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**Symphony of Sustainable Development and Environmental  
Justice with Special Reference to Land Grabbing.**

**Dr. Bhagwana Ram Bishnoi**

## ABSTRACT

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*Sustainable Development aims to attain overall development of country in every sphere- social, economic and environmental. The Sustainable Development Goals laid down , which is to be achieved by countries by the year 2030, is pathway towards Environmental Justice. In Developing countries , i.e. countries with low human development index or low infrastructure investment, has the objective to attain the SDG's with the goal of Environmental Justice kept in mind. These countries are industrially developing which means land is one of the prominent economic resources. The rush for land in these countries is creating conflicts and civil unrest even globally. Since 2008, there was a large scale land acquisitions in developing nations for various developmental purposes such as agriculture, bio-fuel generation, etc in collaboration with giant Corporations or governments. These acquisitions over a period of time culminated into "Land grabbing". Land grabbing began threatening food security as well as citizen's security of surrounding countries because arable land is being closed for those to whom it was a source of livelihood.. Sustainable Development Goal and Environmental Justice denote clarion calls to end poverty, promote global welfare, and protect the planet but may also lead to major environmental degradation*

*In the above backdrop, the research paper proposes to:*

- 1. Examine the co-evolution of sustainable development and environmental justice in developing countries, with reference to the SDG's 1, 2, 9 and 16.*
- 2. Examine the conflict of Land Grabbing which arises because of Sustainable Development in certain countries causing Environmental Injustice in another country.*

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Keywords: conflicts, developing countries, environmental justice, sustainable development, land grabbing, SDG 1, 2, 9 and 1

## 1. INTRODUCTION:

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Sustainable development can be explored from a detailed consideration of changing ideas and practices within the environmentalism and developmental thinking. Sustainable development and environmental justice go hand in hand, this relation has been uneasy but it provides a helpful framework, conceptualizes sustainability in terms of access for all to fair shares in resources on which healthy quality of life depends. Beyond adopting sustainability, many communities are trying to translate this general principle into measurable terms. It helps in identifying the factors involving the policies and mechanisms through which sustainable development is being sought and considered where the outcome for a particular group and environment is both in urban and rural areas.

Global challenges of sustainable development is emphasised with an understanding of crises in poverty and illiteracy. It explores the issue of what sustainable development is and relation of environmental justice with development. In past, developing countries have faced problems which became an obstacle in their growth. Though, in most countries the concepts of Sustainable Development and Environmental Justice are soft law and are not binding, but nations should accept these International Environmental Law, in general, as a blue print to tackle various issues one of which is land grabbing. This issue raises various questions of delicate nature, for which the suggestions are provided.

The questions addressed to in the paper are:

- Whether Sustainable Development and Environmental Justice independent of each other.
- Whether the tackling of the conflict of Land Grabbing is occurring in the Global Scenario.

## 2. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL JUSTICE-

### *THE CONCEPT:*

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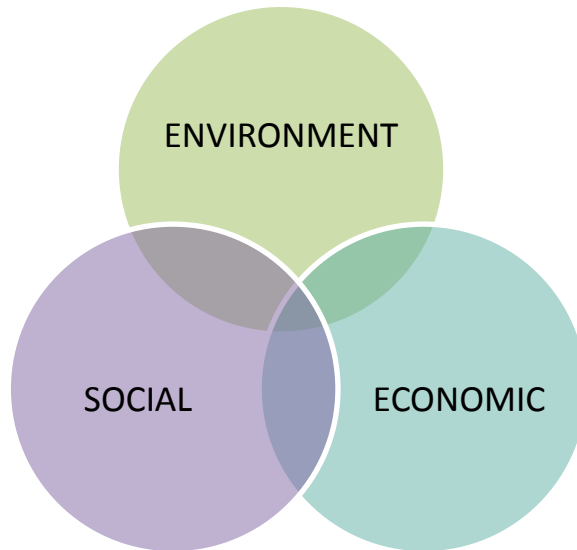
The concept of Sustainable Development originated in the Stockholm Conference on Environment and Development, 1972, and environment and development were finally seen under one concept. Brundtland Report had defined Sustainable Development as follows



*“Sustainable Development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.*

The concept of Sustainable Development may be better explained by the following diagram:-

