

Master of Human Rights and Democratisation (Asia-Pacific) Programme

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Report on Environmental Sustainability in the Asia-Pacific Region

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1. Background

The Millennium Development Goals (MDGs) reflect global commitment to improve the overall standard of living in the world. Their relationship to the respect for and the promotion, protection and fulfilment of human rights are essentially self-evident. Eight MDGs were officially established at the Millennium Summit of the United Nations in 2000, following the adoption of the United Nations Millennium Declaration. All 193 United Nations (UN) Member States at the time and at least 23 international organisations agreed to achieve these goals by the year 2015. ‘Ensuring environmental sustainability’ is amongst these goals. This report seeks to critically examine the extent to which the MDG on environmental sustainability has been achieved in the Asia-Pacific Region, and to explore possible avenues of reform in the post-2015 era.

2. An Overview of Environmental Sustainability in the Asia-Pacific Region

2.1 The human rights dimension of environmental sustainability

As a global community, we have come a long way since the recognition of civil and political rights as inalienable facets of human life. Today, the global debate revolves around the provision of socio-economic rights. While few would deny the value of such rights, certain reservations continue to be made, since they are resource-related. Nevertheless, we must understand the link between such rights and the enjoyment of a full and decent life. It is the proposition of this report that access to a clean and safe environment is a basic right of the individual, as the environment one lives in dictates the quality and dignity of one’s life.

Many constitutions across the globe now contain provisions establishing environmental rights, or set forth governmental duties to protect the environment and the State’s natural resources. More than 100 constitutions refer to a right to a clean and healthy environment,

impose a duty on the State to prevent environmental harm, or mention the protection of the environment or natural resources.¹ Amongst constitutions in the Asia-Pacific region, the Thai Constitution of 2007 and the Indonesian Constitution of 1945 specifically mention environmental rights.²

Even where the right to a healthy environment is not expressly provided, other constitutional rights are being interpreted and enforced by courts in an environmental context. Asia-Pacific jurisprudence appears to accept the essential nexus between environmental sustainability and the protection and promotion of other rights. Two examples from South Asia may be worth exploring further in this regard.

The Supreme Court of India was one of the first courts to develop the concept of the right to a healthy environment as part of the right to life guaranteed by the Indian Constitution.³ In *Ratlam Municipality v. Vardihichand*,⁴ the Supreme Court of India noted:

...the grievous failure of local authorities to provide the basic amenity of public conveniences, drives the miserable slum-dwellers to ease in the streets, on the sly for a time, and openly thereafter, because under nature's pressure, bashfulness becomes a luxury and dignity a difficult art. A responsible Municipal Council constituted for the precise purpose of preserving public health and providing better facilities cannot run away from its principal duty by pleading financial inability. Decency and dignity are non-negotiable facets of human rights and are a first charge on local self-governing bodies.

In a subsequent case, the Court observed that the 'right to life guaranteed by Article 21 includes the right of enjoyment of pollution-free water and air for full enjoyment of life.'⁵ Similarly, in Bangladesh, the Supreme Court has interpreted the right to life to include the protection and preservation of the environment and ecological balance free from pollution of air and water.⁶

In this context, it appears that the human rights dimensions of environmental sustainability have been widely accepted in the Asia-Pacific region. This acceptance is either reflected in the constitutions of this region or through expansive judicial interpretations of existing rights frameworks.

¹ Dinah Shelton and Alexandre Kiss, *Judicial handbook on Environmental Law*, UNEP, 2005, at p. 7.

² See The 2007 Constitution of the Kingdom of Thailand, section 67; The 1945 Constitution of the Republic of Indonesia (As amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002), Article 28H.

³ *Ratlam Municipality v. Vardihichand* AIR 1980 SC 1622, referring to *Bandhua Mukti Morcha v. Union of India*, 3 SCC 161 (1984) and *Charan Lal Sahu v. Union of India*, AIR 1990 SC 1480 (1991).

⁴ AIR 1980 SC 1622.

⁵ *Id.*, referring to *Subhash Kumar v. State of Bihar*, AIR 1991 SC 420, 1991 (1) SCC 598.

⁶ *Id.*, referring to *Dr. Mohiuddin Farooque v. Bangladesh, represented by the Secretary, Ministry of Irrigation, Water Resources and Flood Control and Others; Dr. Mohiuddin Farooque v. Secretary, Ministry of Communication, Government of the People's Republic of Bangladesh and 12 Others*.

2.2 The significance of environmental sustainability in the Asia-Pacific region

The Asia-Pacific region is home to much of the world's tropical forests, bio-diversity hotspots and endemic species.⁷ If we accept that the right to environment is a human right, then it follows that the global protection and promotion of human rights depends on the responses taken towards ensuring environmental sustainability in this region. If we place a premium on development at any cost, then we risk condemning the entire world to environmental degradation, as the developing nations of Asia-Pacific may relentlessly degrade the environment in the pursuit of rapid economic development. If this were to happen, the global environmental balance in many areas will be disturbed or irreversibly destroyed. In this context 'sustainable development' is the way forward. In order to mainstream this approach within the region, it is essential that holistic options be given to countries that wish to develop while protecting the environment.

However, there are complex issues that require further consideration. It has been argued that the developed nations of today have achieved this position through unsustainable development that they engaged in during the 1950s up to the 1990s. Today, they are the global rich, and they also have the green technologies needed to clean up the environment and move forward. Several questions need to be addressed in this context: How ethical is it for these nations to dictate to other nations the method and speed that they should use to achieve development goals, simply because unsustainable development is no longer viable due to their own actions? Should they not pay in some way for their irresponsible actions, even if those actions were not recognized as being irresponsible when they engaged in them? Are debt-for-nature swaps and trade in carbon emissions acceptable methods of atonement? These are some of the questions being asked by developing nations in the Asia-Pacific region, and honest answers need to be provided before they can be persuaded to participate in global project on sustainable development.

2.3 The relationship between poverty and environmental sustainability, and its relevance in the Asia-Pacific context

Poor people are often those who live closest to nature, simply because they cannot afford to live away from it. Hence when there is severe environmental degradation, resulting in extreme weather and climatic conditions, they are the first to be victimised. The poor fisher folk along the coastline were among the hardest hit by the Asian Tsunami of 2004. Moreover,

⁷ 31% of the total land area of the region is covered by forests (the same as the global proportion) and the region embraces more than 18 % of all species listed by the International Union for Conservation of Nature (IUCN). See, Statistical Yearbook for Asia and the Pacific 2011, UNESCAP, at <http://www.unescap.org/stat/data/syb2011/II-Environment/Biodiversity-protected-area-and-forests.asp>.

