
USE OF NATURAL RESOURCES, SUSTAINABLE DEVELOPMENT AND GLOBALIZATION

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ABSTRACT

With the growing environmental concerns and indiscriminate use of natural resources, the world is moving towards injustices created by the unequal distribution of these resources and no alternative to replenish the same. John Rawls working on the same plane, stressed on equality of opportunity as a means to secure justice, requiring different measures to be adopted to conserve natural capital for future generations and reduce the economic, social, and environmental disparity between the Developed and Developing nations. He further elaborated the concept of dying resources and equitable sharing of responsibilities among nations by finding an interface between fair distribution of resources and its sustainability for the future generation.

Sustainable development is the need of the hour, becoming the quintessential factor for preserving the environment from further destruction and using natural resources equitably. Not only is sustainable development the only requirement in the present conditions, but distributive justice also plays an equally important role and starting to be an indispensable element while dealing with the issues of the distribution of responsibilities and burdens equally among all Nations. In various instances, it has been found that the significant recipients of climate change, flooding, desertification, and the unprecedented environmental burden fall on the poorest people who are not well equipped to meet crises and calamities.

Therefore, this paper focuses and analyses the need for the distribution of environmental burden between Developed and Developing nations from the lens of John Rawl's theory of sustainable development, taking into consideration the responsibility of protecting the health and interests of all by and distributive justice as a running wheel setting forth the motion of equality in burden sharing and using natural resources with the ultimate aim of securing environmental justice at a global level under the garb of global justice.

INTRODUCTION

In a well-ordered society, a point arises when there arises a need to set a limit for indiscriminate use of the environment to secure the interests of present and future generations. Accordingly, Charles Beitz completely denies that a particular claim to a territory endowed with specific natural resources does not give the people within that territory an outright claim or ownership of those resources alone.¹ He refers to this advantage as unjust and finds such a process of natural redistribution of resources as morally arbitrary, terming such phenomena as "under one's feet."² Looking into the present scenario of arbitrariness and the existence of unjust distribution, a very probable question arises with regard to the kind of resources being disseminated. Is it natural resources found under one's feet? Or will the present resources available by appropriation and use be distributed? Naturally, such a determination needs to be made based on the need of individual Countries for their purposes.

The limitations and constraints do not end with sharing of resources but extend to sharing of responsibilities liable for the degradation of the environment. Central industrialized States contribute to a significant fraction of pollution affecting the less developed nations that do not have the necessary equipment to combat the effects of environmental pollution, primarily global warming. When it comes to equal burden sharing, big States like the United States of America deciding to walk away from the 195-Nation agreement on Climate Change also shows their disinterest and shutting off from primary responsibilities to safeguard the environment even after being the major contributor to existing pollution.³

Cosmopolitan view on control of Natural Resources

The elementary question about natural resources is regarding their ownership and entitlement. Cosmopolitan scholars question the undue advantage that a State receives by its control over the natural resources and challenge the un-brindled and embedded rights reserved by such States.⁴ The issue of entitlement paves the way to a more significant political conflict, as claimed by the Amazonian indigenous people wanting to protect its natural resources not willing to share at the first instance and argues for a direct claim over poverty as suffered by

¹ Tim Hayward, "Global Justice and the Distribution of Natural Resources," 54 *TLEJ* 349–369 (2006).

² *Ibid.*

³ Justin Gillis & Nadja Popovich, "The U.S. Is the Biggest Carbon Polluter in History. It Just Walked Away From the Paris Climate Deal", *THE NEW YORK TIMES*, June 1, 2017.

⁴ Margaret More, "Natural Resources, Territorial Right and Distributive Justice," 40 *Sage Journals*, 84-107(2012)

urban poor representing the rights of the political communities and individuals. Even though cosmopolitan views advocate for the moral unreservedness of resources by a particular state, it does not consider the collective self-determination over those resources, which should be given higher priority and justify adequate global redistribution of wealth from resource-filled rich Countries to other smaller or Developing Nations.⁵

