

ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
DEPARTMENT OF PHILOSOPHY

**ENVIRONMENTAL INJUSTICE, HUMAN RIGHTS
VIOLATION AND DEVELOPMENT IN AFRICA**

BY:
MENGISTU ADUGNA

June, 2015
Addis Ababa

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Abbreviations and Acronyms

ACHPR	African Charter on Human and People’s Rights
ACRWC	African Charter on the Rights and Welfare of the Child
AEFJN	Africa Europe Faith and Justice Network
AfDB	African Development Bank
AFRICOM	Africa Command
AGOA	Africa Growth and Opportunity Act
AU	African Union
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatments or Punishments
CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of all Forms of Racial Discrimination
CP rights	Civil and Political Rights
CRED-OFDA	Centre for Research on the Epidemiology of Disasters and Office of US Foreign Disaster Assistance
ECHR	European Convention on Human Rights
ECOSOCC	Economic, Social and Cultural Council
EIU	Economist Intelligence Unit
ESC rights	Economic, Social and Cultural Rights
FAO	Food and Agriculture Organization
FDI	Foreign Direct Investment
HDR	Human Development Report
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights

IDLO	International Development Law Organization
ILC	International Land Coalition
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organization
OAU	Organization of African Unity
ODI	Overseas Development Institute
OECD	Organization for Economic Co-Operation and Development
OHCHR	Office of the Higher Commissioner for Human Rights
OSAA	Office of the Special Adviser on Africa
PAP	Pan-African Parliament
PCB	Polychlorinated Biphenyl
POP	Persistent Organic Pollutant
UDHR	Universal Declaration on Human Rights
UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on the Environment and Development
UNDRD	United Nations Declaration on Right to Development
UNEP	United Nations Environmental Programme
UNICEF	United Nations Children's Fund
WB	World Bank
WCED	World Commission on Environment and Development
WHO	World Health Organization
WWII	Second World War

Abstract

Most of Africans are in the precarious development conditions. They are living in extreme poverty and famine, malnutrition, poor economic facilities and opportunities, and in various political and social deprivations. These development constraints or barriers are typically backed by the experience of various environmental injustices, which contribute to human rights violations and to risks to sustainable human development. In this study, I expound that various instances of environmental injustice have the implication of human rights violations. In this regard, this thesis critically discusses the major instances of environmental injustice such as land grabbing, overexploitation of natural resources, toxic waste dumping (including POPs and e-wastes) and climate change injustice, and thereby reveals how they one way or another impact on different human rights including the right to life and security, the right to health, the right to food, the right to property, the right development, the right to culture and the right to live in a clean and healthy environment as well as on women's and children's rights. Hence, ensuring the meaningful enjoyments of human rights and achieving humane development in this continent strongly need avoiding environmental injustices that are jeopardizing the lives and livelihoods of millions of Africans. Thus, in this continent, abating or remedying these injustices, I concede, needs human rights approach to environmental justice and its meaningful implementation. Moreover, this study explores the rationale of mainstreaming human rights that already subsumed the issues of environmental justice in development policies and programmes. This is, I argue, very important not only to practically implementing human rights and the principles of environmental justice (principles that are crafted from human rights perspective) in development paradigm, but also to enhance sustainable human development and to ensure safe, healthy and sustainable environment. This is due to the fact that, in the arena of development, the quest of both human rights and environmental justice indorse political freedoms (such as people's freedom of expression and participation in issues that affects their lives), equity and justice, inclusion, democracy and good governance, the principle of free, prior and informed consent, fair and just compensation, international legal remedies, empowerments of poor and marginalized societies, healthy and sustainable environment and so forth.

Chapter One

Introduction

Environmental injustice is an awful human problem that has been conspicuously attracting the attentions of many environmental activists and academicians especially since 1980s. As the several studies expounded, environmental justice is the concept that devised in 1980's as the result of the incidence of various environmental injustices. It was first coined in the United State of America by the black people, poor and minority communities who suffered from hazardous waste dumps, nuclear wastes, industrial pollutions and so forth (Robert D. Bullard 1990; Dale Jamieson 2001; David Schlosberg 2007). Being initiated by the precursor environmental justice movements such as Warren County, and Love Canal, and proponent academicians of the movement such as Lois Gibbs and Robert Bullard, the environmental justice movement in USA has successfully elevated to a national level public consciousness of the disproportionate impacts of environmental degradation on the people of color, minorities and lower classes; and then, altered corporate practices, and transformed government policies. But later, as the result of the National People of Color Environmental Leadership Summit, Summit I and Summit II, which held in Washington D C in 1991 and 1992 (respectively), and additionally, as the result of UNCED (also known as Earth Summit), which held in 1992, it expanded across the world and thereby initiated so many environmental justice movements in the world (Glenn S. Johnson 2009:19; Robert Figueroa and Claudia Mill 2001:433).

Before the coming of environmental justice movements along with the concept of environmental justice, there were different ecological justice movements or environmentalists who promote different and diversified approach to environmental conservation and preservation. These include mainstream environmental movements as well as most of proponents of major approaches to environmental philosophy/ethics such as anthropocentrism, biocentrism, ecocentrism and holistic. These advocates of ecological justice or environmentalists focus on the relationship between those human communities and the rest of the natural world. However, as Shrader-Frechette discerned, these environmentalists stress on conservation and preservation for nature, rather than on

justice for humans, especially for people of color and poor people (Shrader-Frechette 2002: 4-5). In line with this, Figueroa and Mills (2001:426) also stated that main stream environmental groups and agencies failed to address the inequitable distribution and representation of environmental goods and bads. This slackness of giving significant concern for human problems (especially, problems of people of color, poor and other marginalized minorities) such as disproportionate distribution of environmental costs and benefits, lack of cultural and economic concerns, and human right transgression is what disappointed many environmental activists and then, led them to establish environmental justice movements. Thus, even if there are no significant conflicts between the goals of both environmentalism and environmental justice movements (since both favor social justice and environmental sustainability), they differ on conceptual foundations and prioritized values.

Although environmental and environmental justice movements sometimes conflicts each other basing on their conceptual foundations and prioritized values, for example, environmental justice activists accuse the activists of environmental movements as environmental racists(or, environmental fascists), classists, and narrow activist schema, some prominent thinkers such as Ronald Sandler and Phaedra C. Pezzullo tried to reconcile it by claiming that a social movement devoted to environmental conservation and preservation and a social movement devoted to fairness in the distribution of environmental goods and bads as well as decision making would not be two discrete social movements, but rather two facets of one incorporating movement(Sandler and Pezzullo 2007:1). What to be recognized here is that by hook or crook, whether they work in coalition or not, there are difference in their conceptual grounds and primacy. The main emphasis of the environmental justice movement is humans (it is impenitently weak anthropocentric in its position: situating people, rather than flora and fauna, at the center of a multifaceted network of social, economic, political, and environmental interactions) whereas that of environmentalists is nature or wilderness (Sandler and Pezzullo 2007:27). This implies that environmental justice activists clearly give priority to human, cultural, and economic concerns than environmental concerns. Environmental justice focuses on addressing environmental menaces within human communities. It claims for appropriate and faire distribution of environmental goods and bads, and equal

opportunities to participate in environmental decision-making. Its proponents have been trying to foster this justice for poor and minorities because, in every nation, especially in nations of developing country like Africa, they encounter inordinate environmental jeopardies, have less opportunity for environmental goods, and have limited knacks to circumvent the environmental abuses imposed on them. It also aims to evade racial discrimination in environmental decision-making processes. Therefore, the endeavors of the environmental justice movement go beyond those of the environmentalism or ecological justice movements.

Furthermore, after environmental justice activists such as Francis Adeola and Bridget Lewis (more recently) and the like came to the scene, the claim of approaching the issues of environmental justice from human right perspective(in the sense that environmental injustice resulted in human right abuse) became convincing idea in the world. According to Adeola (2001), for example, for the fact that environmental injustice in one way or another resulted in human rights violations, (1) bringing tough environmental justice needs the prevalence of robust international norms to safeguard human rights to a healthy and sound environment; and (2) the issues of environmental injustice should be incorporated in to the elements of human rights. This notion of human rights approach to environmental justice is the point that I am going to argue for in this thesis. It is very important idea not only because various instances of environmental injustice that have been widely experienced in developing countries (particularly in Africa) have the implications of human rights violations but also the approach has significant merits to circumvent or abate the brunt of environmental injustice therein. Various instances of environmental injustice such as land grabbing, toxic dumping (including POPs and e-wastes), overexploitation of natural resources and climate change injustice have strong implications to human rights abuse. This is the reality in many developing countries, especially in Africa.

Hundreds of studies document that, nowadays, land grabbing in Africa is increasing in unprecedented rate. As Cotula et al. (2009) and organizations such as Oxfam (2011) and ILC (2011) explained, the causes of its dramatic upsurge post 2007 or 2008 are the crisis of global food, fuel and finance. Accordingly, this land grabbing is not only jeopardizing

the life of millions poor people in Africa but also eroding their human rights as well. The same is true for the impacts of toxic dumping in Africa. Adeola (2000), David Naguib Pellow (2007) and Greenpeace (1994 and onward) for example indicated the exportations of millions of metric tons of hazardous wastes to developing countries (particularly to Africa). These toxic waste (including pesticides and electronic wastes or, shortly, e-wastes) seriously injure people's life and health and damage environment as well. As Daniel Faber (2008) and Greenpeace (2001) showed, even if some international agreements (such as the Basel Convention, Lomé IV Convention and the like) have been put into place to avoid the transfer of hazards from developed countries to developing one, they are ineffective to curtail it as much as possible. Overexploitation of African natural resources is also another issue that has been disrupting the live and livelihood of poor people. This dramatic soaring of resource exploitation in Africa is nowadays termed as 'the new scramble for Africa'— scramble for African resources (in post colonialism) by developed countries and other raising powers such as China, India and South Korea. These poor and marginalized people haven't been proportionately shared the benefits and costs of this resource exploitation. They are the one that, more than anyone has been seriously affected by the notorious impacts of overexploitation of their natural resources.

The inordinate costs of climate change also harms poor people or nations, minority communities and marginalized societies disproportionately. These people contribute the least to climate change but unwillingly get a lion share of its impacts because since they are socially, economically and politically disenfranchised, they are too powerless to fight against these injustices (see J. Timmons Roberts and Bradley C. Parks 2007). Therefore, since poor nations (globally) and minority communities and marginalized societies (regionally or nationally) are suffering most from various instances of environmental injustice, and human rights violations that are induced by these injustices, it is argued that appropriate solutions or alternative way of assessment (assessment that can provide international legal remedies and bring practical change) should be suggested to rectify it.

Moreover, in countries like Africa, both international and domestic environmental movements can easily be negatively influenced by dictator and corrupted governments, local leaders, and transnational trade corporations and investors (including some national

investors) because, they have no strong power to correct these agents and, in some cases, these dictator and corrupt state leaders politically and financially discriminate them. Likewise, multinational corporatists and investors, either by having a plot with governments or by giving insignificant money (other advantages) to the recipient countries commit environmental injustice. Additionally, for the purpose of their own political and economic advantages, governments and senior political leaders in many African countries intentionally marginalize, oppress and discriminate poor people and minority communities (or, certain ethnic groups) as well as environmental justice movements and others environmental activists who they assumed that they are against their advantages. Hence, human rights approach can provide international legal remedies or redress which can punish these wrongdoers and strongly empower environmental justice movements (including other environmental activists and academicians) as well as the affected societies to expose wrong doers and keenly seek remedies.

The last but not the least point is that, since, I argue, there is strong nexus between environmental justice, human rights and modern development view, I concede that ensuring the basic principles of sustainable and equitable human development strategy such as equity, greater and faire access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, political and cultural freedoms, sense of participation in community activities and healthy and sustainable environment are very indispensable to practically materialize the implementation of environmental justice principles and norms. Since environmental injustices imply human rights transgressions and intensify poverty, fostering environmental justice is also stringently important to ensure humane development and meaningful enjoyments of human rights. Environmental justice is concerned with the central themes of human development such as social transformation bound for guaranteeing basic human needs and improving our quality of life, which include economic quality, health care, housing, human rights, environmental protection, democracy and so forth (David A. McDonald 2002). Amartya Sen (1999: 5) on the other hand clarified that the entire debate about development would turn out to be methodologically and conceptually futile if development is not defined in terms of clear respect for human rights. Peter Uvin (2004) and OECD (2006) also strengthen this point.

Therefore, it is argued that integrating human rights (particularly human rights that subsumed the principles of environmental justice) in development goals and policies is a remarkable suggestion. This is very important to enhance the practical implementation of the notion of human rights approach to environmental justice and to ensure sustainable and equitable human development.

This thesis consists of five chapters. The introductory portion takes the first part. The second chapter deals with the theoretical analysis and conceptual frameworks of environmental justice and human rights. Under this chapter, different important concepts will be defined, analytically discussed and their nature of interrelation will be critically scrutinized. The historical development and understanding of the concept of environmental justice as well as its various dimensions will be elaborated. This is very crucial point to understand concept of environmental justice well and to distinguish it from environmentalism or ecological justice, which is usually initiated by the advocates of main stream environmentalists. The concept of human rights (including Africans' conception of it) and how it related to environmental justice will also be discussed. Clarifying the concepts of environmental justice and human rights, and explicating their nexus nature is very important because it is prerequisite to understand the concepts of environmental injustice and human rights abuse, including their correlations. The chapter also gives the highlights of the relationships of environmental justice, human rights and development.

The third chapter is concerned with the relationships between environmental injustice and human rights violation. This is the chapter in which different instances of environmental injustice, which is practically manifested in continent Africa, will be discussed. In this chapter, I will also indicate how environmental injustices, directly or indirectly, cause the violations of human rights, and why human rights approach is very important not only to ensure people's meaningful enjoyment of their human rights but also, more importantly, to circumvent the impacts of environmental injustices.

Under the fourth chapter, I will try to accentuate the relationship between human rights and development issues. This is also the chapter where the concepts of robust approach to development (sustainable and equitable human development), which give emphasis not

only to the quantitative (descriptive) aspects of development but, most importantly, to the qualitative (normative) one that concerned with worthwhile goals like overcoming economic and social, cultural as well as political deprivations (see ul Haq 1995, Sen 1999a and 1999b; Martha Nussbaum 2000) will be analyzed and differentiated from the old one. I will also go on to critically showing how integrating human rights issues and principles of environmental justice in development paradigm plays a significant role in addressing the issues of environmental injustice and human rights abuse in Africa. Finally, the last chapter offers the concluding remarks of the study.

Chapter Two

Theoretical Analysis and Conceptual Frameworks of Environmental Justice and Human Rights

In this chapter, the concepts of environmental justice and human rights will be defined and briefly analyzed. In connection to environmental justice, concepts such as environmental justice and its conceptual underpinnings, how and where it originated as well as features of its historical development and dimensions will briefly be discussed. With respect to human rights, its philosophical foundations, historical developments, dimensions/categories and its major principles will be analyzed. The conception of Human rights in Africa and its unique features will also be discussed. Furthermore, the debates on the applicability of universal human rights, including my own remark to it will be elaborated. Lastly, the highlight of the relationships of human rights, environmental justice and development is given. All these are important especially to feed and lay ground for chapter three which deals with the correlation of environmental injustice and human rights transgression as well as for chapter four that is concerned with the nexus of environmental justice, human rights and development.

2.1 Analytical Frameworks of Environmental Justice

2.1.1 Definition and Development of Environmental Justice

Environmental justice is one of the topics in environmental ethics¹. Its concept was originated in United States of America in 1980s (Bullard 2000; Jamieson 2001; Schlosberg 2007; Victor Munnik 2007:2). Different studies concede that it is a by-product of the American Civil Rights Movement of the 1960s which intended to end discrimination of any kind and promote equal rights for all (see for example Steady 2009:2). The conceptual underpinnings of environmental justice are fair treatment (with respect to the distribution of environmental goods and bads) and equal participation of all people (irrespective of race, color, national origin, or income) in environmental leadership and environmental decision-making. For the proponents of environmental

¹Environmental ethics is a branch of applied ethics that is concerned with ensuring the sound relationship between human beings and non-human natural world. It deals with the conservation, preservation and restoration of our environment

justice, the concept of 'environment' encompasses the whole things (except humans). It includes our whole physical and natural worlds, as well as where we live, work, play, go and so and so forth. It encompasses "not only the green, natural and man-made environment but also the sociocultural, economic, and political environment" (ibid). As such, proponents of environmental justice call for avoiding distributive and participatory impacts of various environmental burdens on social classes, ethnic groups and on intentionally targeted races.

However, before 1981 or 1982, the concept of environmental justice was not paid significant attention whether by governments or by environmental, civil rights, public health, or social justice groups (Johnson 2009:17). Accordingly, the years before the coming of the concept of environmental justice (before 35 years ago from the present) were characterized with the various environmental movements that aimed to ensure environmental conservation and preservation. Even before the advent of the contemporary environmentalists such as anthropocentrists, biocentrists, ecocentrists and the like, there were environmental conservationists and preservationists that aimed to circumvent environmental mistreatments that stem from the ridiculous overexploitation of natural resources, the relegation of wilderness and other distinctive natural marvels to mere commodity, industrial pollution, hazardous chemicals, and toxic wastes (Daniel Faber 2009:1-4). There was prevalent awareness of environmental problems such as toxic pollution, public health problems and the like, especially, after the publication of Rachel Carson's (1962) *Silent Spring*, which describes the dangers of DDT and other pesticides, and Ralph Nader's book about the hazards of the Chevrolet Corvair, *Unsafe at Any Speed*. Likewise, in the late 1960s (in the United States) Martin Luther King and other civil rights leaders proclaimed that people of color were suffering from greater pollution and degraded environment (Bullard and Johnson 2000:555-558). In this continent, in the 1960s and 1970s, there were also another many environmental organizations. Some of these include the Sierra Club, the Consumer Product Safety Act of 1972, the United Farmworkers (which was aimed to safeguard Chicano migrants' farmworkers about environment) and the like. Their objectives were grounded on ensuring environmental health, including the workers' health and safety environment and the safety of consumer

products. In line with this, the conference entitled “City Care Conference” in Detroit was also held in 1978.

The question is: what is the difference between environmental movements and environmental justice movements? The main focus of traditional environmental movements as well as most of mainstream environmentalists is the relationship between human communities and non-human natural worlds. Unlike environmental justice movements, they stress on the protection and preservation of nature or wilderness (i.e., on bringing about a sound relationship between humans and non-human natural world) rather than on ensuring the fair distribution of environmental goods and bads, and equitable participation of all people in decision making with respect to environmental issues that affect them (Shrader-Frechette 2002: 4; Figueroa and Mills 2001:426; Pezzullo and Sandler 2007:1). This is to mean that environmental justice movement give priority to humans (i.e., it situates marginalized people at the center of a multifaceted network of social, economic, political and environmental interactions) whereas most environmentalists put wilderness (flora and fauna) or nature at the center of that interactions. Most approaches of environmental ethics strive to ensure the sound relationship between human beings and non-human natural worlds through conservation, preservation and restoration mechanisms. Traditional environmental ethicists and other environmental scholars have emphasized on whether to extend moral standing or intrinsic- value to non-human animals, or to all living things or to nature as a general. But environmental justice movements go far beyond that to put due emphasis on the various environmental injustices that take place between human societies (i.e., a particular groups in the human societies bear a disproportionate environmental benefits and burdens).

Despite all of the above facts, some thinkers claim for the coalition, rather than the divergence of the struggles of environmental and environmental justice movements. Shrader-Frechette (2002), Sandler and Pezzullo (2007), for example argue that since environmental apocalypses are omnipresent, it needs the joint efforts of both environmental and environmental justice movements. For me, since both movements undertake their whole works under the banner of environmental ethics, unity in diversity is very important. Although giving an account to their unity or coalition is impeccable, it

is noteworthy to recognize the conceptual differences in their foundation and priority (or, in their conceptual underpinnings) that already explicated above. Let us turn back to the detail of the concept of environmental justice and its movements.

Environmental justice is the nondiscriminatory distribution of environmental goods and bads, and meaningful participation of all people in environmental decision making. The United Nations Convention on Biodiversity (CBD), Article (8) defined environmental justice as:

fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (www.biodiv.org/programmes/socio-eco/traditional/default.asp).

As it is evident from various studies, environmental justice movement get its genesis at Warren County, North Carolina, in which the highest percentage of the victimized residents were African-American populations (see, for example Shrader-Frechette 2002:8; Steady 2009:3-4; Bullard 2000 :29-30).The cause of the problem was Raleigh-based Ward Transfer Company's illegal dumping of toxic waste of PCBs (which was the largest of all PCB tumbles previously occurred in the United States) along North Carolina's roadways (Bullard 2000:30). Although so many local inhabitants (mostly African Americans and Native Americans) prepared marches and protests because they suffered much from this racial discrimination, many of them were arrested by state officials. However, their actions contributed as bedrock for the establishment of the environmental justice movement (Johnson 2009:18; David E. Newton 2009: 1-2).

