Environmental Rule of Law and Sustainable Development
The Earth is full of resources.

Food

- Soil
- Coal
- Birds
- Plants
- Oceans
- Energy
- Flowers
- Minerals
- Oil
- Fish
- Trees
- Watar
- Timber
- Metals
- Animals
- Oxygen
- Natural Gas
- Fossil Fuels
- Atmosphere
1972, UN Conference on the Human Environment.

Sustainable development

Calls for a convergence between the three pillars

• Economic development,

• Social equity,

• Environmental protection.

- Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.
Millennium Development Goals.

1. Eradicate extreme poverty and hunger.
2. Achieve universal primary education.
3. Gender equality and empowerment of women.
4. Reduce child mortality.
5. Improve maternal health.
6. Combat HIV/AIDS, malaria, and TB.
7. Ensure environmental sustainability.
8. Develop a global partnership for development.
Ensure environmental sustainability.

- Integrate principles of sustainable development into country policies and programmes; reverse the loss of environmental resources
- Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss
- Halve the proportion of people without access to safe drinking water and basic sanitation
- Improve the lives of at least 100 million slum dwellers by 2020
<table>
<thead>
<tr>
<th>Goal</th>
<th>Likelihood of achievement</th>
<th>Status of supportive environment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Achieved</td>
<td>Likely</td>
</tr>
<tr>
<td>1 Eradicate extreme poverty and hunger</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 (a) Reduce extreme poverty by half</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 (b) Full and productive employment for all</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 (c) Reduce extreme hunger</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Achieve universal primary education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Gender equality and empowerment of women</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Reduce child mortality</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Improve maternal health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 (a) Reduce maternal mortality by three quarters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 (b) Achieve universal access to reproductive health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Combat HIV/AIDS, malaria, and TB</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>-----------------------------------</td>
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</tr>
<tr>
<td>6 (a) Have halted and begun to reverse the spread of HIV/AIDS</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>6 (b) Achieve universal access to treatment for HIV/AIDS</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>6 (c) Have halted and begun to reverse the incidence of malaria and other diseases</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>7. Ensure environmental sustainability</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 (a) Reverse loss of forest</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>7 (b) Reduce Biodiversity Loss</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>7 (c) Halve proportion of people without sanitation</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>7 (d) Improve lives of slum dwellers</td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
SUSTAINABLE DEVELOPMENT GOALS

People:
- to ensure healthy lives, knowledge, and the inclusion of women and children.

Planet:
- to protect our ecosystems for all societies and our children.

Partnership:
- to catalyse global solidarity for sustainable development.

Dignity:
- to end poverty and fight inequality.

Prosperity:
- to grow a strong, inclusive, & transformative economy.

Justice:
- to promote safe and peaceful societies, and strong institutions.
Sustainable Development Agenda.

a) dignity: to end poverty and fight inequality;
b) people: to ensure healthy lives, knowledge and the inclusion of women and children;
c) Prosperity: to grow a strong, inclusive and transformative economy;
d) planet: to protect our ecosystem for all societies and our children;
e) Justice; to promote safe and peaceful societies and strong institutions;
f) Partnership: to catalyse global solidarity for sustainable development.
Sustainable Development Goals.
17 Goals and 169 Targets.

- Goal no.3. Ensure healthy lives and promote well-being for all at all ages
- Goal no.6. Ensure availability and sustainable management of water and sanitation for all.
- Goal no.7. Ensure access to affordable, reliable, sustainable and modern energy for all.
- Goal no.13. Take urgent action to combat climate change and its impacts.
- Goal no.15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reserve land degradation and halt biodiversity loss.
- Goal no.16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.
<table>
<thead>
<tr>
<th>Target</th>
<th>2014</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population living below $1.25 a day (%)</td>
<td>24.8</td>
<td>5</td>
</tr>
<tr>
<td>Undernourishment (0-59 mths) (%)</td>
<td>41</td>
<td>1</td>
</tr>
<tr>
<td>Population spending over two-third of consumption on food (%)</td>
<td>20</td>
<td>1</td>
</tr>
<tr>
<td>Maternal mortality (per 100,000 live births)</td>
<td>281</td>
<td>70</td>
</tr>
<tr>
<td>Primary education enrolment rate (%)</td>
<td>96.2</td>
<td>99.5</td>
</tr>
<tr>
<td>Primary school completion rate (%)</td>
<td>86.8</td>
<td>99.5</td>
</tr>
<tr>
<td>Learning score (Maths, Nepali, English) for Class 5</td>
<td>55.6</td>
<td>95</td>
</tr>
<tr>
<td>Literacy rate 15-24 years (%)</td>
<td>88.6</td>
<td>99</td>
</tr>
<tr>
<td>Households with access to piped water supply (%)</td>
<td>49.5</td>
<td>95</td>
</tr>
<tr>
<td>Electricity consumption (kWh per capita)</td>
<td>80</td>
<td>630</td>
</tr>
<tr>
<td>Household units with thatched, straw roofs (%)</td>
<td>19</td>
<td>5</td>
</tr>
<tr>
<td>Annual CO2 emission (metric tonnes per capita)</td>
<td>0.10</td>
<td>0.05</td>
</tr>
<tr>
<td>Total land area covered by dense forest (%)</td>
<td>29</td>
<td>40</td>
</tr>
<tr>
<td>Underemployment rate (15-59 years) (%)</td>
<td>27.8</td>
<td>10</td>
</tr>
</tbody>
</table>
Need of environmental Rule law.

Traditional Jurisprudence is not seen sufficient to deliver complete justice to the large mass of people and the environment.

- Locus standi.
- Non binding directive principles.
- Problem of doubt and dilemma.
- Look for alternative or less harmful options.
- Right on common property.
- Intergenerational right.
Environmental rule of law.

- Principle of public trust“, the Roman law, Prof. Joseph Sax in 1970.
- Inter-generational justice.
- The precautionary principle.
- Polluter pays principle.
- Principle of common but differentiated responsibility.
- Principle of regional cooperation.
- Principle of accounting and payment of ecosystem services.

- Locus standee diluted.
- Issued direction to enact necessary legislation for the protection of air, water, sound and environment.
- Right to life includes right to clean environment.

- Precautionary principle.
- Look for possible alternatives.
- Court conducted review EIA.
Nepal Kanoon Patrika, 2067, pp. 2053.

- Narayan Devkota Vs. Rt.Hon.PM and others. Public Trust Doctrine has been described.
- Government while planning, economical and industrial development and the protection of environment should be in balance.
- Date: 2067/4/21
Challenge

- Threat of biodiversity loss because of Rampant trading or smuggling.
- If legal provision does not protect straightly that particular sp.
- If a perpetrator claims boldly on the face that he will be doing this without fear?
- Even if, issuing an order for making law, there may be no such species left by that time when the law commences.
- What is the use of that decision and derived law?
Role of Judge

- Leniency should not be shown by the Judge of member country of CITES, if certain sp. is in danger being extinct and the offender of the CITES claims boldly on the face that the law does not prohibit, so the court cannot punish him. We should look for the similar law to save the biodiversity.
END