INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 1

2022

© 2022 International Journal of Law Management & Humanities

Follow this and additional works at: https://www.ijlmh.com/
Under the aegis of VidhiAagaz – Inking Your Brain (https://www.vidhiaagaz.com/)

This article is brought to you for "free" and "open access" by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestion or complaint, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the International Journal of Law Management & Humanities, kindly email your Manuscript at submission@ijlmh.com.

Justice and Sustainability

PRISHITA MAJUMDER¹

ABSTRACT

Sustainable development has evolved as a significant element of modern state where the states accept and aim to implement the sustainable development goals but in the process of securing better future, very often, the present scenario demanding more effort, is either overlooked or compromised. Similarly the location of justice faces a tough challenge while dealing with sustainable development and climate change issues. This article analyses the conflict faced by justice in making a choice while dealing with sustainability issues thereby taking into account where and how it has to be applied in order to reduce the scope of favouring any bloc or regime.

I. Introduction

Since sustainability and climate change is a modern concept it mainly draws its sanctions from the liberal and utilitarian concepts of justice. Both of these concepts satisfy the aspirations of the modern world while the unfortunates have to fight for their survival not only with economic crisis but also with environmental crisis. It would be an injustice to the developing states if they are left on their own in dealing with sustainability issues because first they need to eliminate unsustainability and then implement sustainable goals.

Thus citing this fact, one can argue that the sustainable development goals (SDGs) are hypothetical considering the fact that we may never meet some of the goals because the ones suggested are countered by the existing unsustainability which is being overlooked.

II. WHY DO WE NEED TO CHALLENGE UNSUSTAINABILITY?

²John Barry and Simon were the first ones to assert that in order to establish sustainability, one needs to eliminate unsustainability. This is because if we overlook the cause, we would just be making a hypothetical statement when we would say what is right and what is wrong for attaining sustainability and how to implement it. It is to be noted here that checking pollution is not the only way to eliminate unsustainability and neither does it solely means scientific disposal of waste but it also has to actively counter the actors contributing to a situation where

¹ Author is Master's in Political Science student at University of Calcutta, India.

² John Barry, Green Political Theory, 4th edition, Political Ideologies, 1, 6-7, 2014

attaining sustainable goals seems to be a distant dream.

Under the globalization and free market economy, the actors who are active contributors of unsustainable practices are also the forces which define and endorse the objectives of the sustainable development goals. It is highly unlikely that such forces would introduce laws and act upon it that would restrict their activities.

III. ROLE OF JUSTICE IN SUSTAINABILITY

While ensuring that sustainable development goals are meant for everyone we have to keep in mind the vast inequalities prevailing between global north and global south. In that case, an artificially constructed modern mechanized system in dealing with sustainability issues have to face the reality that most of the third world countries' major concern is their survival.

The SDG laws and policies which usually sets universal goals reflect a liberal approach overlooking the fact that the whole of Africa, parts of Asia and Latin America are struggling for survival in the gradually changing economic order. These regions barely have enough resources or ambitions to take up sustainable goals as suggested by the United Nations. These regions are riddled with far more serious issues like- economic crisis, poverty, unemployment, political instability, wars, terrorism etc, these are the issues they face on a daily basis and therefore expecting from such states to ensure sustainable goals seems to be an unjust demand.

IV. WHY JUSTICE IS CONSIDERED CONTROVERSIAL REGARDING SUSTAINABLE DEVELOPMENT?

The role of justice is considered controversial while dealing with sustainability because it has to prioritize between the Right to Life and the Right to Good Life. It has been pointed out by UNESCO's study that developing nations put proportionately more research output on SDG issues than developed ones thereby making it clear that they are interested in implementing such goals provided that they have enough finances to fund such a highly demanding but extremely necessary system. This is because the developing states are more dependent on natural resources and thus due to climate change, they are the primary victims. ³Dr.Schneegans opined, "It's more of a question of survival for them." Under such a scenario, attainment of sustainable goals seems to be ambiguous to the overall development of under-developed states. If we do not rectify the injustices done against them, we would never be able to attain a sustainable future.

