Foreword

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Foreword

Until recently, government leaders in developing countries tended to regard economic development and the safeguarding of natural resources as mutually exclusive goals. Increasingly, however, leaders of Third World countries recognize that sustainable growth and economic development can occur only on an ecologically sound base. This special issue of the Ecology Law Quarterly seeks to enhance our understanding of the interrelationship between sustainable economic development and resources management and to promote coherent environmental policies in developing countries. This collection of articles examines a broad range of environmental policy issues, including efforts that can be made by individual countries to implement natural resources protection programs, the impact developing nations have had in shaping environmental values in the international community, and the role that both private corporations and development assistance agencies can play in improving global environmental quality.

The destruction of the Amazon rain forests, the creeping expansion of the Sahara Desert, and the accelerating extinction of various species are commonly cited examples of global degradation, but equally disastrous yet lesser-known environmental problems are widespread in developing countries. Many environmental problems in developing countries resemble those of developed countries, while other environmental problems are specific to, or more acute in, the Third World. Traditional patterns of economic activity have emphasized short-term economic gain rather than planned resources management. In this sense, ecological damage in developing countries has historical origins in colonial times. In many cases, abusive resource exploitation continues to the present day, rationalized by the need to generate income for the national treasury and the absence of other export commodities. The rapid rate of economic growth in many developing countries also accelerates environmental degradation. In addition, population pressures in these countries place acute and often devastating demands on natural resources.

Environmental problems also have economic and social repercussions in developing countries. Extreme poverty and population pressures can lead to a vicious cycle of progressive deterioration of the natural resource base and further social and economic impoverishment. When one looks at examples of countries with extreme environmental problems, such as El Salvador, Haiti, or Ethiopia, with their exploding human populations, destroyed forests, devastated watersheds, and eroding soils, it is not difficult to conclude that these countries face an ecological disas-
ter of major proportions and that such a disaster is the root of many of
their social and political problems. While these are admittedly extreme
cases, nevertheless, they demonstrate how social instability caused by
environmental degradation weakens national governments and may lead
eventually to political, economic, and environmental collapse.

The fundamental premise that must guide economic growth in de-
veloping countries, a principle spelled out in the World Conservation
Strategy, is that conservation and development must be convergent—not
conflicting—goals. Development which does not give proper considera-
tion to protecting and maintaining natural resources cannot be sustained.
A sound policy of sustainable development will integrate environmental
protection, controlled and planned resources management, and long-
range economic productivity. Nonrenewable resources must be used in a
technically efficient fashion. The earnings from nonrenewable resource
exploitation must be used to build the productive capacity of the country
through physical and human capital investment. The productivity of re-
newable resources—forests, soils, fisheries, and wildlife—must be pro-
tected and improved for future use. Finally, the valuable, but
nonmarketed, benefits provided by environmental resources, including

The issue is not whether developing countries can afford environ-
mental protection measures, for clearly such measures are required for
sustainable development, but rather what the appropriate nature, levels,
and forms of the measures are and how competing needs can be recon-
ciled. Resolving these issues and achieving environmentally sustainable
development policies in the Third World will require participation and
commitment by a broad range of political actors, including national gov-
ernments, local organizations, development assistance agencies, and pri-
ivate corporations.

Individual developing countries have the major responsibility for es-

tablishing and implementing sound environmental law and policy, partic-
ularly a program of sustainable development. Each country must
establish its own priorities, select policies based on national values, and
determine the role of government institutions in achieving its goals. To
set realistic objectives, the national government may first need to inven-
tory the country's natural resources and identify its critical environmen-
tal problems. Next, legislation may be required to express national
policies and provide a framework for implementation. To promote sus-
tainable development that protects environmental values, law must be
used as a means to induce purposeful changes in traditional patterns of
behavior. Novel legislative solutions may be required to effectively inte-
grate environmental and economic concerns. Laws and supplementary
regulations, however, are not enough. To implement policy effectively,
the government must establish an administrative structure to monitor
environmental values and to enforce sanctions. For example, one serious problem in many developing countries is the weakness of environmental and resource protection agencies compared to development and finance ministries. In addition, many developing countries have inadequate administrative structures at the field level, making enforcement of environmental and resource regulations spotty and ineffective. Developing countries need to strengthen the position of their environmental protection agencies and improve mechanisms to enforce existing laws.

Lawyers in developing countries can play an important role in development planning. Rather than conducting divisive litigation, lawyers should help formulate environmental policy and seek to establish or alter relationships, both among private parties and between private parties and government, to promote environmental values. In short, lawyers must work with planners, legislators, and administrators to search for principled solutions to environmental and resource problems.

Governments in developing countries should consider expanding their planning efforts to include in a systematic fashion environmental and natural resource concerns that are now often neglected. One example would be the addition of air and water quality dimensions to typical five-year plans for industry, agriculture, and transportation. Most importantly, each country should establish a mechanism to assess the environmental effects of development projects. Environmental impact assessment is a valuable planning tool and a powerful legal means to analyze adverse impacts of development proposals and to examine project alternatives. By systematically identifying avoidable adverse environmental impacts and measures to mitigate such impacts, environmental assessments result in more viable and acceptable projects.

Each country needs to determine its own appropriate level of environmental protection. Internationally uniform ambient or emission standards, or procedures adopted by developed countries, are not necessarily appropriate for developing nations. Countries must consider their own social, economic, physical, and cultural characteristics in choosing environmental objectives and procedures. The lower income of developing countries, however, may not be a valid reason for minimizing the importance of environmental values. The need to protect natural resources to ensure sustainable development suggests that these countries should adopt higher, rather than lower standards of protection. Whatever the level of environmental protection chosen, each country should minimize the disruptive effect of environmental regulations on industry. Regulations should be explicit and predictable in application, and should treat all firms, domestic and foreign, in an evenhanded manner.

