

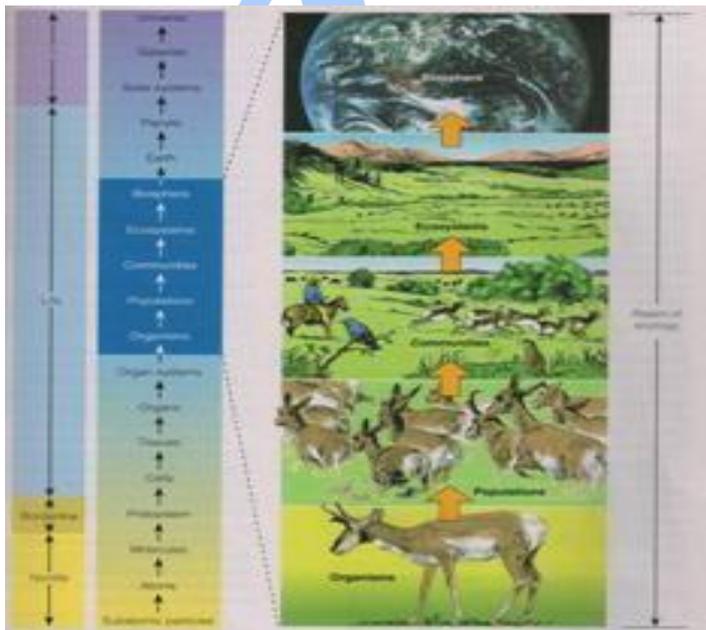
Right to Environment and Development

Vaishali Saxena¹

'Can civilization afford to surrender itself entirely to the.....driving force of the just one of its subsystem – namely, the pull of a dynamicrecursively closed, economic system which can only function and remain stable by taking all relevant information, translating it into and processing it in, the language of economic value.'

(Habermas,1991:33)¹

When we talk of human rights, it has made special provision for life, security and prosperity. It has extended right to life to environment. Environment is essential for life, security and prosperity. Through environment, social justice could be obtained for the people of the world. By proper use of the environment, development is possible in the world. Every individual want peace, security, prosperity and development. From this perspective this paper discusses right to environment and development.



Environment has traditionally been used to describe the surroundings in which we live- i.e. trees, animals, plants, rain clouds, people and so on. But we also live amidst buildings

¹ Vaishali Saxena, Ph.D., Assistant Professor; Deptt. Of Public Administration; Lucknow University.

roads, cars, and so on. Thus our environment consist not only of a self organizing, natural environment but also of an intentionally organized, artificial, built, or, constructed environment. These two kinds of environments are quite different from each other but there exist profound implication i.e. the fate of natural 'green bits' of the planet is now completely bound up with how we construct and live in the human constructed 'brown-bits' of the planet.²

Human Constructed Environment Impacts Natural Environment- A Case of Arctic North

Although many of indigenous people of the Eurasian Arctic derive their livelihoods from reindeer herding, the most ubiquitous renewable resource of the circumpolar north is its wildlife. The arctic is hunting ground, where the quarry includes fish and mammals, such as whale, walrus and seal and land mammals including musk ox, caribou, arctic fox and polar bear.

Hunting, trapping and fishing as practice by indigenous people yield food and raw material for household use as well as providing for cash income through the sale of meat, hides, furs, ivory and bone. Native people have an interest in the long term survival of wild life population, naturally as their future livelihood is based on it. However there is no scholarly consensus regarding extent to which past indigenous populations actively managed wild life stocks. Biologist such as Thomas and Schaefer has argued against the existence of any conscious aboriginal system of wild life management. They suggest that the past impact of hunting and fishing were kept in check simply by the small scale and limited technological sophistication of human population. Anthropologist and sociologist, on the other hand, see an effective mean of wildlife management in traditional knowledge. They argue, moreover, that the social structure of pre contact aboriginal societies discouraged individualism and promoted communal system of property sharing. In a situation that was antithesis of Hardin's 'tragedy of commons', the exploitation of wildlife was governed by an effective system of customary law. The strength of these unwritten rules related to the cultural as well as economic significance of wildlife. Animals were not just key economic and dietary resources; they were also imbued with spiritual value and hence accorded considerable respect.