Being inspired by the Warren County protests, in 1983, US General Accounting Office (GAO) study clarified that those who highly affected by this commercial hazardous waste landfills in this region, region 4 (which is consist of eight states in the South), were mostly African American communities nevertheless African Americans were only 20% of the region's population(Johnson2009:18). The National Association for the Advancement of Colored People (NAACP), like the 1983 GAO report, scrutinized a strong linkage between race and the location of hazardous-waste facilities. Both studies clearly signified the correlation between waste facility sites and demographic features. This is why the issue of Warren County protesters is often described as the issue of

environmental racism (a racial discrimination in distribution of environmental goods and bads, and deliberate exclusion of certain races from environmental leadership or decision-making). Currently, movement against environmental racism has developed in all nations of the world, mainly in the African Diaspora and in Africa. As both Environmental Justice Movement and other various texts have uncovered, the conspiracy between government and corporations (principally for profit) have been ensuing governmental and economic policies that upkeep and stimulate environmental racism in targeted communities (Steady 2009:4). The Commission for Racial Justice, having impetus from Warren County protests, also acknowledged that “race was found to be the most potent variable in predicting where waste facilities were located—more powerful than poverty, land values, and home ownership”(ibid). After that, for the first time, the National People of Color Environmental Leadership Summit (Summit I) was held in Washington D C in 1991. As many studies disclose, in addition to mere antitoxins emphasis, this Summit widened the environmental justice movement further to include issues of public health, worker safety, land use, transportation, housing, resource allocation, and community empowerment(see Charles Lee, 1992b). The delegates of this Summit also gone on to adopt certain principles of Environmental Justice (around 17 principles) on September 27, 1991, and then, these principles began to be used as a regulation whether for organizing, networking or linking the issues to government and nongovernmental organizations.

As Johnson (2009:19) pointed out, the Second National People of Color Environmental Leadership Summit (or Summit II), which develops on the bequest of the Summit I, was also held in the same place on October 23–26, 2002. Accordingly, the Summit fascinated many participants and stretched more the environmental and economic justice pattern to deal with the issues of globalization and international matter. As the result of the first global summit on the environment, the UNCED or ‘Earth Summit’, which held in1992, and of the above National People of Color Environmental Leadership Summits, the issues of environmental justice expanded across the world; and thus attracted so many environmental justice movements in the world (Johnson 2009:19; Figueroa and Mill 2001:433). Consequently, the environmental justice frameworks were broaden enough to encompass a wide assortment of issues that comprise public health, children’s health,

public participation, pollution prevention, housing, enforcement, community reinvestment, sustainable agriculture, land rights, transportation equity, land use, air pollution, worker safety , fair growth and so forth.

2.1.2 Dimensions of Environmental Justice

Today there are around four approaches to environmental justice that can be categorized under two main dimensions. The first dimensions (the traditional one) emphasizes solely on distributive aspects of environmental justice whereas the second one goes beyond the former to incorporate the notion of participation, recognition and capabilities.

The distributive justice dimension of environmental justice concerns how environmental goods and bads are distributed. It tries to reduce, if possible eliminate, the disproportionate amount of environmental goods and bads the people of color, the poor, and the minority communities (under-represented groups) have encountered. It seeks to ensure environmental equity. What are environmental goods and bads? As Figueroa and Mills (2001:427) designated, benign work place, clean water and air, availability of natural surroundings or parks, appropriate reparation for environmental burdens and the safeguarding of traditional environmental rehearses that related to local natural resources are the major instances of environmental goods or benefits. On the contrary, environmental bads or burdens embrace exposure to hazards, material and toxic wastes, pollution, health hazards, and work place hazards, the exploitation and damage of traditional environmental practices and depletion of local natural resources and so forth. The distributive aspect of environmental justice more or less has its advent point on Rawls's notion of 'justice as fairness' which is concerned the just distribution of social, political and economic benefits and burdens. Rawls (1971: 9–10) defines justice as “the appropriate division of social advantages.” According to him, to reach on a right theory of justice, we have to start from an impartial or original position (i.e., where we would not know our own place or position in a multifaceted social system) which is found behind what he dubs as a *veil of ignorance*. For all, what to be recognized here is that whether John Rawls or all proponents of distributive environmental justice failed to recognize the underlying causes of maldistribution such as misrecognition, lack of participation, suppression of one's capabilities and functionings.

Although the concept of justice in environmental justice framework is basically grounded in the classic issues of distribution (i.e., it concerned with avoiding maldistribution), the process of addressing this maldistribution principally requires the appropriate incorporation of concepts such as recognition, participation and capabilities in to the paradigm of environmental justice. They are prerequisites to ensure a fair distribution of environmental benefits and burdens. This is why prominent environmental justice activists criticize the mere emphasis on distributive aspects. This is very important idea because without meaningful involvement of people of color, poor people and minority communities in environmental leadership and decision-making (including fostering good procedural justice) and without promoting their recognition and enhancing their capabilities, busying oneself with mere distributive aspect is void. Additionally, the impacts of environmental injustice are manifested not only in the arena of distributive aspects but also in the fields of recognition, participation, and capability.

What imbedded in the works of Axel Honneth (1992, 1995), Iris Young (1990, 2000), Nancy Fraser (1997, 1998, 2000, and 2001) and the like are the aforementioned brilliant and innovative ideas that help us to ensure environmental justice and its prospects practically. For example, Young emphasized on the oppression instigated by misrecognition, while Fraser, in addition to distributive and recognitional aspects, focused on participatory element. Those who claim for participatory dimension of environmental justice concede that the nations and people of unindustrialized south (globally), and people of color and the poor (locally) have little representation in the environmental leaderships (movements) and environmental decision-making. This is concerned with the term ‘discriminatory environmentalism’ that embodied the intentional or unintentional exclusion of the above affected groups from representation and participation in mainstream environmental movements, environmental decision-making, local, national and international environmental agencies, and from decision-making authority with respect to environmental goods and bads(Figueroa and Mills 2001:427-428). Thus, this participatory dimension seeks to ensure the principle of self-determination which renders meaningful rights to the affected groups with respect to decision-making about environmental burdens and remedies. The works of Figueroa and Mills (2001), and Shrader-Frechette (2002) also incorporate participatory and procedural

justice. Honneth, Young and Fraser also argue that non-recognition and misrecognition of group differences (including their cultural, religious and identity distinctiveness) that tied with oppression, domination, institutional subordination, disrespect and inequity is clearly resulted in maldistribution. Moreover, Sen (1985, 1999), Nussbaum (2000, 2004, 2006a), and Nussbaum and Sen's (1992) one way or another promote the notions of capability and functioning which clearly suggest how the concept of justice goes beyond the narrow definition of distributive justice. More recently, Schlosberg (2007), also sympathetically shares all the above elements of environmental justice.

By the concept of functionings, both Sen and Nussbaum mean that becoming what people want to be (what they value and have reason to value to be) and doing activities that people value and have reason to value. For instance, the interest of being educated, nourished and employed as well as the activities to be carried out to be so. What people want to be and do are not limited and they have relation to various aspects of human life such as subsistence, health, labor, literacy, empowerment, self-expression, culture and so forth. Capabilities, on the other hand, are concerned with freedom to enjoy the above cherished functionings. They are freedom to attain what people value to be and do. Just like a rich person, who has enough money to buy different things, a person who has capabilities can freely choose between numerous different functionings and follow a range of different life trails.

This incorporation of the above fundamental concepts into the paradigm of environmental justice is very important even to hints the nexus of environmental injustice, human rights violation and maldevelopment. Maldevelopment processes (including parochial politics), whether it operated at the global or national level are connected to practices that yield inequality, injustice, and human suffering. These jeopardize the health and well-being of people, especially people of color, poor people and minority groups, as well as the planet itself. This is human rights abuse in the sense that most instances of environmental injustice are both life- threatening and right-threatening. In some cases it is the difference between life and death. It indicates how the issues of environmental injustice and human rights abuse are strongly interrelated. I will critically discuss this reality at length in the next chapters of this thesis.

This all-encompassing nature of environmental justice framework is strongly remarkable in Africa because the issues of environmental injustice as well as human rights violations are strongly manifested therein. More than any other, all nations of developing countries, especially of Africa are those who are affected by perilous human problems such as inequitable distribution of environmental goods and bads, inequitable application of environmental regulations (lack of sound procedural justice), lack of political participation and recognition given to individuals and communities affected by environmental ills (including their economic and cultural concern). People's capabilities and functionings help them to avoid various injustices, to actualize themselves and determine their destiny. The suppression of these capabilities and functionings are also rampant in Africa. This is because, although they contribute less to these injustices, they get fewer environmental goods, more environmental bads and less environmental protection; and they are also incapable to avoid these burdens (see Schlosberg 2007:4). These problems can be imposed on these disenfranchised groups in Africa from outside (from developed countries and some others, and from transnational trade corporations) and from within (by corrupt governments, local leaders, and NGOs).

2.2 Analytical Conceptual Frameworks of Human Rights

Human rights are the basic rights that every person in the world inherently endowed with by virtue of being human. The 1948 UDHR (Article 1) states that "all humans should be free and equal in dignity and rights." These rights include the right to work, the right to education, the right to health, the right to vote, the right to non-discrimination, the right to a decent standard of living, etc. The philosophical underpinning of international human rights is rendering states the responsibility of fulfilling certain conditions for treating their own people. Failure to do this can vindicate some form of corrective (or, remedial) or protective action by the agents of world community. This means that how the states treat their own citizens is not left to them alone but rather it is a matter of international concern. Human rights are fundamental to everyone, regardless of their place, race, color, sex, language, religion, origin, birth, and beliefs. As Shrader-Frechette (2007:109) described "they are universal claims in the sense that all humans have them, simply by virtue of being human, independent of whether particular governments recognize or

implement them.” They are inalienable due to the fact that nobody can neither give them to nor take away them from anyone except in specific conditions. For example, the right to liberty can be constrained if a person is proven to be guilty of having committed a crime by a court of law. Human rights are essential without which human beings’ flourishing and full participation in society is impossible.

Before the establishment of UDHR in 1948, powerful countries of the time (richest and most developed) had just engaged in fighting the WWII. Undoubtedly, as world history tells us, WWII triggered and stimulated various annihilations and destructions of myriad economies and millions of people. Among the many, the deliberate slaughter of six million Jews, the holocaust, is the principal example of humans’ Destructions that WWII triggered. The establishment of 1948 UDHR at the aftermath of WWII was principally aimed to react against this bloodthirstiness (Uvin 2004:9; Séverine Deneulin 2009:59). It is to say ‘NO’ to the agony of war and fascism it generated. Although human rights’ basic impression is traced back to a long prehistory in the international system of Europe and the Atlantic (Charles R. Beitz 2009:14) and there were a concept of human rights as a human dignity and respect in the cultural traditions of every society, the genesis of modern international human rights practice dated from the end of World War II. The idea of human dignity, freedom and social justice, which are central to human rights, are what all cultures share together (Wolfgang Benedek 2009:35-36).

Is there any difference between natural rights and human rights? There are some differences between them. Natural rights, which philosophers like Hobbs, Locke, Paine, Jefferson, and so forth advocate, can exist without the existence of state because they are considered as the gifts of God or nature (but not as framed by state or men). Human rights cannot exist in the absence of state because they are framed by states. Even, according to Hobbs, natural right incorporate doing injustice or evil things to others so as to satisfy one’s own desire. Locke’s concept of equality in natural rights also excludes women, slaves and serfs. “Natural rights had been historically conceived of as only applying to men, or propertied men, or white men” (Uvin 2004:10). In most Western or Northern traditions, natural rights also exclude children (ibid). The notion of modern human rights neither justifies injustice as justice nor incorporates exclusion based on sex,

social class or other human differences. It is grounded on the concept of equality and non-discrimination. It is universal or it is applicable to all human beings by virtue of their humanity. Natural rights, as the gifts of God or nature, are inborn rights that inherited with the body of the individual. However, although their notion of social contracts conceived rights in exchange of allegiance to the ruling power, philosophers like Jean-Jacques Rousseau, Voltaire and John Stuart Mill, have clearly claimed for the existence of genuine natural rights (such as the right to life, liberty and freedom from external disturbance) which are associated with today's human rights. Moreover, Immanuel Kant, in his notion of cosmopolitan theory, argued for rights of all citizens in the world whereas philosophers like Klaus Küng claimed for religious rights or freedoms. Natural rights are considered as they are above the power of any authority either state or international bodies. In Western traditions, natural rights grant unlimited rights to king because the kings are considered as the divine origin, as representatives of God. Thus, the rules framed by them were considered divine in nature. Contrary to this, in the light of modern human rights, all human beings (including kings, queens, or any political leaders) are equal, and no one can be conceived as divine or representative of God. Despite these all, however, the concept of natural rights contributed a lot to the development of modern human rights. It laid ground for modern human rights.

With respect to modern human rights, by the unreserved efforts of the well-known US first lady, Eleanor Roosevelt (Mary A. Glendon 2002) and that of an alliance of North American NGOs, a list of particular rights that belong to all human beings were drafted. Eleanor Roosevelt's 1941 notion of four freedoms: freedom of expression, worship, and freedom from want and fear are the central components of human rights even today. As Tom J. Farer and Felice Gaer (1993: 240) clarified, what was documented by Eleanor Roosevelt (more importantly) and an alliance of North American NGOs was a milestone in world politics (in the sense that it contributed much for the establishment of the 1948 declaration). Its central objective was to impose unequivocal restrictions on the manner states could treat their own citizens. According to UDHR, human rights are the foundation of freedom, justice and peace. Before 1948, the declaration was a mere announcement of wills and thus no one was bound with it. But, after it adopted by UN

General Assembly, different endeavors were carried out to set its legal foundations (Uvin 2004:10).

Although these efforts of negotiations about human rights were strongly challenged by the onset of the Cold War (because it triggered the clash of ideology: ideological difference between US and Soviet Union which caused disagreement about human rights, that is, neither capitalist bloc nor socialist one was keen to permit the UN to do much at all in the field of human rights), its legal basis was solidified and the number of its members had been significantly increased along with the increment of numbers of UN's members. Furthermore, since the aftermath of World War II, human rights practice has developed on different facades (such as in international law, in global and regional institutions, in the foreign policies of states, and in the activities of different NGOs). Politically, the practice of human rights has grown noticeably after the end of the Cold War because the scope of human rights view has widened and the resources that dedicated to the protection and progress of human rights have significantly increased (Beitz 2009:1-2). Gradually, so many countries in the world, including many African countries became its members. Consequently, human rights became a universal and worldwide concept that includes the concept of economic, social and cultural rights, the right to self-determination and development, and freedom from racial discrimination. For the fact that it was the first international document that was developed, embraced and officially approved by people from all regions of the world, the declaration is very essential and incessantly relevant today.

2.2.1 Dimensions of Human Rights

Traditionally, there are two levels of human rights: CP rights and ESC rights. But, more recently, the third generation rights (collective, or solidarity right) was added to human rights edifice (ibid p, 14; Alison Brysk 2002:3; OHCHR 1996-2014; the 2005 UNs Human Rights World Summit (No 123)). The splitting-up of ESC rights from CP rights in 1966 formed the first two levels or generations (Beitz 2009). The first level, which is often called first generation includes right to life, freedom from torture, degrading treatment, and arbitrary detention, right to due process of law, freedom of speech, assembly and association, participation in government and in free elections, and religion.

These rights are clearly resided in the UN Covenant on Civil and Political Rights. Since they convey the binding force which concedes that the states have obligation to refrain from certain actions that violate human dignity, they are often designated as *negative* rights.

The second generation of human rights (ESC rights), on the other hand, include the right to health, the right to food, the right to water, the right to housing, the right to work, the right to education, the right to social security and the right to participate in cultural life. These rights are clearly enshrined in the UN Covenant on Economic, Social and Cultural Rights. ESC rights embody *positive* charges in the sense that, in addition to abstaining from mistreatment, the state must perform affirmatively to maintain and realize certain social outcomes more and more. The main difference between positive and negative rights is that positive rights oblige the state to perform certain actions (actions that promote citizens' human rights) whereas negative rights oblige the state simply to abstain from certain actions (actions that violate citizens' human rights) (see Beitz 2009; Richard P. Hiskes 2009:28-29). In the earlier time, there was disagreement on the recognition of different categories of human rights. For example some states, such as the socialist states have favored ESC rights by putting aside CP rights. Contrary to this, the United States and the member states of the Council of Europe have used to prefer CP rights. Nevertheless, as the result of the World Conference on Human Rights held in Tehran (in 1968) and in Vienna (in 1993), this disagreement was resolved when states on both sides acknowledged both categories of human rights as having equal significance (Benedek 2012:39). This is in the sense that these rights are indivisible, interdependent or mutually reinforcing due to the fact that full enjoyment of economic, social and cultural rights is virtually impossible without civil and political rights, and vice versa.

The collective or solidarity rights (third generation rights) are consisting of the right to self-determination or the right to development. Unlike CP and ESC rights, which virtually emphasize on individual rights, the third generation rights focus on the rights of groups. With respect to traditional human rights, the state is the sole legal subject that entitled with the responsibility to deal with the claims of individuals' human rights. But, the notion of third generation rights increase a number of duty-holders (in addition to

state) .It grants the attribute of duty-holding to agents such as individuals, NGOs, international organizations, and mainly multinational corporations (Beitz 2009:14-15). What to be noticed here is that it does not extend the elements of human rights but number of duty-holders. In contrast to CP and ESC rights, in which states are the sole makers of international law or states are the sole duty- holders to prevent, investigate, and render punishments for human rights abuse that took place inside their boundary by non-state agents (including being binding by it), the notion of solidarity rights contend that non-state actors, mainly corporations and other groups should be the subjects of duties as that of states. Partly, this is for the fact that in the period of globalization, various economic integrations and transnational corporations needs to have strong international legal protection for their rights to trade, invest, and produce freely; and this necessitates extending the obligation of human rights to them. Additionally, most of developing countries, especially of Africa emphasize on the third generation rights because most of African societies are collectivist by nature. Therefore, they give an important account to group rights.

2.2.2 Principles of human rights

OHCHR 1996-2014 and 2005 UN Human Rights World Summit (No 121) delineated the following fundamental human rights principles: (1) **universality**: they apply to all people in the world by virtue of their humanity; (2) **equality and non-discriminatory**: their benefits that everyone ought to enjoy are grounded on the notion of equality and non-discrimination; (3) **inalienability**: human rights cannot be taken away from anyone; (4) **interdependency and indivisibility**: whether they are civil, political, economic, social or collective rights, they are interconnected(mutually reinforcing) and one cannot give priority to particular right(s) at the expense of other rights or, one human right cannot be fully achieved without the others; (5) **participation and inclusion** : everyone is entitled with the right to partake in achieving their human rights: every person has the right to actively, freely and meaningfully participate in, contribute to and enjoy their human rights.

Accountability and Rule of Law is also an integral part of human rights' principles. It affirms that states and other duty-holders/ duty- bearers are responsible to promote and

protect human rights. However, in doing so, they have to conform to the legal norms and standards laid down in human rights protocols. In the situation they fail to do so, the affected rights-holders have the authority to take the case for proper reparation before an able court or other adjudicator. Anyone in the UN can also bring grievances to its Court of Human Rights whenever they assumed that their rights enshrined in the Convention have been broken.

As I already explained, government's or state's treatment of their citizens involves international concern. But the question is how this international concern should be operated. It is evident from universal human rights' machineries that universal human rights are guaranteed by law. This is in the forms of, customary international law, treaties, general principles and other sources of international law. As I previously explained, in order to promote and protect human rights and fundamental freedoms of individuals or groups, international human rights law contains obligations of governments to satisfy both the negative and positive rights as well as collective or development rights. International human rights law is the part of international law that aimed to promote and protect human rights all over the world: at the international, regional and domestic levels. It was principally grounded on legally binding treaties, conventions and customary international law. Among many, some of major legally binding treaties or conventions include ICCPR and ICESCR ((both were entered into force in 1976), and other legally binding instruments such as CERD (1969), CAT (1987) and CEDAW (1981). Execution of international human rights law can take place on three levels: a domestic, a regional or an international level. But, both regional and domestic laws should be compatible with international legislation. In the situation that domestic law fails to offer a redress for human rights violation, the affected parties are able to resort to regional or international human rights law for proper redress.

An independent working group(those who are entitled with the power of implementation), depending on different information such as mandated states self-reporting, petitions from individuals, groups (including nongovernmental organizations) and states, and enquiry by special commissions or a special human rights court, scrutinize and decide whether violations are truthfully occurred(Beitz 2009: 23-25). Accordingly ,

when violations occurred, appropriate redress is given regionally or domestically, but cases in which negotiated solutions cannot be reached are reported to the United Nations Commission on Human Rights; and then, public censure, reprisals, naming and shaming, and the use of sanctions will be rendered (only if violation really occurred) in accordance with the weight of the violations committed.

2.2.3 Human Rights Situation in Africa

As it already noted above, the issue of human rights is an international issue. According to UDHR, every member state (separately or in cooperation) has the responsibility to promote and protect human rights. In connection with this, the majority of African countries are those which ratified UDHR so as to enhance the promotion and protection of human rights. They are members of UN Declaration of Human Rights. Hence, to promote and protect human rights, they developed regional charter on human rights as well as domestic human rights institutions that are compatible with the international one. ACHPR, which adopted in Nairobi (June 27, 1981) and entered into force October 21, 1986, is a typical example. ACHPR, which is alternatively called as Banjul Charter², like that of ECHR, is an international human rights instrument created to protect human rights and basic freedoms of people living on the continent of Africa (Treva Braun and Lucy Mulvagh 2008:3). Around 53 member states of the AU, except Morocco, have ratified this charter. Additionally, to make the promotion and protection of human rights easy, most African countries, that are members of AU, have espoused a bill of rights in their national constitutions. As a result, human rights have now been enshrined in legal instruments at all levels — at international, regional and national/domestic level.