### **SUSTAINABLE DEVELOPMENT: THE THREE PILLARS.**



Sustainable development may be attained only by the all round development of a nation- that is , Environmental , Social and Economic Development. A nation cannot progress if any one of the pillars is missing. The United Nations Member States adopted the 2030 Agenda for Sustainable Development- a guide which would help the countries to prosper and move towards a better future. The Division for Sustainable Development Goals (hereon referred to as DSDG) is responsible for deliberating on issues such as water, energy, climate, science, technology and further move towards a Sustainable Earth. 17 Sustainable Development goals have been laid down which is targeted to be achieved by the year-2030.<sup>1</sup>

### **2.1 Origin of the concept of Environmental Justice**

The concept of Environmental Justice emerged much later than the emergence of the concept of Sustainable Development. This concept was developed in the early 1980's in the United States with a small protest by African-American community against the hazardous

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<sup>1</sup> About Sustainable Goals (28.02.19, 11:45 PM)  
<https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

landfill waste in their area.<sup>2</sup> After such movement, people across the countries slowly began to speak up about the discrimination they faced regarding the environment and their right to a healthy life, which they were being discriminated against because of their race and economic status. Only in 1994, the United States Former President Clinton issued a Federal Executive Order<sup>3</sup> and this was the very first step towards the goal to achieve Environmental Justice. The order consisted of the following:

*“The goal of environmental justice had to be made a part of the federal decision making process, and was to be practicable in law- it was to identify the degrading environmental effects that the backward class people faced in the country and work towards helping such communities.”*

The formal definition of Environmental Justice as given by the United States Environmental Protection Agency is as follows:

*“Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”<sup>4</sup>*

The objective of Environmental Justice is to embrace all people irrespective of age, caste, sex or economic background and entitle them to fair and just treatment with regards to their right of clean and healthy environment.

### **3. THE CO-EVOLUTION OF SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL JUSTICE:**

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The major question which comes up in this discussion is – Are the two concepts of Sustainable Development and Environmental Justice co-evolving or are independent of each other?

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<sup>2</sup> Office of Legacy Management, Environmental Justice History, (28.02.2019, 12:05 PM):  
<https://www.energy.gov/lm/services/environmental-justice/environmental-justice-history>

<sup>3</sup>supra -4

<sup>4</sup>EPA, Environmental Justice, Law and Regulations, (28.02.2019, 01:25 PM):  
<https://www.epa.gov/environmentaljustice>

Sustainable development, after all, is a way of development which will always include urbanization and industrialization. It shall always include social and economic development which sometimes occurs at the cost of environmental development.

The co-evolution of Sustainable Development and Environmental Justice can be explained in the context of a rights based approach. Every human being is entitled to basic human rights- right to live a healthy life, freedom of speech, religion, socio-economic and cultural rights- be it from the Constitution of their own country or from International Human Rights Law. Right to a clean and healthy environment is always implied under basic human rights.

In Resolution 45/94, the United Nations General Assembly, it was stated in accordance with this right based approach:

*“Everyone has the right to an adequate standard of living for his or her own health and well-being and that of his or her family and to the continuous improvement of living conditions”*<sup>5</sup>

Along with this Resolution 45/94, The Declaration of the United Nations Conference on the Human Environment, Stockholm, 1972, Principle 1, also backs the right based approach of Sustainable Development and Environmental Justice. It states:

*“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.”*<sup>6</sup>

Environmental degradation always adversely affects human health, it damages the ecology and with the ever increasing population, industrialization and urbanization has increased which in-turn results in adverse impacts on the environment.

Poverty stricken individuals take part in an assortment of earth destructive exercises, for example deforestation to build a livelihood ,since they have no other choice. Poverty is responsible for the Environmental Degradation that occurs. The poor will, in general, live

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<sup>5</sup> United Nations General Assembly, Res 45/94 (27.02.19, 04:08 PM)  
<http://www.un.org/documents/ga/res/45/a45r094.htm>

<sup>6</sup> Declaration of UN Conference on Human Environment, (27.02.19, 12:30 PM) :  
<http://hrlibrary.umn.edu/instree/humanenvironment.html>

on the least arable land, drink defiled water, all of which add to high rates of sickness and illness, coming about troubles with work, and difficulties in finishing even an essential course of public education. Here we see how poverty and environmental degradation often mutually reinforce each other, as explained in the report of the World Commission on Environment and Development<sup>7</sup>. There are various criticisms of sustainable development. Sometimes, the cost for development is not paid by the corporations but the environment, it becomes an umbrella for the empowered and rich people of the society to avoid their burden concerning the environment. The under-developed and developing countries often have to deal with the cost of development of the developed countries.