What both these perspective of aboriginal practice have in common is an acceptance of the past sustainability of indigenous hunting and fishing. Whether or not they were actively managed, wildlife population was viewed as resources that should be used to benefit the whole community, present as well as future. By contrast hunters and fishers who exported arctic resources to meet the demands of external industrial society which display no commitment to sustainability and indigenous livelihood. The effects of pattern of hunting driven largely by desire for maximum short term gains and immediate profits apparent from 18 century onwards decline of important arctic species, including whales, walrus, seals, musk arctic fox. Indeed commercial boom was often followed by bust as wildlife population was decimated and locally exterminated.

The severity of these human impacts on such animal populations is also reflection of difficulties in achieving ecological sustainability in hostile arctic environment. Arctic ecosystem is extremely very fragile, display limited diversity, low productivity and slow growth rates. They also posses low buffering capacity, lacking the resilience to recover quickly from any disturbance whether natural or man-made. Thus regional studies, including work on Lancaster Sound in eastern Canada, have emphasised three defining characteristics of arctic eco-systems. First, they are simple, therefore, disproportionately large percentage of energy flows through specific species within the food web. In Lancaster Sound, the arctic cod plays a major role, both as a consumer of organisms at lower trophic level and

as an agent concentrating these small particles of energy into units large enough to be eaten by large seals, whales, polar bears and birds at higher trophic levels. Second, these eco-systems have low resistance to impacts. Consumption of the annual production of the cod by the main marine level, in Lancaster Sound, ringed seal, is close to maximum possible. This leaves little leeway for any increased harvest of cod and seals by polar bears and human hunters. Third, Arctic eco-systems exhibit bio amplification, reflecting the length of food chain supporting the higher vertebrates. Human impacts- including over-harvesting, pollution and environmental change- on the plankton, shrimps and smaller fish that they make up the lowest tropic level of the marine food chain may thus precipitate the collapse of populations of larger mammals such as seals and polar bears.

The modern civilization sees nature for its instrumental value, treating it as raw material for industries. To destroy the nature, it provides its justifications to eradicate poverty from the society. Many of the world's poor population do not have access to the basic necessities for a healthy, productive and decent life. 37% of the world population (2.4 billion) do not have access to adequate sanitation, 25%(1.6 billion) are without access to electricity, 17% are without Clean drinking water.³ Hence their daily life is focussed on getting enough food, water and fuel to survive. Desperate to grow enough food, world deplete and degrade forest, soil, grasslands and wildlife for survival for short term living. They do not have the luxury of worrying about long term environmental sustainability.

This social and economic order creates the crisis of sustainability. Supplying each person with resources and absorbing the waste from such resource use creates large ecological footprints or environmental impact. The per capita ecological foot prints are the amount of biologically productive land and water needed to supply each person with the resources. It is an estimate of an average environmental impact of individual of different countries and areas. Humanity's ecological footprints exceed the earth's ecological capacity to replenish its renewable resources and absorb waste by about 21%. If these estimates are correct, we are drawing down renewable resources 21% faster than the earth can renew them.⁴

The down to earth environmentalists point to the rapidly degrading land, water and forest and argue that the highly wasteful; lifestyle of few countries and individuals are depriving the many of even the basic necessities. In this context, it is significant to point out the per capita ecological footprint of the United States is 9.6 whereas of India is only