ACHPR was adopted by OAU. The central aims of OAU were ensuring state sovereignty and the principle of non-interference. It also embodied the aspiration to fight for the decolonization of Africa. This is in the intention that free Africa could not be achieved unless all colonized Africans would gained their independence or unless they would

² It is considered as Banjul Charter because the second session of the Ministerial Conference was held in Banjul, Gambia, in January 1981, at which a draft text of ACHPR, composed of 68 articles was completed, and then stands as the primary human rights instrument for the African continent.

attained the right to self-determination and won the fight against apartheid. This struggle for liberation was laid down in African Charter, Article 20(2and3).

Besides, to validate their struggles of fighting for independence, African peoples depended on human rights standards (Bience Gawanas 2009:136). Undoubtedly, the colonization era is identified with Africans' ages of oppressions and massive human rights violations. This is why Africans based their struggle for liberation or independence on the issues of human rights, exposing these human rights abuses to UN and other concerned bodies. Many independent African countries also sacrificed a lot for liberation movements of others as part of the notion of pan-Africanism³.

Therefore, the concept of human rights in this sense is grounded in the struggle against colonialism. They used human rights as a legitimate resistance method to combat the brunt of colonialism and apartheid. This is to mean that Africans used human rights as a group rights to fight against colonialism and apartheid. This point is also visibly clarified by a Declaration adopted at the 1945 Pan-African Congress (see Heyns 2006:15). Additionally, the legitimacy of the anti-colonial struggles was recognized in some human rights conventions and resolutions approved by the UN. The ACHPR, Article 20(2), for instance asserts that "... colonised or oppressed peoples shall have the right to free themselves from the bonds of oppression by resorting to any means recognised by the international community."

The African charter is specifically identified with providing the first unequivocal official acknowledgement of the right to development, which has also later been advanced by the adoption of the UN Declaration on the Right to Development (see 1986 UN General Assembly Resolution41/126). During this period of OAU, different other human rights instruments such as ACRWC, the Convention Governing the Specific Aspects of Refugee Problems in Africa, the Protocol establishing the African Court of Human and Peoples' Rights (the African Court), and the1999 Grand Bay(Mauritius) Declaration and Plan of Action were also adopted. The African Commission on Human and Peoples' Rights was established in 1987 to promote and protect this African Charter.

³ Pan-Africanism is identified with the aspiration for continental solidarity and equality of African nations. It also embodied Africa's search for human rights, dignity and identity.

In the subsequent period, AU, which replaced OAU, corrected some drawbacks of OAU with respect to the status of human rights in Africa. According to the AU's Constitutive Act that was adopted in 2000, regarding the concern of human rights in Africa, AU is departed from OAU by: replacing the principle of non-interference with non-indifference one (intervention to end genocide, war crimes and crimes against humanity, human rights violations, and unconstitutional changes of government, through the mechanism of employing sanctions), overt recognition of human rights, promotion of social, economic and cultural development, human-centered development approach, and Gender equality (Gawanas 2009:138). Additionally, AU also gives an important consideration to the issues of gender equality, good governance, and democracy. Moreover, it pays invaluable attention to strengthening cooperation between Africa societies with respect to all fields of human activity in order to elevate the overall social well-beings. This promoting of worthily higher form of unity and integration for the African continent is the major point on which AU is departed from OAU. This African states' coordination was especially aimed to provide a common responses to a current political and socio-economic problems, including the needs and goals of African people.

In addition to adopting new human rights machineries and reaffirming the existing one, systems to follow human rights promotion and protection robustly, organizations such as the PAP, ECOSOCC, the Peace and Security Council, the African Peer Review Mechanism and the African Court were also developed by AU. Likewise, human rights were clearly mainstreamed throughout African Human Rights Commission's organs, including its actions and programmes in unprecedented way.

Since most of African countries already became members of UN and thereby ratified UN Covenant on CP Rights and the Covenant on ESC Rights, what is the importance of establishing ACHPR? As many writings expounded, it is due to the need of developing unique (in perception) and at the same time universal (as far as it incorporates all human rights and can be applied to all human beings alike) system of human rights norms and principles that are grounded on the historical traditions and values of African experiences rather than on Western's /North's mere experiences (Paul J. Magnarella 2000:21-22; Okoth-Ogendo 1993: 76).

Unlike that of Westerners/Northerners, who stress on CP and SEC rights, the African Charter gives weighty emphasis to Solidarity Rights which include the right to peace and security, the right to development, and the right to a healthy environment. This is due to the fact that African cultures or traditions are strongly identified with supremacy of collectivism rather than individualism of the Western. It is characterized with a sense of communal relationship, interdependence and interconnectedness, kinship, mutual share and care among human societies. In line with this, Gawanas asserted that “Africa’s languages, history and traditions remain fundamental to the coexistence of its people” (Gawanas 2009:143). Moreover, since Africans were oppressed, exploited, marginalized and disenfranchised by the terrible impacts of colonialism as group(as African nations), struggle for independence as a general and promoting and protecting human rights as a particular necessitated giving due emphasis to group rights, that is, providing communal responses through class struggle notwithstanding to mere individual’s liberal interest. The right to freedom from colonialism, apartheid and exploitation or oppression is group rights. These experiences were also what influenced Africans to give important accounts to group rights. This notion of collectivism or communalism that associated with strong coordination of African states is also very important to address current political, social, economic and environmental problems, and to offer collective responses for the present needs and demands of African societies.

For the above reasons, human rights in Africa are somewhat unique to Africa and thus, give significant consideration for African authenticity. Although African Charter places emphasis on authentic African Cultures (in the sense that it takes into account the cultural context pertaining to Africa), it does not lose its attribute of universality. It incorporated both CP and SEC rights, but blurred their original division. According to United Nations human rights system, CP and SEC rights are totally differentiated from each other and thus placed in different conventions even with different degree and methods of implementation. It is even with a little suspicion about the enforceability of SEC rights (Treva Braun and Lucy Mulvagh 2008:4). Contrary to this, in Africa all of the above rights are assured in the one and the same instrument (ACHPR) and positioned on the same equilibrium. According to African Commission on Human and Peoples’ Rights, all human rights are essential and can be made effective. To avoid the polarization between

CP and SEC rights, the African human rights system adopted an inclusive approach to human right. This is human rights based approach to development which combines all human rights together. This right to development, which clearly enshrined in ACHPR, goes more far beyond mere economic or social development to embody independent rights (CP and SEC rights) and group rights. According to Shadrack Gutto (2004:9), the right to development includes direct participation in development, sustainable development, the promotion of peace and security and the right to self-determination. Accordingly, sound participation in development entails people's appropriate access to resources and opportunities and their active involvement in institutions and schemes of social organization and governance. It deals with the exercise of CP rights with respect to people's having access to resources and opportunities, and meaningful participation in every social, political and economic activities. Sustainable development in this context implies environmental rights as well as responsibilities that reciprocally exist between the individual person and society. The right to self- determination, on the other hand pertains a people's right to have control over their resources and wealth; and to follow their own way of social, economic and cultural development. It also includes freedom of election—people's right to freely elect their own government.

It is evident from the above explanations that the right to development encompasses all rights, both CP and SEC rights, though it avoids the polarity (clear-cut boundary) between them. The right to development and all other rights cannot be separated and they are mutually reinforcing. This is why Jose Guevara (2005) contended that a defilement of any of CP and SEC rights is equivalent to a defilement of the right to development. This is very important point because development, in this sense, is value-laden rather than mere economic growth. Development, as it embraces all CP and SEC rights, involves the overall social well-beings, betterment of livelihoods, democracy or good governance and cultural values. It is being free from various unfreedoms such poverty, other social and economic challenges, human rights violations, oppression of women, injustice and unsafe or threatening environment. It is mainly about enhancing individuals' capabilities and functionings through dodging the above glitches so as to improve and widen their freedoms of choice. Therefore, solidarity or group right is decisive due to the fact that it promotes human rights approach to development and calls for justice to environment.

This human right approach to development is very important to abate massive destruction of natural resources and graving of environmental issues (or unsustainable and directionless development) of a materialistic approach to existence that furnished by unbridled scientific and technological advancement.

Opposite to the above idea, some Western thinkers argue that there was no conception of human rights in African tradition because Africa is where group rights override individual rights. Since they are the advocate of individual liberalism, they believe that the term 'humanity' is ascribed to individual humanity and so that human rights primarily imply individual rights not group rights. For example, believing that human rights are innate in individual humanity, not in community, Jack Donnelly and Rhoda Howard (quoted in E.A. El-Obaid & K. Appiagyei-Atua 1996:830) ,for example, claim that traditional Africans had no conception of any rights.

However, what to be noticed here is that the above solidarity or group right does not implies that individualism is necessarily immersed in communalism. It does also not mean that communalism is antithesis of individualism. Regarding this idea Kwame Gyekye put:

Communalism may be defined as the doctrine that the group (that is, the society) constitutes the focus of the activities of the individual members of the society. The doctrine places emphasis on the activity and success of the wider society rather than, though not necessarily at the expense of, or to the detriment of, the individual (Gyekye 1987:155).

In this sense, group rights contain the idea that individual person alone is incapable of fulfilling his all needs due to the fact that his/her capacity is insufficient, and the success of the societies outweighs that of individual person. Collectivism does not necessarily disavow individualism rather it reveals the limited nature of the capacity of individual person. Giving emphasis to individualism alone is the same as clapping with single hand. In the state of colonialism, can individual person be able to restore or get his freedom by his sole struggle? Since individual person is with insufficient capacity, he /she should identify him/ herself with the others in order to succeed in his/ her individual life. Identifying oneself with other group of people can guarantee the mutual relationship between individual and group. Moreover, individual person has all rights and is free to

enjoy them to the extent that he/she does not affect the well-being of the community. Everyone has individual rights to strengthen their society and enhance their communal well-beings. He/she can stretch his/her individual rights, provided that these remain in accord with the interest of the group. Let us see for example the rights of disabled person. They are group right insofar as they promote the rights of the disabled persons as a group. Yet an individual disabled person also could freely enjoy them independently of the group in the way that does not override the interest of the group. Articles 3-18 of the charter talk about individual rights whereas collective rights are guaranteed under articles 19-24.

On the other hand, Africans communally have been using the question of human rights as a legitimate instrument to fight against various problems (such as slavery, colonization and apartheid) that clearly identified with their history and experience. Africans consider these vicissitudes as the ground basis for the unification of their desire regarding determination of “the conditions under which [they] could attain full selfhood, become self-conscious, and be answerable to no one else” (Achille Mbembe 2002, 240-42). Individual person has no rights to promote the above problems, but to avoid them, because these problems are against community’s welfare.

As I think, although some Africans provoke cultural relativism and what Simeon O. Ilesanmi (2009) dubs as “cultural essentialism”, that stimulated by the proponents of Pan African movement such as Alexander Crummell and W. E. B. Du Bois (in the United States), and Kwame Nkrumah, Casely Hayford, and Nnamdi Azikwe in West Africa), in light of African Charter and its different human rights instruments, there is no place for cultural relativism and essentialism. This is due to the fact that (1) in so far as it is international human rights instruments, the Charter accepts all human rights(1st, 2nd and 3rd generations) as universal although it rules out their airtight polarizations; and (2) placing due emphasis on collective rights does not negate or reject individual rights. Therefore, as far as ACHPR is concerned, Africans conception of human rights is not tantamount to cultural relativism or essentialism. Rather, it enables individuals and groups to protect their rights and render their duties well. It also helps the state to promote and protect human rights; and even it helps the people to correct the bad

behavior of the state in so far as in solidarity rights, the people, like the state, are duty-holder. It is indubitable that rights and duties go hand in hand in the sense that rights entail duties and the existence of duties does not contradict the existence of rights. What was questioned by the African Charter is not the concept of universality, but the content of particular rights that need to be changed to suffice its contextual application. For me, this is an appropriate debate. Since the universality of core human rights is pretty consistent with cultural diversity, question of cultural diversity cannot justify the relativity of human rights, it may rather inspire the mode and manner of their application in the contexts of particular societies. The idea that some societies place emphasis on the individual rights whereas others place it on the group rights or on the individual's duties to the community does not justify that there can be no universal human rights.

Not only some African writers, but also many thinkers of human rights from different corners of the world (especially from developing countries) have been questioning the universality of human rights. The strong challenges to universality of human rights came from the advocates of relativism. They argue that human rights were invented by Europeans and thus, it is peculiar to their traditions but intrinsically strange to other nations of the world. The majority of the people of developing countries, who suffered and even currently suffering from the negative impacts of the imperial and colonial exploitation of their resources, conceive the concept of human rights as a Western invention that embodied the strategy to safeguard the well-being of the Western people at the expense of the well-being of the non-Western one. What is rooted in this argument, as I think, is not whether or not Human Rights are universal, but the question of why these rights are not equally universally implemented or applied. Even if the notion of human rights has been politically manipulated by Western/Northern power so as to dominate others and secure their own interests, this does not imply that it is relative. Are human rights really a mere Western invention as suggested above? Weren't there any legitimacy of the existence of the idea of human rights or, at least, of human dignity in different cultural or traditional, philosophical and theological contexts of non-Western nations?

It is argued that Western/Europe didn't create human rights, but, as Ilesanmi (2000:8-9) claims, the discourse about human rights, or the "draft of a philosophy of human rights". This is UDHR that contains the way human rights are formulated, explained, analyzed and implemented.

The drafting process of the UDHR, which took place under the banner of the Commission on Human Rights, was not something fully achieved by overnight. But it took place between 27 January 1947 to 18 June 1948, and involved three consecutive sessions. The drafters were from Africa, Asia, Latin America and Eastern Europe (B.G. Ramcharan 423-424). They were the representative from Australia, Byelorussian Soviet Socialist Republic, Chile, China, Egypt, France, India, Iran, Lebanon, Philippines, USSR, United Kingdom, USA, Uruguay, and Yugoslavia. Although it might be fashioned by Western civilization or modernity, the Declaration was drafted and ratified by different countries from different regions of the world. It was also regionally reaffirmed as universal. The African Charter on Human and Peoples' Rights (1981), Cairo Declaration on Human Rights in Islam (1990), The Lawasia Statement of Basic Principles of Human Rights (circa 1980), and The American Convention of Human Rights (1969) are the principal regional charters in which human rights, as enshrined in UDHR, were ratified as universal. Thus, the Declaration and its various conventions and instruments were not simply created by Westerns and then, imposed on non-Western nations, but what were agreed up on through stringent argument and counter-arguments that forwarded by both Westerns and non-Westerns.

The concept of human rights and dignity can be found in the cultural traditions and religions of different nations in the world such as African, Asian, Americans and any other nations. What is at the heart of human rights is human dignity. For example, in the African philosophy of "Ubuntu" and Oromo (the greatest nation in Ethiopia) cultural tradition, human being is given a high value by the virtue of being human. Islam societies are also well-known by the culture of giving high protection for foreigners (Benedek 2012:35). The "golden rule" which states that one should treat others as he/she would like to be treated for himself/ herself, resides in all major religions. The concept of social justice and responsibility of giving concern for poor people can also be found in the

cultures of different societies. The ideas of human dignity, freedom, and social justice, which can be found in all cultures, are even the basis of the philosophy of modern human rights.

The central claim of relativism in human rights is that since the essence of human rights or human dignity is grounded in culture and there are various incompatible cultures in the world, the concept of modern human rights cannot be universal, but, rather, culturally relative. I am completely against this idea. When we see the issues of human rights philosophically, it can be universal notion due to the fact that all human beings share a common ontology that is deep rooted in a shared humanity. All human beings in the world are naturally endowed with the inherent capacity to feel pain and happiness. Even they have the capacity to understand the pain or suffering of other persons as well as other animals. They are rational animal that are endowed with freedom to avoid what can suffer them (evil things), and to do what is good for them. In so far as dodging evils and doing goods is the interest of all normal human beings, they can and ought to take responsibility to their actions. Moral empathy, conscience, agency and the like are the qualities that are communally attributed to all human beings. All the above points clearly suggest that human beings are species that ought to be safeguarded from cruel or painful actions. This indicates that human rights, in so far as it aims to protect every human being from suffering, misery and humiliation on the one hand, and promote human dignity and well-being on the other hand, are universal principles that bound all human beings together.

Furthermore, I am very sympathetic with the idea of Ignatieff that although human beings may have different interests and cultures, they are bound together by what suffer them. He claims, “what is pain and humiliation for you is bound to be pain and humiliation for me” (quoted in Bryan S. Turner 2006:9). According to him, we should give due emphasis not to the differences among human beings (like that of cultural relativism), but, rather, to the communal experiences of pain and humiliation or indignity which ties all human individuals together. Thus, this humans’ capacity for or vulnerability to suffering lays ground for the universality of human rights (in the sense that the basic purpose of devising human rights is to prevent these miseries). Turner also advanced Ignatieff’s idea

by arguing that “human rights can be defined as universal principles, because human beings share a common ontology that is grounded in a shared vulnerability” (ibid p, 6). According to him, what Ignatieff calls as human sufferings or miseries arise from humans’ common attribute of being vulnerable. He contends that due to the fact that humans’ vulnerability is a common ontological condition, their sufferings or miseries are common and unified though humans are attributed to various happiness or interests. Additionally, since human beings by nature are vulnerable to various insecurities, the need for ontological security not only nullifies the argument of relativism but also promotes all categories of human rights in a very much clustered way.

Moreover, since human being by nature is vulnerable to different miseries and indignity and at the same, is with insufficient capacity to avoid these all problems lonely, it is necessary to identify oneself with others— making cooperation and interconnectedness with others. This is clearly associated with Solidarity Rights in addition to CP and SEC Rights. There are different human problems that require collective responses. For instance, colonialism, slavery, genocide, oppressive government, the issues of development, the problems of peace and security, environmental problems and so forth require cooperation and community buildings that armed with decisive joint actions and reactions.

2.3 Overview of the relationship between Environmental Justice, Human rights and Development

This section tends to give highlights of the correlations of environmental justice, human rights and development. This is very important to frame a ground and give indications for whatever is critically analyzed in the next chapters.

As it can be realized from the above discussions as well as evident from works of scholars such as Adeola (2001), Bridget (2011) and others, the issues of environmental justice and human rights are interconnected and mutually reinforcing. Both are about humanity, equity or justice, equality, freedom, environment, development and so on. Both are also about human life, security and health, and about people’s lives and livelihoods. Meaningful enjoyments of human rights need fostering environmental justice

and similarly, fostering environmental justice directly or indirectly appeals to the protection and promotion of human rights. As many instances of environmental injustice (such as land grabbing, climate change injustice, overexploitations of natural resources and various toxic disposals) encroaches various human rights (such as the right to life, security, health care, property, culture, basic needs, high standard of life, safe and sustainable environment), transgressions of different human rights stimulate these instances of injustice. Thus, since environmental injustices have the implications of human rights abuse, it is logical to assess the issues of environmental justice from human rights perspective. More than any other, poor people, politically targeted and minority communities in Africa face the brunt of environmental injustice. Therefore, this human rights approach to environmental justice is very important because meaningful enjoyments of human rights need ensuring environmental justice as a prerequisite. Indeed, the punishments or redresses that international human rights law provides are very important to shun wrong doers, to empower and facilitate things for for the affected people seeking legal remedies. The relationships of human rights and environmental justice as well as the significance of human rights approach will be widely discussed in chapter three. For now, let us move on to the high lights of their linkages to development.

Unlike the traditional view of development, which believes that economic development per se is the solution to human problems like poverty, hunger, unemployment and so on, the modern one (human development) goes far beyond that to make development more human, sustainable and nature centered. In addition to economic growth, this new approach to development duly emphasizes on equity, freedom, pro-poor and marginalized societies' empowerments, human rights, elimination of poverty, hunger, discriminations and environmental disruptions. Actually, it is superficially tempting to repudiate economic growth; but, increasing in per capita income and growth in GDP or GNI does not guarantee the meaningful elimination of poverty, hunger, malnourishment, unemployment, discriminations, environmental degradation and lack of basic services of housing, sanitation, safe drinking water, education, skills, health care etc. If normative or ethical value judgments (qualitative aspects of development) are not foregrounded in the premises of development, development will be mere pro-rich (of the expense of poor) and it will result in mass poverty, austere inequities or injustices, discriminations, exclusion,

poor and minority marginalization, environmental disruption and so on. For development ethicists such as Danis Goulet and for economists including Sen, Nussbaum, ul Haq and the like, development is multidimensional and multidisciplinary process: it is not only about economic growth, but, more importantly, about social, political, and value change. Sen for example, conceives development as a process of perpetually expanding human freedoms or choices through avoiding individuals' and communities' external constraints that weaken their capabilities and potentials (see Sen 1999). Nussbaum (2003) also further expanded the concept of capabilities.