Here, the SDG's should be kept in mind.

SDG 1 and SDG 2<sup>8</sup> aiming to end poverty and hunger is one of the measures which shows that Sustainable Development and Environmental Justice does evolve together and one cannot exist without the other.

Even in SDG 9<sup>9</sup> which speaks of industry, innovation and infrastructure, it is stated that urbanization shall be achieved but not at the cost of environment, cities built shall be sustainable, i.e. meets the needs of the present without affecting the future generations.

Sustainable Development Goal 16<sup>10</sup> aims to provide justice to all, to provide basic human rights and freedoms to every individual. This is the most important goal with respect to the achievement of Environmental Justice through Sustainable Development. With the achievement of this SDG 16, Environmental Justice may also be achieved, as people would be able to advocate the violation of their right to clean environment. The rights based approach of Environmental Justice should be kept in mind as only then would people be able to advocate for the violation of such.

Thus, it may be concluded here that Sustainable Development and Environmental Justice, though collides at certain points, but one cannot exist without the other.

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<sup>7</sup> WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, OUR COMMON FUTURE 43 (1987), (01.03.19, 10:34 PM): <http://www.un-documents.net/our-common-future.pdf>

<sup>8</sup> supra-3

<sup>9</sup> supra-3

<sup>10</sup> supra-3

### **3.1 Sustainable Development and Environmental Justice in Developing Countries:**

To achieve Sustainable Development and Environmental Justice, the pathway is through the SDG's

As already explained earlier, SDG 1 and SDG 2, which speaks of bringing an end to poverty and hunger, which is seen in high percentage in the Developing countries, the fundamental goal should be to end poverty by 2030. As agriculture is the basis for many developing countries , implementation of innovative sustainable agricultural management measures help in bringing about of Sustainable Development and Environmental Justice, also, with government support, employment opportunities will boom, and consequently it would lead to economic boom in the Developing countries- this would also help to achieve SDG 8<sup>11</sup>.

Energy is one major constraint in the Developing and Under-developed countries, 62% of the people in the Developing and Under Developed countries still lack access to electricity, which is a basic amenity in our day to day life.<sup>12</sup>

Once again, with the achievement of SDG 7<sup>13</sup>, i.e. sustainable affordable energy- Hydra and Solar energy, can be available to the poorest of the poor, also non reliance on Non-renewable source of energy like coal and petroleum, which is harmful to the environment, and whose plants are mostly situated in areas of low income group, Environmental Justice can be achieved through this usage of renewable source of energy generation. It will result in less pollution in the areas where the plants of non-renewable energy generation is situated.

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<sup>11</sup> supra -3

<sup>12</sup> UNCTAD, Achieving the SDG's in LDCs ,(01.03.19, 02:12 PM)  
[https://unctad.org/en/PublicationsLibrary/aldc2018d4\\_en.pdf](https://unctad.org/en/PublicationsLibrary/aldc2018d4_en.pdf)

<sup>13</sup> Suprs-3

### **3.2 Sustainable Development and Environmental Justice in India: (A Developing Country):**

Sustainable Development and Environmental Justice in India is subjected to a lot many internal problems which makes achievement of either of them difficult. Such problems include- Poverty, Illiteracy, Population explosion leading to large scale urbanization.

All these problems are obstacles in the pathway to achieve SDG's and Environmental Justice. The first major step taken towards curtailing such problems and achievement of the SDG's and Environmental Justice was the setting up of the National Green Tribunal under the National Green Tribunal Act in 2010. This Tribunal is responsible for dealing with only environmental cases and was a big step towards achievement of Environmental Justice.

Section 20 of the National Green Tribunal Act is the most relevant section to both of these topics. It states-“ *Tribunal to apply certain principles. -The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle*”.

