

Concept of environmental justice in Nepal: Environmentalism of poor for sustainable livelihood

S. Ghimire

Environmental Justice Project, Martin Chautari, Kathmandu, Nepal

Environmental justice has emerged as a new concept to address environmental problems of grassroots level from the perspectives of affected and less privileged communities or individuals of a society. This paper relates environmental justice as environmentalism of poor to their livelihood security through the access to resources, decision making power and clean and healthy environment. There are several discriminatory and unjust practices in both urban and rural areas of Nepal. Those vary from disproportionate sharing of ecological benefits and hazards in society to the unequal access to resources, healthy environment, decision-making, information and other civil rights. These injustices are mainly rooted in existing social structure with differential distribution of economic and political power. Some approaches are also discussed to correct environmental injustices, which include essential legal, political and social provisions for improved participation, access to information and access to justice.

Introduction

Environmental problems are getting more attention in recent years in academic field, political and government agencies, media and grassroots level as well. Hardly a day passes without hearing increased air pollution, water pollution, increased solid waste in city areas, landfill sites and associated conflicts, loss of forest and biodiversity, problems in managing natural resources and so on. Such increased concern helps to design some technical, social and legal mechanism in order to address and improve protection and preservation of nature and environment. Despite significant improvements in environmental protection over this period, people continue to live in unsafe and unhealthy physical environments. The environmental justice movement emerged in response to environmental and social inequities, threats to public health, unequal protection, differential enforcement and disparate treatment received by the poor and less privileged people (Bullard 2001).

Fair treatment of all people of caste, ethnicity, race or income groups for the equitable distribution of benefits of environmental conservation or hazards of environmental degradation is known as environmental justice (Adhikari and Ghimire 2002a). It regards the meaningful participation in planning, or implementation of any environmental projects or policies or decision-making mechanism, as well as access to authority for information and justice in matter of environment and resource utilization. EPA defines the goal of environmental justice as to ensure all peoples, regardless of race, national origin, ethnic background or income, are protected from disproportionate impact of environmental hazards (EPA 2001). The ultimate goal of environmental justice is sustainable

livelihood for all sectors of a society.

This paper intends to discuss origin of environmental justice and its different aspects with reference to Nepal. It will present various issues of environmental justice based on findings of past studies related to access to resource, decision-making power and clean and healthy environment. The concept of environmental justice is relatively new and not many studies have been conducted in Nepal. So hopefully the paper will help to conceptualize the subject in the context of Nepal and to make some recommendation for improvement of environmental justice.

Environmental justice for poor people

It is the poorest that suffer most by environmental degradation and have least access to environmental resources all over the world but nature of injustice is quite different in developed and developing country. In developed country, societies have already urbanized and people need not directly depend on natural resources for their livelihood. Therefore common environmental injustices in those region includes- not preserving nature and its wilderness, dumping of municipal and other waste material near the communities of color or low income group and establishing hazardous industries and waste facility sites close to poorer neighborhood. Such inequalities are outcomes of unfair distribution of social and political power and awareness level in a community. In response of such injustices a movement was emerged in USA beyond a decade ago, which was termed as movement of environmental justice. In 1991 the first summit of National People of Color Environmental Leadership (USA) adopted 17 "Principles of Environmental Justice" as a guide for organizing, networking, and relating to government and nongovernmental organizations (Lee 1992). It put the issue on international radar screen. Since then several debates, discussions and researches were carried out to conceptualize

For correspondence, E-mail: ghimiresharead@yahoo.com

the issue more clearly and more broadly which help to spread the concept in other regions and countries.

In Nepal natural resource has been the main mean of livelihood for majority of poor, disadvantaged and landless rural people as the case of most of the developing countries. The main role of nature at least for here is to serve needy people who take care of it and to provide material support for their living. Therefore the movement of environmental justice includes all movements and campaigns, which help livelihood security of affected communities. Adhikari (2002) defined livelihood security as the capacity of the individual or the household to improve their various assets (physical, financial, human, social and political) so that even they are struck by disaster of various types, they are capable to cope with them and regain their assets.

In our case environmental justice can be regarded as 'Environmentalism of Poor' as it addresses health security and other livelihood security issues for poor, less privileged and minority people or communities. Environmentalism of poor deals with social conflict with an ecological content (today and history), of the poor against the (relatively) rich, not only but mainly in rural context (Guha 1989). It accentuates the defense of livelihood and communal access to natural resources, threatened by state or the market as well as reaction against environmental degradation caused by unequal exchange, poverty and population growth (Martinez-Alier 1998).

There is arising logic to give preference on environmental security like food security. Food security ensures access of each individuals to enough quality food as practicing from generation to generation whereas concept of environmental security ensures access to safe and secured environment. However the opportunity to exercise both of these securities can be achieved by the condition for secured civil right. Environmental right and justice cannot be separated from civil rights although environmental right along with many other social, economical and cultural rights are not included in fundamental civil rights in constitution of Nepal and many other countries. But courts and judicial bodies have established a trend to ensure the right to live in safe and healthy environment while solving many cases related to degraded environment limiting the right to life (Shrestha 1998).