Moreover, the region is said to have 13 of the 34 world's identified biodiversity hotspots. See, Asia-Pacific Forests and Forestry to 2020, "The forest biodiversity challenge" at http://www.fao.org/fileadmin/templates/rap/files/NRE/Forestry_Group/3_Forest_biodiversity.pdf.

many poor people living on small islands, such as the Maldives, face the imminent threat of being submerged by rising sea levels, and will soon find themselves homeless, even stateless.

Ironically, it is the poor themselves that constitute a significant threat to the environment. When faced with few options due to limited resources, they will opt for the cheapest short-term option, regardless of its environmental consequences. For example, the poor are often compelled to enter forest reserves and cut down or break off branches of trees, simply because they have no other means of obtaining firewood. Similarly, they may hunt down endangered species because of the monetary gain that can accrue from poaching.

It is due to the recognition of the link between poverty and the environment that the Stockholm Declaration of 1972 implicitly stresses on the need to address poverty as part of a holistic strategy for environmental protection. However, this is not overt. Nevertheless, there are several provisions that highlight the issue. The preamble notes: 'In the developing countries most of the environmental problems are caused by under-development.' Principle 11 maintains:

The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all.

However, the focus of Stockholm was more on environmental protection, and the link between environment and development, though made, was not fully explored. It was only the Rio Declaration that explicitly recognised the nexus. Principle 5 very clearly affirms:

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Hence this provision recognises the role played by poverty in halting environmental progress, and the need to eradicate poverty if we are to achieve environmental protection that is meaningful to all.

With regard to the Asia-Pacific region, the link between poverty and environmental sustainability has to be recognized if meaningful action is to be taken to promote development that is sustainable. This region is home to the largest percentage of the global population,⁸ as well as the largest percentage of the global poor.⁹ As mentioned before, it is

⁸ The population in Asia-Pacific region was estimated at 4.2 billion in 2010 which constituted 61% of the world's population. Statistical Yearbook for Asia and the Pacific 2011, UNESCAP, at <http://www.unescap.org/stat/data/syb2011/I-People/Population.asp>, viewed on 19th April 2013.

also home to the largest percentage of bio-diversity ‘hotspots’. The combination of both these factors could potentially be harmful to the achievement of the MDG on sustainable development unless the impacts of poverty are fully recognized, and addressed without delay.

2.4 The parameters of the MDG on Environmental sustainability – what was expected

The MDG in relation to environmental sustainability worked along a few connected lines. One of these goals was to ‘Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources.’¹⁰ Under this heading, deforestation and climate change were expected to be addressed. The next target was to ‘Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss.’ Another goal was to ‘Halve, by 2015, the proportion of the population without sustainable access to safe drinking water and basic sanitation.’ The next target was ‘By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers.’

Poverty is related to each of these goals and targets. If we can reduce poverty, then we can reduce the number of people contributing to deforestation and loss of biodiversity. If people have access to a decent standard of life, they would no longer live in slum conditions or have the need to live in unsanitary conditions, and they would be able to access basic essentials, including safe drinking water.

2.5 The extent human rights have played a role in national implementation of the MDG of sustainable development

The relationship between human rights and the sustainable development is not always evident in national policymaking in the Asia-Pacific region. However, a clearer understanding of this relationship has emerged in the region since the MDGs were first agreed upon. This relationship is best summed up in a 2010 report on the implementation of the MDGs in the Asia-Pacific region:

Many countries in the region are now therefore re-examining ways of offering better protection to their citizens. This is not just to respond to the risks arising from the recent crises but also to provide a foundation for more robust economic development, since economic growth is unlikely to be sustainable unless the gains are equitably shared. The best way to achieve the MDGs is thus through inclusive and pro-poor growth, along with increased social justice, investment in human and physical capital,

⁹ Though, Asia-Pacific countries have made remarkable progress in reducing poverty in the region, roughly one quarter of Asia-Pacific people still live in poverty. Statistical Yearbook for Asia and the Pacific 2011, UNESCAP, at <http://www.unescap.org/stat/data/syb2011/I-People/Income-poverty-and-inequality.asp>.

¹⁰ The United Nations, The Millennium Development Goals Report (2012), at <http://www.un.org/millenniumgoals/pdf/MDG%20Report%202012.pdf>.

and the provision of productive employment. This will enable people to protect themselves more effectively and take advantage of many pathways out of poverty.¹¹

This section examines the level to which this critical thinking has found resonance in the Asia-Pacific region.

In South Asia, some countries have attempted to incorporate human rights standards into the implementation of the MDG on environmental sustainability. For example, Sri Lanka has recently adopted a National Action Plan for Human Rights, which specifically cites the MDGs and seeks to mainstream human rights into policymaking at the national level. The Plan ensures that the rights including the right to clean water, a clean environment and adequate housing play some role in the shaping of development policy in Sri Lanka.¹²

In the Pacific region, specific plans have been adopted to incorporate the MDG on environmental sustainability into policymaking at the national level. For instance, in 2005, the Pacific Islands Forum Leaders adopted the 'Pacific Plan', which sought to incorporate the MDGs into national sustainable development strategies. The hallmark of this initiative was the incorporation of MDGs into national sustainable development strategies by using Pacific-relevant indicators.¹³

Yet the symbiotic relationship between human rights protection and promotion on the one hand and development goals on the other has not always emerged from Asian jurisprudence. On the contrary, human rights considerations have tended to clash with development goals. Hence, one might argue that the development agenda has not always been consistent with the notion of 'sustainable' development, which necessarily incorporates the protection and promotion of human rights.

Another example from Sri Lanka might serve to clarify this clash between human rights and development goals. The Supreme Court of Sri Lanka was confronted with a difficult issue relating to the trade-off between human rights considerations and development goals in the *Southern Expressway* case.¹⁴ In this case, the appellants claimed that the Southern Expressway Project, and more specifically the decision to realign the expressway, adversely affected their land and property rights. They claimed that they had been denied the right to free and informed consent, due to their exclusion from the decision-making process. It was also contended that a supplementary Environmental Impact Assessment study should have

¹¹ United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), The Asian Development Bank and the United Nations Development Project, *Achieving the Millennium Development Goals in an Era of Global Uncertainty: Asia-Pacific Regional Report 2009/10*, (2010) ['Asia-Pacific Regional Report 2009/10'], at p.57.

¹² See Government of Sri Lanka, *National Action Plan for the Protection and Promotion of Human Rights: 2011-2016*, (2011), at pp.33 and 126.

¹³ Asia-Pacific Regional Report 2009/10, at p.13.