#### CASE:

**Almitra H. Patel & Ors. vs. Union of India and Ors.** <sup>14</sup>

#### ***FACTS AND ISSUES:***

This case has been the NGT's single biggest landmark case dealing with the difficulty of solid waste management in India. In this case, Mrs. Almitra Patel had filed a PIL under Article 32 of the Constitution of India before the Supreme Court wherein the Petitioner sought the immediate effective improvement in the practices which are presently followed by the Municipal Solid Waste or garbage disposal in India. The Tribunal found that the issue of waste disposal is big and needs immediate attention as over a lakh tonnes of raw garbage is dumped every day and there is no proper treatment of this raw waste. This waste is dumped just outside the city limits, along highway, lakes, nalas etc.

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<sup>14</sup> Almitra H. Patel & Ors. Vs. Union of India & Ors.  
<http://chandigarhenvi.gov.in/beta/departments/cpcc/Judgement%20Almitra.pdf>

Over 133760 MT of waste is generated by the country each day as of 2012-2013 and this rate is continuously increasing as per the statistics. The Tribunal came out with a solution for waste disposal that they can use it as a source of power and fuel for benefit of the society, considering principles of circular economy.

***JUDGMENT:***

The Tribunal after evaluating this problem issued over 25 directions, some of them is discussed below:

Every State and Union territory was asked to implement the solid waste management rules, 2016 immediately, also they were asked to prepare an action plan in terms of the rules within 4 weeks.

Further, the Tribunal Directed the Central Government, State Governments, local bodies and all citizens to perform their respective obligations under the Rules without any delay.

Tribunals directed States to ensure proper segregation before processing of waste in energy plants. It made it a mandatory provision that there has to be buffer zones around plants and landfills.

***ANALYSIS WITH RESPECT to SDG's and EJ:***

Here, with the court giving orders to implement the waste management and Complete prohibition on open burning of waste on lands, the SDG 15<sup>15</sup> which aims to combat land degradation is being achieved thoroughly. Along with SDG 15, the achievement of SDG 3<sup>16</sup> which aims at good health of all citizens is also being achieved as the garbage disposal standards are to be met. All of this aims to bring about Environmental Justice of fair justice and protection of environment to all.

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<sup>15</sup>supra-3

<sup>16</sup> supra-3

## 4. LAND GRABBING:

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*“Land is not just a resource to be exploited, but a crucial vehicle for the achievement of improved socioeconomic, biological, and physical environments.”*

**-Food and Agriculture Organization, 1999**

One of the major conflicts that arise while trying to achieve sustainable development and environmental justice is Land Grabbing

In 2008, the food and financial crisis erupted, and a global “land grab” began- there was a growing demand for land in the developing countries by richer, wealthier but food-insecure countries and other private investors. Potential lands which were arable were a source of great investment between 2006-2008.<sup>17</sup>

### **4.1. Reason behind Land-Grabbing:**

The reasons behind land grabbing are enlisted below:

#### **1. Food Security:**

The harsh climatic conditions, poor soil, scarce water and land along with inflation and ever-increasing imports, led to many nations, to have to rethink about their domestic food policies.

31 countries were suffering from emergency food crisis as according to Food and Agriculture Organization, 2009.<sup>18</sup> Now, one country may be involved in trying to acquire land in arable country to achieve mainly SDG 1 and SDG 2 thereby aiming Environmental Justice, but in the host country it may cause adverse effects.

Example:

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<sup>17</sup> Evadne Grany & Onita Das:Land grabbing, Sustainable Development and Human rights

<sup>18</sup> FAO (2009) Crop prospects and food situation. No. 2, April 2009. FAO.(03.03.19, 12:15 PM):  
<http://www.fao.org/docrep/011/ai480e/ai480e02.htm>



The Gulf States have scarce water and arable land, but they have oil and cash reserves , with the ever increasing cost of imports of food items, and as their import cost increased from US 8 billion dollars to US 20 billion dollars (2002-2007).<sup>19</sup> These states started leasing or purchasing land in states with arable land for its food security. Qatar purchased 40,000 Hectares in Kenya <sup>20</sup>and acquired arable crop producing lands in Vietnam, Cambodia and Sudan. The UAE purchased 324,000 hectares of land in Punjab and Sindh in Pakistan, June 2008<sup>21</sup>.

