

Environment, Sovereignty and Responsibilities

“Humankind is the solemn bearer of the obligation to protect and improve the environment for present and future generations”

Declaration on the human environment made by the UNO in 1972

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INTRODUCTION

The environmental issue has become a world-wide concern in the last decades, being the focus of discussions in a variety of forums, under various shades. Since it involves a subject that awakens enthusiasm, it is often addressed without much reflection, in the heat of discussions, leading both defenders and opponents into speeches filled with sophisms.

Addressing the environmental issue responsibly requires a brief digression, with a view to setting the issue in its proper context by outlining the evolution of the world economy and the use of natural resources.

The end of the nineteenth century was a period of considerable development for modern society, with the introduction of a new model of production that generated significant changes in the patterns of social and commercial relations. The Industrial Revolution – and consequently the technological revolution – increased the commercial and financial flows, as well as migratory flows of the work force. As a result, a large number of jobs were offered to unskilled workers, leading to economic growth and better income distribution.

This process went on until the beginning of the twentieth century, when it was harshly interrupted by the First World War.

With the economic crisis of the thirties, the new society that had emerged faced stagnation of the monetary flows and a mass of unemployed workers, as a result of the migration to the large urban centers that had taken place in the nineteenth century. That was the beginning of the great challenge of increasing the use of the labor force and capital.

In this context, room was made for the emergence of developmental economic theory, later called Keynesian theory, which preached economic development based on intense use of labor and capital, supported by the belief in limitless use of inputs that were abundant and cheap at that time: labor and natural resources.

The intense use of natural resources for the promotion of economic growth, which then seemed infinite, remained virtually unchanged until the early seventies when, alongside the oil crisis caused by war in the Middle East, the first scientific studies warning about environmental issues were conducted.

In face of this scenario, it became clear that a transformation or evolution of the concept of economic development was required, and thus a more comprehensive expression of sustainable development emerged, whereby economic growth was linked to the need for environmental conservation.

This global concern with the paths of economic growth based on a predatory model was, at that time, expressed in the United Nations Conference on the Human Environment, in Stockholm, in 1972, resulting in the Stockholm Declaration on the Human Environment that states as a guiding principle:

“Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperiled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development”.

From then on, the issue of sustainable development has been the focus in numerous such events, and was prominent in the 1992 Rio de Janeiro Conference and the 2002 Johannesburg Conference. The former resulted in the Rio Declaration on Environment and Development, of which I highlight the following principle:

“The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations”.

THE INTERNATIONALIZATION OF THE DISCUSSIONS

However, joining stable rates of economic growth and respect towards environmental issues is not an easy task. One of the biggest difficulties is related to the internationalization of the discussion and the variety and diversity of the agents involved.

Alien to the will of men, nature has nothing to do with the borders that artificially delimit national territories. Its effects enter countries without the need for permit visas or assent. The storms caused by global warming of the planet, acid rains and radioactive clouds, all have a will of their own.

This inconvenient autonomy of nature forces humanity to remember, ever more frequently, that the planet is only one, whether we like it or not. That the poor and the rich share the same space that we call “Earth” and that the microenvironment where each one lives it depends on other people, who most of the time are unknown and far away. Only by joining the efforts of all the inhabitants of the planet, regardless of race and creed, will we be able to ensure the comfort of each one.

In international forums promoted for the discussion of the environmental issue, attempts to maintain the “status quo” and to place blames are often more intense than the actions to address the problems.

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The selfishness of those who seek to maintain their “status quo” does not allow the realization that, in face of the exhaustion of the developmental model, only the adoption of a holistic system, where the benefit of each individual is extended to all others, can effectively eradicate the evils that contribute to environmental degradation.

The search for culprits is a mistake, in that it intends to address the environmental issue from the point of view of present events, not taking into account the huge environmental losses inherited from those who irresponsibly sought their development without regard for the depredation of their natural parks and exportation of their wastes, which still goes on today.