¹⁴ *Mundy and Others v. Central Environmental Authority and Others*, SC Appeal 60/2003, S.C. Minutes 20.01.2004.

been conducted for the change in alignment. While an initial Environment Impact Assessment had been carried out at the inception of the project, a fresh assessment had not been carried out for the realignment of the expressway. The Supreme Court considered the trade-off between large-scale economic development through the construction of an expressway and the immediate adverse impact of the project on the petitioners' property rights. The Court ultimately held:

While development activity is necessary and inevitable for the sustainable development of a nation, unfortunately it impacts and affects the rights of private individuals, but such is the inevitable sad sacrifice that has to be made for the progress of a nation...[T]he obligation to the society as a whole must predominate over the obligation to a group of individuals, who are so unfortunately affected by the construction of the expressway.¹⁵

This was a classic example of how individual human rights considerations sometimes clash with broad development goals, thereby complicating the otherwise positive relationship between the two. The Court held that the fundamental rights of the affected communities were infringed due to the construction. However, it conceded that when confronted with the trade-off between large-scale economic development and the environmental and property rights of individuals, judicial discretion should be exercised in favour of the broader State agenda.¹⁶

While human rights considerations may not always trump development goals, this example signifies some level of human rights consciousness during critical decision-making. Having considered the human rights—including environmental—impact of development projects, the ultimate solutions to these clashes may have to be determined on a case-by-case basis.

2.6 The extent to which international human rights bodies have made use of the MDGs or linked their recommendations to national development agendas

International human rights bodies such as the Committee on Economic Social and Cultural Rights have referred to the MDGs in proposing recommendations to national development agendas. In its report on its forty-sixth and forty-seventh sessions, the Committee made specific reference to the MDGs and the important link between the goals and the full realization of the right to development.¹⁷ This link is particularly important in relation to the MDG on environmental sustainability.

¹⁵ *Id.* at p.12 of the judgment.

¹⁶ *Id.* at p.15 of the judgment.

¹⁷ Committee on Economic, Social and Cultural Rights, *Report on the forty-sixth and forty-seventh sessions* (2–20 May 2011, 14 November–2 December 2011), Economic and Social Council Official Records, 2012, Supplement No. 2, E/2012/22, at p.110.

In 2010, a joint statement by the Chairpersons of the UN Human Rights Treaty Bodies at a High Level Plenary Meeting of the General Assembly drew the attention of Member States to the guidance offered by human rights treaties and the work of treaty bodies in realizing the MDGs. The statement reemphasized the need for concrete National Action Plans to realize the MDGs alongside the protection and promotion of human rights.¹⁸ Countries in the Asia-Pacific, such as Indonesia, have taken positive steps towards integrating the MDGs into its National Action Plan on Human Rights. In fact, the Universal Periodic Review process under the United Nations Human Rights Council engaged Indonesia on this issue and commended the country for integrating MDGs into its human rights action plan.¹⁹

However, international human rights actors have also observed that specific MDGs may not fully realize the aims of human rights treaties. The abovementioned joint statement makes an important point in this regard:

We welcome that a number of MDGs, such as MDG2 (primary education for all) or MDG3 (gender parity), fully meet international human rights treaty obligations. We note, however, that with regard to other MDGs, their realization would still fall short of what human rights treaties require, as treaties call for the realization of human rights for all, which goes beyond the reaching of quantified targets.²⁰

The MDG on environmental sustainability arguably falls within the second category of MDGs, as environmental sustainability alone may not guarantee the full realization of human rights for all. Hence one of the key observations of international human rights bodies in the recent past has been that some MDGs have to be built upon in order to guarantee the promotion and protection of human rights. In the context of the MDG on environmental sustainability, rights pertaining to the environment and basic rights such as the right to food, clean water and sanitation, are invariably addressed. Yet certain civil and political rights, such as the freedom of expression, the freedom of association and the right to information need to be brought within the scope of the MDG. It is evident that, in the Asia-Pacific context, this expansion is still to take place in a meaningful way.²¹

¹⁸ Joint statement of the Chairpersons of the United Nations human rights treaty bodies, presented at the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, New York, 20–22 September 2010, at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10329&LangID=E.

¹⁹ Report of the Working Group on the Universal Periodic Review: Indonesia, 5 July 2012, A/HRC/21/7.

²⁰ *Id.*

²¹ Asia-Pacific Regional Report 2009/10.

2.7 What role human rights has played in the development of the post-2015 development agenda so far

The human rights paradigm has often been used to criticize the present framework of MDGs²² and has influenced thought with respect to a revised approach in the post-2015 era. For example, the International NGO Training and Research Centre contends that amongst the options available, ‘wider goals differentiated by context, which include cross-cutting issues and human rights’, might be the way forward.²³ Yet the precise role human rights could play in a re-articulated version of the MDGs needs to be carefully examined. The UN System Task Team on the Post-2015 UN Development Agenda correctly points out:

The overarching goals of the post-2015 agenda could be formulated using the language of human rights to address the complaint that human rights are not mentioned in the MDGs. Numerical targets can then be set as stepping stones towards the gradual realisation of these rights. The indicators will validate the objective nature of a target’s measurability. The latter is not to insist on statistical purity but to avoid the pitfall that the post-2015 agenda will be misappropriated by ideological factions. Global targets lose much of their power and appeal if they lack reliable statistics.²⁴

Hence it is crucial that the post-2015 development agenda strikes a critical balance between rights aspirations and measureable socio-economic targets. Examples from the Asia-Pacific region reveal that this line of thinking is already taking root.

3. Country-based Case Studies

This report presents three country-based case studies from Thailand, Nepal and Bangladesh. Students from the Master of Human Rights and Democratisation Programme conducted research in this respect and presented the findings and analyses below.

²² M. Langford, ‘A Poverty of Rights: Six Ways to Fix the MDGs’, *IDS Bulletin*, Vol. 41, No. 1, 2010, pp. 83–91.

²³ J. Giffen, *After the MDGs – what then?* Policy Briefing Paper No. 28, Oxford: International NGO Training and Research Centre, 2011.

²⁴ Jan Vandemoortele, *Advancing the global development agenda post-2015: some thoughts, ideas and practical suggestions*, UN System Task Team on the Post-2015 UN Development Agenda, April 2012, at p.28.