## 2. Energy:

There is a high demand for bio-fuels, the availability of raw materials for such is also one of the major reasons behind land grabbing. The oil dependent countries are the major runners towards agro-fuel production, so as to use bio-fuel in transportation.

With this surge, the investors in the market started targeting bio-fuel producing lands in developing countries, which has an advantage on the production maybe because of land availability and thus low cost of land,. With a drive to attain SDG's and Environmental Justice through such bio-fuels, the demand for land ever increases.

Example:

In 2008, Sinopec and Chinese National Overseas Oil Corporation, invested 5 billion US dollars and 5.5 billion US Dollars respectively in Indonesia to grow bio-fuel to export it to China.<sup>22</sup>

### **4.2.Impact of Land Grabbing:**

The following are the impacts of Land Grabbing:

#### 1. Displacement of Small Farmers:

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<sup>19</sup> GRAIN (October 2008) Seized! The 2008 land grabbers for food and financial security, (01.03.19, 05:17 PM)-

<https://www.grain.org/e/93-seized-the-2008-landgrab-for-food-and-financial-security>

<sup>20</sup> Kenya, Qatar land deal questioned (May 19, 2009) Capital Business (Nairobi) , (01.03.19, 07:13 PM):

<https://www.capitalfm.co.ke/business/2009/05/kenya-qatar-land-deal-questioned/>

<sup>21</sup> Kerr S, Farhan B (May 11, 2008) UAE investors buy Pakistan farmland. Financial Times, (04.03.19, 09:12 AM): <https://www.ft.com/content/c6536028-1f9b-11dd-9216-000077b07658>

<sup>22</sup> Shepard Daniel, Land Grabbing and Implications for World Food Security, (01.03.19, 06:17 AM).

On the superficial view, it may be claimed that this global land grab would bring investment to the financially poor countries ,but there is evidence to show that small farmers of the host country is sidelined in these land grabs. The creation of employment also results in the local farmers only having to work on these large industrial scale farming ends up in small scale farmers losing their lands.<sup>23</sup>

The United Nations Permanent Forum on Indigenous Issue's Chairperson had estimated that the land rights of 60 million people was lost to agro-fuel production.<sup>24</sup>

Example:

One very important land deal which had thrown light over such issue was in the country of Madagascar. The government of Madagascar had decided to lease about 70% of the arable to South Korean corporation, that would take away the employment of thousands.<sup>25</sup>

## 2. Land Reforms:

Another major impact of land grabbing is that such deals affect the various land reforms in developing countries. The unprecedented land grabbing ends up in distortion of the existing land tenure system which is a source of livelihood for the rural farm dwellers. If the farmers do not have formal tenure, they may lose their lands.

Once again, if the poorer sections of the society loses their livelihood in the host countries, there would be no achieving the SDG 1 and SDG 2<sup>26</sup> , which once again would fail to bring about Environmental Justice.

## 3. Food Insecurity In Host Country:

One of the side effects of land grabbing is that the hand of control over food resource and arable land shifts from the host country to the leasing country. The host countries, which

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<sup>23</sup> SUPRA 10.

<sup>24</sup> Haralambous S, Liversage H, Romano M (2009) The growing demand for land: risks and opportunities for smallholder farmers. Discussion Paper prepared for the Round Table organized during the Thirty-second session of IFAD's Governing Council, Rome, 18–19 February 2009. International Fund for Agricultural Development (IFAD):

[http://www.globalbioenergy.org/uploads/media/0902\\_IFAD\\_-\\_The\\_growing\\_demand\\_for\\_land.\\_Risks\\_and\\_opportunities\\_for\\_smallholder\\_farmers.pdf](http://www.globalbioenergy.org/uploads/media/0902_IFAD_-_The_growing_demand_for_land._Risks_and_opportunities_for_smallholder_farmers.pdf)

<sup>25</sup> SUPRA 13

<sup>26</sup> supra-3

are developing or under developed countries, export food which may lead to a crisis in the host country.

For example, Madagascar , which has leased out its land, receives food relief aid from the World Food Program<sup>27</sup>.

### 4.3. Various Conventions Relating to Land-Grabbing:

The **International Covenant of Economic ,Social and Cultural Rights** protects the rights of citizens of nations abroad.<sup>28</sup> Thus all foreign investors are obligated to ensure that citizens or corporations in their jurisdiction should not violate the rights of the local people in the host countries.

