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Critical review

## Environmental justice? The story of two projects

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### ABSTRACT

This paper explores some major issues of justice in environmental conservation policy and practice in two projects situated in the eastern Himalayas and eastern India. The first is in the state of Meghalaya, India and the second across the frontier in China in Yunnan Province. Both projects were designed and financed by international donors, negotiated with the national governments and implemented in cooperation with local institutions. They deal with four related environmental conservation issues in similar ways – forest management, the cultivation of sloping lands, watershed management and shifting cultivation. However, the outcomes of these two projects in terms of environmental justice were profoundly different. The politics of translation between external donor framings of justice and national governments (and their lower level administrations) are key to explaining why.

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### 1. Two environmental conservation projects in India and China

The project in India was sponsored by the International Fund for Agriculture and Development (IFAD) in the West Garo Hills in the State of Meghalaya. The project document states: “The IFAD Project thrust has been to facilitate a new approach to development focusing on interventions which are technically appropriate, culturally sensitive and institutionally effective and sustainable’ (IFAD, 2007: 1). The document highlights increased participation of women, community-driven and farmer orientated initiatives and the development of local institutions that are transparent, accountable and self-sustaining. Thus, the document adheres to a global (although far from universal) narrative, which privileges justice issues. The project stance with regard to one of the most contentious land use issues in India (and much of the rest of south-east Asia) – that of shifting cultivation – or *jhum* as it is called in Meghalaya, is indirect. Instead of adopting a tough “fence and fine” approach to stamp out the practice

altogether as elsewhere in India, it developed a number of community-designed management schemes for improved *jhum* and the expansion of horticulture and tree crops in kitchen gardens. Natural Resource Management Groups (NaRMGs), Self-help Groups (SHGs, wholly run by women), marketing federations, agricultural processing plants, and a women’s bank were set up. Thus a serious effort was made to develop the means for alternative livelihoods not dependent on *jhum*. These policy choices with reference to *jhum* are also reflected in a number of unpublished memos from the Meghalaya State Department of Agriculture. Hence, the project document already resonated with state policy towards *jhum*, an important explanatory factor of outcomes of environmental justice. In addition, there is a more widespread and growing international critique of the strict “fence and fine” approaches to “stamp out the evil of shifting cultivation” which led to the *Shillong Declaration (2004)* organised by the International Centre of Integrated Mountain Development and the International Fund for Agricultural Development. The Declaration questioned the degree of alleged extent of environmental degradation caused by the system and made a strong call for the rights of *jhum* cultivators to be upheld.

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In China, the project was designed and funded by the International Council for Research in Agroforestry (ICRAF). The project document says its goal is “to promote a new approach to upland livelihoods... [focusing on] activities ... that truly meet local needs, benefit primarily the poor in the community and foster local ownership of the project to ensure its sustainability.” (ICRAF, 2005: 1) In terms of sloping land conversion, the project developed a number of improved management schemes for expansion of horticulture and tree crops (principally walnut and alder), to provide additional income and decrease pressure on existing cultivated sloping lands. The project also encouraged the formation of new farmer groups for animal husbandry, alternative energy, medicinal and crop plant trials, and also a women’s group to make ‘minority’ textiles. According to its progress report, the project aims to provide “direct support, training, capacity-building, facilitation, and policy support to farmers, extension agents, and local government officials” ... through “participatory learning” and. “will draw on successful outcomes from village-level activities... to recommend options for improved policymaking and implementation at provincial, regional, and national level” (ICRAF, 2005: 1).

Thus, it is clear that both project documents pay serious attention to both distributional and procedural justice. Attention to distributional justice included an emphasis on the projects being “pro-poor”, sensitive to gender and ethnic minority issues and to the palliation of potential loss of livelihoods as a result of exclusionary regulations of land use designed and implemented by the state. There were also measures to try to ensure the pursuance of procedural justice such as setting up regular social audits, and fostering participatory institutions and procedures. However this global discourse produced by many (but not all) international institutions, has to run the gauntlet of national, state and local politics before it can be translated into practice on the ground.