The consumption of the few is making it difficult to sustain even the minimal sustenance of the many. For example, in the US the ecological impact per person (measured as the productive land and sea require to provide resources and to absorb wastes) is more than four times China's and more than nine times of India's. In this context, Mathew Stilwell discusses the problems of poor- communities as well as of poor nations. He laments- 'The excessive emission of the wealthy have destabilize the climate, harming the poor and threatening our future. Already climate change causing the oceans to rise and acidify, melting ice caps, glaciers and permafrost, damaging forest, coral reefs and other eco systems and intensifying fires, floods and droughts and other extreme weather events. It is increasing water stress, hindering the production of food, altering disease vectors and threatening the infrastructure and resources that are the life, blood of millions of people. Poor countries and communities that have done least to cause climate change suffer first and worst from its adverse effects.'⁶

It has been recognized that for disproportionate contribution to the cause of climate change and its adverse effects, the wealthy owe a twofold climate debt:⁷

- For overusing and substantially diminishing the earth's capacity to absorb green house gases – denying that capacity to the poor countries that most need it in the course of their development- the developed countries have run up an 'emission

debt'.

- For the adverse effects of these excessive emissions- contributing to the escalating losses, damages and lost development opportunities facing developing poor countries – the developed countries have run up an 'adaptation debt' .

The extent of developed countries emission debt reflects their excessive past, present and proposed use of shared atmospheric space. With less than 20 per cent of the population, developed countries have produced more than 70 per cent of historical emissions since 1850, far more than their fair share based on their equal per person emissions. After diminishing the earth's atmospheric space- denying it to poor countries and communities – the same rich countries are now propose consuming a disproportionate share of the remaining space until 2050 as compared to equal per capita share.

Developed countries representing a minority of people have appropriated the major part of a shared global resource for their own use- a resource that belong to all and should be fairly shared with the majority of people. Developed countries by using their future assigned amounts on their past excessive levels, they are effectively proposing to write off the full amount of their historical emission debt, and to simultaneously appropriate what their economic value as trillions of dollars of remaining atmospheric space that should rightfully allocated to south (representing poor).

Their proposal, if adopted would lock poor countries into low and rapidly decreasing per capita shares, denying them the atmospheric space and finance needed to build the house, schools, roads and infrastructure the developed world already has. Their proposal would deepen the debt of developed countries rather than honouring it, leveraging past injustices into a future climate regime and proposing a system in which the 'polluter profits' and the 'poor pay' for the excessive historical and current consumption by rich countries.⁸

Rich countries must accept responsibility for adverse effects of their historical and continuing high per person emission on poor countries and communities. Among the hardest hit are:

Farmers and farming communities. In some countries rain fed agriculture is expected to drop by up to 50 per cent by 2020, leaving millions of people without food.

- Indigenous and Local communities worldwide are harmed by changing eco systems and threats to their livelihood.
- Women. Seventy per cent of world's poor are women. Women provide half the world's food. They are hardest hit by climate change and must be at the heart of any solution.
- Poor communities. At particular risk are those communities concentrated in high risk areas, such as coastal and river flood plains or areas prone to extreme weather events.
- People relying on the scarce water resources. Between 75 and 250 million people are likely to face increased water stress by 2020 due to climate change.
- Communities susceptible to health impacts. The health of millions of people will likely be affected through increased malnutrition, increased disease burden, death and injury due to extreme weather events.

Kuala Lumpur Declaration issued in 1992, prior to UNCED cogently states this responsibility of the rich countries. To paraphrase the words of Dr. Mahamithir Mohamad, former Prime Minister of Malaysia, the developed countries have caused most of the

pollution and destroyed their own environmental heritage, so they should clean up their own mess, instead of laying claim to the resources of developing world.⁹ Principle 7 of the Rio Declaration acknowledges this paradigm of developing countries –

“The developed acknowledges the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.”

However justified this argument may be in principle; in practice developed countries withstand such claims by virtue of their greater political power. The USA in particular has steadfastly refused to acknowledge that it has any such responsibilities, stating only that the participation of states in the climate change regime should be based on current conditions or more specifically in accordance with the means at their disposal and their capabilities.