Article 15 of the **International Labour Organisation** Convention concerning Indigenous and Tribal people provides for “sustainable use of natural resources and protection for the rights of indigenous people to the natural resource of their own land”.<sup>29</sup>

The **UN General Assembly Declaration on the Rights of Indigenous people** protects the right to own land which has been occupied by them since generations.<sup>30</sup>

The principle of CBDR<sup>31</sup> (**Common but Differentiated Responsibilities**) also states that all countries should cooperate globally to protect the environment. It talks about the contribution of developing and developed nations of the world to work towards a clean and healthy environment. It also urges the developed nations of the world to aid the developing nations in this Endeavour of theirs.

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<sup>27</sup> supra-27

<sup>28</sup> M-C. Cordonier Segger & A. Khalfan, *Sustainable Development Law: Principles, Practices & Prospects* (Oxford University Press, 2004), at p. 1.

<sup>29</sup> ILO Convention 169, 72 ILO Official Bull. (27.02.19, 12:12 PM):

<http://www.ilo.org/indigenous/Conventions/no169/lang-en/index.htm>.

<sup>30</sup> UNGA Res 61/295, UN Doc A/Res/61/295 (01.02.19, 12:07 AM):

<http://undesadspd.org/indigenoupeoples/declarationontherightsofindigenoupeoples.aspx>

<sup>31</sup> Preamble and Art. 3, UNFCCC; Arts. 4, 5, 6, UNCCD;

See also, *United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 by Malaysia* WTO Doc. WT/DS58/RW (Report of the Panel), at p. 102.

The **UN Declaration on Right to Development** perceives the duty of countries not exclusively to act independently to execute the privilege inside their regions, yet additionally to act united, in organization with different countries, to make an environment that supports the acknowledgment of the right to development.<sup>32</sup> This is of basic significance to land grabbing in light of discussions that remote interest in land only from time to time conveys the advantages asserted. It is doubtful that the global community has a commitment to make a move to prevent foreign venture which has the impact of denying local population (present and future) of the open door for improvement.

#### **4.4. Analysis:**

The main principle of sustainable development is use of resources in a manner that it shall not adversely affect the future generations. It encompasses – “sustainable use of natural resources, common but differentiated responsibilities (CBDR), the precautionary principle, public participation, good governance and intergenerational equity.”<sup>33</sup>

All such principles are predominantly derived from Human Rights. Now even though countries have sovereignty over all of their natural resources, including land, but they are subjected to the limitations of both the IHRL and International Environmental Law. They cannot cause damage to the environment of other countries outside their territorial jurisdiction.<sup>34</sup> UN human rights bodies does recognize the concept of healthy and sustainable development.

Land grabbing leads to displacement of the rural people which has undesirable effects on their right to a healthy life- with food, water and sanitary living conditions. There are no alternative that is done for such communities. It pushes such community out of their homes, devoid of their means to earn a living and push them to live in unhealthy

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<sup>32</sup> Art. 4, UNDRD, See also HRC, ‘Report of the high-level task force on the implementation of the right to development on its sixth session’ (2010) UN Doc A/HRC/15/WG.2/TF/2/Add.2, at para. 16.

<sup>33</sup> ‘Report of the Seventy-Fifth Conference’ (Sofia, 2012), pp. 821-79, at 3 and 14-35. See also D. French, *International Law and Policy of Sustainable Development* (Manchester University Press, 2005), at p. 53; ILA, ‘New Delhi Declaration of Principles of International Law Relating to Sustainable Development’ (2002) 2 *International Environmental Agreements*, pp. 209-16 [hereinafter, New Delhi Declaration]

<sup>34</sup> Principle 1.1 r/w Principle 21, Declaration of the UN Conference on the Human Environment, UN Doc. A/CONF.84/14 (1972) [hereinafter, Stockholm Declaration]; Principle 2, UN Conference on Environment and Development, UN Doc. A/CONF.151/26 (Vol I), (1992).

conditions or also often push them to deforestation and various such practices. Such leads to Environmental injustice.

