

ENVIRONMENT & DEVELOPMENT: MAKING SENSE OF PREDICAMENT OF THE DEVELOPING COUNTRIES

Professor Bharat H Desai

Our only abode – the Earth — is understood to be facing a serious crisis of survival. In the process of evolution, the human race has reached a stage when, armed with the prowess of science and technology, it has considerably transformed our living environment. The mindless ‘developmental’ spree across the globe is now seriously threatening our fragile essential ecological processes. It seems the humankind is facing one of the biggest tests for striking a judicious balance between developmental needs and environmental imperatives. Ironically, much of the development in the world today does not appear to be sustainable. It is based upon squandering of our ‘biological capital’—soil, forests, animals, plant species, water and air. Even many of our economic, monetary, and trade policies in sectors such as energy, agriculture, forestry and human settlements tend to induce and reinforce development patterns and practices that are non-sustainable. Ironically, some patterns of development have improved environmental conditions while others have only tended to degrade them—sometimes irreversibly.

Growing Strain of ‘Development’

It is rather revealing that in the past four decades (since 1972 Stockholm Conference), most of the developing countries have witnessed massive environmental deterioration in the wake of sudden industrialization and explosive urbanization and population explosion. In fact, the capacity of a number of developing countries to manage their environment—so as to secure the well-being of their people—is also coming under severe stress, following the rapid population growth, its uneven distribution and inadequate socio-economic development. They have provided enough room for most of the environmental disasters resulting from human quest for development. In fact having created some of the monsters, the human race is unable to control them. This applies equally to industrialized as well as developing countries. The developing countries could be more vulnerable to the havoc caused by some of the industrial ‘trigger events’ (such as Bhopal gas leakage and Delhi oleum gas leakage) as their capability

to manage them in terms of technology and resources is severely restricted.

The developmental quest of the developing nations has often turned sour with the hazards brought in by the import of some of the technologies and designs of industrial plants from the developed nations. This was tragically demonstrated in the escape of some 40 tons of highly toxic methylisocyanate (MIC) gas on 3 December 1984 from the Union Carbide’s Bhopal plant that resulted in world’s biggest industrial disaster. The lethal gas instantly killed more than 2000 people, injuring 200,000 others-many seriously and some permanently. The accident triggered a massive exodus of people from Bhopal and caused serious long-term environmental damage. The Bhopal disaster has inflicted a deep blow to the developmental spree being resorted to by many of the developing countries that have welcomed big multinational corporations (MNCs) to set up hazardous plants without adequate safety measures.

Deeply Divided World: North-South Dimension

During the last three decades international environmental protection has evolved to a matter of fundamental concern for world community as a whole. Consequently, inter-governmental environment cooperation at the global level was considerably intensified and expanded. In order to meet immense global environmental challenges of today, all states, both the industrial and the developing world, need to cooperate with each other as closely as possible. However, even after four decade long endeavors to develop a sound environmental and developmental partnership between the North and the South have been hampered seriously by a number of disparities. Therefore, bridging the North- South divide appears to be a prerequisite for any successful global environmental cooperation.

Our deeply divided world has inherited historical fault lines drawn from legacy of the colonial era. As such there is a great divide between the rich and the poor, the satiated and hungry, the developed and the

so-called developing countries. Most of the people in the developing world are acutely aware that there are “two worlds, two planets, two humanities”. As Mahbub ul Haq said:

“In your world, there is a concern today about the quality of life; in our world, there is concern about life itself which is threatened by hunger and malnutrition. In your world, there is concern today about the conservation of non-renewable resources... In our world, the anxiety is not about the depletion of resources but about the best distribution and exploitation of these resources, for the benefit of all mankind rather than for the benefit of a few nations. While you are worried about industrial pollution, we are worried about the pollution of poverty, because our problems arise not out of excess of development and technology but because of lack of development and technology and inadequate control over natural phenomena. In the developed countries, you can afford to fuss about the adverse effects of DDT; we have to be concerned about what it means for our crops and for sustaining human lives. You can afford to be concerned about polluted beaches. We have to worry a lot about the fact that less than 10 per cent of the population in the Third World has even drinkable water”.