Expanding human freedoms need avoiding what is usually termed as 'unfreedoms'. Development constraints such as poverty, malnutrition, poor sanitation, tyranny, inequity, social deprivations, poor public facilities, repressive state apparatuses, lack of education, absence of health care, lack of security and corruption are all termed as un-freedoms (see Romi Khosla 2002:7). Thus, human rights such as freedom of expression and participation (in the political process and decision making that affect people), the rights to education, health, security, equality before the law, property as well as of the right to be freed from various discriminations, oppressions, marginalization, illegal or inhuman treatments and punishments are among the unfreedoms that cripple people's capabilities. The same is true for various environmental injustices including unfair distribution of environmental goods and bads, lack of meaningful participation and representation in environmental leadership and decision-making, lack of procedural justice, exclusion, repression and marginalization of poor people and minority communities.

Most of the time, especially in Africa, the aforementioned instances of environmental injustice are committed in the name of development. Therefore, mainstreaming human rights, human rights that already subsumed environmental justice, in development and practically implementing them therein is very import not only to curtail the above injustices but also to make development more humane, sustainable and environmentally friendly. The nexus of environmental justice, human rights and development as well as the rationales of mainstreaming human rights in development policies and programs will be discussed in details in the chapter four of this thesis.

Chapter Three

Environmental Injustice and Human Rights Violations

Previously, the concept of environmental justice, including its development, dimensions and underpinning objectives were elaborated. Additionally, the concept of human rights, its historical development, constituents and principal aims were discussed. The main objective of this chapter is to critically explore the nexus of environmental injustice and human rights violations. In doing so, it will highlight the essence and features of environmental injustice and critically analyze its major instances (instances that have been commonly manifested in many African countries) so as to indicate what human rights implications each of them has. It will also explain how and why the argument for human rights approach could be significant to curb environmental injustice.

3.1 The Correlation of Environmental Injustice and Human Rights Violations

Environmental injustices are the insidious human problems that have been jeopardizing the life of millions of poor people in developing regions (especially Africa). It is the disproportionate distribution of environmental goods (benefits) and bads (burdens); and lack of meaningful participation of the poor people, people of color, and of the indigenous minority groups in the environmental leadership and environmental decision-making. It also incorporates the failure to give meaningful recognition to these people and repressing their capabilities and functionings. The occurrences of environmental injustice as a general and its instances as a particular are not haphazard realities which happen in different and varying milieus; but they are the consequence of an institutional repression and exclusion which have established an inexorable system of the powerful oppressing the powerless. This needs sound social liberation, protecting sufferers from institutional and systemic oppressions.

Environmental injustice in Africa can be caused in two ways: one is external and the other is internal. The former one is caused when developed countries, transnational corporations and other foreigners inflict it up on the African nations whereas internally, it is caused when government and indigenous corporations thrust it up on their poor and minority groups. As I already explained in chapter two, although it contributes less to its

soaring, Africa is the continent with nations that are, more than any other, vulnerable to the impacts of various instances of environmental injustice. This is because most African countries are socially, economically and politically underdeveloped. Lack of sound democracy, for instance, is the major cause of various injustices (including social and environmental injustices), social insecurities, discriminations and marginalization, oppressions and various environmental apocalypses. Since they are underdeveloped, many African nations are socially, economically and politically disenfranchised (internally and externally); and they are too powerless to fight against these problems.

Even if environmental justice movements got its genesis from the manifestation of racial discrimination (racial discrimination in environmental policies, laws, and practices) in the United States of America, the scope of environmental injustice goes more far beyond that to incorporate injustices that internally and externally imposed on poor people and minority communities. Various instances of environmental injustice such as disproportionate siting of hazardous facilities, hazardous-waste landfills, toxic-waste dumps, chemical emissions from industrial plants, land grabbing, over exploitation of natural resources, and climate change have been posed extreme risks not only to particular races but also to nations and certain social classes(irrespective of their identity) that are powerless to fight against it. Environmental racism per se induces the concepts of social inequality, injustice, human rights violations, social exclusion and disproportionate distribution of environmental goods and bads. It also evokes what Flomina Steady termed as “structural expendability” which means that in the systems or frameworks that engender environmental injustice as a general and racial discrimination as a particular, some groups are expendable more than other(see Steady 2009:48). These problems are not limited to racial discrimination but also touch all aspects of nations, and certain social classes such as poor and minorities communities regardless of their race identity. But, it is important to recognize that environmental racism gave fundamental awareness for the environmental justice movements and academicians to tear the veil up to recognize the prevalence of other various instance of environmental injustice, including the above mentioned one.

At its core, the issues of environmental justice have strong linkage with the human rights concerns (Barbara R. Johnston 1994; Adeola 2001; Bridget Lewis 2012). For the fact that environmental injustices and human rights violations are inextricably intertwined, ensuring or restoring environmental justice directly or indirectly linked to the promotion and protection of human rights. Environmental injustice threatens both human life and human rights. Environmental Pollutions (including toxic waste disposal and e-wastes) for example, erodes the right to life, health and clean environment including clean air, water, soil and work place. Unhealthy environment threatens human health and unhealthy person is more likely to lose his life. Thus, environmental pollution is against the UN Declaration on Human Rights and the Environment, which clearly states that all persons have the right to secure, healthy and ecologically sound environment. As such, it violates the rights to life, health and security. Injustices like placing a toxic waste site very close to poor, people of color and indigenous minority community simply because it is poor, black and minority downplay the right to be free from racial and other discriminations.

Misinvestment or land grabbing that embodies evictions of indigenous communities from their land and resource is resulted in the violation of the right to property, to livelihood, to development, to self-determination and to the healthy environment. It also threatens the right to culture and religion (in the sense that culture and religion of many societies are highly tied to their land and natural resources), the right to free, prior and informed consent, and the right to just and fair compensation. In the cases that the host governments aggressively response to protesters, it is also more likely to be inflicted upon the right to freedom from torture or cruel and inhuman or degrading treatment (or, punishment) as well as upon the right to freedom from arbitrary arrest and detention. Climate change, which disproportionately inflicts harms on poor people, has adverse impacts on the right to life, standard of living adequate for the health and well-being of people including food, clothing and housing, and on the right to security (health security). It also affects the right to economy and development, social and personal security (especially when it resulted in war and conflicts as the result of competition on scarce resources), and the right to sustainable environment. The same is true for the overexploitation of natural resources (such as oils, natural gases and strategic minerals) as well as forests (in the form of timber) and fishes by internal and external agents. These

resources are of ultimate importance for ensuring basic needs, avoiding poverty, enhancing individuals' and groups' standard of living (including adequate health), full development of the human personality, scientific advancement and the like.

To strengthen and give more elaborations for the above idea, let us discuss some major instances of environmental injustice, which are stringently, manifested in Africa, and their specific implications of human rights violations.

3.1.1 Major instances of Environmental Injustice in Africa

3.1.1.1 Land grabbing

Large scale land acquisition (LSLA) in Africa is an unprecedentedly increasing phenomenon that is stimulated by foreign governments and companies in order to obtain land for agriculture or to get access to key natural resources. According to Oxfam and ILC, land acquisition is said to be LSLA if it is more than 200 hectares (ha). Even if scrambling African land and resources is not a new phenomenon (it is the trend of the era of colonialism), the dramatic upsurge of large scale land acquisitions has took its inception from the period of global food crisis, that is, between 2007-2008 (Tinyade Kachika, unpublished material, p,8). It occurs when foreign governments and companies, and even domestic investors make a deal with governments in home countries for permanent purchasing or leasing of large scale lands. Unlike the old scramble for Africa, which largely depended on military forces, the new one is based on the mutual interests of foreign investors and governments of home countries. In most cases, this land-deal involves the leasing or other non-sale concessions for production of agricultural products for foreign markets, for biofuel production and, to some extent, for foresting for carbon reduction in the atmosphere.

According to Cotula et al. (2009), Policy Brief (2011) and Oxfam (2011), there are three drivers behind LSLAs. These are the crisis of food, fuel and finance. The first one is concerned with the skyrocketing of food price in 2007 or 2008. To fix the problems of this food crisis, food importing nations managed to secure farm land and water in where it is available and easily accessible. The fuel crisis, on the other hand, concerns the escalating and fluctuating oil prices between 2007–2009. To address this problem, the

zeal for obtaining land for the production of agrofuel or biofuel crops such as jatropha, palm oil, maize and soya (all are for biodiesel), and sugarcane for bioethanol were prevailed(see Policy Brief 2011).These feedstocks are very important because they are renewable source of fuel production. The third driver deals with the 2009 meltdown of international financial markets (including the recession in the following years). The instability and perilous nature of products in these financial markets led investors to invest in farmland. This is in the idea that investment in these tangible lands would be advantageous in the sense that rising demand for food and fuel would make them more profitable, and this mode of investment has no substantial volatility and risky nature. Some people also consider the demand of land for foresting for carbon mitigation as the fourth driving force. This is the mechanism of reducing carbon emissions through afforestation, and abatement of deforestation and degradation.

What is land grabbing? According to ILC (2011), land acquisitions can be considered as land grabbing when they: (1) resulted in human rights transgression, chiefly the rights of women; (2) disobey the principle of free, prior and informed consent (FPIC); (3) neglect social, economic and environmental impacts; (4) sidestep transparency of contracts, and fail to provide meaningful job opportunity and benefit-sharing; (5) avoid democratic planning, rigorous people's participation, and refuse to accept or correct the existing clear mistake.

Therefore, any land acquisition is said to be land grabbing when it commits at least one of the above injustices.

Why Africa Became prey to the Wave of LSLAs and the land grabbing they generate? According to some remarks, one reason is the assumption that there is a huge unutilized (under-utilized) and available land in Africa (see WB's 2009 report about Guinea Savannah Zone and Beyond). The second idea is that, in Africa, the value of land is very cheap, and sometimes, land is free (see Policy Brief 2011). But, is the land that often given to foreign investors not really occupied or used by local small scale farmers or pastoralists earlier to the deal? Several inquiries expose that most of the land that is given to these investors is already occupied and used by millions of local farmers (ibid; Cotula et al. 2009:99). Conducive weather conditions, the availability of cheap labor and host

country's government motivation are also other factors. The host countries' governments strongly encourage FDI because they believe that it is a source of employment, growth, government revenues and it can ensure food security.

Unlike the traditional colonialism, participants of land grabbing are not only from northern nations, but also from south nations (south-south deals). These participants from south nations include Brazil, Russia, India, China and the like (Policy Brief 2011). Moreover, countries such as Saudi Arabia, Kuwait, Qatar, United Arab Emirates, Japan, and Republic of Korea (including China and India) are active participants on land investment (Anh-Nga Tran-Nguyen 2010:4; Cotula et al. 2009:34; Vidal and Provost, 2011). The WB also plays a great role in land grabbing. As Oxfam (2011: 4,9) explained, it can do this in many ways: (i) financially supporting land investment or investors in land; (ii) giving policy advises to governments of poor countries; and (iii) crafting rule and regulations for various investors. It is also noteworthy to recognize that land grabbing is not limited to FDI alone, but, to some extent it can be caused by domestic investors and government. Poor countries of Africa (such as Ethiopia, Sudan, Mozambique, Mali, Madagascar, Sierra Leone, Democratic Republic of Congo, Benin and Cameroon) that are characterized with low-income but mammoth arable land and usable water resources are strenuously targeted by foreign investors (Tran-Nguyen 2010:3). As different studies approve, more than any other, Africa is the global focus of these land acquisitions. According to the ILC data, among global total agricultural LSLAs of 83 million ha (estimation of land clearly leased or purchased), 56 million ha have been in Africa (presented in Answeweuw et al. 2012). As such, Africa shares around 70% of land grabs in the world. According to estimation given by UNCCD, between 2004-2009, the amount of farmland given for foreign investors (in selling or leasing) in five African countries (Ethiopia, Ghana, Sudan, Madagascar and Mali) alone reaches 2.5 million ha, with the exchange value for US\$ 920 million (quoted in Tran-Nguyen 2010:3; see also Cotula et al. 2009:41-42). But, its current size can triple 2.5 million ha, with Ethiopia alone more than 3.6 million ha.

Although the proponents of large scale land investment claim that the trend of LSLA is very important to create job opportunity, to enhance development, to increase

government revenues, and to ensure food security and technology transfer, it has been highly questioned by many international communities (chiefly by Africans). This is because, it endorses the evictions of local societies from their lands (both farming and pastoral lands) and other natural resources on which their food security and livelihoods is depended. This leads to poverty and violations of land rights of existing users. Since it stresses on capital-intensive production system for foreign markets, it also undercut local food production and displace labor accordingly. Indeed, since many investors emphasize on feedstock production for biofuels, the local food security is undermined by the alteration of crops from food to fuel (see Oxfam 2011:6). Furthermore, for local users, land is permanent, while job opportunity FDI creates is temporal in many cases. Most investors also use very advanced technology that involve less labor-intensive system. They favor these high-tech, high production devices due to the fact that it reduce the amount of labor to be used (Oakland Institute 2010:3). The use of high-tech, high production devices, that accompanied with the intensive use of fertilizers and others chemicals gradually changes arable land or fertile land to barren (non-productive) one. Large scale land investment also encourages high rate of corruption and environmental destructions. It also induces internal conflicts, wars, fighting, genocide, human trafficking, sexual and gender based violence and the like (see *ibid*, p, 2). As many case studies suggest, LSLAs affect women more than any other because they are socially and economically the most disempowered and marginalized (Anseeuw et al. 2012; Oxfam 2011: 6; Policy; Brief 2011).

Furthermore, it resulted in gross human rights abuse such as the right to property, development, the right to self-determination and the right to clean environment (Semahagn Gashu 2012; Prague Global Policy Institute 2012:9). In the case of dictator and corrupted governments, torturing, illegal detention, physical and psychological damages are also common. In most cases there are no meaningful compensations and consultations, and no adequate technology transfer and infrastructural investments as home governments often promise.

These chronic outcomes of large scale land acquisitions are drastically intensified in many African countries. Ethiopia, for example, is a poorest country in which a dramatic

land grabbing is underway. According to the research report released by HRW in January 2011, since 2008 Ethiopian government has offered at least 3.6 million ha of fertile land to foreign investors (including some domestic richest individuals) to produce food for exportation. This is equal to the size of Netherlands. But now it is expected more than that. According to this report, for the purpose of agricultural investment, 2.1 million ha of additional land is available in the federal government's land bank. Among many, the case of Gambella region, in which, approximately 70,000 indigenous people have been relocated (Human Rights Watch 2012; Mahaprashasta 2012:51) is the worst one. Karuturi, a Bangalore based Indian floricultural and agro-business conglomerate is one of the biggest land investors in this region. It has acquired more than 300,000 ha of land with the term of 90-year lease (Oakland Institute 2010:28). But, some data indicates that it is only for 50-years lease (Dessalegn Rahmato 2011). This Indian conglomerate has also leased 10,000 ha in Bako, Oromia province (Mahaprashasta 2012:52). In this region, Saudi Star Company of Sheikh Mohammed Hussein Ali Al Almoudi also acquired 139,000 ha of land to produce rice and soya (Dessalegn 2011). According to Dessalegn, until 2011, including the domestic one, the number of large scale investors in Gambella (holding at least 2000 ha lease) were raised to 15, holding the area of land aggregately amounted to 535,000 ha.

This Saudi Star Company also acquired 2,500 acres of land in Oromia region near Awassa (including Awassa greenhouses) for 99 years (Oakland Institute 2010). There are also other many large scale foreign investors as well as some large scale domestic investors in different regions of the country (for more detail, see Dessalegn 2011). Although the plan is to bring new type of development opportunity through foreign direct investments in the sense that it increase the gross domestic product by using advanced technology, enhance the development of the country, create new job opportunity and win-win advantages to the government (including local societies) and foreign company, the resulted effect is the reverse. It intensified poverty in local communities by displacing societies from their land, which is the backbone of their survival, and there were no feasible technology transfer, meaningful compensation, adequate food, job opportunity, agricultural support, and health and education facilities for evicted people (Human Rights Watch 2012; Oakland Institute 2010; Dessalegn 2011; Mahaprashasta 2012). "There is no

consultation with the indigenous population. Deals are done secretly” (Oakland Institute 2010:20).

The case of ‘Ethiopian Integrated Master Plan’, which, as Amnesty International reported, aims to expand the capital, Addis Ababa, into Oromia regional territory is also part of this issue of land grabbing or forced eviction. When the plan becomes effective it will cause to the eviction of thousands of farmers and other people from their land and settlements. This plan, which incited so many protests across Oromia region in April and May 2014, resulted in dozens of deaths and scores of injuries (Amnesty International 2014:7-8). As this report debunked, the way security services, responded to the protests was unnecessary and extreme force, which involves firing and beating hundreds of peaceful protestors and bystanders. Thousands of protesters and suspected people were arrested, arbitrarily detained and tortured (see Amnesty International 2014).

The case of South Sudan, which displaced around 15,000 local residents of Boma, Jonglei state, is also another example. The Al Ain National Wildlife, an Emirati corporation, acquired 1.68 million ha (for 30 years deal) in 2008 for tourism project in Boma, in which government-owned national park exists (Franck C. Indzemi 2013: 43). The government, however, failed to consult and include these communities in this land negotiation process. Furthermore, although Al Ain National Wildlife first promised to provide educational and health services, build infrastructure and villages, and to create jobs for concerned communities, it failed to deliver all of these pledges (ibid, p, 44). Companies such as Nile Trading and Development, a Texas-based company, which acquired 600,000 ha of land(for 49-year lease) in Central Equatoria State in 2008, and Citadel Capital, an Egyptian private equity firm, which obtained 105,000 ha of land(for 25-year lease) in Unity State in 2009 are also another investors that have contributed to the suffering of local people in South Sudan(Oakland Institute 2011).

Uganda is also another typical example in this respect. According to Oxfam (12 December 2011), more than 22400 people of Uganda were evicted from their land due to the fact that their land was given to New Forests Company (in the form of lease). This is 15,000 people were evicted from Luwunga, a place in Kiboga district and approximately more than 7,400 people were evicted from Namwasa, a place in Mubende district. As

Oxfam reported, these local people were evicted from their land to make way for the timber plantations of the above company without consent and compensation.

Not only the above cases but also many African countries have been experiencing this large scale land acquisition. Depending on his many African countries case studies, Michael Richards for example commended that, with varying degrees, many local people in African countries including Cameroon, Ghana, Liberia, Mali, Rwanda, Senegal, and Sierra Leone, Mozambique and Zambia have been suffering from the impacts of land grabbing such as tenure impacts, land governance process impacts, economic and livelihood impacts, human and sociocultural impacts, and environmental impacts (Michael Richards 2013).

As it can be realized from the above all explanations, large-scale agricultural investments have different human rights implications. Their negative impacts can be resulted in different human rights transgressions such as the violation of the rights related to livelihood, the right to self-determination of peoples and environmental rights. Arbitrary evictions of local people from their land threaten the rights related to rural livelihood such as the right to property, development, and basic needs. The right to property is one of the basic human rights principles that are protected by both international and regional human rights instruments. It is guaranteed under UDHR, Art.17 and ACHPR, Art.14. Basically, both articles involve the right to the peaceful enjoyment of one's properties and prevention of any arbitrary disavowal of that right. Even if the eviction of local people from their lands may be justified when public interests override individual interests, appropriate compensation and meaningful awareness of how to use that compensation has to be given for evictees.

Article 10 of the United Nations Declaration on the Rights of Indigenous Peoples protects the right to access to land. According to this article, indigenous groups should not to be forcibly removed from their lands. It also approves that relocation shall be made only in accordance with the principle of free, prior and informed consent, and it could only be effective after agreement on just and fair compensation.

On the other hand, this uncontrolled land grabbing seriously threatens the right to development of poor local people. Eviction from one's own and even communal land (with its all resources, prospect incomes and food), lack of appropriate compensation and undermining local food production in favor of food for international markets or feedstock for biofuels have strong implication to the violation of the right to development and the right to free from poverty. According to the Declaration on the Right to Development, all peoples have the right to participate in, contribute to and enjoy economic, social, cultural, and political development. Art.11 of ICESCR also obliges every States to ensure citizens' access to the minimum vital food that is sufficient, adequate in nourishment and safe, in order to guarantee them to be free from hunger. The violation of the right to an adequate standard of living also implies the violation of the right of children (article 27 of the Convention on the Rights of the Child) under which their right to an adequate standard of living was guaranteed. Therefore, in light of this international and even regional standards land grabbing deprives the poor from their land on which their food security depends. Land dispossessions also lead to the violations of the right to self-determination of people, which is recognized in the Art.1 of the Charter of the United Nations, in the first Article of the ICCPR and ICESCR, and in the Art.20 of ACHPR. All of them endorse that by being entitled with the right to development, all people freely determine their political status and pursue their economic, social and cultural development.

Forced evictions can also seriously impact on the rights of women. Both before and during the eviction, women are most likely to be physically and psychologically affected. Physical intimidation and harassment before eviction, and verbal abuse and physical violence (including sexual violence) during eviction are same example. Absence of housing and confidentiality can lead women to exposure to sexual and other forms of violence. It also severely affects pregnant women. Beside physical impacts, these problems are also resulted in women's stress and anxiety.

Furthermore, land grabbing violates the right to environment. Intensive agricultural projects resulted in the destruction of lands, forests and other biodiversity. It also causes

the pollutions of water, air and physical environment due to the fact that it encourages the aggressive use of land resources, chemicals and other agricultural technologies.