In addition to implementing effective regulations to manage natural resources, each country should identify critical environmental amenities in need of protection. By doing so, each country would recognize the
World Heritage concept: there are areas that are so unique or scientifically important to the world that they should be conserved and protected by present and future generations not only for individual nations but also for the international community. As pointed out in this issue by Michael Wright, in his article examining the establishment of a national park in Dominica, the benefits from preserving certain unique natural areas may outweigh any potential profits from exploitation.

Finally, and of critical importance, each developing country must recognize that conservation and development strategies can only succeed if they offer their poor residents a genuine alternative to the tradition of exhausting natural resources and environmental capital. The population must be educated about the need for sustainable development policies and be given incentives to contribute to those policies. Such incentives can be provided by involving local organizations in the implementation of small-scale resources management projects to increase citizen involvement and awareness. Development and conservation efforts should encourage the kinds of industry and enterprise at the community level that enable people to support themselves and reap economic benefits from the sustainable use of their natural resources. Unless and until people find sustainable ways of using those resources, they will continue to damage and destroy them.

Ideally, development assistance efforts should be aimed at avoiding the need for emergency relief and should seek long-term solutions to both economic and environmental problems. Of course, emergency relief is important for humanitarian purposes and may save countless lives. But efforts to alleviate hunger, like the current famine relief efforts in Ethiopia, attack only the symptoms, not the causes, of environmental degradation. By providing short-term fixes, assistance only tides countries over until tomorrow, without attacking the root of what are ultimately environmental and resource problems. Rather than leaving the recipient country dependent on requests for additional aid in the future, development assistance should provide the tools for resources management, encourage sound environmental policy, and build a foundation for self-help.

Multilateral development banks and other development assistance agencies should reorient their lending policies and focus more attention on environmental concerns. In addition to encouraging sound resources management by recipient countries, development assistance agencies should critically assess the environmental effects of any projects that they fund. As pointed out in Bruce Rich's article, there is growing evidence of irreversible ecological and public health damage caused by projects funded by multilateral development banks. Unfortunately, there are often institutional barriers within assistance agencies, as discussed in the article by John Horberry, that prevent adequate environmental assess-
ment procedures from being implemented. The need for environmental review may cause some delay and add to development costs, but projects modified to minimize adverse environmental impacts will be more viable and acceptable in the long term.

Development assistance agencies should encourage the use of appropriate technology. Both developing countries and assistance agencies should recognize that the traditional development model, particularly the high-energy, large-scale, agricultural component, is generally inappropriate. Cash crops grown intensively on large farms are often badly managed environmentally. Reliance on monoculture leads to economic and nutritional vulnerability. Instead of promoting high-technology agriculture, development assistance agencies should encourage small-scale projects based on local farming practices or other compatible technology.

Corporate participation in unilateral and international efforts to encourage sustainable resources management and development is also crucial. Both domestic and multinational corporations must realize that reasonable measures to safeguard the environment are not unduly costly and that industries and developing countries can afford them. Building clean may be the most efficient method of production and may avoid later expenses if additional environmental safeguards are subsequently required. As discussed in Jeffrey Leonard's article, multinationals can generate goodwill in their host countries and can help ensure more stable political and investment climates by operating their facilities to minimize environmental damage.

In most developing countries, multinational corporations have not been forced to comply with environmental regulations as stringent as those in the United States or other developed countries. Corporate action to protect environmental values has been largely voluntary, motivated by economic self-interest or a sense of corporate responsibility. Undoubtedly, the tragic accident at Bhopal, India in 1984 will lead most multinationals, as well as host countries, to assess more carefully the environmental risks of hazardous industrial processes. In addition to voluntary action and domestic legislation, international codes of conduct and guidelines should be considered as a means to improve environmental and natural resources management by industry.

A final environmental issue that must be addressed by corporations in developing countries is the export of hazardous substances. International and national regulation of hazardous exports raises complex conceptual, technical, and policy issues. As Nicholas Ashford and Christine Ayers point out in their article, in the absence of any real international regulation of hazardous substances, the transfer of adequate information concerning the health and environmental effects of hazardous products is essential. In addition, importing countries must develop the capacity to
assess for themselves the conditions of sale and use of hazardous products.

Despite the critical need for environmentally sound resources management, the environmental policies of developed and developing countries have neither been uniform nor comprehensive. This failing is particularly pronounced in the area of international environmental cooperation. For example, with the important exception of its support of the moratorium on commercial whaling, the United States has appeared to back away from cooperative efforts. In fact, support for development assistance has decreased during the Reagan Administration.

The only alternative to global environmental degradation is widespread implementation of sustainable development policies. To ensure continued economic development, the environment must be protected through sustainable resources management policies. Development of a harmonious relationship between human populations and their natural resources base will be a critical and perhaps even a decisive factor in bringing about political, economic, and social stability throughout the Third World. All nations have a vital self-interest in promoting this kind of stability.

We need to mount a truly global effort toward building sustainability of resource use in developing countries—not necessarily spending large sums of money, but drawing upon our abundant technical skills, exercising the leadership of all governments, and engaging the public and private sector alike. We have the knowledge, the skills, and the resources, both human and financial. The critical question is whether developed and developing countries perceive sufficient mutuality of interest and possess enough political will to move decisively to protect the world's sustainable resources.

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