All people have a fundamental right to enjoy the fruits of the Earth in order to survive and thrive in a healthy ecosystem like other nations. Such fundamental rights can be met with various institutional mechanisms by putting obligations globally. The main issue arises when people decide to use natural resources over which they exercise jurisdiction to create wealth that will be subject to redistribution of the same but whether political communities must redistribute or whether they will be bound by this obligation or not is something difficult to determine.⁶ Will the Lakota Sioux utilize resources in such a manner to meet their basic requirements without having to meet the needs of others to justify their cultivation of resources to the fullest becomes a severe challenge from a pragmatic perspective?⁷ In this context, Jeremy Waldron points out that in situations when rights conflict, it is not seen which rights are morally correct, but priority should be based on the relationship between a Nation's fundamental interests and policy.⁸ It is thus recommended that the interest in self-determination should not be considered absolute, but reliance should be based on promoting the cosmopolitan view by not seriously violating the way of life of any political community but also taking into account the needs and requirements of other sections of the society. For instance, if extraction of resources in land X could cure mosquito bite diseases in another land, the interest in self-determination to decide on extracting such resources should outweigh the need of a more extensive section of people living in mosquito-infested areas risking their life with greater chances of dying and falling sick.

Concept of sustainable development

Even a century ago, it was typically not a concern that the economic actions of present generations would hurt the environmental quality that is experienced by future generations. This does not imply that environmental harm from people up until recently was impossible. Instead, recent technological advancements have greatly expanded the scale and scope of state- and privately-owned companies' ability to extract and process natural resources, as well as their

⁵ Moore, *supra* Note 4.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

capacity to harm the environment for many generations to come through both the exhaustion of natural resources and the degradation of the health of the environment. Even though these businesses can collect and process materials for individual consumption thanks to technology advancements, efficiency gains over the past 20 years have outweighed any gains.⁹

The idea that economic expansion inevitably results in increased environmental quality has been doubted by experts due to the long-term effects of greenhouse gas emissions and declining biodiversity. Global trade, which "intensifies resource extraction," "increases air and water pollution," and "destroys wildlife habitats for commercial developments of land," has made the effects of technical advancements worse. Concurrently, advances in science now enable us to anticipate some of the environmental effects of our actions, albeit we will never be able to foresee the future with total certainty due to the complexity of our ecosystems.

Likewise, advances in science today enable us to foresee some of the environmental effects of our actions, albeit we will never be able to make forecasts that are hundred percent accurate due to the complexity of ecosystems. We can no longer assume that the benefits of current economic development will outweigh the environmental losses, ensuring that future generations will be better off than the ones currently living due to the ability to cause severe and even irreversible environmental damage far into the future.

In other words, the concern that current generations might be unfairly shifting the environmental costs of economic prosperity onto future generations rather than creating benefits to be enjoyed primarily by current generations is now the central issue of justice between generations, especially in a society as economically wealthy as Canada. At the same time, most capitalist nations now prioritize economic growth as it is the source of their legitimacy. As a result, any political initiatives that could harm the economy yet advance environmental protection or reduce greenhouse gas emissions are considered immoral.

According to Jim Prentice, a former federal minister of the environment, the main objective of any action to combat climate change should be to "cause no harm" to the economy. Politicians also frequently correlate consumption levels with life quality. As a result, consumerism and progress are closely linked, and the standard by which a population's level of government should be evaluated is consumption. This language supports personal behavior that views

⁹ Brian Barry, *Justice as Reciprocity in Eugene Kamenka & Alice Erh-Soon Tay*, 6 *Justice Edward Arnold Publishers*, (1979).

money gain as a goal in and of itself. Due to everything said above, it is challenging to handle the issue of potential environmental harm.

In order to address these problems, the idea of sustainable development aims to combine environmental considerations with economic considerations. The term "sustainable development" is now frequently used to describe the objective or purpose of environmental regulation at the national and international levels. The phrase "development that meets present demands without compromising the potential of future generations to meet their own needs" is the most used definition of sustainable development.

Despite being designated a cornerstone of environmental regulation both domestically and internationally, there is little consensus on what sustainable development entails, making it impossible to assess whether we are progressing toward it. Sustainability in the environment is not a matter of "knowing it when we see it." In order to assess current levels of environmental protection and determine whether they are sufficient to ensure that current economic development does not, in fact, potentially compromise the ability of future generations to meet their needs, it is necessary to articulate a more precise definition of sustainable development, particularly the "needs" of current and future generations.