## 2. Principles and outcomes of justice

Issues of justice are often invoked by policy makers concerned with conservation of resources used by a local population. The first of these are a range of inter-generational issues of social justice implied by regulations governing the maintenance of soil fertility and forest quality. There are complex upstream/downstream issues at various scales (slope, watershed, region) (Blaikie and Muldavin, 2004). In the case of the ICRAF project and others in the region, one of the overarching policy narratives that the ICRAF document mildly challenges is that the irresponsible actions of upland farmers in Western China (deforestation, cultivation of steep slopes and over-grazing) were contributing to the flooding of the great cities situated on the banks of rivers draining the Himalayan plateau.

Also, there are intra-generational justice issues arising from the unequal distribution of the consequences of exclusionary regulations. Examples include prohibition of entry to designated areas of forest and extraction forest resources such as land to burn and cultivate for shifting cultivation, timber, fuel wood, wild foods and game. Overall, the exclusion of local people from these resources has meant that the livelihoods of those most dependent upon shifting and sloping cultivation are threatened. There is a fundamental tension here between two different concepts of justice – the Benthamite principle that states in Bentham’s own phrase “the greatest happiness for the greatest number” must prevail, or alternatively a “rights-based approach” which suggests that there are inviolable minima to which rights are attached and which must not be breached (Schofield, 2006). A classic trade-off between these two principles concerns the balance between a justifiable abrogation of the rights of a few (by curtailing the livelihoods of upland farmers) to the benefit of many, now and in the future.

In India, the tension between these two potentially contradictory conceptions of justice has been the focus of intense political

struggle for over 100 years. The highly contentious Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, ratified in 2007, specifies a range of title, use and forest management rights amongst others to Scheduled Tribes and Forest Dwellers. However, in Meghalaya, such a confrontation exists but does not extend so widely because the Indian Forest Department has control only of c. 12% of land in Tura District. But even here, in a State which enjoys considerable independence of policy making from the Centre, the Forest Department is currently pursuing an expansionist policy to extend its estate to install much tougher exclusionary policies towards shifting cultivators whenever and wherever it can. These policies expose the Department to charges of both distributional and procedural injustice.

In Baoshan County in China, the secret mapping of collective forests for redistribution via de-collectivization is a good example of the state’s position and power in terms of both distributive and procedural (in)justice. In distributive terms, the inequalities resulting from de-collectivization of sloping and flat paddy lands 30 years earlier were ignored during this latest de-collectivization phase. In fact, when this issue was mentioned in interviews, local leaders made clear that this latest de-collectivization would make no attempt to overcome rising inequality, but would allocate the most land and the best lands to the “the most capable and advanced” peasants, who also happened to be those already with the largest and highest quality holdings.

In procedural terms, the secrecy of the mapping and distribution process that was witnessed during fieldwork, ensured limited transparency during the de-collectivization process and ultimately by fiat. Following this secret process fixed maps showed the new and unchangeable boundaries for the de-collectivized forests, and even these were not actively shared with the community. In interviews local leaders made clear that rapid cutting of the largest and oldest trees in the privatized forests and sales to large timber firms from outside the county would be allowed for the “best land managers” as they would then surely replant these lands with even more productive trees. These already wealthy peasants received the majority of the forest. This rapid primitive accumulation, allowed through procedural injustice and in contradiction to the distributive justice claims of the state-led and international projects, further increased the rapid socio-economic stratification in the area. It also increased the marginalization and criminalisation of those peasants who challenged the lost access to collective resources. These were always the poorest and most vulnerable households who depended to the greatest extent on collective assets for their livelihoods and survival. As discussed below, these households had very limited access to both the international and state projects that their existence was used to justify. Project leaders argued this was because of their “limited capacity” and therefore predicted high “failure” rates which would reduce “peasant enthusiasm” to adopt the most modern management techniques the state and international projects were promoting.

There are also important issues of procedural justice in environmental conservation policy. A wide range of initiatives such as participatory conservation, knowledge sharing, on-site research into conservation practice and the creation of public fora for discussion and local policy making have become part of a global development discourse and were an important part of both the IFAD and ICRAF project documents. Procedural justice is inseparable from distributive justice (see Forsyth, this volume) since procedural justice is a means by which the conditions for distributive justice can be realised. Whenever local people have more control over the means to improve the management of their environment, the less likely that distributional injustice will be tolerated. One of the foundational texts was Robert Chambers’ *Whose Reality Counts? Putting the Last First* (1997), in which its title demonstrated the inextricable nature of procedural and distributive justice. While participation has since

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