Case study 1

Environmental Sustainability, Poverty and Post-MDGs: Thailand

Sejin Kim

Introduction

Thailand is one of the fastest growing countries in East Asia.²⁵ With such an outstanding economic growth—GNI per capita increased by about 251 percent between 1980 and 2012—the poverty rate has reduced from 21 percent in 2000 to around 8.5 percent in 2007.²⁶ Furthermore, UNDP’s Human Development Index (HDI) value has increased from 0.49 to 0.690—an increase of 41 percent or average annual increase of 1.1 percent. Thailand is ranked at 103 out of 137 countries that are in the medium human development category.²⁷

Rapid economic growth, however, has caused severe deterioration of the environment in Thailand. Forests, land and water resources have been hugely exploited under the cloak of economic development. Forest cover in Thailand fell from 53 percent in 1961 to 25 percent in 1998. Deforestation has created a number of environmental problems, such as conversion to dry land, sedimentation of rivers and loss of natural habitats.²⁸

This situation has directly and indirectly created social and environmental costs as well—particularly to the poor and marginalized people in rural areas. Damaged ecosystems have undermined ‘the ecological foundations which long-term sustainable development depends.’²⁹

In addition, the Multidimensional Poverty Index³⁰ (MPI), which is a more detailed poverty analysis, reveals that 1.6 percent of the population lived in multidimensional poverty while an additional 9.9 percent were vulnerable to multiple deprivations. The intensity of deprivation—that is, the average percentage of deprivation experienced by people living in

²⁵ UNDP Human Development Index Thailand Report 2013, at <http://hdrstats.undp.org/images/explanations/THA.pdf>.

²⁶ UNDP Human Development Index Report 2012, Eradicate Extreme Hunger and Poverty, at <http://www.th.undp.org/content/thailand/en/home/mdgoverview/overview/mdg1>.

²⁷ *Supra* note 24.

²⁸ UNDP & UNEP reports 2012.

²⁹ Hirsch and Warren (1998); Lebel, Snidvongs (2009) cit. in Middleton, ASEAN, Economic Integration and Regional Environmental Governance: Emerging Norms and Trans-boundary Environmental Justice, ICIRD, 2012.

³⁰ The 2010 HDR introduced the Multidimensional Poverty Index (MPI), which identifies multiple deprivations in the same households in education, health and standard of living. The education and health dimensions are based on two indicators each, while the standard of living dimension is based on six indicators. All of the indicators needed to construct the MPI for a household are taken from the same household survey. The indicators are weighted, and the deprivation scores are computed for each household in the survey. A cut-off of 33.3 percent, which is the equivalent of one-third of the weighted indicators, is used to distinguish between the poor and non-poor. If the household deprivation score is 33.3 percent or greater, that household (and everyone in it) is multi-dimensionally poor. Households with a deprivation score greater than or equal to 20 percent but less than 33.3 percent are vulnerable to or at risk of becoming multi-dimensionally poor.

multidimensional poverty—in Thailand was assessed as 38.5 percent. This figure is incidentally higher than the standard poverty index.³¹

Economic development and energy policy

Due to its rapid development and industrialization, Thailand has become the largest consumer of electricity in mainland Southeast Asia.³² During the 1990s, the Thai government began to develop power plant planning in order to meet these demands. Therefore, several projects, such as construction of hydropower dams and fossil fuel-fired power stations, were implemented by the Electricity Generating Authority of Thailand (EGAT).³³ While energy efficiency and renewable energy were largely ignored, the control of EGAT has consolidated and these projects did not necessarily consider environmental and social impacts. Furthermore, accountability issues in its operation have been raised due to its non-participatory and non-transparent planning process. The power projects consequently affected rural communities in almost every aspect of their lives.³⁴ For instance, the Mae Moh lignite fired power station and the Pak Mun hydropower dam³⁵ are apparent cases which ‘hold symbolic significance in the restructuring [of] society-state relations and reform of electricity and environmental governance.’³⁶ During the projects’ implementation, there were huge protests by local community as well as NGOs against the projects, since there was no proper public participation in project planning.³⁷ Due to massive resistance from the local community, this hydropower dam was the last major dam built in Thailand. Since then, dam and power plants builders have sought alternative places,³⁸ where political, social and economic costs are less than in Thailand.³⁹ However, situations in neighbouring countries are somewhat troubling, since ‘media freedom is limited, independent civil society organization are restricted and open community protest repressed, there is weak rule of law and inadequate laws and corruption is widespread.’⁴⁰ Therefore, poor and marginalized communities face severe challenges from the power projects. Human rights abuse and environmental derogation take place continually in these areas. In this vein, the Thai government has also come up with an alternative power source—i.e. renewable energy, since Thailand has abundant crops that

³¹ *Supra* note 24.

³² See Middleton, *supra* note 28.

³³ Until 1992, EGAT was the monopoly generator of electricity in Thailand.

³⁴ Greacen and Palettu (2007) cit. in Middleton, *supra* note 28 at p. 18.

³⁵ The Pak Mun dam is located on the Mun River in Ubon Rathathani Province, Northeast Thailand. According to the World Commission on Dams, at least 6,200 households had to give up their livelihoods. Also, after the construction, 116 fish species in the river have disappeared.

³⁶ See, Middleton, *supra*.

³⁷ Foran and Manorum (2009) cit. in Middleton, *supra* at p. 20.

³⁸ Laos and Myanmar have generated their revenues from power plants, and Myanmar is the biggest electricity supplier to Thailand.

³⁹ See, Middleton, *supra*, at p.20.

⁴⁰ Stuart-fox 2006; BEWG 2011.

could be used to generate energy. There also have been UNDP/GEP projects focusing on income generating by using renewable energy in line with poverty alleviation.⁴¹

Renewable energy =Poverty alleviation?

In the past few decades, many countries across the world have explored alternative sources of energy, including biofuel, due to soaring fossil fuel prices, energy security concerns and environmental issues—particularly climate change.⁴² For example, the Asian Development Bank identified certain benefits in investing in a biofuel energy policy. Accordingly, it is presently supporting agribusiness development schemes, through which the government could boost the economy of the poor—particularly small farmers. It is thus reasonable for the Thai government to invest in biofuel production in order to reduce dependence on foreign energy suppliers and support rural farmers and rural development.

Projects of this nature have been launched in Khon Kaen, in North-eastern Thailand. Khon Kaen is located within Thailand's major river basins. Crop-based ethyl alcohol or ethanol is widely used in Thailand, which has encouraged farmers in this region to grow of sugarcane and cassava as raw material for the ethanol industry. At the same time, however, planners of economic development have difficulty in making policy decisions that 'contribute to poverty reduction, while at the same time not harming the environment and livelihoods of environment-dependent farmers.'⁴³ Bearing in mind these controversies, the question remains as to how the Khon Kaen province would be able to achieve its goals to increase agricultural productivity and household income while being environmentally sustainable. The most appropriate means of addressing this issue is best summed up in the following observation:

In current thinking on energy and poverty, renewable energy and energy efficiency must find their places in integrated approaches that provide the poor with more choice and more voice in the energy sector.⁴⁴

⁴¹ Cecelski, E., *Enabling Equitable Access to Rural Electrification: Current Thinking and Major Activities in Energy, Poverty and Gender, Energy, Environment and Development (EED)*, 2000 at p. 20.