In Nepal with the promulgation of constitution of the kingdom of Nepal 1990, cases in the field of increasingly coming up before the supreme court. The court has also recognized the environmental problem under public interest litigation and delivered many environmentally friendly decisions and principles (Bhattarai 2000). One of the important cases on this aspect is the case of Surya Dhungel v. Godavari Marble Industries (P.) Ltd. In this case petitioner alleged that the respondent (Godavari Marble) is destroying the ecology of Godavari hill and thereby threatening the biodiversity of the valley by its marble mining operation. The Supreme Court of Nepal issued a verdict to the respondent to apply necessary mechanism for effective environmental protection.

We can simply say that environmental justice can be achieved only after we have secured civil right. Most of the degradation of environmental right is created in such situation when affected communities are unable to protest them.

Therefore civil rights such as free press, right to information, right to speak and write freely, free election and right to participate in any organization or group are preconditions for environmental justice. Unless all of these preconditions are met, affected communities cannot raise their voices and protests that result continued degradation of nature and environment.

Socio-politico-economic causes for injustices

Consequences of current proliferation of globalization can create impacts on activities of local inhabitants arising mainly by the decisions made from world's major economic and political power situated in a far distance. Not only the affected communities are denied access and participation in such decision making mechanism, but also decision makers need not pay any cost for damages in local environment created by their own decisions. In such conditions environmental degradation and human exploitation proceeds that ultimately lead to the environmental injustice. It continues until local people can fully enjoy the right for utilization and conservation of their natural resources.

The main cause for environmental injustice is prevalent social injustice arising from unequal treatment of all people of class, caste, ethnicity, gender, or geographical origin. It results in environmental degradation as stated in previous paragraphs, which again prepares the condition for different social discrimination and injustices. Here simply a cycle of injustice perpetuates in a society, which justifies the fact that social and environmental conditions go along with and issue of environmental justice becomes a political issue.

Impacts of adverse environmental consequences and other hazards usually come to the side of socially deprived or disproportionately affected section in the society where discrimination and unequal treatment is quite common. It results into environmental classism or environmental racism or environmental casteism or similar situations. Elite and highly privileged section of the society can use and privatize common resources for the sake of their own benefits including environmental benefits through their easy access and strong hold in political power. Similarly their strong hold of political power also becomes a mechanism to suppress the voice and protest of affected communities. The reaction commonly seen during the discharge of waste material in urban neighborhood 'Not In My Backyard (NIMBY)' is also a product of such social disparity, which makes the disposal of waste in or close to the communities of poor and disadvantaged people.

Since capitalist economic and political system strengthens such situation of injustice and inequality, it helps to establish and advance environmental injustice and consequently environmental degradation. So the current trend of development of capitalism and globalization, which indicates the increase in power to control economic and political system by a handful of individuals and private corporations, is continued to encroach the common resources as well as public voice and protests. Policy makers are not paying attention to the voice arising from the lower section of the society. Because the economic system in capitalism is completely focused only on how to earn more benefits, it does not care other aspects different from anthropocentric view. Thus the social destruction happens.

Therefore unless different social injustices and problems are corrected and participatory communicative democratic processes are adopted, situation of environmental justice remains unchanged that obstructs achievement of sustainability.

Status and problems of environmental justice in Nepal

Following paragraphs enlist some issues of environmental justice in Nepal that came across while preparing its bibliography. It is clear that no researches were carried out in the name of environmental justice in Nepal except very few legal studies (Adhikari and Ghimire 2002b). However many works and studies related to environment and natural resource management included the different aspects of environmental justice. Another interesting conclusion that can easily be drawn is most of the cases of injustices in environmental matters are emerging from the roots of our social structure because environmental injustice also reflects our social disparity. Therefore caste, class, gender, unawareness, and political power have been main causes to affect environmental justice. Some of commonly found injustice issues are briefly described in following paragraphs.

Community forestry, widely appreciated for its success, is seen as one of the ways to safeguard forest with participation of local people and at the same time it benefits them. But sharing of benefits from community forest has not been always fair and equitable. Occupational castes, which are commonly recognized as lower castes in our social structure, are denied access to nearby forest (Graner 1997). Similarly the contribution to community forest in terms of labor, money, or time is inequitable. Poor and powerless sections of the society are spending enough physical labor whereas upper section are holding control through management and paper-work though they spend little time period. Discrimination happened mainly to so-called lower caste and poor people as well as women because they lack skill on paper work and keeping account. There is also inequity in participation on decision-making process for forest management as well as other social work (Poudel 1998). There are difficulties for these deprived sections in order to participate on decision-making process, as they are not well informed about meetings and other programs. In such a way lacking of 'transparency' is aiding to create injustices.