Therefore, as FAO suggests, a human rights-based approach to large scale land investment is a remarkable alternative. It suggests that large scale land investment should accord with the principles of human rights. Its assessment should involve referencing existing international human rights law so as to ensure the protection of existing users' rights and meaningful compensation, and to guarantee the principle of free, prior and informed consent (with free and just agreement) as well as to safeguard sound environmental health.

3.1.1.2 Toxic Waste Trading and Dumping

As I tried to explain in chapter two, toxic dumping was the primary cause for the establishment of the notion of environmental justice and its movements in North America. At the very beginning, dumping in this continent was a racial discrimination oriented due to the fact that the well-known dumping of toxic wastes (huge amount of PCBs) took place in Warren County, North Carolina, in which almost all people inhabited in the affected areas were black. But later, the scope of environmental justice was broadened and subsumed other injustices such as public health, facility siting, children's health, public participation, housing, sustainable agriculture, land rights, transportation equity, land use, pollutions, worker safety and the like.

But the question here is that how the issues of cross-bordering toxic waste trading and dumping developed, and what were the causes that initiated it? As the result of technological development, especially starting from the aftermath of WWII, various nations and corporations of the global North, were engaged in producing millions of tons of toxic waste. As Pellow (2007:8) indicated, industrialized nations contribute about 90% of the total volume of hazardous waste produced in the globe. As Greenpeace (1994) documented, in period between 1989-1994, OECD countries exported more than 2.6 million metric tons of hazardous waste to those countries that are not member of OECD, especially to the nations of Third World (quoted in Adeola 2000: 695). These hazardous wastes come from industry, municipalities, state institutions, computers and electronics

products as well as from agricultural practices. Obviously, these poisons are resulted in not only high rates of human morbidity and mortality but also of nonhuman jeopardy, including the destruction of our physical and oceanic ecosystems. Because of the above adversely poisoning natures of toxic wastes and due to the fact that strict environmental policies were developed in wealthiest nations, the producers of these hazardous wastes planned to travel it to somewhere. However, not all communities but few of them welcome these deadly substances within their borders. Among many nations of the global South that welcome this waste from North to South, some African nations are the principal examples. One of the destinations of this hazardous waste, which is being shipped from Europe, the United States, and Japan, is Africa (Pellow: 2007:8). Especially, in the 1980s, Africa unfortunately became the primary choice of Northerners' (particularly of Europeans) dumping place. The incentive behind those who accepted the pledge is the need of foreign cash in the form of compensation, which, they believed, is very important for the development of their countries and to repay their debts. However, "Africa was the first to respond politically to the threat of such waste colonialism" (Greenpeace 2001:4). For example, large numbers of African nations attended Basel Convention negotiations in the late 1980s (adopted in 1989) which calls to ban hazardous waste trade.

Nevertheless, despite African nations ratified Basel Convention and provided other convention such as Lomé IV Convention (the agreement between African, Caribbean and Pacific (ACP) countries and the European Community) and Bamako Convention ,which adopted in 1991 and entered into legal force in April 1998 (the convention that African nations, under auspices of the OAU, jointly provided), to ban all hazardous waste, including radioactive wastes for any reason, their interests have been occasionally ignored, blocked and politically manipulated by most of the wealthiest nations of the north and other domestic agents(*ibid* pp,4-6). As it can be realized from different pledges that African leaders agreed upon to import hazardous wastes, not only the wealthiest nations of the north but also some African dictator and corrupt leaders stimulated toxic waste colonialism in Africa. But it is worthwhile to recognize that African nations have been playing a significant role to end up the shipments of toxic wastes from global north to global south.

But, what are the causes of this shift of poisons to the south nations? Pellow enlisted four causes: the mounting scale of its production that associated with advent of strict environmental regulations in industrialized nations; the interest of government officials in the south nations to welcome it so as to get money (compensation) which, they assumed, help them relieved from financial problems such as loans and debts that took place between them and the north nations; the inevitable power of economic globalization that allows exporting more polluting industries from wealthiest nations of the north to underdeveloped countries in which lowest costs and low wages are prevalent; and Northerners' racist and classist conception that toxic dumping on poor communities of color is perfect and just.

The 1987 industrial wastes (which have dioxin hazardous chemical) that exported to Guinea from Philadelphia(Adeola 2000: 695), the exportation of toxic elements including more than 10,000 tons of radioactive waste and other toxic wastes from Italia to Koko ,the village in Nigeria,(ibid p,696; see also Angela Ambroz 2007:7), and the shipment of mercury waste products incinerator from Great Britain to South Africa, which resulted in severe poisoning of the workers and nearby communities, including adversely endangering their survival(Mashile F. Phalane and Steady 2009:195-196), are some major example of toxic dumping in Africa. The 1992 contract that Italy and Switzerland signed with the ad hoc Somali government to build a 10 million ton hazardous waste storage facility in Somalia (Ambroz 2007: 8), the Dutch company, Trafigura's exportation of toxic sludge to Cote d'Ivoire in August 2006, which, according to BBC (cited in ibid, p, 15), was resulted in the death of 10 people and medical treatment of nearly 70,000 people, are also another major examples. The same is true for the case of Benin: French signed contract with Benin to export a toxic cargo (Radioactive waste) to Benin, the former colony of French. As both Weinberg and Schnaiberg reported in 2001, Benin welcomed this dumping in its boarder due to the fact that it needs money (compensation) to repay its loans to France (cited in Pellow 2007:11). Additionally, though it was later cancelled by President Kerekou, there was also a waste trade contract signed between a European firm, Sesco Ltd and Benin in 1988 to ship between 1 and 5 million tons of wastes each year for a period of ten years with a pledge to pay Benin \$2.50 per ton of wastes(Greenpeace 2001:27).

As many studies debunked, toxin inputs such as **pesticides** are also devastating to human health (such as various illness, poisoning, cancer, and birth defects) and our ecology including animals and plants. Nowadays, both agricultural and livestock products contains pesticides including persistent organic pollutants (POPs) and the like. According to Pesticide Action Network Asia Pacific, pesticides poison “our bodies, our wombs, our children . . . our water, air, soil, and our food” (quoted in Pellow 2007:153). These toxic chemicals have the capacity to “remain in ecosystems for lengthy period of time, travel long distances, and accumulate in the food chain” (ibid, p, 147). They seriously contaminate watersheds and soils, and injuriously poison human bodies as well as flora and fauna. Even if they help to boost crop yield and other agricultural products, they are resulted in the death of very important components of our nature because there are no perfect pesticides that destroy only pests without harming anything else.

Pesticides that are known as *obsolete pesticide stockpiles* were banned in many developed countries. The Stockholm Convention (alternatively known as POPs treaty) which adopted in May 2001 primarily planned to eliminate the above toxic chemicals from the planet (Greenpeace 2001:11). According to Pellow, in the past decade of 2007, the estimation given by experts indicated that more than 50,000 tons of obsolete pesticides were stored in Africa. Accordingly, US \$175 million is expected to be required to cleanup these toxic deposits. According to Greenpeace (2001), although its degree is varied, there are significant obsolete pesticide stocks in almost all African countries. Indeed, Pellow (p, 169) also put, “... no region of the globe has more pesticide wastes stockpiled than sub-Saharan Africa.” Although POPs treaty like Stockholm Convention was established to ban these obsolete pesticides, some of the developed countries as well as governments of developing countries often systematically and politically manipulate it. Transnational organizations such as WB and IMF on the other hand promote incineration projects⁴ in poor nations. The WB, for example, has funded these projects in all poor nations; to mention some of them, Africa, Asia, Central and Eastern Europe. However, these waste incinerators themselves are major source of POPs due to the fact that toxic

⁴ Incineration project aims to expand the incinerator (a device or machine that is used to burn unwanted things) planting in poor nations in order to destruct obsolete pesticide stockpiles.

chemical such as dioxins and furans are unintended by products of these devices. This is why organizations like WB and IMF are often criticized.

As it mentioned previously, the unwanted (obsolete pesticide stockpiles) were already declared to be banned from the planet earth. I do not only support banning the unwanted one but also want to recommend that, until technology will come with alternative one, those which were not declared to be banned should be properly managed. Their shipment, package and usage mechanisms should be furnished with sound rules and guidelines in order to reduce, if possible, eliminate the heavy risks they are laden with. Additionally, I support the strategy of integrated pest management (IPM) to control the impacts of wanted agricultural pests. IPM method is very important to abate the ecological and fiscal impacts of agricultural pests. It is concerned with local knowledge and the enablement of farmers to maintain their crops by using slight or marginal chemical pesticides. In line with this, instead of chemical fertilizers it is also advisable to use compost fertilizers, which are not harmful and contain naturally soil enriching ingredients. Electronic wastes (e-wastes) are also part of toxic wastes trading or dumping in Africa.

3.1.1.2.1 Electronic Wastes

Electronic wastes are obsolete electronic products. Since the industries of information technology (such as microchip industries) and others are changed and modified continuously, computers and other electronics goods become outdated quite fast. These obsolete electronic products need to be castoff, and hence they become wastes. This is what we call electronic waste, or shortly, e-waste. The problem that e-waste generates is anticipated to exacerbate quite fast due to the fact that it is “the fastest-growing waste stream in industrialized nations” (Pellow 2007:186).

The e-waste involves not only electronic products for information technology, but also other electronic goods such as refrigerators, washers and dryers, air conditioners, toaster, fluorescent lamp bulbs and the like. Microchips, in addition to computers and mobile phones, also found in toys, microwave ovens, fly swatters and network architectures (Jennifer Gabrys 2013:3). These outdated electronic materials contain toxic substances such as lead, beryllium, mercury etc. They pose serious threats on human, animals and

environmental health. Computer and television displays as well as other consumer electronics comprises large amount of lead. Various electronics equipment also contains heavy metal such as mercury, cadmium and the like. These heavy metals also strenuously risk human beings (especially, through contaminating ground water) as well as non-human natural worlds. “Lead can damage the central and peripheral nervous systems, the blood system, and kidneys in humans” (ibid, p, 187). As such, it acutely hurt children’s developmental effects and their mental ability. Being accumulated in the environment, it also inflicts highly severe and lasting noxious effects on plants and animals (including microorganisms). As Brigden et al. (2008) and Greenpeace (2008) expounded, harmful materials such as lead, cadmium, phthalates, and chlorinated dioxins can cause neurological impacts and stimulate cancer.

Mercury, on the other hand, is a heavy metal that, when it is consumed or leaked in to the environment, damages our brain, lung, and kidneys, and causes other several negative health effects including death(Pellow 2007:29).When ingested by humans or other animals, it can be accumulated in food chain. Indeed, mercury can damage the brain of developing child if it exists in mother’s blood. As I already explained, since the environmental regulations and law are very strict in the most of developed countries, these e-wastes often travel to developing countries. These obsolete and broken beyond repair materials often also exported to the global south by delusively being placed in the secondhand goods’ container (since secondhand electronic goods are allowed to be exported) (Greenpeace 2008).

They also exported to these poor nations in the form of donation or charity. As Agence France-Press (2003) revealed, the surreptitious practice of donations or charity is one way in which e-waste dumping in all over Africa take place. Since different firms export it to Africa in the form of donation or charity, they do not pay for these e-waste disposals, even tax. Pellow also put:

Well-meaning nonprofit organizations like Computer Aid International (CAI) ship older computers to schools in South Africa, Uganda, Kenya, and Nigeria with the intention of bridging the digital divide and providing access to this technology for some of the world’s poorest children(Pellow 2007:200).

This indicates the delusive systems in which hazardous substances flow from North to South in the name of development.

From all the above explanations, it is easy to understand how the entire toxic dumping, including pesticides and e-wastes signify environment injustice. They disproportionately harm poor nations of the south globally, and poor and marginalized societies and minority communities domestically. This is injustice because the worst of the impacts are felt by those who contributed least or none to the dumping. This is injustice and human right abuse. The high-tech countries clean their environment through dirtying that of the poor nations. They heighten their lives and livelihoods through deteriorating the wellbeing of the south nations, especially of the Africans. Even when compared to others, most of African countries have no enough capacity to abate the impacts of these toxic wastes as well as to recycle the outdated electronic products though most of them are broken beyond repair. If this situation is to be continued, the future fate of Africa will be in a serious jeopardy. As I tried to explicate it above, the effects of pesticides and including e-wastes involve death, cancers, allergies, hypersensitivity, disruption of reproductive and immune systems, developmental changes, damage to the central and peripheral nervous systems, lungs, kidneys, animals' (including small organisms) and plants' devastations, and environmental destructions. These are directly or indirectly linked to human rights abuse. They are against the right to life, and chiefly, the right to the highest attainable standard of health and the right to healthy environment. They severely threaten determinants of human health such as healthy consumer products, safe and potable water, adequate sanitation, safe and healthy working conditions, and a healthy environment. They are also against children's rights (the UN Convention on the Rights of the Child, 1989, especially Article 24) in the sense that they jeopardize children's life, highest attainable standard of health and adequate living standards.

3.1.1.3 Over Exploitation of Natural Resources

Undoubtedly, Africa is a continent that naturally endowed with incredible natural resources including the scarce one. It is estimated that there is 120bn barrels of oil reserves, and 600 million ha of uncultivated arable land which can be half of that of world as aggregate (African Development Bank 2013).It is also rich in minerals such as

uranium, copper, gold, platinum, tin, diamonds, and other resources including land, export-based agriculture, timber and bio-fuels. Strategic minerals, coltan (which is very important for electronic products such as cell phones and computers) and Vanadium, a very scarce mineral in the world, are found in Africa (David Pear 2014). Accordingly, vanadium, which is essential in strengthening steel and making it more flexible, is used in automobiles, airplanes, electronics, medical equipment, pipelines, military weapons and high-speed tools. Indeed, Africa is also prosperous in biodiversity including domestic and wild animals, microorganism, and forests.

However, it is an axiomatic truth that although it is rich by these all resources, most of its people are living in atrocious poverty. It is the continent with the poorest nations in the world; and thus, for most of them, there are no indispensable services such as basic needs, clean drinking water, medical care, and the availability of electricity, education and basic infrastructure from their government. The prevalence of this abject poverty among all these natural wealth is caused by local corruption and foreign exploitation. Developed countries as well as some of developing countries and transnational corporations make a deal with corrupt and dictator leaders for billions of US dollars by putting aside the interests of and concerns for the majority of local nations that are directly and indirectly affected by the deal. “It remains a continent abundant in human and natural resources, but these manage to enrich only a handful of African rulers and foreign capitalists”(Lena Weintstein 2008). This surge of resource exploitation in neocolonialism has been designated as the ‘new scramble for Africa’s resources’. To get oil, minerals, and other resources (especially, oil and raw materials because there have been a raise in their price) for their industrialization projects, developed countries such as US, Europe, and raising powers including China, Brazil, India and South Korea managed to plunder African continent. As some scholars expound, the new scramble slightly differs from the previous one by certain points: having more number of participants (exploiters), and the old scramble for Africa was an axiomatically enforced (it based on strong arms strategies) whereas the new one premised on illusive and indirect systems such as spurious investments in infrastructure and provision of helpful aid (David Makwerere and Ronald Chipaike 2012:312). According to these scholars, the new scramble is also characterized with the extensive corruption of top government officials

that give unimportant rights, concession, price reduction, protection and other various favors for the plunderers (aiming not to promote the well-being of people at the grassroots level but to deepen their own pockets). Depending on different hodgepodge deceptions and guise benevolence aid, those who sought to consolidate their control on African resources(mainly oil and gas wealth) through illicit exploitation, planned not only to get massive boom in their profits but also to form strategic partnerships that help them to ensure having enduring admittance to those resources.

As many studies show, among all, the competition between USA and China to consolidate their grip on Africa's resources is skyrocketing (Jedrzej Frynas and Manuel Paulo2007; Makwerere and Chipaike 2012).Through promulgating and manipulating organizations such as AGOA, AFRICOM⁵ and others, USA has tried to stretch its invisible hand of exploitation to Africa for the purpose of controlling markets, exploiting resources and ensuring its security interest therein. Additionally, facing the unprecedented competition from China, to wit, as the China's economy upraised to the second rank in the world, USA enforced to find the market availabilities to sell its low-priced products, the oil for fueling its manufacturing as well as minerals like uranium for its electric energy. According to Michael Watts, the strong interests of the USA in Africa include "not only access to cheap and reliable...oil imports, but also keeping the Chinese (for example in Sudan) and South Koreans (for example in Nigeria)...and Islamic terror at bay"(Michael Watts 2006). Moreover, to secure her hegemony in the region, USA promulgated military intervention in African countries in the name of fighting terrorism (Weintstein 2008).To overexploit African resources and threat Western hegemony in the region, China also based on organization termed as China Africa Development Fund (Makwerere and Chipaike 2012:32) and expanding investments in infrastructural construction such as roads, railway lines, information, communications technology and so forth.

⁵AGOA is a trade agreement according to which eligible African countries freely enter into the American market for only selected products transactions (see also Makwerere and Chipaike 2012). AFRICOM, on the other hand is the American military bases that operate in Africa in order to ensure America's security interests through fighting against terrorism (see also Lena Weintstein 2008).

What to be underlined here is that, taking the Africa's weakness or powerlessness and poor governance as the great advantages, not only the wealthiest nations, USA, Europe and China, but also other growing powers such as Brazil, India, South Korea etc., coupled with different international organizations are exploiting African resources. AfDB (2013) said, "Africa is said to be losing over \$60 billion a year in illegal outflows and price manipulation in the extraction of minerals, with most of the proceeds going offshore." These natural resources are the pillar of many national economies (principal source of public revenue and national wealth) and the mainstay of the livelihoods of millions of African people. As aforementioned, although Africa has an exceptional natural resources abundance that is very essential for development, it rather led paradoxically to economic stagnation and in some cases, to political disruption and social conflicts. This is why many scholars and writers describe the situation in Africa as the *resource curse*. The African Bank (2007:97) precisely defined this term as "the inverse association between development and natural resource abundance." Having abundance of natural resource is reasonably blessing; but in the case of Africa, the issue is the reverse. This is the paradox of having plenty of resources.

Nigeria is the dramatic example of one of those countries with abundant natural resources but characterized with bad development performance. Bruce Dixon put, "US and multinational oil companies like Shell, BP, and Chevron... have ruthlessly plundered the Niger Delta for a generation" (quoted in Weintstein2008). Even if it is, having immense oil deposits, considered as the backbone of Nigerian economy and supports almost 20 million people (Joel Bisina 2004:129), the Niger Delta region has exploited by different foreign countries and transnational organizations; and as such, it became curse rather than blessing for the majority of inhabitants of the region, particularly for Ogoni people⁶. According BBC(News of 5 October 2012), oil revenue that has been stolen or squandered since Nigeria's independence in 1960 is estimated to be at least \$400bn.

⁶The Ogoni people are one of the minority ethnic groups in Nigeria. They were dominated, marginalized (both economically and politically) and disenfranchised at the state and national levels. Being inhabitants in the Ogoni land in Niger Delta, they were evacuated from their land which is endowed with oil and various natural minerals, and they were exposed to harsh environmental pollutions and human rights abuse. For more details about these people and harsh situation in Nigeria, see Adeola 2000; Tunde Agbola and Moruf Alabi 2009; African Voices on Development and Social Justice2004, Chapter Five: "Resource Exploitation in Nigeria".

Chevron Corporation, AREVA, and Dutch Royal Shell (chiefly) are the most oil plunderers in this region. For 40 years, AREVA, the French public nuclear energy giant has been exploiting uranium in this region (AEFJN 2015). US also get 20% of its oil imports from this region (Joel Bisina 2004:129). China's role in this exploitation is similarly significant (Kashi, Ed, and Michael Watts 2008). Regarding the problems in this region, Bisina wrote:

However, this 'blessing' has become a curse for the people of the Niger Delta. They have suffered environmental devastation, economic poverty, and constant conflict....Since the discovery of oil and the production in commercial quantities in 1958, the people of the Niger Delta have known no peace. Today, violent intertribal and inter-communal conflicts, arms proliferation, ethnic militias and illegal bunkering (theft of crude oil directly from pipelines) have become synonymous with the region (Bisina 2004:129).

Congo, by the state oil companies like Elf, French company (including other multinational oil corporations) and Angola, by Eni, the Italian Oil Company and by other multinational oil organizations are also another indicators of resources manipulations in Africa. In Congo, not only oil, but also the scale of minerals exploitation is huge (for more detail, see International Alert 2009). With respect to mineral exploitation, the case of Guinea is also frustrating. Until their exit in 2002, Australian corporations, particularly, BHP-Billiton had been harshly exploiting minerals such as copper, zinc, cadmium, and lead in Papua New Guinea. Not only exploited these resources, but also byproduced huge amount of toxic chemicals that harmed the surrounding societies, plants and animal life (Newton 2009:82-83). As Rexon T Nting (2009:113) disclosed, Australia's Sundance Resources Ltd, which concerned with exploring iron, and the US Company Hydromin Inc, which concerned with exploring bauxite in Cameroon are also another example of mineral pillagers in Africa.