It true that the economic and social situations of North-South countries are completely different, therefore so are their interests, which makes any discussion on international environmental policies extremely complex.

RIGHT TO SOVEREIGNTY

It is in this context of diverging and conflicting interests that ideas are launched, in the guise of solutions, aimed at affronting the self-determination of the nations and casting doubt on the real intention of their proponents. In the discussions about the environmental issue, the representatives of the international system – dominated by economic interest and therefore by so-called developed countries – frequently seek to protect their respective national interests, often in a colonialist approach that is incompatible with the evolution of foreign relations.

As early as 1962, aware of this trend, the United Nations General Assembly enacted Resolution N. 1803 under the heading “Permanent Sovereignty over Natural Resources”, in face of international law and the need to promote international cooperation in the economic growth of developing countries. The resolution, reflecting the concern with the establishment of the right of sovereignty of the states that make use of natural resources, declared:

1. *“The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned.*

2. *The exploration, development and disposition of such resources, as well as the import of the foreign capital required for these purposes, should be in conformity with the rules and conditions which the peoples and nations freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities.”*

Again in relation to sovereignty, the 1972 Stockholm Declaration on the Environment decreed that the local and national administrations and their respective jurisdictions are responsible for establishing most of the rules and for enforcing large-scale measures related to the environment, and included among its principles:

“States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction “.

Finally, the 1992 Rio de Janeiro Declaration on Environment and Development expresses the principle of sovereignty when it confers to the States the sovereign right to exploit their own resources pursuant to their own environmental and development policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

UNDERDEVELOPMENT AND ENVIRONMENT

It is a fact that part of humankind's environmental assets – waters, forests, natural resources – are located in the territories of countries that are considered underdeveloped or developing. It is around the use of these assets that much of the discussion regarding environmental preservation takes place.

The fact that many of the environmental problems are motivated by underdevelopment is not questioned. The need to eradicate poverty and meet basic needs, which has already been addressed in the so-called developed countries, requires immediate use of natural resources. The expansion of agricultural borders to the loss of various ecosystems, the intensification of mining activities and the incentive to polluting industries, for example, constitute attempts to generate jobs and income to bear the burden of surplus economies, capable of fulfilling international commitments to pay unreasonable foreign debts.

Because of the phenomenon of globalization, companies in underdeveloped countries are driven to focusing on results, rather than on their production processes. As a result, labor rights are reduced and consistent environmental policies are nonexistent.

Even the absence of a strong environmental legislation might be deliberate, to the extent that several companies, when deciding on a site for their facilities, consider the costs of complying with environmental rules. The absence of such rules can mean, for the underdeveloped countries, the chance to create jobs and the increase of their Gross Domestic Product.

If the technological gap were not enough, the competitiveness of the companies of the so-called developed countries is assured through generous subsidies, particularly in the agricultural sector, the main market of emerging economies.

The ceaseless search for competitiveness without the support of the international community drives underdeveloped countries into a vicious circle where the attempt to eradicate poverty generates even more poverty, in that basic sanitation and education are ignored, condemning future generations to disease and low-pay jobs.

The international system then demands from the underdeveloped or developing countries an environmental position that is absolutely incompatible with the minimum requirement of their national realities.

Apart from the responsibility of the countries that are often referred to as “third world”, it is also generally agreed that the problems of an environmental nature were mostly generated by the countries that today are referred to as developed, as a consequence of their increasing industrialization and technological development.

So this is the impasse: should the underdeveloped countries be condemned to poverty, without the chance to use their natural resources, as did the countries that are rich today because of the extractivist policy that they adopted? How will the underdeveloped countries be able to contribute to environmental conservation, if they find themselves engulfed in severe social and economic problems related to hunger, health, violence, education, which require generation of wealth to be solved?