The next problem as revealed by many studies is related to women. Women are found politically weak which hinders them to have resource ownership and domination in society (Gautam 2001). Forest guard considers them adversary since they visit forest area more frequently to fulfill daily requirement of their family. Families with women and children member have to face difficulties since committee separates short duration on cutting wood logs and fire wood as well as sparing night time to use water for irrigation (Pun 2001).

Many projects and programs hardly consider minorities to encourage for participation. For example encouraging only Gurungs in Gurung village or Brahmin-Chhetris in those communities where they dominate is unjust to minorities. Studies related to eco-tourism shows that benefits from tourism industry mainly goes to the side of urban-based entrepreneurs and few local but elite persons whereas burdens raised by tourism – say for example in the form of degradation of forest,

price increase of labor as well as daily use of food items, deterioration in local cultural practice and hazards of western consumerism – come up to the side of local farmer or families with low income. Although poor people get some work opportunity as porter and like, there is also exploitation and injustice to porter not getting subsistence level of salary or medical, clothing, foot wear and similar facilities as compared with their work risk.

Park people conflict is also a form of injustice occurring around the protected areas established mainly for protection of wildlife and tourism. Depredation of crop and domestic animals by wildlife of such conservation area and not getting compensation for such destruction is the main problem (Adhikary 2000). Sometimes human casualties also happen around national parks. Displacement of local inhabitants in the name of creation or extension of protected areas without giving any appropriate alternative way for subsistence used to be common practice in the past (Baghhchand 2001). Displaced people feel uprooted from their communities and environment, and as a result face various social and health problems, which lead to various changes in their cultural patterns. Similarly, indigenous or tribal people, maintaining their long history of living around these park areas and preserving the local environment and culture from their generation to generation, are also prohibited to utilize local natural resource (Ghimire 2001). This results in their livelihood crisis.

Urban environmental justice problems are quite different from rural. In an urban setting, most of the injustice issues root in the management of solid waste, for example, dumping of waste material near the slum and marginal neighborhoods without giving adequate information regarding its hazardous consequences (Shrestha 1993). Similarly polluting rivers by disposal of sewerage, lacking access to clean drinking water, air pollution, adulteration and contamination of food items are other common issues of environmental problem in urban areas. Environmental degradation and pollution essentially produce more impacts on poor than rich since poor people are usually exposed directly to such hazards and unable to manage protection measure owing to lack of resources.

Improving environmental justice

In fact, environmental justice, in the context of Nepal, should aim at enhancing and improving livelihood of poor, less privileged, minority and affected people in sustainable way since they have depended directly on natural resources for subsistence. That also applies to urban part since air pollution affects more seriously the health of poor people, as they cannot afford for treatment. In such condition their livelihood is adversely affected.

Environmental justice is a movement which when rises from public spare, we can attain the sustainable conservation of nature and environment as well as the highest level of environmental equity. This movement is essential not only for pressing the state agencies for fair distribution of benefits and adverse impacts of the environmental conservation and deterioration, but also for sustainable development. We have already discussed about what sorts of political, social and economical preconditions are required to advance such movements.

Generally secured civil right of affected community can ensure environmental justice, which further requires participatory democratic system with enough prospects of discourse. In such political system decision-makers should be accountable to the consequences of their decision and voices from grassroots level should have easy and significant access to decision-making body. But it seems quite impossible in capitalist system with such rapid trend of globalization.

It will be a long process to achieve above-mentioned condition of justice and fair treatment. From the short-term viewpoint, different development projects should have a regard for environmental justice. Following points can be recommended for consideration and further discussion:

1. Socio-economic structure should be studied in affected or to be affected (by any projects or programs) places or communities. It will get to know how people are made happen to face health and environmental hazards.
2. Some cultural, social or economic factors enhance the discrimination and injustices created by programs or policies related to environment and resource utilization.
3. Formulation, implementation and monitoring of new plans, policies, programs and projects require active public participation. Therefore authorities and decision makers should provide enough scope for worthy participation. Public participation should be maintained right from planning stage.
4. Generally affected communities deserve more concern, which are also called environmental justice community of concern (EJCOC). It is composed predominantly of persons of lower caste, tribal or ethnic minorities or a substantial proportion of persons below the poverty line. EJCOC can be a target for policy-makers in environmental reparations or remedies to compensate or restore environmental quality and to provide environmental security.
5. Alternative means for livelihood should be investigated and planned to correct existing injustices and to protect from additional adverse impacts.
6. Adequate information should be provided to affected communities and other concerned individual. Moreover improving the awareness of public on existing legal provisions, and easy access to information are other factors that help in having improved access to environmental justice.
7. There are many indigenous communities who make their livelihood by utilizing natural resource. Therefore new policies and program should not affect them in discriminatory way.
8. During the designing phase of study of environmental

impact, opinion of socio-economically less privileged sectors of a society should be well incorporated. Public hearings should be carried out in local language at the time and place favored by such people to ease their participation and access to information. ■

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