He added that unfortunately “our two worlds, while they touch and meet, they rarely communicate. And it is that process of real communication, real dialogue, that we have to encourage today in case we have to equip ourselves to deal with the problems of this world.”

In fact prior to the 1972 UN Stockholm Conference, multilateral environmental treaty-making had been clearly dominated by the industrialized states. At that time, the developing countries could not influence global environmental treaty-making enterprise. Notwithstanding this, there has been close interdependence between development and environment protection. The gradual change perception of inevitability was reflected in the *Founex Report on Development and Environment* (1971) that emphasized the need to incorporate environmental concerns into an expanded understanding of development. In the mid-1970s the North-South divide considerably intensified. As a result, the developing states organized themselves in the Group of 77. It led the UN General Assembly to adopt the *Declaration on the Establishment of a New International Economic Order (NIEO)* as well as the *Charter of Economic Rights and Duties of States*.

These instruments, though legally non-binding in nature, were inspired by the idea of overcoming injustices in then existing international legal system. Accordingly, they called upon the industrialized states to take action towards reaching the following seven objectives: opening their markets for the products of developing countries; acknowledging the developing countries’ full and permanent sovereignty over natural resources; increasing the official development aid of industrialized states to 0.7 % of the GNP; increasing the developing countries’ share in the worldwide process of manufacturing industrial products; facilitating their access to modern technology and enhancing their infrastructure; solving the debt crisis of developing countries; and increasing their participation in relevant decision-making processes of international financial institutions. The adoption by the UN General Assembly of the NIEO Declaration heralded arrival on the scene by the powerful grouping of the developing countries. However, their optimism “that ways of life and social systems can be evolved that are more just, less arrogant in their material demands, and more respectful of the whole planetary environment” was to dissipate equally quickly in the 1980s – a decade that was marked by the super powers’ cold war attitudes and a dramatic increase in the poor countries’ debt burden.

Global Conferencing Technique at Work

During the past four decades, there has been concerted UN-led effort to institutionalize global conferencing on various global problems that require global attention. In the environment and sustainable development field, four such efforts have been made at an interval of each decade.

UNCHE (Stockholm Conference) 1972

The first global effort to diagnose state of environment took place with the United Nations Conference on Human Environment (Stockholm; 5-16 June 1972). It produced three major sets of decisions: one, *the Stockholm Declaration*; two, *the Stockholm Action Plan*, containing 109 recommendations on international measures against environmental degradation for governments and international organizations; and three, a group of five resolutions calling for a ban on testing nuclear weapons, creating an international environmental databank, addressing actions linked to development and the environment, creating an environment fund, and establishment of the United Nations Environment Programme (UNEP) as the central node for global environmental cooperation.

The Stockholm Conference expressed deep concern for deteriorating environment and the urgent need to halt this relentless process. The Stockholm Declaration stated that:

"In the long and tortuous evolution of the human race on this planet, a stage has been reached when, through rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment—the natural and manmade—are essential to his wellbeing and to the enjoyment of basic human rights, even the right to life itself."

Environment protection was earlier seen by many of the developing nations, including India, somehow as a goal conflicting with developmental priorities. An insistence by the developed countries that the developing countries adopt environmental protection policies and laws was even regarded by some of them as a trap, as a way of dissuading them from pursuing their own path of economic development. Giving expression to this feeling, in her address at the Stockholm Conference, the late Indian Prime Minister Mrs. Indira Gandhi asked:

"How can we speak to those who live in the villages and in slums about keeping the oceans, rivers and the air clean when their own lives are contaminated at the source? The rich countries may look upon development as the cause of environment destruction, but to us it is one of the primary means of improving the environment of living, of providing food, water, sanitation and shelter, of making deserts green and mountains habitable."

As one of the only two heads of government present in Stockholm (other being the host country Prime Minister, Olaf Palme), she in fact gave vent to strong reservations on the part of a large number of newly independent developing countries that had witnessed massive exploitation of their natural resource base during the long colonial period.