Need for shared responsibility

The Liberia case clearly illustrated the land rush in Africa in which African private corporations own 5.2 million hectares of land, amounting to half of the country's total land resources for logging and agribusiness.¹⁰ It has been argued that large-scale allocation provides development opportunities for developing countries in relation to abundant resources, but it has also been observed that such colossal distribution of land systems poses a threat to the environment and the livelihoods of the poor.¹¹ Lack of governance of distributing such lands, not in compliance with national laws, not only risks environmental degradation but also violates the human rights of poverty-stricken people who have no other means of livelihood.¹² Very few sections of society have access to such natural resources gaining in the form of minting money and wealth at an unprecedented pace by way of opaque resources deals, corruption, and tax avoidance by corporations have led to depriving a more extensive section of vulnerable society of health care,

¹⁰ Silas Kpanan'Ayoung Siakor, "Globalisation, Land Rights and Natural Resource Management," 9 UNIDEV (2011).

¹¹ *Ibid.*

¹² Dodrecht, "Justice to future generations and environment," 7 Kluwer Academic Publishers, (1999).

rural infrastructure, education and funds to support other economic activities due to lack in sharing of responsibilities and good governance unlike in Norway which is an example of a successfully turned country using the wealth derived from natural resources into sustainable development outcome for all segment of their population.

The Council of Europe has included the need to prohibit or prevent market distortions at the cost of environmental systems to reduce far-reaching effects on oceans, land, seas, and other common areas to help others grow.¹³ The major industrial expansion has led to a costly compromise with such kind of pollution created by big industrialized cities, and the power plant's emission has led to interfere with the maintenance of national and state ambient air quality standards.¹⁴ Many companies like Southern Californian Edison Company and Dow Chemical Company came under the purview of contravening Air Pollution Controls Districts limited standards of maintaining air quality.¹⁵ The rise in contamination of Earth's environment by such activities was the reason behind International Law Commission started considering in detail the question of international liability for acts that were earlier not prohibited by law.¹⁶ Its high time that implementation and recognition States cooperate and facilitate in making effective claims for environmental damage done by the environmental regime in accordance with international liability to promote safeguards from further degradation.¹⁷

Fair equality of opportunity

Rawls' second principle of justice states that social and economic inequality is only acceptable insofar as it "attach[es] to offices and positions open to all under conditions of fair equality of opportunity" and that it is primarily for the benefit of the least advantaged, we find the principle of fair equality of opportunity (the difference principle).¹⁸

The fair equality of opportunity principle is subordinate to the difference principle. This means that even while the least advantaged group may benefit from another arrangement, society's fundamental institutions must ensure fair equality of opportunity. According to Rawls, genuine

¹³ Francisco Orrego Vicuna, "Resolution on Responsibility and liability for Environmental damage under International law: issues and trends," 10 *Int'l Env'tl. L. Rev.* 279(1996).

¹⁴ William G. Jr. Murray; Carl J. II Seneker, Industrial Siting, "Allocating the Burden of Pollution," 30 *Hastings L. J.* 301 (1978)

¹⁵ *Ibid.*

¹⁶ Brian Barry, "Justice as Reciprocity" 50 *London: Edward Arnold Publishers*, (1979) 71-84.

¹⁷ Benjamin J Richardson, "Socially Responsible Investment Law: Regulating the Unseen *Polluters New York*" 7 *Oxford University Press*, (2008).

¹⁸ John Rawls, "Justice as Fairness: A Restatement," 2 *Harvard University Press*, (2001).

equality of opportunity entails more than just having positions open to everyone; instead, it also means that everyone should have a fair chance of getting one.

It is not a giant leap to extend fair equality of opportunity to future generations' interest in the environment, given Rawls' concern with ensuring fairness from one generation to the next. Assuring fair equality of opportunity for everyone, "independent of their social class,"¹⁹ or generation, "into which they were born,"²⁰ This is what this extension signifies.

Justice calls for avoiding environmental harm that could restrict future generations' access to opportunities, which in turn could negatively affect their share of the primary goods. Justice demands that we avoid excessive concentrations of wealth to preserve fair equality of opportunity to obtain positions and offices. In order to rely on Rawls' liberal ideal of guaranteeing that free and equal persons are not denied a chance to achieve their reasonable aims or ambitions as a result of structural disparities, thus he employs "fair equality of opportunity."²¹ It appears likely that structural disparities in access to natural resources and environmental services between present and future generations are being brought about by the current economic institutions and regulations.