Although it has a noteworthy trade relation with Zambia, Namibia, and South Africa with respect to mining, China's massive trade relation is with African oil-producing countries such as Sudan, Nigeria, and Angola (Weintstein 2008). China imports the majority of Sudan's oil. It "imports 60 percent of Sudan's oil, much of it through its largest state-owned company, China National Petroleum Corporation" (ibid; see also Stephanie

Hanson 2008). Accordingly, China also harvests gold, uranium, copper, and bauxite in Sudan (including Darfur). Belinga project in Gabon, a bid for the Gara Djebilet deposit in Algeria and other firms in Congolese copper and cobalt extractions are also an example of China's mineral exploitation in Africa (see Economic Commission for Africa 2011 and Anup Shah 2010). China has also oil trade ties with Gabon, Equatorial Guinea and the Republic of Congo (Hanson 2008). To have access for oil and others resources in poor countries, China's strategic trade relations are often followed by infrastructural investments, market access, grants, loans and other favors (Makwerere and Chipaike 2012; Patricia Widener 2011). As a result, China is becoming the biggest player in Africa. Although the intention of China's benevolent offers of assistance remained unclear for many people, as I think, it is not for the sake of symbiosis but of exploitation—justifying (arguably) its invisible hand of exploitation. Backing its objective by investment, aid (both economic and humanitarian aids), bribery of top government officials and other various favors, China's objective is exploiting Africa's abundant resources. She has no any care for the societies and environment. Why she gives a bribery to top government officials and why most of her trade ties are with dictators and corrupt governments? She follows the policy of non-interference (Gunjan Singh 2009). She respects the sovereignty and political authority of even dictators and corrupt governments. She has no concerns for human rights violation, government corruption and elections fraudulence whatever evidence is at hand.

Moreover, whatever government it is, China comfortably works with it. Regarding this, Makwerere and Chipaike put “China does not subscribe to the notions of western democracy; it is ruled by a single party and prioritizes economic development at the expense of human rights”(Makwerere and Chipaike 2012:13). For instance, China has been blamed for her flawed undertakings such as arming Sudan, intensifying social displacement and backing human rights transgression there (Ali Askouri 2007; Firoze Manji and Stephen Marks 2007). Even if most of the western nations are currently marching against corruption and abuse of political power in an unprecedented way, China's long-term interests does not bother with it (Financial Times, 2007). If China's offerings of economic aid and lending practices are not aimed at economic and political reforms, it will pose a formidable hardship on ecosystems, communities and workers of

hosted countries. Moreover, as Guttal (quoted in Widener 2011:165) recommended, China's overseas partnership and the notion of colonialism are virtually the same. This is due to the fact that China relocates its people to the hosted countries to work, construct big projects, and manage small businesses there. It is indubitable that China imports its own skilled labor, uses its own supplies, and hires its own service companies when she invests in these developing countries. This reality is also conspicuous in Ethiopia, Sudan, Kenya and so forth. Doesn't this indicate China's reluctance for the well-being of local communities but of her economy alone?

Among the growing powers, India is also the one that is increasing its interests of investing in Africa. As Economic Commission for Africa, clarified, India companies such as Vedanta Resources, which has invested more than \$750 million in Zambian copper mines and a joint public-private Indian group, which has invested \$250 million in Senegal to extract rock phosphate and to produce phosphoric acid are good examples (Economic Commission for Africa 2011). Tata Steel Company, which has invested 650 million rand in a ferro-chrome project in Richards Bay, South Africa in 2006 and Taurian Resources, which has invested in exploration for manganese in Côte d'Ivoire and for Uranium in the Niger (cited in *ibid*) are also another examples of Indian companies.

All the above mentioned cases indicate the plethora of injustices and gross human right abuses that internally and externally infringed upon the majority of African societies. To achieve their strategic trade relations with Africa, these resource hungry nations depend on economic and humanitarian aids, loan and other similar favors. In addition to its old program, USAID, USA for instance emphasizes on organization such as AGOA (2000), AFRICOM and the like. USA shaped AGOA only to have a good relationships with those African countries with strategic oil and mineral resources and those who are protagonist for fighting terrorism no matter if they do not fulfill the criteria set by AGOA (Makwerere and Chipaike 2012:312). According to some thinkers, AFRICOM itself was established not to avoid the so called terrorism from all African countries, but to safeguard USA's security interests and hegemony in countries with strategic resources (*ibid*; Weintstein 2008). As I mentioned earlier, to expand its grip on the strategic resources in Africa, China, on the one hand, emphasizes on infrastructural investments,

market access, grants, loans and other favors, but on the other hand it does not give any consideration for human right violations, corruptions, parochial political system, and environmental destructions and so on. Even it does not hire local people for good work position but only for relegated one. Whatever the hotchpotch trickery the foreigners based on in making overseas relations with Africa, their intention behind the veil is exploiting African resources through expanding their hegemony in the region and scaring off their rivals therein. Although these African nations' sufferings are initiated by these resource hungry nations, the core cause of these problems is deep-rooted in Africa itself. The basic agents are African corrupted and dictator governments and top political leaders. If it is armed with fairness and appropriate managements, and if it is used in a sustainable way, foreign investment as well as exploration and exportation of strategic resources are actually very important to enhance the well-being of the society. In contrary to this, in order to deepen their pockets and extend their year of governance, these reckless individuals and groups pave the way for foreigners and multinational organizations to plunder Africa. They accumulate their money in Swiss Bank; resources are manipulated and deserted; environment is damaged; people are suffered from poverty, internal displacement, corruption, environmental pollutions, internal conflicts and ethnic cleansing, and gross human rights violations. Internal war itself facilitates the way for resource exploitations including fishes (see James Tsabora 2014; OSAA 2006). This is the issues of human rights, in most cases, the issues of 'to live or die'. Since the causes of the problems arise within and without the continent and the problems are generated intentionally, it needs global joint responses such as punishment and redress (in accordance with international human rights law), development policy reforms and political readjustment (ensuring sound democracy).

To curb the injustices of overexploitation, organizations such as NEPAD and AU were established. However, who are at the table are these corrupted and dictator leaders that shape African policy-making in a way that creates favorable conditions to the will of Western and others dominations. The beneficiaries are the exploiters and a few dominant classes but not the ordinary Africans. If it is appropriately and impartially managed and reached the concerned societies, aid is good because it mostly help Africans not donors. Those corrupted dictators and incompetent governments and political leaders, who failed

to score meaningful progress in development need loans, which consequently become a curse in the form of debts. Why we need loans from WB and IMF? We Africans are not actually poor and mess, but became poor and mess because of these irresponsible agents. Some ruling class even initiate internal colonialism⁷: when, within one country, the dominant social group colonize the minority one (those with rich sources and strategic positions) and then exist together as both are indigenous to that place, and when the minority ruling class colonize the subordinate one. The case of Nigeria, in which the dominant ethnic groups in Nigeria colonized the Ogoni minority group (see Adeola 2000), and the case of Ethiopia, in which the Abyssinians forcibly dominated the regions or ethnic groups bordering them, are principal examples. In this sense, since the colonizers are ruling class, they manipulate, displace, oppress, and marginalize the subordinate one; and they destroy the cultures, traditions and the experiences of these truly indigenous groups. Therefore, these problems of exploitation need both international and regional legal rationale and the integration of human rights obligations into policies and programmes of development and environment.

3.1.1.4 Climate Change Injustice

Climate change is one of the most serious pervasive human problems that the world is facing today. Nowadays, it is widely accepted that as the result of the increment of emissions of carbon dioxide and other greenhouse gases into the atmosphere, the world's average annual temperature is rapidly escalating. Even if there are several other causative factors that related to industrial activity and agriculture, the key source of carbon dioxide emissions (widely accepted) is the production and consumption of fossil fuels. In line with this, since trees or forests are very important to absorb the amount of carbon dioxide, their destructions for farmland and other purpose further boost the increment of the concentration of carbon dioxide in the atmosphere. According to the existing scientific consensus, this rapid rising of world's average annual temperature has changed and will continue to change the world climate; and then, bring about various substantial

⁷ The concept of internal colonialism, according to Blauner (1966) and Adeola (2000) signifies a condition in which (within one country) the dominant group forcibly colonizes the subordinate one, and then live together as both are indigenous to that area. But, in the case of Ethiopia, something is different: the colonizers, when compared to some colonized ethnic groups, are minority, but power-holder (ruling class).

changes on the phase of earth's surface. These changes, such as melting of glaciers, ice sheets and deposits, and a remarkable warming of the oceans are what our planet is obviously characterized with today. As David E. Newton explained, these formidable changes again induce:

dramatic effects on human civilizations, such as drowning of coastal cities and some low-lying islands; changes in precipitation and local temperature patterns; alterations in the distribution of natural plant and animal species; changes in disease patterns among humans, other animals, and plants; and new patterns of severe storm systems, such as hurricanes, typhoons, cyclones, and tornadoes (Newton 2009:98).

As its previous different reports, the 2007 IPCC report (IPCC 2007a) clearly put forward that although there are some considerable disagreement and dispute about its possible effects on the human and natural environment, some aspects of climate change, especially changes in global temperature patterns, are well recognized and almost beyond dispute. Moreover, the 2014 IPCC's Working Group II Fourth Assessment Report (IPCC WGII AR5), which, when compared to the 2007 IPCC WGII AR4, evaluates a significantly larger knowledge base of relevant scientific, technical, and socioeconomic literature, clearly shows various climate change impacts on natural and human systems on all continents and across the oceans. These include changing and reduction of precipitation, decrease of water resources because of melting snow and ice heat waves, increased heat-related mortality, reduction of crop productive associated with heat and drought, water-borne diseases due to changes in the mean and variability of temperature and precipitation, increased economic losses, suffering of people from flooding in river basins and coasts, increased risks of drought-related water and food shortage causing malnutrition, reduced biodiversity and fish abundance, and expansion of wildfires. Most of these risks are associated with ozone layer depletion, acid rain, and global famine or drought, which are the major results of climate change.

Among many negative impacts of climate change that IPCC WGII AR4 predicted in its 2007 report, the following two points are much related to this study. These are: by the year 2020, between the range of 75 million and 250 million people will face a serious difficulty that arise from accelerated water pressure, and harvests from rain-dependent crops will be decreased by up to 50% in some countries. In connection with this, the

report also states that those which are highly vulnerable to these climate change-induced problems are poor nations of global south, chiefly of Africa. Moreover, according to IPCC WGII AR5 (2014 report), Africans are suffering and will also be suffered from climate change-induced risks such as water resources and drought stresses that are mostly resulted from overexploitation and degradation, reduction of crop productive associated with heat and drought, which in turn cause strong adverse effects on regional, national and household livelihood and food security, pests and water-borne diseases due to changes in the mean and variability of temperature and precipitation, and flood impacts on food system infrastructure.

Disasters such as severe storm systems including hurricanes, typhoons, cyclones, and tornadoes are also occasionally threaten some parts of African continent. The case of Mozambique is good example. As many study revealed, between few months before the end of 1999 and the first two months of 2000, Mozambique was affected by the three Hurricanes followed by harsh flood. Accordingly, 700 people dead, 1 million people displaced, 450,000 homes destroyed, 30,000 cattle and 180,000 chickens drowned, 140,000 hectares of farmland damaged, and various infrastructure sternly damaged (B. Martin et al. 2001; CRED-OFDA 2004; EIU 2004b). The reconstruction also required \$700 million from the government.

3.1.1.4.1 Climate Change and Human Health

Climate change stimulates arduous impacts on human health. Climate change-related adversities and temperature escalating bring about various diseases. A 2008 report by Cable News Network, for example, cautioned that when the annual average temperatures upsurge by 2°C, the number of Africans that will be affected by malaria will increase by more than 60 million, and diseases that directly caused by climate change could kill more than 180 million inhabitants of sub-Saharan Africa (Rachel Oliver 2008). Shortage of pure water for drinking that resulted from droughts, temperature rises and climate change-related disasters (such as flood) are the major causes of the spread of transmittable and water-borne communicable diseases in Africa. As noted above, the IPCC WGII AR5 also strengthened these points. As the result of temperature increases and rising rains, malaria is severely affecting many African countries including Kenyan

and Ethiopian highlands. Ecosystems disruption, insecure water and poor sanitation (both are due to droughts and floods), which contribute to malnutrition, cholera and diarrheal diseases, and increase in child mortality are also another results of climate change in Africa .Poor water and sanitation accounts for more than 20 percent of the burden of disease in Africa (WHO and UNICEF 2008).

3.1.1.4.2 Climate Change, Agriculture and Economic Growth

Climate change has harsh impacts on agriculture, food security and economic growth. Agriculture is the primary life-giving thing for most of Africans, and thus it is the mainstay of African economy. It is obvious that most of African farmers and even agricultural investors are strongly characterized with rain-dependent agricultural system. Hence, lack of enough rain fall, inappropriate rain patterns, and its seasonal change, can seriously jeopardize the well-beings of the societies because it severely reduce the amount of yields from these rain-dependent crops. For instance, stark and lengthy droughts, flooding and loss of arable land due to desertification and soil erosion strongly diminish agricultural yields by instigating crop failure. Depending on the outcomes of their study time, between 1980-2002, J. Timmons Roberts and Bradley C. Parks (2007) showed that developing countries are predisposed toward higher levels of climate risk than the world's richest, industrialized countries (see also Franklyn Lisk 2009:11-12; IPCC WGII AR4 and WGII AR5). According to Roberts and Parks, the poorer nations are endangered recurrently and more harshly from climate-related disasters, to wit, by rates of 10 to 100 times than wealthiest nations. They indicated that the global South (i.e., poor nations in Asia, Africa, and Central America) are frequently ranked on the top of the list of the nations with the most deaths from climate change-induced disasters. Accordingly, the severe East Africa's 1984 drought, which killed closely half a million people in Ethiopia, Sudan, Mozambique, Chad, and other nations, was the worst of all human disasters that recorded between 1980-2000. Regarding the harsh consequences of this drought in Ethiopia, which, they documented, killed around 300,000, Roberts and Parks pointed out:

The case of Ethiopia gained worldwide attention as desperation and death took an estimated 300,000 people. Political control, warfare, and the

manipulation of aid worsened a severe drought in the Wollo, Tigray, Eritrea, Shoa, Gonder, Harerge, and Sidamo provinces.... Ethiopian Prime Minister Meles Zenawi has said that the disaster killed nearly 1 million people, but the CRED-OFDA database uses the 300,000 number (Roberts and Parks 2007:72).

The Report of IPCC WGII AR4 and WGII AR5 also documented that, because of climate change, there are and will be a significant decrease in water availability, and crop and other product growing season (essential season in which crops and other agricultural products can grow) will be shortened in parts of Africa that already risked from the lack of food and water.

Generally, as Roberts and Parks tried to indicate in their book entitled *A Climate of Injustice: Global Inequality, North-South Politics, and Climate Policy*, regarding African countries, Ethiopia, Sudan, Mozambique, Chad, Somalia, Madagascar, Nigeria, and Zimbabwe, Malawi, Kenya and Tanzania are among top 20 world countries by Climate Disaster Vulnerability Indicators between 1980–2002. The negative impacts of climate change on agriculture and food security is also manifesting in other parts of African continent, particularly across sub-Saharan Africa.

This desertification and soil erosion also engenders loss of livestock and various plants. Reduced crop production and loss of livestock in turn threatens rural and pastoralist populations. This is what African continent is facing in reality. Regarding this, Franklyn Lisk pointed out:

The Horn of Africa's pastoralist areas (Ethiopia-Kenya-Somalia border) have been severely hit by recurrent droughts; livestock losses have plunged approximately 11 million people dependent on livestock for their livelihoods into a crisis and triggered mass migration of pastoralists out of drought-affected areas (Lisk 2009:9).

Inter Press Service News Agency (IPS) report on climate change and diminishing fish stocks also reported that Climate change is causing oceanic acidification and an up surging water temperatures in African, which adversely harming fish stocks and menacing the living and livelihoods of coastal and small-scale fishing communities (<http://www.ipsnews.net/>).

The negative impacts of climate change on economic growth and sustainable development in Africa strongly pose limits on the ability of African countries to alleviate and cope up with climate change. Since climate change clearly strike development, it pool back the ability to reduce poverty. This is why Franklyn Lisk claims that “A poverty-reduction agenda must be incorporated into the Copenhagen agreement, and poverty concerns must be mainstreamed in climate change adaptation mechanisms and mitigation policies and programmes”(Lisk 2009:12).

Africans’ contribution to carbon and other greenhouse gases emission is the least does not mean that they contribute nothing to global warming. Illegal deforestation, the cutting trees for firewood and charcoal, and slash-and- burn farming practices are familiar practices in Africa. These changes in land-use (which lead to desertification and drought) contribute much for global warming. These practices have reduced biodiversity, which are indispensable for the well-being of the societies (e.g., for consumption- food, fiber, fuel, shelter, medicine, wildlife trade and for non-consumption -ecosystem services and the economically important tourism industry) and for ensuring the ability to mitigate and adapt climate change in Africa. These and other similar deeds resulted in drought, famine, loss of arable land, wildlife and endangered species and other so many crisis. Hefty dependence on the above non-renewable fuel sources for domestic energy supply in many African regions, especially in most of sub-Saharan Africa (Lisk 2009), weakens the ability to cope up with or adapt to climate change through toughly reducing the availability of other alternative energy infrastructure and renewable energy supply such as solar, wind, hydro and geothermal power.

The negative impacts of climate change, including degraded ecosystems, through jeopardizing livelihoods and human security also leads to **involuntary migration and population displacement**. The migration of so many Africans (to get alternative livelihoods) as the result of droughts and the drying of river basins in southern and eastern Africa and floods and rising sea levels in western Africa is an example of this (see Lisk 2009:10). As Lisk enlisted, examples of climate Change-induced migrations in Africa include:

the continuous movement of pastoralist communities of northern Kenya ravaged by both droughts and floods; rural-urban migration in Ethiopia due to adverse environmental changes in its highlands; and internal displacement of population in the low-lying and flood-prone plains of the river Niger in Nigeria(Lisk 2009:10).

Climate change also intensifies **territorial and boundary conflicts** in Africa. For instance, scarce resources, declining water resources, diminishing arable land, migration and so forth create conflicts between two states, and within one state's region, tribes, clan etc. It stimulates a risk of violent conflicts and even ethnic cleansings.

Generally speaking, those who extremely contribute to climate change are developed countries. These wealthiest countries, who are one-sixth of the world's population, contribute to virtually two-thirds of greenhouse gases (World Bank's World Development Report 2010). Although Africans contribute the least to climate change, they owe the greatest share of its terrible impacts. This is really environmental injustice that is manifested in climate change. Even if the impact of climate change is pervasive, there is no proportionate share or distribution of its bads (burdens). As developed countries highly stimulate climate change, we Africans will be highly disposed to its impacts. It does not extremely affect developed countries, but developing countries, especially Africans (which have less power and resources to mitigate and adapt it). Why we Africans should be extremely affected by what we contribute the least to its occurrence? This is injustice and human rights abuse. "Climate change undermines a range of human rights, with disproportionate impacts on the lives and livelihoods of those who have contributed least to the problem and are most vulnerable to its effects"(Hunger.Nutrition.Climate Justice 2013).We have the right to life and security (UDHR Art.3), to health(UDHR Art.25 and ICESCR of 1966 Art.12) , to development (UNDRD,1986), and to freedom from poverty or the right to a standard of living adequate for the health and well-being of himself including food, clothing, housing, medical care (UDHR Art. 25), and the right to healthy environment(UN Declaration on Human Rights and the Environment). But, as it can be realized from all the above explanations, the impacts of climate change are against these human rights that are universally and regionally guaranteed. Thus, climate change injustices jeopardize what human rights declarations and charters ought to protect and promote including the lives

and livelihoods of the people as well as all social well-being and the goods of the societies. As such, the problems that climate change poses on agriculture, biodiversity, health, water, settlements and infrastructure, and security (such as conflicts caused by competition for food, water, energy and land), one way or another erode human rights.

Depending on the above explanations, it is logical to argue that climate injustice is against human rights. This needs incorporating the issues of environmental injustice as a general and of climate change as a particular in to the issues of human rights. And then, give it appropriate legal remedies or measurements (including punishing wrongdoers) that are accorded to the principles of international human rights law. These rights based approaches are very important in providing equality and justice oriented responses to climate change. Human rights tools and legal frameworks, which based on human dignity, respect and welfare offer important internationally agreed standards. Through fighting the principal causes of poverty, inequality and exclusion in society, this right-based notion can improve people's lives and livelihoods. Right-based approaches are entrenched in people's demands and needs, and thus offer them the opportunity to consolidate comprehensive development goals (ibid). They can also tackle injustices such as inequality and exclusion from decision-making processes, and discriminations that debilitate and cripple people's capability to abate climate risks.

3.1.2 Significance of Human Rights Approach to Environmental Justice

As I tried to discuss in the previous chapter as well as in the forgoing sections, there are numerous interconnections between environmental justice and human rights. Different environmental instances such as climate change, toxic waste dumping (including e-wastes), overexploitations of natural resources, land grabbing and other environmental issues such as pollution and deforestations can negatively affect individuals' and groups' enjoyment of fundamental human rights. These injustices can impact on the meaningful enjoyment of basic human rights such as the right to life, the right to health, the right to an adequate standard of living, the right to development, the right to self-determination, the right to property (the right to access to land and natural resources, and the right to just and fair compensation), the right to free, prior and informed consent, the right to free

from any racial discrimination, the right to free from torture or from cruel, inhuman or degrading treatment or punishment and the right to a safe, clean and healthy environment.