At the Stockholm Conference, however, there was a general recognition that environmental concerns should not be a barrier to development but should be a part of the process. "Eco-development"—a word coined to describe this process of ecologically-sound development and a process of positive management of the environment for human benefit—emerged as a central theme during deliberations at the Stockholm

Conference. Though the developing countries cannot afford to ignore their development process, they are no longer apathetic towards environmental quality.

UNCED (Rio Earth Summit, 1992)

In 1983, the UN General Assembly established an independent commission to formulate a long-term agenda for action. Over the next three years, the World Commission on Environment and Development—more commonly known as the *Brundtland Commission*, named for its Chair, Gro Harlem Brundtland—held public hearings in different parts of the world and studied the issues. In its report, *Our Common Future* (1987), the Commission stressed the need for development strategies in all countries that recognized limits of the global ecosystem's ability to regenerate and absorb waste products. The Commission emphasized the link between economic development, security and environmental issues, and identified poverty eradication as a necessary and fundamental requirement for environmentally sustainable development.

The UNCED (held from 3-14 June 1992 in Rio de Janeiro) was attended by over 100 Heads of States and Governments, representatives from 178 countries and some 17,000 participants. The principal outputs of UNCED were the *Rio Declaration on Environment and Development, Agenda 21* (40-chapter program of action) and the *Statement of Forest Principles*. Two global treaties, the *UN Framework Convention on Climate Change (UNFCCC)* and the *Convention on Biological Diversity (CBD)*, were opened for signature during the Earth Summit. Agenda 21 called for creation of a Commission on Sustainable Development (CSD) as a functional commission of the UN Economic and Social Council (ECOSOC), to ensure effective follow-up to UNCED, enhance international cooperation, and examine progress in implementing Agenda 21 at the local, national, regional and international levels.

The Stockholm Conference had raised public awareness about our ailing planet. The Rio Summit extended this interest worldwide as television and radio carried the message to every corner of the earth. The Stockholm Conference was attended by only two heads of government, Indian Prime Minister Indira Gandhi and Swedish Prime Minister Olaf Palme. The Earth Summit at Rio drew more than 100 heads of State and

government. Both contributed to hammering seriousness of global environmental problems. It brought to the fore seriousness about the “level of human suffering due to related poverty”. During two decades between Stockholm and Rio, the population on our crowded planet rose from 3.5 billion to 5.5 billion, 95 per cent of it in the poor countries; the earth lost 500 million acres of trees; for the growth of food crops, it lost 500 million tons of topsoil, an amount equal to the tillable soil of India and France combined; food production declined in 94 countries between 1985 and 1989. It appeared that the South was still subsidizing high standard of living in the North. Canada’s Minister of Environment reminded delegates at Rio that in the past “thirty years, income disparities between the North and the South have grown from twenty times to sixty times” and did concede that “this trend is simply not sustainable”. The North with 25 per cent of the world population, still consumed 70 per cent of the world’s energy, 75 per cent of its metals, 85 per cent of its wood. India’s former Minister of Environment, Maneka Gandhi, pointed out at Rio that one Western child consumed as much as 125 Eastern children did. She concluded that “nearly all environmental degradation in the East is due to consumption in the West”.

If the purpose of the Rio Conference on Environment and Development was to forge a new global partnership between the rich and the poor countries, and to develop a new law of environment and development for the protection of our small planet which is under serious threat, it achieved neither. There of the instruments adopted in Rio were not binding in law and were couched in such vague and uncertain language that they entailed no legal, political, or even moral obligation. Two global treaties (UNFCCC and CBD) still needed a long way and huge funding commitments to make them work in any meaningful way. That so much thundering rhetoric accompanied formulation of the declarations both at Stockholm and Rio, underscored extreme conservativeness, if not insincerity, of the delegates who were more concerned about their “sovereignty” and entrenched “sovereign rights” in a world which is said to have become global village. The head of the Canadian delegation, Arthur Campeau, described the final declaration as “a document suitable for bureaucrats”. Sometimes generously described as “soft law” and widely acclaimed, it really led nowhere. On the other hand, Agenda 21, described as a “750 page document of unsurpassed U.N.

verbosity, intended to be the world’s program for sustainable development”, was not likely, according to some observers, “to be read widely or perused by the general public”. Still the unique global conferencing did unfold unprecedented global awareness of the environment and sustainable development issues.

