's College London
- Dr Christoph Kletzer, Vice Dean (International and External Relations), The Dickson Poon School of Law, King's College London
- Professor James Lee, Vice Dean, The Dickson Poon School of Law, King's College London
- Professor Alexander Türk, Interim Executive Dean, The Dickson Poon School of Law, King's College London
- Dr Athulya Arvind, Senior Partnerships Officer (India), Global Engagement, King's College London

- Roopleena Porel, Field Assistant, Jadavpur University
- Environmental Defence Law Centre, Non-Profit Organisation Based in Seattle, USA
- Malavika Prasanna, Research Assistant, The Dickson Poon School of Law, King's College London

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