© 2022. International Journal of Law Management & Humanities

[ISSN 2581-5369]

³ Vitoria Gill, Poorer Nations 'more focused on sustainability, BBC News (June 11,2021), https://www.bbc.com/news/science-environment-57432580

One might question- what kind of injustice? – it is an obvious fact that most of the Third World especially Africa could not successfully recover from centuries of colonialism as a result of which their economy is failing, there is a political vacuum and education is treated as a privilege. Is it fair to impose the duty on them to attain SDG goals?

It would be a hypocrisy to teach them the significance of protecting forests on one hand while remaining neutral when their natural resources are being depleted, when the big business groups recklessly dump their industrial waste in the rivers making it completely contaminated and highly toxic, when steps are not being taken to reduce the use of plastic rather we are aiming for re-using plastic. The developed world talks about the unscientific agrarian practices of the third world but except some state, most of them barely make large-scale sustainable and climate-friendly policies and implement them. The third world may question- was it their fault in the first instance that some of us went through uncontrolled industrialization in such a way that now the world needs sustainable solutions to make further developments?

The location of justice gets jeopardized between the first and the third world's interests. If it sides with the liberal theory then it would be siding with the global north which is already developed and is demanding for their Right to Good Life but if justice takes the path of the utilitarian approach then it would have to favour the Third World states because the percentage of underdeveloped countries is far more than the developed ones whose main requirements are quite basic- food, shelter, clothing and education. In such a scenario, both of the economic orders have valid claims.

V. Possible solution to stop injustice against the third world regarding sustainability

Since the right to life and the right to good life is universal and that the world's biggest regions of natural resources are situated in the Third World, it is a necessity to legitimize, draft and implement the long-term environmental practices. There needs to be cooperation between the First and the Third World in the form of both economic as well as scientific assistance in dealing with climate change issues and eliminating the actors contributing to them. This is because the economic assistance would help them to build repressive infrastructure to prevent unsustainable practices like deforestation, poaching, hunting, dumping of industrial waste, reckless mining and illegal and unplanned utilization of natural resources. Furthermore, they need the assistance of the developed states in recovering from the unsustainable situation towards a decent sustainable life using scientific technique to preserve the nature and accelerate development on sustainable and scientific basis. However what they do not need is the coercion

or pressure from the First World.

Several non-profit development cooperations of the first world are helping the developing and under-developed states and assisting them in their overall development process on the basis of sustainable practices. One of such non-profit development institution is Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH which is providing professional assistance in securing sustainable development goals in almost all the developing and under-developed states. ⁴Not only is this institution sending their own professionals to these regions but are also providing technical and professional training to the locals in order to achieve the goals not only in pockets of regions but also in a large and systematic way thereby making the process-professional and not political.

VI. CONCLUSION

Since everyone has a legitimate right over natural resources, it would be a terrible injustice to blame each other instead of rectifying the actors contributing to the climate change. The fact that it is the fault of the entire world, irrespective of whether they developed early or are not yet developed, plays a very little role in the quest for a sustainable future. However the order of achieving those goals has to be different considering the development status of the region-for example in Africa, to sustain any endeavour for climate change, there is a need to establish a stable political authority whereas in states like China or Sweden, they can directly approach climate change issues owing to their stable economic and political scenarios.

It would be an injustice to compare the SDG goals achieved by developing states with those of developed ones because here, the developing states are compelled to deal with multi-pronged issues which are preventing their overall development. Similarly the neo-colonialism techniques instead of genuinely assisting the developing states are leading them to a vicious circle where there is no way for them to get out.

Thus we can conclude that while dealing with sustainability issues the role of justice instead of getting jeopardized should be flexible according to situation and region. This is because it is the prime duty of justice to preserve life but it is also committed to ensure a good life therefore it not only has to be strict in eliminating unsustainable practices without being a wholly liberal concept with embedded capitalism but also has to prevent itself from using a utilitarian approach denying the right to good life therefore bringing an equilibrium between the needs of the global north and global south. This would help them in realizing that though the issue of

© 2022. International Journal of Law Management & Humanities

⁴ *Promoting employment in Africa through public-private cooperation*, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH (January 2021), https://www.giz.de/en/worldwide/3194.html

achieving sustainable development goals is universal but their approaches has to be legitimately different and impartial.