The Development Threshold and Responsibility

Keeping in view the above analysis, an attempt has been made to resolve the right to development through development threshold- a level of welfare below which people are not expected to share the cost of climate transition. This threshold is emphatically not based on poverty line which is typically defined to be so low (US\$1 or US \$ 2 a day) as to be more properly called a ‘destitution line’. Rather it is said to be higher than the global poverty line ‘to reflect a level of welfare that is beyond basic needs but well short of today’s level of affluent consumption.¹⁰

People below this threshold are taken as having development as their proper priority. As they struggle for better lives, they are not similarly obligated to labour to keep society as a whole within sharply limited global carbon budget. In any event, they have little responsibility for ecological problems (approximately 70 per cent of the population that lives below the development threshold is responsible for only about 15 per cent for all cumulative emissions) and little capacity to invest in solving it. People above the threshold, on the other hand are taken as having realized their right to development and as bearing the responsibility to preserve the right for others. They must as their income rise, gradually assume greater fraction of the cost curbing the emissions associated with their own consumption, as well cost of ensuring that, as those below the threshold rise towards than above it, they are able to do so along sustainable paths. These obligations are taken to belong to those who are above the threshold, be it in poor countries or in rich countries.

United States	4.6	45,922	45,922	29.7	29.2	29.4	26.3	21.8
EU 27	7.3	33,040	32,101	30.9	21.2	26.0	22.2	17.6
EU 25	5.8	38,419	35,407	29.1	17.8	23.4	19.9	15.6
EU 12	1.5	12,122	19,243	1.8	3.4	2.6	2.3	2.1
Japan	1.8	42,985	99,874	10.2	5.0	7.6	6.3	4.7
Russia	2.0	10,543	20,036	2.3	9.4	5.8	5.4	5.0
China	19.6	4,542	7,794	4.8	5.4	5.1	12.2	21.6
India	17.6	1,422	3,454	0.2	0.3	0.3	0.9	2.8
Brazil	2.8	10,684	11,183	2.6	3.1	2.8	2.8	2.7
South Africa	0.7	7,203	10,465	0.4	1.3	0.9	0.9	0.9
High Income	15.1	40,317	38,970	81.9	65.5	73.7	65.5	53.9
LDC's	11.4	767	1,585	0.1	0.5	0.3	0.3	0.3
World	100	9,088	11,086	100	100	100	100	100

Source: Sivan Kartha, Tom Athansiou, Paul Baer, *Development Dialogue*, 2012

Taking into account this development threshold, a responsibility capacity index can be constructed.¹¹

This notion of responsibility has five main component:¹²

1. Common but differentiated responsibility: developed countries should bear the main cost of action in line with their historical responsibility for causing the problem and there should be special condition to allow developing countries to participate. This actually led to a new interpretation of sustainable development, in the shape of an argument that the onus should be on developed countries to adjust their current patterns of consumption and production to ensure more environmentally sound development.
2. Additionality: developed states should transfer 'new and additional funds' to developing countries to pay for any actions that they took to combat climate change, and not simply reallocate existing aid budgets.

No further loss of sovereignty: that would perpetuate their exploitation by developed countries are extending their imperialism and the dependency relationship that led to the export of so much of the past surplus generated in the developed world. This also explains the developing countries opposition to notion of conditionality under which any new funding received from developed states could only be used for environmental protection. They also wanted this money to come from special fund rather than the global environmental facility, which they saw are controlled by World Bank and so by USA.

3. The right to continue their social and economic development: From this perspective it is totally hypocritically of the developed countries to ask their poorer counterpart to curb their development to mitigate an environmental problem caused by the past unsustainable development of the global north.
4. The right to prioritize action: to tackle their own immediate environmental problems – such as poor air and water quality- before long term problems like global warming .As Anwar Saifullah, Pakistani environment minister at the time of UNCED noted – ' Eighty per cent of our water is untreated. That is our biggest problem. When I have to worry about the basic provisions of life, it is luxury to talk of the global environment'.