WSSD (Johannesburg, 2002)

The World Summit on Sustainable Development met from 26 August - 4 September 2002, in Johannesburg (South Africa). Its goal was to hold a 10-year review of UNCED at the summit level to reinvigorate a global commitment to sustainable development. The WSSD gathered over 21,000 participants from 191 governments, intergovernmental and non-governmental organizations, the private sector, civil society, academia and the scientific community. The WSSD negotiated and adopted two main documents: *the Johannesburg Plan of Implementation* (JPOI); and *the Johannesburg Declaration on Sustainable Development*. The JPOI is designed as a framework for action to implement the commitments agreed at UNCED and includes chapters on poverty eradication, consumption and production, the natural resource base, health, Small Island Developing States (SIDS), Africa, other regional initiatives, means of implementation (MoI) and the institutional framework. Although this plan advanced the developing countries’ developmental concerns more clearly than its predecessor conferences in Stockholm and Rio, it could not brought about any substantial progress in bridging the North-South divide.

UNCSD (Rio+20, 2012)

The United Nations Conference on Sustainable Development was held in Rio de Janeiro (Brazil), from 13-22 June 2012. During the ten days in Rio, government delegations concluded negotiations on the Rio Outcome Document, titled *The Future We Want*. Representatives from 191 UN member states and observers, including 79 Heads of State or Government, addressed the general debate, and approximately 44,000 people attended the official meetings, a Rio+20 Partnerships Forum, Sustainable Development Dialogues, SD-Learning and an estimated 500 side events. Participants at Rio+20 were encouraged to make voluntary commitments for actions to implement the conference’s goals, with financial commitments from governments, the private sector, civil society and other groups. *The Future We Want* calls for the UNGA to

take decisions on, *inter alia*: designating a body to operationalize the 10-Year Framework of Program; identifying the format and organizational aspects of the High Level Political Forum which is expected to replace the Commission on Sustainable Development; strengthening United Nations Environment Program with universal membership; constituting an Open Working Group on Sustainable Development Goals to be agreed by the UNGA; establishing an intergovernmental process under the UNGA to prepare a report proposing options on an effective sustainable development financing strategy; and considering a set of recommendations from the Secretary-General for a facilitation mechanism that promotes the development, transfer and dissemination of clean and environmentally sound technologies. In addition, the UNGA was called upon to take a decision in two years on the development of an international instrument under the UN Convention on the Law of the Sea (UNCLOS) regarding marine biodiversity in areas beyond limits of national jurisdiction. The UN Statistical Commission is called upon to launch a program of work on broader measures to complement gross domestic product (GDP), and the UN system is encouraged, as appropriate, to support best practice and facilitate action for the integration of sustainability reporting. The text also includes language on trade-distorting subsidies, fisheries and fossil fuel subsidies. On Small Island Developing States (SIDS), the text calls for continued and enhanced efforts to assist SIDS in implementing the Barbados Program of Action (BPOA) and the Mauritius Strategy for Implementation (MSI), and for strengthened UN system support to SIDS to address ongoing and emerging challenges. Still, ironically, this marathon Rio+20 process brought to the fore almost same issues that had bedeviled the Stockholm Conference 40 years ago.

Rich-Poor Divide Widens

Thus even after four decades of strong environmental movement, we do not see much headway in bridging the global rich-poor divide. In fact the poor countries have been concerned about their pervasive poverty and miserable living conditions as compared to wasteful pattern of production and consumption in the industrialized countries. The latter have been tired of persistent clamor for more developmental aid to realize UN goal of 0.7% of GNP of industrialized countries, sincerity of their commitments made at global conferences and questioning of their over-consumption and wastages in the midst of world-wide misery and

hunger. Thus the United States, whose consumerist society was uppermost in the minds of most of the poor countries, contemptuously rejected at Rio any condemnation of its affluent way of living. American delegates did insist over and over that the “American life-style is not up for negotiation”.