Environmental injustices like eviction of people from their land and clearing of forests or trees have also serious impacts on the cultural rights of communities. When a group of a specific nation or of an ethnic identity is evacuated from their land and settlements and then, resettled in other societies with different culture and tradition, or when they left only with compensation and so that go to another area(including abroad) to earn their life, they may lose their culture. They may face cultural crisis in the sense that they may be enforced to either start to adopt the culture of other or left without any culture. This implies loss of one's own culture and being dominated by that of another's. Eviction of the people from their land can also impact on their traditional religious system because their environment and religion are interconnected. Regarding the cultural and religious impacts of land grabbing, Semahagn claims:

Since their cultural and religious rituals are enjoyed in relation to their ancestral land, eviction of the indigenous community from the land is simply uprooting the identity of the people from their ancestral heritage (Semahagn 2012:883).

Dispossession of people from their life giving land can also partly contribute to human trafficking. When they lose their land without any compensation or, even with inappropriate compensation, they may be disinterestedly engaged in the brunt of human trafficking as the sole or best alternative.

However, the conspicuous cognizance of this strong interconnection between human rights and environment (particularly environmental justice) is a recent phenomenon. Especially, the notion of human rights approach to environmental justice became important idea after Adeola publish his article entitled, "Environmental Injustice and Human Rights Abuse: The States, MNCs, and Repression of Minority Groups in the World System" in 2000. In this work, he tried to slightly highlight how environmental disruption, global toxic waste trade or dumping and internal colonization leads to human rights violations. After that, scholars like Bridget Lewis also came to the scene in supporting this idea. Similarly, OHCHR and UNEP's joint report on human rights and the environment (as a contribution to Rio+20) in June 2012 as well as a report of an

independent expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, which presented on UN Human Rights Council's general assembly (21nd session) in December 2012 also give further elaboration about the interconnectedness of human rights and environment. In these works, the mechanism of environmental protection— ensuring safe, clean and healthy and sustainable environment is grounded on human rights framework. In this way, the context of environmental degradation broadened up and subsumed instances of environmental injustice such as climate change, and disposal of hazardous substances and wastes though the injustice of cross-bordering toxic dumping is not clearly explained. Nevertheless, injustices such as, exportation of persistent organic pollutants and e-wastes, over exploitation of natural resources (such as oils, natural gases and other various strategic minerals) and land grabbing were not articulated and explicitly elaborated in these works. Especially, the latter two works emphasized on the correlation of environmental protection (not as much on environmental injustices) and human rights. Moreover, all the above works (except, to some extent, Adeola) didn't clearly explain how various environmental injustices have been affecting Africa and how rights-based approach to these injustices is significant therein. Despite this, the suggestions, findings and recommendations of these works are very important to offer us a clue about the merits of right- based approach to environmental injustice.

If the international human rights provisions are effectively implemented and free from any biases and manipulations, human rights approach to environmental justice can play significant roles in various perspectives. The first one is that since the enjoyment of some human rights (e.g., the rights to life, health, property, adequate standard of living, development and self-determination, to free from any racial discrimination and torture or from cruel, inhuman or degrading treatment and punishment, and to a safe, clean and healthy environment) is principally more vulnerable to environmental injustices, their meaningful enjoyment necessitates the effective prevention of these injustices. In this sense, the meaningful prevention of environmental injustice is precondition to the full enjoyment of these human rights. Thus, to ensure the sound enjoyments of these rights, the human rights organizations, institutions and activists should circumvent various environmental injustices. The meaningful enjoyment of human rights through the

prevention of environmental injustice can help not only to avoid maldistribution but also to enhance people's capabilities and functionings. Secondly, the exercise of some human rights (e.g., rights to freedom of expression and association, to information, to free, prior and informed consent, to participation in decision making) contribute much to better environmental policymaking. In this way, the concept of meaningful involvement in environmental leadership and decision-making, of sound social recognition, and the provision of sustainable development strategies and just environmental outcomes can be ensured.

Lastly, legal enforcement systems of human rights helps individuals and communities to seek redress for environmental injustice imposed upon them, and legal punishment, redress or fair compensation system of human rights also play a significant role to eschew the terrifying impacts of environmental injustice. This is also very important to change the problematic land policy of many Sub-Saharan countries. In Ethiopia, Tanzania and the like, no one has the right to own land but the right to use land because all land is the property of the government. This tenure policy aggravates forced eviction. Therefore, to ensure people's meaningful rights to tenure, it is important to readjust the problematic land policy of those countries.

Bides, as Lewis (2012) suggests, human rights-based environmental governance is very important in explicating and clarifying entirely the human impact of environmental degradation or injustice and helps us to provide a set of norms against which various environmental detriments can be evaluated. This is to mean that human rights principles that are linked to environmental justice can provide a framework for identifying and addressing environmental injustice. Furthermore, right-based approach is very important to empower marginalized, excluded and disenfranchised races, nations, social class (including women) and rural communities not only to mitigate (in some cases, to adapt) and expose the unjust actions, but also to eagerly seek or demand just and fair punishment, remedies or compensations. Once they recognized that the issues of environmental justice are guaranteed by international human rights law, they can develop the willingness or eagerness to bring any case of environmental injustice or complaints in

front of the human rights tribunals, courts and committees. Even they can expose injustices that their governments inflict upon them.

The other importance of human rights-approach to environmental injustice is that it assists different environmental justice movements (international, regional and national) as well as other environmentalists and environmental academicians. Since non-governmental environmental justice organizations and movements (whether they are international or domestic), and even other environmentalists in Africa are often discriminated and oppressed by dictators and corrupted governments (including other political leaders) as well as by multinational and domestic corporations, various human rights organizations can provide a good responses for these prejudices. In order to protect and promote human rights, these human rights agents should on the one hand, bring these irresponsible individuals or organizations to human rights court and on the other, assist and enhance the capabilities and potentials of the environmentalists and environmental justice advocates.

Chapter Four

Human Rights and Development

Through critically analyzing different instances of environmental injustice, the preceding chapter, I think, gives us sufficient evidences for the justifications of the correlations between environmental injustice and human rights violations, particularly in Africa. The chapter was concluded with the profound claim that incorporation of the issues of environmental justice into the provisions of human rights is very important to fix the problems of environmental injustice in Africa. However, this mere theoretical incorporation is by no means a panacea for the problems of these injustices. This needs, I think, the synergy of the practical applications of certain feasible environmental justice norms or principles that devised from human rights perspective and the integration of human rights that embodied environmental justice in to development paradigm. As such, this chapter primarily deals with the rationale of mainstreaming human rights in development policies and programs. To indicate the nexus of human rights and development, it will briefly discuss the concept of development. Lastly, it will expound the worthiness of subsuming human rights (human rights that already incorporated environmental justice) in development paradigm.

4.1 Brief Explanation of Development

Actually, the concept of development is complex and ambiguous because it is many things for many people. For some people, development is attaining continuous rates of growth of income per capita or it is simply getting a boost in economic growth(e.g. traditional approach to development) while for others it is ensuring material prosperity or achieving basic-needs for all (e.g., basic needs approach). Some others also consider it as a means for liberation from oppression and other constraints. Still, for many people, development is a multidimensional concept that includes personal, social, cultural and spiritual, economic and political improvement. The modern framework of development is too germane to this last definition of development. The current view of development perceives development not as a particular descriptive or normative framework, but as a multi-dimensional and multi-sectoral process that encompasses social, economic and

political changes for the objective of enhancing people's overall well-being. For the traditional views of development, dry economic growth (value-neutral economic growth) is tantamount to development. For proponents of this view, economic growth is end in itself and a panacea for all human problems. Until 1970s even, since economic growth had been given primacy, tackling basic human problems such as poverty, discrimination, unemployment, income distribution and environmental degradation were considered as a secondary importance (Michael P. Todaro and Stephen C. Smith 2012:14). As the works of Denis Goulet, Poul Streeten, Mahbub ul Haq, Amartya Sen, Todaro and of many others explore, during this period, due to the fact that high economic growth rates or increase in per capita income and growth of GDP cannot be simply and automatically translated into higher level of meaningful development, it couldn't avoid poverty and hunger, malnourishment, discrimination, unemployment, maldistribution of income, inequity etc., that were existed between developed and developing countries (globally) and between a national social classes. This is why all development ethicists agreed upon the idea that traditional approach to development (which emphasizes on mere economic growth), "has created as many problems as it has solved" (Devid A. Crocker 2004:7).

Among the progenitors of the current alternative development view, Goulet (the pioneer of development ethics), Anglo-American moral philosophers (in the 1970s) and other moral philosopher including Nigel Dower, Onora O'Neill and Jerome M. Segal (in the early 1980s), Crocker as well as economists such as Streeten, Haq and Sen are the well-known one. According to some studies, even before the works of the above thinkers became dominant (that is in the 1940s), there were precursor activists and social critics such as Mahatma Gandhi in India, Raul Prebisch in Latin America and Frantz Fanon in Africa, who are well-known by their critics of colonialism and traditional narrow conception of development (see Crocker 2004:1). Even if the above thinkers might be departed on certain points, what was underpinned in their works is the idea that development is not about a mere orthodox economic growth (straight forward economic growth), but it is value-laden, multidimensional and multidisciplinary process. Due to the fact that it, more importantly, appeals to normative judgments of social, economic, political, cultural and attitudinal changes, development requires putting ethics on the agenda of development theory, policy, and practice. An ethical mindset and work culture

are indispensable for achieving humane and equitable development that is characterized by a productive, healthy and happy human person. Sen, for example argues that, “welfare economics could be substantially enriched by paying more attention to ethics” (quoted in M.S. Swaminathan Research Foundation 2003:119). In a broad term, development embraces ensuring basic needs and other material fulfillment, sanitation, safe drinking water, education and skills, health care, social and political justice, human security, freedom, structural and institutional transformation, grassroots democracy, self-reliance, and healthy and sustainable environment. It also includes avoiding human handicaps such as poverty, hunger, inequity, unemployment and discriminations (that is, discrimination by race, class, caste, community and gender).

What to be recognized here is that all the above development concepts are derived from particular value judgments, that is, what is good and desirable and what is not. This indicates how value premises (ethical or moral value) were foregrounded in the concept of current development view. So, development is not only about descriptive and quantitative aspects of human life, but also, more importantly, about normative (what ought to be and not) and qualitative aspects of human life. Hence, the concept of development should encompass the diversified human changes or transformations as well as avoiding what is bad and undesirable for the conditions of human life. As Todaro and Smith depicted it:

Development, in its essence, must represent the whole gamut of change by which an entire social system, tuned to the diverse basic needs and evolving aspirations of individuals and social groups within that system, moves away from a condition of life widely perceived as unsatisfactory toward a situation or condition of life regarded as materially and spiritually better (Todaro and Smith 2012:16).

According to this holistic or broadened approach to development, income and wealth, to wit, a mere economic growth, is not an end in itself but a means for another human ends. In his popular writing entitled, *Development as Freedom, Sen forwarded*, “Economic growth cannot be sensibly treated as an end in itself. Development has to be more concerned with enhancing the lives we lead and the freedoms we enjoy” (Sen 1999:14).

According to him, the most important for human development is not material fulfillment and wealth or, generally speaking, what the things a person has (including what these things generate) but what a person is or can be, and what he does, or can do. In this regard, to ensure what Sen calls as *functionings*, what a person does or can do with the kinds of commodities he/she possess, and *capabilities*, the freedoms or powers of choosing functionings, we have to go beyond the availability of commodities, or industrialization, or technological advance, or social modernization.

Unlike the traditional one, the modern conception of development is principally characterized by Goulet's three core-values of good life: **sustenance**, **self-esteem**, and **freedom**. The concept of sustenance is concerned with the ability to meet humans' basic needs such as food, shelter, health, and protection. These basic needs are extremely important for all human beings because, without them, life would be impossible. "By owning things, man can become superior to what he was. TO HAVE helps him TO BE" (Goulet2006:28). Economic growth can improve development due to the fact that increased incomes unarguably enlarge the range of human choices and capabilities. According to him, the concept of having enough does not limited to the sole fulfillment of basic needs, but encompasses ensuring all material needs for the purpose of actualizing one's potentialities, potentialities that are indispensable for self-realization. With respect to this point, he put "Quite beyond basic necessities, however, the man who possesses little is a diminished man; he needs to "have more" in order to "be more" (ibid). Lack of basic needs is widely spread in poverty- stricken countries, particularly, in Africa. Therefore, since development without material fulfillments (including basic necessities) is meaningless, economics, as a single component of human development, must address the problems or miseries that arise from lack of basic needs and other material fulfillments.

The concept of self-esteem represents 'to be a person' in the sense that it embodied a sense of worth and self-respect as well as freedom of not to be used as an instrument or tool by others. It embraces people's quest for their authenticity or identity, dignity, respect or honor, recognition and self-determination (see Todaro and Smith 2012:21). In the period of globalization, since many societies in developing countries have contact

with affluent nations, they may suffer from loss or marginalization of worth with respect to their identity, dignity, culture, respect or honor and so forth. Today, due to the fact that worthiness of one country or nation is spuriously attached to material well-beings (money, capital and other material things) and the measure of worth became national prosperity, poor people like Africans can face crisis of their worth, meaningful recognition, dignity, respect, self-determination and the like. These problems can also manifest among the members of a certain society of a single country. The people of a country may consist of different nations and nationalities. The dominant or the ruling group may intentionally oppress, marginalize, misrecognize (or even giving no recognition), disrespect and mistreat certain majority or minority and subordinate classes. Therefore, meaningful development or good life should stringently promote all people's or societies' self-esteem or a sense of worth, dignity or self-respect.

The last basic constituent of modern development is freedom. It refers to freedom from servitude or various external constraints that debilitate people's capabilities or potentiality to choose among ranges of available human choices. It includes emancipation from various bondages such as social servitude to nature, other people, misery, oppressive institutions, and dogmatic beliefs as well as liberation from alienating material conditions of life. It also embraces political freedom such as personal security, the rule of law, freedom of expression, political participation, and equality of opportunity (see Sen 1999:15-19; Goulet 2006:104). Likewise, the concept of freedom encompasses avoiding all what are often termed as unfreedoms, which include poverty, malnutrition, poor sanitation, tyranny, poor economic opportunities, social deprivations, poor public facilities, intolerance, repressive state apparatuses, lack of education and security, absence of health care, corruption and so forth.

In his notion of development as freedom, Sen's central idea is that development is not about mere material fulfillments but about freedom (i.e., averting different kinds of unfreedoms or constraints) that enhances humans' capabilities for carrying out functionings. Freedom or emancipation from various human constraints strongly enhances human capabilities and capabilities in turn, enhance the power to carry out a range of human functionings as well as to increase human choices. In his both writings: *Development as*

Freedom and Capability Approach, concepts such as capability, entitlement and rights are highly interconnected. As these Sen's works and that of Martha Nussbaum (2003) explore, the concept of capability involves various human entitlements (including human rights). Accordingly, the framework of entitlement implicitly embodies two things: the totality of things a person can have, and the rights to have general command over this totality of things, taking account duties to respect the rights of others (see ODI Briefing Paper 2001). Hence, in the perspective of rights, the concept of entitlement includes human rights such as "political liberties, the freedom of association, the free choice of occupation, and a variety of economic and social rights" (Martha Nussbaum 2003:36; see also Sen 2005).

In relation to the above explanations, the question that can be raised here is whether human rights violations and environmental injustices are categorized under unfreedoms? It is axiomatically true that the defiance or disrespect of human rights itself is one of the unfreedoms that weakens the capabilities of man to choose between what he/she reasonably values to do or to be. To mention a few for example, if there is infringement upon one's right to life, health and security, how that person even ensure his/her meaningful existence? Likewise, if a person is deprived of his/ her right to livelihood or to the decent standard of living, how that person ensures his/her basic needs and other material fulfillments? Transgression of human rights such as the right to education, health, security, equality before the law, property as well as of the right to freedom from various discriminations, oppressions, marginalization, illegal or inhuman treatments and punishments and the like severely weaken people's capabilities and talents to achieve their goals and determine their destinies. Abuse of human rights pose an inexorable constraints on people's capabilities to meaningfully carryout their functionings and to expand their choices. This is why both Sen and Nussbaum highly connect the capabilities approach to the idea of human rights. According to Nussbaum (2003) for example, capabilities are rigorously connected to both CP and ESC rights (see also Nussbaum 2001a: Ch. 1).

The past UN Secretary-General, Kofi Annan (2005), for example commended that it is impossible to enjoy meaningful development without respect for human rights. Hence,

the freedoms that Goulet, Sen and their supporters promote are not excessive freedom but which are bounded by the provision of human rights. Abolition of poverty without empowerment of people, especially poor people, is unsustainable. Human rights and environmental justice are what meaningfully empower individuals or societies to ensure and maintain their overall well-beings and sustainable environment. As I tried to explore in chapter two, the notion of environmental justice comprises the issue of fair distribution, just procedure, meaningful participation and recognition, and the empowerment of human capabilities and functionings. These are also among the core principles of human development. They do not only enable people to be less poor and more efficient producers of wealth but also empower them to lead the life that they truly value and have reason to value. As Sen and many other modern development thinkers point out, the core causes of underdevelopment or poverty are not deprivations in income or consumption or expenditure but in human capabilities including knowledge, longevity and living standards (e.g. access to basic needs, water and services), self-esteem, participation and empowerment. Moreover, unlike the traditional approach to development, the ultimate ends of development for modern approach are not economic efficiency (maximization of GDP per capita) but is human development, in which development is conceived as freedom(i.e., the expansion of valuable capabilities and the realization of freedoms and human rights).

If the principal cause of poverty is deprivation in valuable human capabilities, and the ultimate ends of development are the expansion of these capabilities (including the actualization of freedoms and human rights), various instances of environmental injustice such as those I widely discussed in Chapter three directly or indirectly impact upon the above development rationales. They are against sustainable human development because they are inhuman actions. Likewise, since human rights are one of the ultimate ends of development, environmental injustice is against these ends of development because it is against human rights. They can be, I argue, categorized under unfreedoms that backpedal humans capabilities to choose their desirable functionings. As it is discussed well in chapter three, land grabbing for example starkly impedes the power of poor people, poor nations as well as minority communities to get sufficient knowledge and health care, to attain meaningful living standards (including basic needs) and other sources of

empowerments that are very crucial to ensure personal and social well-being or good life. Protection and promotion of cultural and traditional values, identity as well as the empowerment of women are currently central to development. But, land grabbing or illegal forced eviction downplays these all (refer to chapter two).

The consequences of toxic dumping (including pesticides and e- wastes) are also what jeopardize poor people's life, health security, sanitation, clean water and air and so on. Injustice like overexploitation of natural resources such as oils, natural gasses and strategic minerals severely impact on the human development of the poor, disenfranchised and marginalized societies. The same is true to the brunt of climate change injustice, which highly affect agriculture (the back bone of sustenance, personal and national revenues for developing societies, particularly for Africans) and health security of people, and which stimulates conflicts and political upheaval in many regions of Africa. Therefore, environmental injustice, as it emanates from maldevelopment, is antidevelopment (that is, at odds with a good and better human life in community). The mere national revenues that come from various deeds of environmental injustices may increase income per capita (like traditional development approach). But this capital or revenues cannot simply and automatically be trickle-down to each individual, especially to those affected by the deeds. It cannot appropriately ensure people's basic needs (sustenance) and the overall well-beings. Rather, it intensifies poverty, deprivation of human freedoms, capabilities and empowerment. This is the attribute of traditional or bad development approach because it sacrifices rather than benefits people (particularly poor people). Development should circumvent human deprivation and misery in poor societies rather than intensifying it. As tried to reveal out in previous chapter, most instances of environmental injustice are often accompanied by corruption (including the accumulation of money by dictators and corrupt governments and other political leaders) which proliferate social, political and economic inequities and persistent disparities in wealth and high levels of poverty. Truly speaking, development should improve human living conditions for all people starting from a grassroots level rather than suffering them. Humane development is not exclusive and partial; rather, it promotes development benefits for everyone in a society.

Generally, Nowadays, development ethicists, economists and other development scholars repudiate bad development approach which give due emphasis to maximization of economic growth by putting aside the improvement of a living condition for all members of a society and ensuring political liberties. Greater opulence of one country is nothing if it is not equitably converted into better human living conditions for all members of societies. Indeed, satisfying human needs at the expense of political liberties is meaningless. Descriptive aspects of development including economic growth, industrialization and modernization should be blended or synthesized with normative one, worthwhile goals like overcoming economic and social, cultural as well as political deprivations. Development is about people, and thus it should be people-centered. It should lead people (especially poor people) to further empowerment rather than to marginalization.

4.2 What is the Rationale of Mainstreaming Human Rights in Development in the Objective of Halting the Impacts of Environmental Injustice?

Nowadays the gap between human rights and development is extremely narrowing. This is due to the fact that there is growing recognition of nexuses of human rights violations and development constraints or unfreedoms such as poverty, social, political and cultural deprivations, insecurities, injustices, discriminations (e.g., exclusion, gender inequality), environmental disruptions, vulnerability etc. There is an important awareness of how deprivations of human rights stimulate poverty and how implementing human rights principles significantly contribute to the empowerments of poor people's capabilities to expand their choices. This interdependence and mutually reinforcing nature of development and human rights are what suggested by development ethicists and economists (see some of them in the foregoing section of this chapter) as well as by other various development scholars. The 1993 Vienna World Conference on Human Rights, the 2000 Millennium Summit and the 2005 World Summit also strengthen this point (see OECD 2006:17).