The global lifestyle is not sustainable. The human beings are consuming faster than the earth can replenish and dumping waste faster than the earth can assimilate. There is disproportion between the increase of human population, natural resources and its consumptions. Therefore global sustainability would become much worse. Globally, our ecological impact exceeds the earth's capacity to regenerate by about 50 per cent. If Present trend continue, by the mid 2030 we will require equivalent to two planets.

In the context of equity, the earth should be treated as one unit and be equitably shared among all creatures. The rights of the animals and non human beings are considered by many governments while formulating policies. It is being applied only for human beings and only within the context of the nation.

In many countries resources from rural areas are appropriated by the affluent often in the name of development or national interests. International and national concerns for equity must be understood in this context.

It is the fact that there has been global consciousness of the evil effects of dam constructions in the form of deforestation, diseases, seism cities etc. Therefore there is opposition as in case of Narmada in Madhya Pradesh, Subernarekha in Jharkhand. the issue which involved is development of big industries, cities at the cost of farmers and people living in the forest and hills with perfect harmony with he nature. Since they live in the remote areas, their voice is suppressed by those who exert influence over the government policies. There is threat to human life due to materialistic civilization and development. In order to achieve goals of the development man has become butcher of the nature. Man is living where trees are disappearing, there is less water in the rivers and there is lack of fertile

soil. The media comes with the stories of global warming and increase in carbon dioxide and so many horrifying facts regarding it. But, man continues to behave in a manner which accelerates the process of degradation instead of maintain harmonious relationship between man and nature.

India is one of the countries which have made commitment in its constitution and laws for environment protection and improvement. Following legislations and gestures are worthy of mention in this context:

1. The proclamation of 1950 made a direct reference to environmental protection and improvement.

Similar kind of provision is found in 42nd amendment act of 1976. It has given a new dimension to public responsibility by making it obligatory for the Central government and State governments and every citizen to protect and improve the environment.¹⁹ It has made several changes in the 7th schedule of the constitution. Initially the forest was in the State list but this subject was transferred to the concurrent list (17A).

2. In 1986 government of India has enacted another act which is popularly known as environmental protection Act. The act has included such objectives regulation of environmental pollutants, hazardous substances endangering environment safety and health. This act also authorises Central Government to issue direction for the closure, prohibition or regulation of industry, it has also authorised the Central Government to stop or regulate the supply of electricity or water even without obtaining the Court order.
3. In 1971, the Government of India has taken commendable initiative by assimilating the subject of environment with the process of planning and national development.
4. The present ministry of Environment and Forestry was established in September 1985 with the objective of conservation of natural resources and protection of degraded parts of the environment. Many action plans are being carried out by the ministry- Ganga Action Plan, Wasteland Development Survey of natural resources etc.¹³
5. A National Environment Policy was framed in 2006 to pay attention to this concern.
6. The 10th Five year plan has witnessed 89.59 per cent increase in the budgetary allocation from the 9th five year plan.
7. Subgroup of the 12 plan recommended for national environment awareness campaign and centre of excellence for environment education, research and training.

There can be no viable human development if the ecological cost of economic development is such that essential ecological services are not preserved. Hence attention must be paid not only to air and water pollution, destructions of soils, forests species and the green house effect but also to climatic and hydrological cycles in their dependence on human interventions, to the capacity for waste assimilation and recycling of nutrients, to the polarization of the crops, to the maintenance of genetic diversity, to all transformations that has repercussions on the ecosystems.

The environment can no longer be perceived as luxury product of interest to the rich countries and social strata. It must be seen as one of the vital dimension of the existential milieu and as a potential asset. To establish equanimity, the best concluding words are the words of Aldo Leopold, in a now famous essay 'land Ethics' - : A thing is right when it tends to preserve the integrity, stability and beauty of biotic community, it is wrong when it tends otherwise." ¹⁴

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