COMMON AND DISTINCT RESPONSIBILITIES

The real question for poor countries is how to overcome underdevelopment and to bear the burden of responsibility for environmental preservation. The question that must be formulated, however, is: must this responsibility be borne exclusively by these countries? Certainly not. The responsibility of the nations of the North cannot be limited to demanding results and threatening the sovereignty of other nations.

It is the asymmetry of conditions faced by the developing and developed countries that supports the principle of common but distinct responsibilities. On the one hand, the developed countries want to conserve the natural resources on Earth, but they no longer have enough of them. On the other, the developing countries need to overcome poverty and see in the use of environmental resources a viable means of achieving this goal. Thus, to conserve their natural resources, they would have to pay the opportunity costs developed countries did not have to pay in their growth process.

In this sense, international cooperation and the transfer of financial and technological resources are essential for developing countries to be able to use their wealth without damaging the quality of the environment.

In the context of shared responsibilities, the responsibilities of developed countries can be summarized as follows:

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- allocation of direct resources, in the form of donations, to fund institutional strengthening, data collection and research, and other necessary actions for the conservation of the remaining resources (during Rio 92, the industrialized countries agreed to allocate 0.7% of their GDP to environmental protection in developing countries; however, this has not occurred. On the contrary, aid has decreased every year. In 92, it was 0.33% and in 2000, 0.22%);

- allocation of indirect resources, such as facilitation of the payment of the foreign debt;

- technology transfer to assist environmental protection actions in developing countries;

- the real question for poor countries is how to overcome underdevelopment and to bear the burden of responsibility for environmental preservation. The question that must be formulated, however, is: must this responsibility be borne exclusively by these countries? Certainly not. The responsibility of the nations of the North cannot be limited to demanding results and threatening the sovereignty of other nations. reduction of subsidies to the agricultural sector;

- implementation of controls to stop the population from consuming environmental products from illegal sources;

- encourage consumption of environmental goods produced in a sustainable way, identified by means of certification and labeling.

On the part of developing countries, responsibilities include:

- guaranteeing that environmental resources are explored in a sustainable manner, by means of enforcement of appropriate development policies;

- granting of incentives only for sustainable enterprises and restriction of implementation of unsustainable enterprises;

- compliance with effective environmental rules in the operation of public enterprises;

- provision of basic services to the population, such as education, sanitation, health, among others;

- appropriate enforcement of command and control instruments (normatization and control).

The discussion on the role of developed countries, however, goes far beyond this.

As Fernando Pessoa, the Portuguese poet, wrote, “everything starts in the river of my village”. It is therefore necessary to adopt domestic solutions, alongside the search for solutions to the wider problems.

Developed countries adopted for decades a pattern of inadequate consumption that resulted in the destruction and exhaustion of most of their natural resources.

They required and still require environmental resources, using raw materials and other goods from unsustainable sources, such as illegal timber, and have a high level of consumption of goods that generate wastes that remain in nature for many years.

It is time to develop an ethical environmental policy, whereby discourse is accompanied by concrete actions, such as the condemnation of biopiracy, which makes us pay royalties for the use of our native species, and the signing of the Kyoto Protocol, which limits the emission of gases that cause the greenhouse effect.

CONCLUSION

As Dostoyevsky wrote in “Uncle’s Dream”, “we all know that a man who gets lost in an unknown part of town, especially at night, will never again walk properly through the streets. Some unknown force seems to impel him, at every moment, to turn into another street that is in his way.”

It will take a huge effort of humankind, lost in the confusion of possible paths for the environmental issue, to overcome the fatalism envisaged by Dostoyevsky.

Simplistic proposals, such as the invasion of national sovereignty, emerge as promises of solutions that end up only removing the scientific focus from discussions, and hiding the true factors that cause environmental degradation.

Only the eradication of poverty, with the support of developed countries in a policy of shared responsibilities, can assure the sustainability of the use of environmental assets, since, as Francis Bacon said, “*one can only conquer nature by obeying it*”. ■