⁴² Asian Development Bank, *Integrating Biofuel and Rural Renewable Energy Production in Agriculture for Poverty Reduction in the Greater Mekong Subregion: An Overview and Strategic Framework for Biofuel Development*, 2009 at p. 10.

⁴³ UNDP and UNEP, *Strengthening Inclusive Planning and Economic Decision-making for Environmentally Sustainable Pro-poor Development: Poverty Environment Initiative (PEI) Framework in Thailand*, 2009, available from <http://www.unpei.org/PDF/Thailand-Project-doc-strengthening-planning.pdf> at p.11-12.

⁴⁴ Cecelski, *Supra* note 17 at p.30.

Case study 2

Community Forestry in Nepal

Subha Ghale

Introduction

Nepal is one of the 189 countries that committed itself to the UN Millennium Development Goals⁴⁵ in 2000 to address the most urgent development needs in the world. Out of the eight MDGs set out to be achieved by 2015, the goal of poverty reduction is placed as the foremost priority while the goal of environmental sustainability is at number seven. Consequently, the government of Nepal has been designing plans and policies guided by these MDGs with support from a broad range of stakeholders such as international funding donors, international and local non-governmental organisations, and the larger civil society.

Nepal is a country rich in natural resources⁴⁶ and bio-diversity⁴⁷ with an equally diverse population⁴⁸ in terms of ethnicity and caste. Despite its wealth of natural as well as human resources, the country is placed among the world's 50 Least Developed Countries (LDCs) determined by low levels of industrialisation, a high concentration of its labour force (70%) in agriculture, and an underdeveloped production structure.⁴⁹ Nepal is ranked as one of the poorest countries in the world. This contradiction makes Nepal an important site to understand the dynamics of environmental sustainability and poverty.

In line with its commitment to the MDGs, the Government of Nepal has published three MDG Progress Reports in 2002, 2005 and 2010. The MDG progress report from 2010 states that the goal of poverty reduction has been encouraging as the level of poverty reduced from 42% to 25.4% between 1996 to 2009.⁵⁰ However, poverty reduction has not been equitably distributed and demonstrates wide disparity on the basis of gender and caste/ethnicities.⁵¹

⁴⁵ The eight MDGs are aimed at addressing poverty and hunger, primary education, gender equality, child mortality, maternal health, HIV/AIDs, malaria and other diseases, environmental sustainability, and global partnership development.

⁴⁶ Nepal is rich in natural resources like water and forest. Nepal has immense hydropower potential estimated to be 83,000 MW of which 50% is estimated to be viable. See, Shrestha, HM (1985), "Water Power Potential", in T.C Majupuria" (ed.), *Nepal: Nature's Paradise*, pp. 4-8, White Lotus Co. Ltd, Bangkok.

However, only 0.75% of the estimated potential is being utilised. See, Nepal Millennium Development Goals: Progress Report 2010 at p.67.

⁴⁷ As a result of extreme variation of altitude ranging from 67m above sea level to 8848 m at Mt Everest, which is the highest point in the world – Nepal is extremely rich in biodiversity with a broad range of flora and fauna. Bhujju, UR, Shakya, PR, Basnet, TB & Shrestha, S, *Nepal Biodiversity Resource Book: Protected Areas, Ramsar Sites, and World Heritage Sites*, International Centre for Integrated Mountain Development (ICIMOD), 2007, Kathmandu.

⁴⁸ The total population of Nepal is 26,620,809 as provided in Central Bureau of Statistics, "Preliminary Result of National Population Census 2011", viewed on 27 March 2013, <http://census.gov.np/>. Yet, it comprises over 100 ethnic groups and 92 languages. Nepal MDG progress report 2010, at p.3. *supra* note 2.

⁴⁹ Nepal Millennium Development Goals: Progress Report 2005 at p.80.

⁵⁰ MDG report, 2010 at p. 4. *Supra* note 2.

⁵¹ *Id.*

Despite some notable progress in poverty reduction, achieving the MDG on environmental sustainability is considered to be extremely challenging.⁵² Some of the key challenges in ensuring environmental sustainability in Nepal involve the production of sustainable energy, climate change adaptation, maintaining biodiversity, and a recent push to maintain the country's forests in line with the regulations of REDD+,⁵³ a mechanism of payment for Reducing Emission from Deforestation and Forest Degradation, Conservation of existing forest carbon and Enhancement of forest carbon through sustainable management of forest that has emerged globally. According to the UN MDG Progress Report of 2010, community-based initiatives are considered to be one of the effective ways of ensuring conservation and sustainable use of natural resources.⁵⁴

In this context, community forestry in Nepal has been considered a successful model for participatory community-based forest management for developing countries.⁵⁵ It has been observed:

The Community Forestry Program in Nepal is a global innovation in participatory environmental governance that encompasses well-defined policies, institutions, and practices. The program addresses the twin goals of forest conservation and poverty reduction.⁵⁶

Although resource access and management is central to community forestry in Nepal, it is also a platform for advocating and advancing a range of human rights.⁵⁷ Therefore, community forestry is also a means of claiming and ensuring a broad range of human rights such as rights to livelihood, food, health, and education.

Overview of Community Forestry in Nepal

The historical context of the emergence of community forestry in Nepal dates back to the 1950s, when the Government of Nepal nationalized all the forests with the goal of

⁵² *Id.* p.6-7.

⁵³ Forests provide an effective means of reducing emissions and sequester atmospheric carbon dioxide. In keeping with this knowledge, a mechanism of payment for Reducing Emission from Deforestation and Forest Degradation, Conservation of existing forest carbon and Enhancement of forest carbon through sustainable management of forest (REDD+) has emerged globally (MFSC 2011). Several pilot projects have been implemented in Nepal since 2009 (MFSC 2011).

⁵⁴ *Supra* note 8.

⁵⁵ Thoms, CA, "Community control of resources and the challenge of improving local livelihoods: A critical examination of community forestry in Nepal", *Geoforum*, vol. 39, 2008, p. 1452.

⁵⁶ Ojha, H, Persha, L &, Chhatre, A, "Community Forestry in Nepal: A Policy Innovation for Local Livelihoods", International Food Policy Research Institute (IFPRI), IFPRI Discussion Paper 00913, November 2009, at p. v.