Rawls Theory and Sustainable Development

Expanding the second principle of John Rawls in the context of equal distribution of natural resources and sustainable development, it says that fair equality of opportunity should be provided to all by way of environmental services and natural resources in order to achieve intergenerational justice focusing on maintaining a "capital" for the coming generation.²² Rawl's second principle entirely rests upon the theory that society's essential institution is to secure an equal and fair opportunity for all, incredibly the least advantaged part of society, who should also be provided with better arrangements.²³ Such political will is severely lacking, and a laidback attitude is noticed in those resource-rich countries with no objective of minimizing long-term negative impacts on non-renewable resources affecting the environment at large.²⁴ Rawl's theory though not exhaustive, shall help to develop a framework for sustainable

¹⁹ *Supra* Note 18.

²⁰ *Ibid.*

²¹ Nicholas A Ashford and Charles C Caldart, "Environmental Law, Policy, and Economics: Reclaiming the Environmental Agenda" 8, *The MIT Press*, (2008)

²² Gail E Henderson, *Rawls & Sustainable Development*, 7 *IJET* 32.

²³ *Ibid.*

²⁴ *Supra* Note 21.

development of performing equality not only catering to the needs of the present generation but also extending the benefits to the future as well.

Harmful environmental impacts have transgressed international borders by way of climate change, global warming, and decreased biodiversity. In such a situation, the extensive use of natural resources for industrial and varied other purposes has deprived the developing nations of practical usage and made them victims of hazardous industrial effects. Recent advanced technology and economic reliance on depleting natural resource extraction have increased drastically, corresponding with their increased ability to damage the health of the environment and exhaust natural resources.²⁵ Technological advancements have been affected and exacerbated by global trade leading to intensifying extraction of natural resources responsible for the uncontrolled increase in air and water pollution and destroying wildlife habitats for commercial usage.²⁶ Economic development has become the primary concern of capitalists nation with shifting the costs of irreparable damage to developing nations. However, such activities run in contravention of Rawl's theory of "just fairness," which calls for a fair system of cooperation from all states in reaching economic development and safeguarding biodiversity. He further advocates that the burden of sharing the cost of establishing an institution or a system of fair cooperation should be shared by all generations and States by the just principle clause.²⁷ His main intention was to save a percentage of economic output for future use. However, everyone should be allowed to realize their potential at its fullest and be given equal liberties.

The task of striking a balance and providing environmental justice to future generations is highly disputed. Most nations take economic development at the cost of environmental degradation as the end, with no alternative to improve the situation. Rawl's theory in such a situation proves to be a saving grace by advocating the theory of sustainable development and sharing equal burdens to benefit all sections of society.²⁸

Who has the right to natural resources is a crucial subject in political theory. The common understanding of such entitlement is the statist belief that the modern state can only function effectively if it has control over the territory. This is what, at least pro tanto, explains the three elements of "territorial right."²⁹ In his assertion that state sovereignty includes the rights to

²⁵ *Supra* Note 22.

²⁶ *Ibid.*

²⁷ Hayward, *supra* note 1.

²⁸ *Supra* Note 18.

²⁹ Alex Gosseries & Lukas H Meyer, "Intergenerational Justice" 4 Oxford University Press (2009).

jurisdictional authority, where John Simmons succinctly states these, to make laws across the geographical domain, a right to regulate the admission and exit of persons and products, and a right to control, extract, and tax resources within the area.³⁰

Many theories of international relations simply presuppose that this is the definition of what it means to rule over a territory. The creation of public goods like peace and order also justifies these three distinct facets of state sovereignty. This essay questions the cluster perspective of the different rights that are believed to be intertwined with state sovereignty, which has also lately been contested by cosmopolitans.³¹ Cosmopolitans challenge the packaged account of state sovereignty by arguing that governmental ownership over natural resources is an unjustified advantage to the state and its inhabitants. This shows that state sovereignty and resource management can be separated.³²

The arguments have four ramifications that call for a fresh understanding of the connection between collective self-determination, global justice, and resources. From the natural resources found in the legal territory.³³ Territorial rights are generally justified because they are required for the exercise of collective self-determination. Land use decisions should be up to the people who occupy the land, who are co-creating the laws of justice and controlling the general conditions of their existence. They should be entitled to decide whether it should be held individually or collectively, whether some areas should be designated as protected wetlands or kept undeveloped in accordance with particular religious views or a way of life, and other issues of this nature.³⁴