It is all too well-known that the rich countries are not prepared to abandon their life-styles and privileges. They are keener to preserve their life styles than to accept disciplines that would require a lowering of their irrational levels of consumption of energy, food, paper and many other things. Irrespective of pro-forma statements and posturing at global conferences, lack of progress of any of the vital parameters sought by the developing countries, the deeds speak louder than their words and betray their inability to look at the ecological issues from a global perspective. As we have seen above, the condition of the poor countries – their indebtedness, their terms of trade, their population, their environment – have all deteriorated during the last forty years. National interest still reigns supreme and is the single largest obstacle to multilateral environment cooperation.

Moreover, as things stand today, no country, least of all the ones with high-tech weaponry, can be held accountable for disasters which endanger thousands of lives in neighboring or even remote areas. Russia got away with Chernobyl disaster and dumping of nuclear waste in the sea off the coasts of Korea and Japan. France does not feel constrained for having caused many deaths in remote Pacific islands because of radiation resulting from its repeated atmospheric nuclear tests despite widespread protests. In fact Nuclear Test cases filed by New Zealand and Australia before International Court of Justice (ICJ) did not lead to any judicial restraint on such arrogance of power and rash experimentation with hazardous activities. Many people may be dying because of eating fish from the seas contaminated by toxic wastes without even being able to identify the cause of their fatal environmental harm.

Today, the developing countries continue to insist on making the industrialized countries primarily responsible for resolution of most of the crucial global environmental problems. This is especially so in respect to two issues. The first is climate change for which, at least for the historical contribution of greenhouse gases (GHG) the industrialized countries are mainly

responsible. Furthermore, developing states still continue to blame the industrialized North for pursuing a policy of eco-imperialism by restraining exercise of their sovereignty over natural resources, adoption of industrialization for their salvation as they perceive it, and keeping their products away from the global markets. Thus, today the North-South divide hampers international environmental and developmental cooperation almost as seriously as it did in the 1970s and 1980s.

Progress Toward What and Progress for Whom?

Unfortunately, more than twenty five years after the Brundtland Commission report (Our Common Future, 1987), our planet's overall predicament can still be assessed in almost the same terms. As early as 1908, the great Indian writer, Rabindranath Tagore, raised some doubts about the so-called "progress" towards which we were being dragged along by the prosperous West. His crisp observation is very apt and pertinent even today:

"We have for over a century been dragged by the prosperous West behind its chariot, choked by the dust, deafened by the noise, and over-whelmed by the speed... If we ever ventured to ask, 'progress towards what and progress for whom', it was considered to be peculiarly and ridiculously Oriental to entertain such doubts about the absoluteness of progress".

As we look at the Western countries and their people continuously struggling to have even more luxurious lives that disregard environmental destruction and progress towards an uncertain future, there are a

large number of poor developing countries with their aspiring millions desperately trying to follow them irrespective of the consequences and getting stuck in the thick mire of even more difficult economic and environmental problems. It seems our mindless quest for Western model of development, as Gandhi predicted way back in *Hind Swaraj* (1908) we still need to overcome our lingering doubts, progress towards what and progress for whom? We still have found no answer to these fundamental questions.

Hence, while today states may show an increasing readiness to accept that global environmental protection, as a common concern of humankind, they do not yet constitute a community that, in the spirit of international solidarity and justice, acts in concert for achieving this end. States are still far from taking common protective and remedial environmental action that suffices to achieve the aim of preserving and administering our common natural heritage for the benefit of the present and future generations.

Our search for ways and means of better integrating the specific concerns of the developing world in international environmental law has revealed that "sustainable development", "common but differentiated responsibility and respective capability", "equitable participation", and "equitable sharing of benefits" have still remained cherished goals at the altar of our quest for more wealth and happiness. In doing so, we need to constantly keep in mind the Gandhian dictum that "Earth has enough for everyone's need but not for anyone's greed". Our choices will help us to overcome our predicament and decide the future.

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