⁵⁷ Barnhart, S, "Advancing Human Rights through Community Forestry in Nepal", in Sikor, T & Stahl, J (ed.), *Forest and People: Property, Governance and Human Rights*, Earthscan, Oxon, 2011, at p.86.

maximizing the use of natural resources as well as sustainable conservation.⁵⁸ However the policy not only deprived communities from using the forests on which their livelihoods had depended for generations, but also led to an alarming scale of deforestation and environmental degradation.⁵⁹ Realising the importance of community participation to conserve the environment, the government began formulating laws and policies for community participation in forestry since the mid 1970s.⁶⁰ The international recognition of Himalayan degradation and its impact on environment was also instrumental in pushing international development organisations and donor governments to contribute to the conservation of the Himalayas⁶¹. As a result, numerous bilateral and multilateral aid agencies have been supporting community forestry programmes in Nepal since the 1970s.⁶²

Community forestry evolved with the democratic transitions in the country - I People's Movement of 1990 that restored multi-party democracy and the II People's Movement of 2006 that established Nepal as a federal republic country. It has been observed: 'The rights agenda in forestry finds its roots in social movements for redistribution of forest tenure, rights to self-determination and human rights.'⁶³ As a result, people have been more empowered to claim their rights over forests as rights holders instead of being passive recipients.⁶⁴ The legal rights to participate in forest management was articulated in Nepal's Forest Act of 1993, which granted authority to Community Forest User Groups (CFUGs), comprising local institutions of village residents, to undertake decisions regarding forest resources.⁶⁵ The handover of control of forest management from the state to the local communities is one of the defining features of community forestry.

Over three decades the program on community forestry has transitioned from 'protection-oriented, conservation-focused agenda to a much more broad-based strategy for forest use, enterprise development, and livelihood improvement'.⁶⁶ As of April 2009, one-third of Nepal's population – formed into 16,000 CFUGs under the Federation of Community Forestry Users Nepal (FECOFN) across the country – was directly managing one-fourth of Nepal's total forest areas.⁶⁷ The widespread coverage and participation of people makes community forestry one of the largest civil society organisations in the country.

⁵⁸ Pandey, GS, "Community Forestry International Workshop Report", held from 14-18 Sept. 2009 in Pokhara, <http://www.gacfonline.com/wp-content/uploads/2010/01/Pokhara-CF-conference-Paper-by-Ghan-Shyam-Pandey1.pdf>.

⁵⁹ *Id.*

⁶⁰ *Supra* note 12 at p.1.

⁶¹ *Id.* at p.7.

⁶² Ito, K, Oura, Y, Takeya, H, Hattori, S, Kitagawa, K, Paudel, D & Paudel, G,

"The influence of NGO involvement on local people's perception of forest management: a case study of community forestry in Nepal", *The Japanese Forest Society and Springer*, vol. 10, 2005, at p.453.

⁶³ *Supra* note 13 at p.85.

⁶⁴ *Supra* note 12 at p.2.

⁶⁵ Acharya, KP, "Twenty-four years of community forestry in Nepal", *International Forestry Review*, vol. 4, 2004, pp.149-156.

⁶⁶ *Supra* note 12 at p. 2.

⁶⁷ *Id.* at p. v.

Community Forestry and Poverty

With over 70 percent of Nepal's population dependent on agriculture for their livelihood, the role of community forestry is critical in Nepal. Therefore, forest is an integral part of livelihoods based on agriculture because of its interconnection with farming and livestock raising. It has been observed: 'Forest products are important for livelihoods and well-being [which] include foods, fuels, timber, fodder, construction materials, saleable products, medicines, bedding for animals, and leaves for composting.'⁶⁸ Similarly, indirect benefits from community forestry on livelihoods entail positive impacts on household incomes, employment and entrepreneurial opportunities, livelihood diversification, and broader community development activities made possible through the Community Forestry Program.⁶⁹ Since CFUGs are well-recognised and established organisations, it is used widely as an entry point for delivering a wide range of services on health, education, vocational training, literacy by governmental and non-governmental organisations. Therefore community forestry has been offering a broad range of benefits and services to the communities.

Despite the considerable evidence of benefits from community forestry in terms of forest protection and its potential to improve livelihood of communities, its contribution to improving the livelihood of the poorest communities remains limited.⁷⁰ Studies have shown that although the poorest households without enough land to support their subsistence are more reliant on forest products than other community members, they receive disproportionately smaller livelihood benefits from community forestry than the wealthier households.⁷¹

In Nepal, poverty needs to be understood in the context of hegemonic power structure, historical exclusion of marginalised groups, and inequalities of power based on gender, ethnicity, geographical remoteness and class. As the community forestry programme operates within the same power structure, elite dominance is one of the major challenges in addressing the livelihood concerns of the most marginalised communities in the society. As the power of resource management in CFUGs lies in the hands of selected few, mostly comprising the dominant elites, CFUGs have been instrumental in reinforcing the hegemony and further marginalisation of the most vulnerable communities.

Nurse et al. observe:

The poorest are the ones who suffer the most even in community forestry because, first of all, they cannot afford to participate. Secondly, if they do, they

⁶⁸ *Supra* note 11 at p.1453.

⁶⁹ *Supra* note 12 at p.4.

⁷⁰ *Supra* note 11 at p.1452.

⁷¹ *Supra* note 12 at p.18.

can hardly speak. If they do speak, they are rarely heard and if heard, can hardly get decisions made in their favour. If made, very few decisions are implemented and if implemented, only few benefit [them].⁷²

The workshop report of the Federation of Community Forestry Users – the key body for community forestry – is forthright in acknowledging that those who can lead and make decisions in the CFUGs are the ones with ‘money and time’.⁷³ The dominance of elites in CFUGs and ensuring equitable distribution of benefits to the most marginalised communities remain some of the major challenges of community forestry initiatives.⁷⁴ For instance, the local elites dominate the decision-making and favour stringent forest protection as they can afford alternatives to more heavily regulated community forest products, while the poorer households get deprived of the resource on which they depend for their livelihoods.⁷⁵ Thoms notes how the community-based forest management approach were not set out to be ‘pro-poor’ and how community-based management agendas in Asia were ‘more about conservation and supply’.⁷⁶

Similarly, the community forestry in Nepal has shown to be hindered by inadequate concern for the poorest in the community. Since community forestry provides one of the effective ways for addressing the livelihood concerns of poorest in the communities, the issue of equitable distribution must be prioritised and addressed. Securing the basic human rights of the poorest communities through community forestry initiatives could be one of the effective ways of addressing the MDGs of poverty reduction as well as environmental sustainability.