People cannot exercise any kind of collective self-determination if they lack this capacity. This argument does not, however, imply that the flow of money that results from the choice to use something as a resource cannot be subject to redistribution by people's fundamental rights to subsistence.³⁵ A previously baffling argument in Pogge's work actually made sense by viewing it in terms of a dichotomy between control over and benefit from a resource. As with preferred stock, this stake does not grant the power to vote on whether or how to use natural resources;

³⁰ *Ibid.*

³¹ Wilfred Beckerman, "The Impossibility of a Theory of Intergenerational Justice" 5, Edward Elgar (2006)

³² Victor Muniz, "McGill International Journal of Sustainable Development Law and Policy / Revue internationale, 7 MCD (2011), pp. 1-31.

³³ *Ibid.*

³⁴ Vaclav Smil, "Global Catastrophes and trends: the next fifty years" 7 THE MIT Press, (2008).

³⁵ *Ibid.*

therefore, it does not conflict with eminent domain or national authority over resources, according to Pogge.³⁶

The objective of economic growth, according to Rawls' "justice as fairness" thesis, is to create and preserve the just institutions essential for society to function "as a fair system of cooperation over time from one generation to the next." Social structures must ensure that individuals' opportunities are not determined by the circumstances into which they are born or in which they find themselves due to tragedy in order for this cooperation system to work. Equal liberties must also be guaranteed. In other words, just institutions are those that guarantee fair equality of opportunity—a concept covered in more detail below—both formally and in practice.

Therefore, these institutions would comprise some sort of social safety net and universal access to quality primary and secondary education. A democratic society will determine the precise shape of these institutions through its political processes and by its constitutional framework. The details of these institutions may alter over time. However, the important thing is that society must create and uphold institutions that guarantee people have an equal opportunity to achieve the reasonable goals they set for themselves. Except for some Aboriginal communities, and despite the opinions of reasonable people, it can be said that Canadian society has succeeded in creating the just institutions necessary to guarantee a system of equitable cooperation over time. These institutions include adequate income redistribution through the tax system, universal access to healthcare and education, a participatory political system, and an independent judicial system. According to Rawls, the just savings principle should ensure that the expense of constructing a cooperation system is distributed evenly among generations. According to the just savings concept, each generation should save aside a certain amount of economic production to sustain just institutions over the long run.³⁷

\The rate is to be calculated based on how much, in the absence of knowledge of the current state of the economy, any generation would wish the one before it had been saved. Given the increased burden that saving will inflict on younger generations less wealthy, Rawls assumed that the rate would vary depending on the degree of income. Finally, regarding the issue of intergenerational justice, Rawl offers the just savings principle.³⁸

³⁶ *Supra* Note 32.

³⁷ Alex Gosseries & Lukas H Meyer, "Intergenerational Justice," 8 Oxford University Press (2009).

³⁸ *Supra* Note 31.

For Rawls, the goal of capital investments in both the material and immaterial means of production is to "bring about the full realization of just institutions and equal rights" rather than "guarantee that later ones are simply richer." This goal differs from a utilitarian one that would force society to continuously maximize wealth and aim to spread the greatest happiness or utility across the most significant number of individuals. Moreover, according to Rawls' theory of justice, once just institutions are in place, actual savings might end. In other words, once a state has succeeded in creating the fair institutions essential for a just system of cooperation, economic growth may drop to a pace of growth enough to support both population growth and the maintenance of those institutions.³⁹

Hence, The argument that the economic growth required to establish and maintain just institutions should be environmentally sustainable must thus be supported by this component of Rawls' theory.

Conclusion

The natural outcome of development and evolution has resulted in extra-hazardous activities involving high risking work harming the environment. This is when State responsibility comes into the picture with the primary objective of making such States responsible for harm caused and strengthening governing elements in the environmental regime attributing the States for international liability.

As regards the global distribution of natural resources equally, a norm recognizes "a globally equal per capita right."⁴⁰ Ecological space and natural resources should be provided, allowing States an equal opportunity to use natural resources for their benefit with the awareness of essential responsibilities to have a peaceful co-existence in a delicately balanced global system.

³⁹ *Supra* Note 37.

⁴⁰ *Ibid.*