Moreover, recently, the notion of human rights approach to development was suggested. Human rights approach gives due emphasis to both development process and its outcomes. It "place primary emphasis on an intricate web of duties and obligations, and

focus primarily on accountability and process” (Urban Jonsson 2003:7). It is development approach that can complement and enrich sustainable human development model. It helps sustainable human development view to make both development process and its outcomes human rights-laden alike. It can furnish human development approaches with the activity to focus on accountability and recognizing human rights duty-bearers in the objective of helping and empowering them so as to protect and promote human rights in development arena.

For all, all those who claim for integrating human rights in development emphasize on the actual human rights, but not on human rights that incorporated environmental justice. In this sense, the purpose of integrating human rights in development policies and programmes is to ensure individuals or groups’ meaningful enjoyment of their rights. It is to avoid human rights violations in development activities. As it was discussed in chapter three, there are gross human rights violations (especially in development arena) in Africa. Thus, this mainstreaming or subsuming method can reduce human rights transgressions in this continent because it endorses the idea that development projects and programs by definition should constitute an implementation of human rights. Moreover, when we see it deeply, mainstreaming human rights, particularly human rights that already embodied environmental justice, has various merits. The first one is that though it may take a long period of time, it can bring about a significant practical change with respect to both human rights and environmental justice at a grassroots level. As it can be evident from the majority of African countries development policies, even if there is no definite and independent concept of environmental justice in these policies, there are concepts such as human rights, environment and sustainable development⁸. Though with no significant progress, it is difficult to say that these concepts completely remained rhetorical. Especially in developed countries, these concepts are effective and in a significant progress. Likewise, the integration of environmental justice in development can gradually also bring a change in development paradigm.

⁸ As Brundtland Commission briefly defined it, the term ‘sustainable development’ refers to the “ability to make development sustainable—to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs”(WCED 1987:8). Although sustainability is a very broad term, it generally refers to the process in which development is able to meet current human needs and at the same time, maintains the ability of future generations to meet their needs.

In Africa, gross human rights violations as well as environmental injustices are usually committed in the guise of development (refer to chapter three). Hence, their protection through mere punishment (in accordance with international human rights law), whether it is naming, shaming or sanctions, and their promotion through mere education, advices, giving awareness and so on are not enough to materialize them ensured. Their protection and promotion further needs practical implementations that can be resulted in feasible changes and transformations (including attitudinal and behavioral change). As such, in Africa, this integration or mainstreaming mechanism can gradually resulted in practically changed and transformed policy makers, development practitioners and activists as well as other related agents including government bodies and civil societies because globally and regionally prescribed practices gradually brings about perfection. Crafting policies is not a major problem in Africa but their meaningful implementations. The above point can also be true for multinational corporations (MNCs).If they mainstream human rights that subsumed environmental justice in their policies, projects and programs and then, practically implement them, important change will gradually come.

Especially, if the issues of human rights (particularly, political freedom) and environmental justice become one of the principles (criteria) of human development index (HDI), changes in practical implementation of rhetoric (but sound) development policies and programmes will more likely to be realized. This is because since the international assessment processes of every country's development progress will embody human rights and environmental justice concerns, any government that has interest to make progress in its country's development can be enforced to ensure meaningful enjoyments of human rights and environmental justice. Since human development index (HDI), which is a comparative measure of life expectancy, literacy, education and decent standard of living for countries worldwide was found to hides inequalities in human development attainment (see Amie Gaye 2011), inequality adjusted HDI (IHDI) was introduced in 2010. IHDI measures human development through discounting each HDI dimension's average value by its level of inequality. It differs from HDI by accounting for inequality or the 'losses' in potential human development due to inequality. Yet, both HDI and IHDI excluded some dimensions of well-being (e.g. political freedoms, environmental sustainability, degree of people's self- respect and the like).The causes of

inequality or disparity can be injustice, discriminations, crimes, exclusions, corruption and unresponsive state institutions, lack of democracy and good-governance, political threats and so forth. Economic inequality does not only refer to income inequality but also other dimensions such as physical assets (land, natural resources, and housing) and financial assets. As I tried to explain in chapter three, as the result of environmental injustices such as land grabbing and overexploitation of natural resources, poor local peoples, disadvantaged and marginalized social groups in developing countries, particularly Africa, are losing their lands, natural resources, houses and other capitals. This aggravates poverty and economic disparity. Thus, incorporating the notion of human rights (especially political freedom), self-esteem and environmental justice in IHDI contributes to the reduction of these inequalities and inequities, and to promote freedom and environmental sustainability. But, the problem is that it is difficult to numerically measure the situation of environmental justice, political freedoms and the like under the umbrella of HDI or IHDI. To solve this problem, I recommend the UN development agencies or affairs and other development experts should come with advanced possibilities— measurements that embrace a wide range of human development dimensions.

It also helps achieving just or humane development. As aforementioned, human rights and development complement and mutually reinforce each other. If development is grounded on the notion of human rights and environmental justice (including environmental conservation, restoration and preservation), it is most likely to become more humane or good development. On the one hand, it becomes human-centered and on the other hand, it becomes sustainable. Human rights are about humanity: about human dignity, respect, identity, life, health, security, sustenance, environment and so on. They are about freedom from various inhuman actions including freedom from exploitation, colonialism, injustices, discriminations, oppressions, marginalization and other inhuman treatments and punishments. Environmental justice is also about humanity due to the fact that it deals with justice or equity, faire distributions, participations, recognitions, capabilities and functionings. It is also about healthy and sustainable environment.

Although there is some disagreement on what should be certainly encapsulated under the banner of sustainable development (IDLO 2014:5), concepts such as inclusivity, equity, justice and healthy environment are its central themes. Sustainable development is generally determined by two basic requirements: what are to be sustained and what are to be developed. What to be sustained are our environment including natural resources, biodiversity and ecosystems (including their services) and community with cultures, groups and places whereas what to be developed encompasses human beings with all what are necessary for them—such as basic needs or consumptions, wealth or capital, justice, equity, equal opportunity, education, health care services, institutions, regions or state itself (for more details, see US National Research Council, Policy Division, Board on Sustainable Development 1999). Moreover, UN Member States planned to reach conclusive negotiations about the post-2015 development agenda and to launch a set of sustainable development goals accordingly (HDR 2014: v). Addressing inequalities through endorsing the principles of participation, accountability, non-discrimination, empowerment and the rule of law is the heart of the post-2015 agenda (Carmel Williams 2013:1). The post-2015 development agenda principally emphasizes on the reduction of inequality predicaments so as to ensure economic, social and environmental sustainability and improve the situation of disadvantaged and marginalized social groups. In light of this, my suggestion above can contribute to this agenda of development. Therefore, the synergy of human rights and environmental justice in development not only enhances the promotion of human rights norms, but also helps realizing rights-enabling, human-developing and environment-sustaining development practices.

In addition, it contributes to ensure democracy and good governance. It is indubitable that there is poor democracy and lack of good governance in Africa. Development, democracy and good governance are highly interdependent and mutually reinforcing. Realizing good/humane development is unimaginable without democracy and good governance. It is impossible to ensure meaningful development in a tyrannical or dictatorial or authoritarian government or state. In development paradigm, human rights and environmental justice can play key roles in enhancing democracy and good governance because they strictly endorse justice, faire distributions, the engagement and participation of the poor in the processes that affect their lives and help ensuring sound

state-citizen linkages that based on human dignity and respect. They strengthen the need and institutionalization of free, informed and meaningful participation that empower poor and vulnerable populations. This is very important to build “both the capacity of states to deliver on human rights commitments and the capacity of citizens to claim their entitlements” (OECD 2006:20). Human rights are very indispensable to evaluate a state action and enhance effective networks of accountability and reparation. Insofar as they put emphasis on inclusivity, equity, justice, participation, recognition, legal redress, accountability and transparency, the principles of human rights and environmental justice can also reduce corruption and various discriminations.

By influencing problematic development policies, they can also contribute to fostering secure land tenure and property rights (especially, by avoiding land grabbing and illegal forced eviction).As I mentioned in the last section of chapter three, in some African countries, especially in Sub-Saharan countries, people have no the right to own land but to use it. This intensifies land grabbing and illegal forced eviction. But, if the right to own land (as the right to property) is granted to local people, they won't be arbitrarily evicted from their land. Furthermore, they are very important to protect children's health and empower women in development activities. Various instances of environmental injustice highly harm children and women. For example, land grabbing disproportionately affects women because they are the most vulnerable social class whereas toxic-dumping similarly affects children's health due to the fact that they are incapable to protect themselves (refer to chapter three).Thus, meaningful protection of human rights and ensuring environmental justice significantly enhance children's health and women's empowerment in Africa.

The other importance of this notion of integration is concerned with the agenda of aid. Once the idea of human rights approach to environmental justice is accepted, it contributes a lot to donor governance agenda. It helps ensuring donors good governance and sound objectives if it is subsumed and then effectively implemented in bilateral and multilateral aid agencies' policies and programs. Human rights can contribute “directly to objectives pursued by donors in the areas of governance, poverty reduction and aid effectiveness” (OECD 2006:21). Programming human rights in aid agenda helps to

critically scrutinize the root causes of poverty including inequality, exclusion and other various discriminations. If the principles of aid are grounded on human rights (including environmental justice) and humane development, the objectives of aid will be fostering human rights, justice, equity, popular participations, environmental health as well as combating poverty and empowering poor and marginalized societies. It is usually believed that there have been an enormous misuses or abuse of a given aid in many African countries. This might be for military forces against their own citizens, oppression, ethnic discrimination and other human rights violations rather than for what it was rightly intended or targeted for. Therefore, human rights approach to aid can provide humanity-centered prerequisites and directions or regulations (which are legally binding) for aid agencies. In line with this, it also helps to check the types and qualities of what to be donated, or in other words, a sort of aid that can pollute environment and jeopardize people's life (e.g., pesticides, e-wastes, expired food or other materials etc.) and a types of equipment's that severely harm poor and marginalized people as well as minority communities and politically targeted groups (e.g., weapons and other electronic materials) should be discarded. This can also influence governments in developing countries to change their problematic policies because if they do not change their dehumanizing and oppressive policies, they won't get aid.

But, what I would like to recommend here that, whether in development arena or elsewhere, to make human rights approach to environmental justice effectively workable, the UN human rights affairs should fairly and effectively inspire and guide its practical implementations. To do so, as a neutral human rights organization, the UN should expand its branches in all countries (particularly in Africa), make a strong network within these branches and with other human rights organizations, and timely evaluate the outcomes. These UN human rights affairs must strongly influence African governments, teach or give awareness, mobilize and initiate people on the protection and promotion of human rights and restoration of environmental justice. Within an appropriate time gap, it should also check the situations of human rights in Africa and give appropriate redress in accordance with the international human rights law. Additionally, as I tried to point out in chapter two, developed countries sometimes manipulate human rights to secure their own interests. There are also problems such as selectivity, partiality and bias. These are what

made so many people less confident about universal human rights. As I think, these problems are the cancer for the protection and promotion of human rights all over the globe. Therefore, UN human rights agencies (especially Human Rights Council) must not only give critical solutions for this problem but also check and correct themselves as well.

Chapter Five

Concluding Remarks

It is evident from the forgoing chapters that the thesis scrutinizes the interconnection of environmental injustice and human rights violations in the continent of Africa. It also examined the relationship of environmental justice, human rights and development therein. The central argument of the thesis is that human rights approach to environmental justice is a noteworthy suggestion not only because various instances of environmental injustice that have been widely experienced in this continent have the implications of human rights violations but also the approach has significant merits to jettison or abate these injustices. In connection to this, I have also argued that the practical application or implementation of this approach requires the integration of certain feasible environmental justice norms and principles (norms and principles that are formed from human rights perspective) to development paradigm. For the clear understanding of the meaning and relationship between environmental injustice and human rights violation and materializing the adoption of human rights approach, the thesis widely discussed the concept of environmental justice (including its dimensions) and human rights. In order to give a vivid understanding of the framework of environmental justice, the difference between environmentalism or ecological justice and environmental justice was discussed. Environmental justice stresses on the injustices within human communities while environmentalism deals with the conservation, preservation and restoration of our environment. Environmentalists are concerned with the activities to ensure sound relationship between humans and non-human natural worlds. They often busy themselves with whether moral standing (intrinsic value) is only limited to human beings or extended to sentient animals or to all living things (including plants) or to the whole ecosystems or to the world. But, this is not a significant issue for the proponents of environmental justice.

As I have shown in the second chapter of the thesis, there are narrow and broad conceptions of environmental justice. The first dimension confines the scope of environmental justice to the boundary of distributive justice whereas the second extends

it to encompass concepts such as participation, recognition, capabilities and functionings. This second broader theory is very important because environmental injustice, as it was critically discussed in chapter two, is not only the problem of unfair distribution of environmental benefits and burdens but also it is the problem of lack of meaningful participation in environmental decision-making, recognition and a people's deprivation of their capabilities and functionings. Without meaningful participation of poor nations or people, all concerned human races (including ethnic identity) and marginalized social classes or communities in the making of decision about issues that affect them, it is hardly possible to ensure sound distributive justice. Denial of their fundamental recognition implies denial of their participation and representation on issues that directly or indirectly affect them. Distributive injustice, procedural injustice and lack of recognition (or misrecognition) weaken the above people's capabilities to avoid injustices and undertake functionings that they value and have reason to value. Thus, dodging or reducing environmental injustices in a comprehensive way requires the above mentioned broader approach. This broader theory is also very important for the articulation and adoption of human rights approach to environmental justice. But, this approach can be materialized only if the disagreement on the universality of human rights is resolved. The vital challenge to the universality attribute of human rights is the philosophy of relativism. Relativism states that the philosophy of modern human rights does not represent all nations of the world but only of the Western. As I clearly argued in chapter two, human rights are not what solely created by Western societies. What they created are not human rights, but, as Ilesanmi concedes, the discourse about human rights. Though they might be fashioned by Westerners after WWII, the concepts of human rights are deep rooted in the traditions of all societies including Europeans (including Americans), Asians, Australians and Africans. They also have deep roots in the major religions of the world (golden rule for example is enshrined in the Christian, Hindu, Buddhist and Muslim scripture). The philosophy of human rights developed on the basis of the concept of human dignity, respect and agency as well as on concepts such as moral empathy, conscience, freedom, justice etc. These are what imbedded in countless cultural traditions of global societies. Even, seeing philosophically, a shared humanity is a common ontology that is found at the heart of human rights. All normal human beings are

creatures that necessarily require the freedom of avoiding what suffers them (evil things) and doing what is good for them as rational animals.

Moreover, UDHR is not the invention of Westerners only. It was rather it was drafted and ratified by participants from all corners of the world. Many people also criticize this universality notion due to the fact that developed countries sometimes manipulate human rights for the purpose of safeguarding their own rapacious interests. But, though the problems of human rights manipulation and inequity in its implementation are evident even today, they cannot invalidate the universality of human rights.

In chapter three, the thesis critically analyzed the major instances of environmental injustice including land grabbing, toxic trading or dumping (including persistent organic pollutants and e-wastes), overexploitation of natural resources and climate change injustice. These sorts of injustices are conspicuously familiar in most of African countries. As it was widely discussed in the chapter three of this thesis, these instances of injustice infringe on various human rights such as the right to life, security (e.g., when these injustices trigger social conflicts), the right to health, the right to standard of living adequate for the health and well-being of people (including food, clothing and housing), the right to development, the right to property (especially in the case of illegal forced eviction), the rights of women and child, the right to culture and religion, the right to free, prior and informed consent, and the right to just and fair compensation, the right to secure, healthy and ecologically sound environment and so on. This is why I have argued for adopting human rights approach to environmental justice.

As I discussed in the last section of chapter three, human rights approach to environmental justice has different merits in resolving the problem of the above mentioned injustices in Africa. The first one is that the meaningful enjoyments of certain human rights prominently need eliminating or curbing environmental injustices. Put differently, avoiding environmental injustices is prerequisite to the protection of certain human rights. Hence, the procedures and practices of protecting and promoting human rights significantly contribute to the protection and restoration of environmental justice. Secondly, the implementation of some human rights (such as rights to freedom of expression and association, and the right to participation in decision making) have

invaluable tendency to shape environmental policymaking. The meaningful enjoyments of these human rights necessitate avoidance of environmental policies that negate them. The other one is that the legal enforcement systems of human rights (including its legal punishment, redress or fair compensation system) does not only play a significant role to rectify the brunt of environmental injustices but also paves a way for the affected people to keenly pursue and struggle for getting redress for injustices inflicted upon them. Finally, it supports (whether financially, legally, materially, morally or other assistances) different environmental justice movements and other environmental activists.

Chapter four of this thesis principally deals with the importance of mainstreaming human rights in development paradigm. At the first level, human rights approach to environmental justice, as I have argued in this chapter, requires crafting certain feasible environmental norms and principles from human rights perspective. Not to be remained a mere rhetorical, these principles, being under the umbrella of human rights, should be integrated in development policies and programmes. To indicate the significances of this mainstreaming scheme, the thesis critically examines the relationship between human rights (human rights that blended with the issues of environmental justice) and human development. As it was largely discussed in this chapter four, sustainable human development is far more superseded the traditional development outlooks. Traditionally, development is all about ensuring economic efficiency (maximization of GDP per capita). It is simply about dry economic maximization. Contrary to this, nowadays, development is considered as a value-laden, multidimensional and multidisciplinary concept. It encompasses both descriptive (quantitative) and normative (qualitative) aspects of human development. It deals with the overall social well-beings, which cover economic, social, political, cultural, attitudinal and spiritual transformation as well as ensuring healthy and sustainable environment.

Environmental justice, as I have argued in chapter four, is highly associated with this broader conception of development. As they are at the heart of environmental justice, concepts such as equity, freedom of self-expression and participation, democratic and transparent institutions, inclusion, capabilities and functionings are the central themes of modern development. Indeed, like human rights transgressions, various elements of

environmental injustice are one of humane development constraints(unfreedoms). As Sen and other proponents of human development suggested, freedom, but not economic growth is the end of development because freedom is removing un-freedoms that from which the members of the society may suffer. Freedoms in this sense are the realizations of human capabilities that are very indispensable for functionings. Hence, since environmental injustices, like human rights violations, are one of these unfreedoms that highly agonize societies (or severely weaken people's capabilities), fostering or ensuring meaningful environmental justice plays a significant role to achieve sustainable human development. Therefore, once they are incorporated in development policies or goals, the synergy of human rights and environmental justice plays great roles not only to materialize their practical implementations (including the prospects thereof) but also to achieve sustainable human development and good development policies, democracy and good governance, and human rights and environment- centered aid policies and governance.

Despite all the above facts, as I think, there may be some challenges of the effective implementation of human rights approach to environmental justice. These problems can arise from the weakness of UN human rights agencies, particularly, Human Rights Council. The Council was created in 2006 to replace the UN Commission on Human Rights. It replaced the Commission for the objective of rectifying the failures that had been attributed to the Commission such as increasing politicization and decreasing ability to discharge its mandate. However, as Rosa Freedman (2011) explored, though numerous success were achieved after this replacement, the problem of politicization such as selectivity, partiality and bias have been, with slightly lower degree, lingered on this new body. Regionalism is one example of politicizations of human rights. By forming Allies, countries in the same region tactically further their common agendas and national policies of individual states, protect their individual members from accusations or block Human Rights Council's action on gross and systemic human rights violations. Most powerful states such as Russia, China, US, and the like also commit human right violations without the Council condemnation. These are the causes of the Council's problems such as lack of even-handedness, disproportionate scrutiny of certain states and other biases. The Council is also weak in power to place pressure on states to obey

human rights obligations and commitments (ibid, p, 398). Similarly, these problems can pose perennial impacts on the protection and restoration of environmental justice from human rights perspective.

For all, the UN human rights Council should tackle the above problems by reducing or eliminating the impacts of politicization, strengthening its attribute of neutrality and by increasing its body's ability to place pressure on states to comply with human rights obligations and commitments and to deliver redresses. It must expand its branches in all member countries (especially in Africa). By having strong association with regional human rights affairs as well as other non-governmental human rights organizations, it should expand its coverage and strength its networks. It should not only support other non-governmental human rights organizations, but also, through making strong and effective networks between its branches and others, effectively guide and implement its policies. It must also teach or give awareness for people and facilitate the way for them so as to expose wrongdoers and get redress. It should timely influence governments, check their activities and give them appropriate punishments. To do the above all, however, it should be neutral, democratic, effective, transparent and strong enough to avoid the manipulations of human rights law, principles and regulations.

The other problem is the difficulty of numerically measuring the situation of human rights violations (particularly lack of political freedom) and environmental injustices in order to put them in a percent. As I argued in chapter four, incorporating the issues of human rights and environmental justice in development index is very important to ensure the practical implementation of the above suggested approach. IHDI is explained numerically or in a percentage. But, explaining the situation of environmental injustices or lack of environmental sustainability, lack of political freedom and degree of people's self-respect in percent is difficulty task. However, this is not an impassive situation. It needs, I think, unreserved studies or works from economists, philosophers, development ethicists and other development scholars in order to come up with advanced possibilities.

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