The Way Forward

Reviews of community forestry programme have called for a stronger enabling policy framework to promote pro-poor forest management in Nepal.⁷⁷ For instance, one strategy for this could be to lease out parts of community forest land to the poorest groups for short-term cash crop cultivation or agroforestry, however the community forestry legislation does not allow for this kind of strategy.⁷⁸ Therefore, the gap in policies and practices that perpetuate inequity and hinder the potential of community forestry outcome need to be revised to make it more inclusive and ‘pro-poor’. There is a need to develop innovative approaches focusing on the poorest in the communities and conduct research that can contribute constructive recommendations to strengthen policies and practice.

⁷² Nurse, M, Khatri, D.B, Paudel, D & Pokharel. B, ‘Rural entrepreneur development: a pro-poor approach to enterprise development through community forestry’, *Proceedings of the Fourth National Workshop on Community Forestry*, Kathmandu, Nepal, 2004, at p.5.

⁷³ *Supra* note 14.

⁷⁴ *Supra* notes 11, 12 & 14.

⁷⁵ *Supra* note 11.

⁷⁶ *Id.* at p. 1454.

⁷⁷ Acharya, Adhikari & Khanal, 2008; Bhattarai, 2009 cited in Ojha, Persha & Chhatre, 2009 *supra* note 12 at p. 18.

⁷⁸ *Id.*

The major stakeholders such as international funding donors, donor governments, national government, I/NGOs, civil society and CFUGs need to make a concerted effort to prioritize the concerns of the most disadvantaged communities. Concrete measures and approaches need to be adopted by the stakeholders to ensure that basic human rights of the most marginalised communities in the society.

Case study 3

Road to Millennium Development Goals: Combating Climate Change induced Poverty in Bangladesh

SM Atia Naznin

Linking MDGs and climate change induced poverty

Climate Change...presents a challenge to the authority of human rights as the dominant language of justice.⁷⁹

Climate change induced poverty has attracted considerable attention in recent years as a key global justice challenge. It is thus considered as one of the most significant environmental problems confronting human development⁸⁰ which as propounded by *A. Sen* and *P. Dasgupta* obstructs not only economic growth but also impedes human well being.⁸¹ Consequently, traditional categorization of climate change as an environmental issue has been shifted towards a development issue that encompasses the aspects of poverty reduction, food security, economics, health, human rights, governance and equality.

Besides, UNFPA argues that the quality of life is inseparable from the quality of environment and increase in poverty means increase in the numbers of absolute poor who must find livelihood in marginal environments.⁸² Hence, the MDGs, which is considered as the global development strategy, in Goal 7 focus on the environment and climate change, as part of its broader commitment to sustainable development.⁸³ The underlying force was based on the realization that climate change poses significant threat to the elimination of poverty and hunger promoting environmental sustainability.⁸⁴

Climate Change induced poverty in Bangladesh

As a low lying, deltaic, monsoonal country Bangladesh is threatened by the increasing frequency of erratic floods, cyclones and droughts. As a result, the country's significant achievements over the last 20 years in increasing incomes, reducing poverty and in achieving

⁷⁹ Int'l Council on Human Rights, *Climate Change & Human Rights: A Rough Guide*, 2008, at 59, cited in Kass, Stephen L., "Integrated Justice, Human Rights, Climate Change and Poverty", *Transnational Law and Contemporary Problems*, Volume 18, No. 115, 2009, p. 130.

⁸⁰ Schipper, L. and Pelling, M. "Disaster Risk, Climate Change and International Development: Scope for and Challenges to Integration", *Disasters*, Volume 30, Number 1, 2006, pp. 19-38, cited in *Chronic poverty and Environment*, CPRC Working Paper 62, Overseas Development Institute, 2006, p. 17.

⁸¹ See, Sen, A., *Development as Freedom*, Oxford University Press, New York, 1999, p. 33; Dasgupta, P., *An Inquiry into Well being and Destitution*, Oxford University Press, New York, 1993, P. 54

⁸² Osie-Hwedie, Kwaku, "Poverty and the Environment: Dimensions of Sustainable Development Policy", *Botswana Journal of African Studies*, Volume 9, No.2, 1995, p. 12.

⁸³ *Climate Change and the Millennium Development Goals*, End Poverty 2015 Millennium Campaign, p. 5.

⁸⁴ *Id.* at p.1.

self sufficiency in the production of rice, the country's staple food crop⁸⁵ are now under pressure. It is estimated that 2007 floods inundated 32, 000 sq. km. in area and destroyed over 85,000 houses and 1.2 acres of crops. Total estimated loss in terms of dollar was over 1 billion. What is alarming is that a meter rise in sea level would inundate 18% of country's land mass, directly impacting 11% of our people. Scientific estimates indicate, of the billion people expected to be displaced worldwide by 2050 by climate change factors, one in every 45 people in the world, and one in every 7 people in Bangladesh, would be a victim.⁸⁶ Such internal displacement has a direct impact to contribute to the dynamics of existing poverty. It is estimated that climate change would affect more than 70 million people of Bangladesh. Key factors contributing to this vulnerability are geographic locations, low elevation, high population density, poor infrastructure, extreme poverty, dependency on natural resources.⁸⁷

However, climate change induced poverty in Bangladesh can be illustrated through a two-way dynamics.

First, some people are more susceptible to the adverse impacts of environmental hazards because of their marginal societal position. They are more exposed to these hazards and also have lower sensitivity and resilience because of the unequal distribution of assets, access to natural resources, information and knowledge across social groups.⁸⁸

Second, people who live in the marginalized land areas are more prone to natural disasters. As these people are mostly dependant on the ecosystem services and products for their livelihoods, any impact that climate change has on natural system therefore, threatens their livelihoods, food intake and health.

Bangladesh is one of the 189 countries which endorsed the MDGs in 2000 as a benchmark in achieving the edifice of sustainable development. However, adverse impacts of climate change as mentioned above potentially undermine country's poverty reduction efforts and force to compromise with the MDGs' target of poverty eradication.

Steps taken to meet MDGs targets

To meet the target of the MDGs by combating the harsh impact of climate change, Bangladesh has initiated some important policy options and strategies relating to forest cover, sustainable forest management, management of protected area for biological diversity,

⁸⁵ See <http://www.gcca.eu/national-programmes/asia/the-bangladesh-climate-change-resilience-fund-bccrf>.

⁸⁶ Partnership Dialogue on Developing and Implementing MDG-based National Development Strategies in Asia-Pacific Countries, organized by United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and The Royal Government of Cambodia, 13-15 December 2010 Phnom Penh, Cambodia, p. 18.