The precautionary approach,<sup>35</sup> which is identified with decision making in circumstances of logical vulnerability, can, as a rule, necessitate that an Environmental Impact assessment (EIA) be done. Here the Procedural Justice aspect of Environmental Justice comes into play.

Case: Argentina vs Uruguay

The ICJ in its 2010 judgment on the environmental debate on the global stand between Argentina and Uruguay (Case of building of Pulp Mills on R. Uruguay) explicitly held Environmental Impact Assessments as a training that has achieved standard worldwide law status. It has been contended that an environmental impact assessment is required by use of a precautionary approach, in other words when there are dangers that an action may cause harm.<sup>36</sup>The precautionary approach and EIA necessity are upheld by various IHRL rights.

For instance, it is doubtful that at whatever point, rights to land and water are conceded to foreign officials, there is a plausibility that exercises, for example, serious cultivation and the presentation of foreign plant species that may misshape the local biological community or generally adversely influence the environment and the rights to water and lodging of local population. In such conditions, a precautionary approach ought to be taken to guarantee that both the environment and the rights of local population are secured. This does not imply that no development should happen. One method for guaranteeing such an approach is to require EIAs to occur. With regards to land grabbing, what is required is appropriate examination of the conceivable impact of the relocation of local population and the impact of new cultivating strategies and harvests before land bargains are marked; the inclusion of arrangements protecting the environment and the rights of locals in land contracts; and continuous observing of the exercises of foreign investors to guarantee that their exercises don't hurt the environment and that the human rights of locals are not encroached.

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<sup>35</sup> ., N.M. Sachs, 'Rescuing the Strong Precautionary Principle from Its Critics' (2011) 2011 *University of Illinois Law Review*, pp. 1285-1338, 1285 : <https://illinoislawreview.org/wp-content/ilr-content/articles/2011/4/Sachs.pdf>

<sup>36</sup> *Case Concerning Pulp Mills on the River Uruguay* (Argentina v. Uruguay), Judgment of 20 April 2010, *ICJ Reports* (2010): <https://www.icj-cij.org/files/case-related/135/11237.pdf>

#### **4.6. Suggestions for Proper Implementation of Sustainable Development and Environmental Justice in the Arena of Land Grabbing:**

##### **1. Aid of Human Rights Litigation:**

Taking aid of the Rights Based Approach, if Human Rights Litigation is used there is a possibility for the enforcement of sustainable development principles with relation to environmental justice even if there is no certain legal recognition of such a concept. While IHRL does not clearly back up the right to a healthy environment, it is a widely accepted concept in regional as well as the UN human rights system.

For Example, The Human Rights system in Africa, specifically, Article 24 of African Charter on Human and People's Rights,<sup>37</sup> states "All peoples shall have the right to a general satisfactory environment favorable to their development."- such facilitates that if need be, any claim with regards to violation of rights because of land grabbing- shall be properly dealt with in the African Courts.

There is one important point that needs to be noted- i.e. It is cases that set precedents. Once such an issue is brought up before a court, it would bring about a substantial movement towards a better tomorrow in any country. Litigation also aids in putting a fear in countries and corporations involved in this land grabbing as no one wants to go through investigation. It would help profoundly as they would be concerned about the implications of their decisions. Also, litigation attracts publicity- support of the public would build momentum in the legal system.

##### **2. Land Rights to Protect the Communities:**

The lack of proper land rights in the host countries is the major reason for the displacement of the local population. Formal recognition of the tenure and the ownership system of the land in the countries would aid to stop the displacement. Formal land registration is recommended to protect the local farmers.

#### **5. CONCLUSION:**

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Achievement of SDG's and Environmental Justice would be a big step towards a better future. Only with proper implementation of the goals, with hard laws in various countries

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<sup>37</sup> Article 24, African Charter for Human and People's Rights (01.03.19, 12:19 PM)::  
<http://www.achpr.org/instruments/achpr/#a24>

taking note from the soft laws can such a thing be done. There are various risks of this agenda, the major one being Land Grabbing that has been thoroughly discussed. With focus on right based approach and formal land rights being given to the farmers such problems can be effectively tackled.

With this it can be noted that economic and social development does not take precedence over environmental development and only with these three of them coming together can sustainable development and environmental justice peacefully co-evolve.

*“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly”*

- *Martin Luther King J*