⁸⁷ *Policy Study on the Provable Impacts of Climate Change on Poverty and Economic Growth and the Options of Coping with Adverse effect of Climate Change in Bangladesh*, General Economics Division, Planning Commission, Government of the People's Republic of Bangladesh and UNDP Bangladesh, May 2009, p. xiii.

⁸⁸ Scott, Lucy, *Chronic Poverty and the Environment: A Vulnerability Perspective*, CPRC Working Paper 62, Overseas Development Institute (ODI), August 2006, p. 21.

management of ecologically critical areas, environmental degradation and protection, management of air pollution and air quality, dealing with Ozone depleting substances. In recent years, Bangladesh has demonstrated increased determination and commitment to address the challenges of ensuring sustainable use and conservation of its natural resources, including its biodiversity. The objective of these activities is to develop a National Biodiversity Action Plan which fulfils Bangladesh's international commitments under the Convention on Biological Diversity (CBD), while also reflecting national priorities and the country's unique cultural, historical and geographical setting. A number of specific policies, laws, action plans and strategies have been developed in this regard. Although Bangladesh is not a big emitter and the country has no obligation to reduce greenhouse gas emissions given its LDC status, the government has identified mitigation and low carbon development as one of the priority areas in its Climate Change Strategy and Action Plan 2009.⁸⁹ The government has established a climate change trust fund of 100 million with its own resources. Besides, there is also a multi-donor trust fund in progress which has already received commitment from UK, Denmark, Sweden and European Commission. NGOs and civil societies are working to understand local level issues and implementation adaptation process.⁹⁰

However, to date, the most important strategy that relates to the eradication of poverty to meet the target of MDGs includes the two Poverty Reduction Strategy Papers. The National Strategy for Accelerated Poverty Reduction (I-PRSP, 2009-2011) has recognized climate change as one of the contentious issues for facilitating pro-poor growth. By directly linking poverty and vulnerability to natural hazards it says that 'given the risk and vulnerability to natural hazards that are likely to continue as a serious threat to national development efforts, macro level policies for disaster risk reduction, mitigation and management must be adopted in view of alleviating disaster-induced poverty'.⁹¹ Such recognition of adverse impact of climate change on economic development, life and livelihoods of poor people and ultimately impeding MDGs has pushed urgent need for adaptation to deal with the unavoidable impacts of climate change stimuli in Bangladesh.

However, whatever hope PRSPs raise, there are limitations regarding its discussion on environment. For example, by the name of saving biodiversity some areas were identified, where many poor people live and maintain their sustenance. PRSPs do not provide any suggestion regarding the alternative for their sustenance or ensuring their participation in the process. Besides, there is no clear direction in PRSPs on various debatable issues related to forestry such as the negative impacts of foreign tree species on environment, Eco-park etc.

⁸⁹ *Supra* note 8 at p. 15, 16.

⁹⁰ *Id.*

⁹¹ Agarwala, Sardul, Ota, Tomoko, Ahmed, Ahsan Uddin, Smith, Joel and Aalst Van Maarten, *Development and Climate Change in Bangladesh: Focus on Coastal Flooding and Sundarbans*, OECD, 2003, p. 32.

Increasing the intensity of cyclone and rising of sea level as a result of global climate change also did not receive due attention in the PRSPs.⁹²

The Way forward

An effective attack on poverty and the ill-effects of climate change requires taking comprehensive action that encompasses both issues.⁹³ Furthermore, as Bert Koenders argues, the decisions on climate change must look into the in the interest of the most vulnerable, supporting their social protection, health, livelihood and therefore they go hand in hand with the MDGs.⁹⁴ Taking this two core aspects in mind, future step towards meeting MDGs' target must concentrate on the following issues:

First, strategy on climate change adaptation and mitigation should be mainstreamed through greater focus on local adaptive capacity, community engagement and participation;⁹⁵

Second, targets to eradicate climate change induced poverty need to be comprehensively incorporated in all national development policies and action plans to be achieved within a specific time frame;

Third, in order to capture context specificity of adaption to climate change, participation of vulnerable communities in designing and implementing programme is essential;

Fourth, policies must relate to investing in public expenditure and institutions to provide equitable access to social services. Salop⁹⁶ argues that public expenditure must facilitate public education, health care and family planning services. These will help poor to acquire skills and productivity that will enable them to survive with the adverse environmental impacts;

Fifth, there should be a prioritization of renewable energy resources, where possible;

Sixth, development plans should enhance transparency and accountability to the citizens, particularly the poor; and

⁹² See, *Bangladesh, Unlocking the Potential: National Strategy for Accelerated Poverty Reduction*, General Economics Division, Planning Commission and Government of the People's Republic of Bangladesh, October 16, 2005, <http://www.imf.org/external/pubs/ft/scr/2005/cr05410.pdf>.

⁹³ *Supra* note 5 at p. 5.

⁹⁴ *Id.*, at p.6.

⁹⁵ *Id.*

⁹⁶ *Supra* note 4 at p. 16.

Last but not the least, all relative policies should incorporate long-term climate and disaster risk reduction strategies into the MDG-based national sustainable development plans.⁹⁷ For instance, to be effective, poverty reduction strategies must be environmentally sustainable.⁹⁸

To conclude, climate change is a reality and no longer a future concern. With some policies, although Bangladesh has indicated its positive steps towards MDGs however, a holistic framework to include poverty and climate change into a common frame is yet to be accomplished. Noting development as a cross-cutting issue, hence, the government should actively build an inclusive policy to combat climate change induced poverty.

⁹⁷ *Supra* note 5 at p. 11.

⁹⁸ *Supra* note 4 at p. 12.

4. Concluding Remarks

The foregoing discussion highlights certain important indicators for the region. First, it is almost agreed that sustainable development is the only way forward. To this end, countries need to pledge themselves to putting in place indicators that would enable them to measure the level of environmental degradation that takes place during development, and progressively minimize or eliminate such environmental degradation. Second, each country specific report shed some light on the debilitating effects of poverty upon environmental sustainability. It is therefore imperative that the countries in the Asia-Pacific region take concrete steps to put in place meaningful programmes that help to alleviate poverty, so that this large segment of the region's population will no longer be viewed as a threat to the environment. Third, it can be seen that the MDGs have had some positive impact on the improvement of human rights across the region. This is evident from the data available. However, serious concerns still remain on the pace at which these improvements are taking place. Governments in this region need to commit themselves towards the provision of all human rights to their peoples, not only the ones that do not cost them resources. Hence, more work needs to be done in order to ensure that all humans across the globe enjoy all the rights that make them human.

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