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Environmental justice? The story of two projects

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ABSTRACT

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

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1. Two environmental conservation projects in India and China

The project in India was sponsored by the International Fund for Agriculture and Development (IFAD) in the West Garo Hills in the State of Meghalaya. The project document states: “The IFAD Project thrust has been to facilitate a new approach to development focusing on interventions which are technically appropriate, culturally sensitive and institutionally effective and sustainable” (IFAD, 2007: 1). The document highlights increased participation of women, community-driven and farmer orientated initiatives and the development of local institutions that are transparent, accountable and self-sustaining. Thus, the document adheres to a global (although far from universal) narrative, which privileges justice issues. The project stance with regard to one of the most contentious land use issues in India (and much of the rest of south-east Asia) – that of shifting cultivation – or *jhum* as it is called in Meghalaya, is indirect. Instead of adopting a tough “fence and fine” approach to stamp out the practice altogether as elsewhere in India, it developed a number of community-designed management schemes for improved *jhum* and the expansion of horticulture and tree crops in kitchen gardens. Natural Resource Management Groups (NaR-MGs), Self-help Groups (SHGs, wholly run by women), marketing federations, agricultural processing plants, and a women’s bank were set up. Thus a serious effort was made to develop the means for alternative livelihoods not dependent on *jhum*. These policy choices with reference to *jhum* are also reflected in a number of unpublished memos from the Meghalaya State Department of

Agriculture. Hence, the project document already resonated with state policy towards *jhum*, an important explanatory factor of outcomes of environmental justice. In addition, there is a more widespread and growing international critique of the strict “fence and fine” approaches to “stamp out the evil of shifting cultivation” which led to the [Shillong Declaration \(2004\)](#) organised by the International Centre of Integrated Mountain Development and the International Fund for Agricultural Development. The Declaration questioned the degree of alleged extent of environmental degradation caused by the system and made a strong call for the rights of *jhum* cultivators to be upheld.

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

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

2. Principles and outcomes of justice

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

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

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

In Baoshan County in China, the secret mapping of collective forests for redistribution via de-collectivization is a good example of the state’s position and power in terms of both distributive and procedural (in)justice. In distributive terms, the inequalities resulting from de-collectivization of sloping and flat paddy lands 30 years earlier were ignored during this latest de-collectivization phase. In fact, when this issue was mentioned in interviews, local

leaders made clear that this latest de-collectivization would make no attempt to overcome rising inequality, but would allocate the most land and the best lands to the “the most capable and advanced” peasants, who also happened to be those already with the largest and highest quality holdings.

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

There are also important issues of procedural justice in environmental conservation policy. A wide range of initiatives such as participatory conservation, knowledge sharing, on-site research into conservation practice and the creation of public fora for discussion and local policy making have become part of a global development discourse and were an important part of both the IFAD and ICRAF project documents. Procedural justice is inseparable from distributive justice (see Forsyth, this volume) since procedural justice is a means by which the conditions for distributive justice can be realised. Whenever local people have more control over the means to improve the management of their environment, the less likely that distributional injustice will be tolerated. One of the foundational texts was Robert Chambers’ *Whose Reality Counts? Putting the Last First* (1997), in which its title demonstrated the inextricable nature of procedural and distributive justice. While participation has since been subjected to sustained interrogation (Cooke and Kothari, 2001; Hickey and Mohan, 2004), a precise and detailed account of the practice of participation provides key evidence of procedural justice and serves as an indicator of the quality of distributive justice that evolves from it.

In the case of the IFAD project in Meghalaya, procedural justice was in large part upheld. This included transparency in explaining the proposed project to widely publicised local meetings, in the calling of meetings and taking of minutes of meetings, training for participation in open meetings, in book keeping and in business skills for the formation and running of apex organisations. Also the non-governmental organisations contracted to run these activities were very closely monitored on a monthly basis (and even awarded marks for success, which were widely published). In the ICRAF project, these practices simply did not appear on any agenda nor were they part of daily project activities.

Finally, there is the issue of scientific uncertainty and environmental justice. For environmentally just outcomes to be claimed by policy makers, scientific evidence used as justification is useful on both rational and political grounds. It has to be shown that pres-

ent management practices of particular resources users *are* causing reductions in welfare for present and future generations on-site and elsewhere. Conclusive scientific proof is necessary (as far as this is ever possible). The “upstream–downstream” issue is relevant to the Chinese case, whereby upstream farmers have been blamed for downstream flooding and excessive siltation (Blaikie and Muldavin, 2004). The Theory of Himalayan Environmental Degradation (THED), which represented a long established tradition of environmental research long supported this view and gave the policies a “scientific” justification, from which flowed a social justification for policies which sought to restrict upland farmers’ practices. However, THED has received a series of radical rebuffs over the past 15 years (Ives, 1989, 2004). The attribution of blame upon upland resource users clearly has to be de-emphasised and therefore the scientific justification for such policies (in India as much as China) is now shown to be highly questionable.

A similar set of increasing uncertainties has arisen over the deleterious effect of shifting cultivation. Nonetheless, it is widely accepted that *jhum* cultivation is under severe pressure in some areas. The solution has been either to attempt to criminalise their practices altogether or encourage *jhum* cultivators modify certain aspects of their practices and encourage terrace agriculture in addition to encouraging other sources of income (Choudhury, 2003; Choudhury et al., 2005; Kerkoff, 2006). In the study area in China, shifting cultivation has been officially eliminated and the cultivated lands on which shifting cultivation was practised have now been classified as Sloping Lands and is subject to the same embargo on cultivation as the shifting cultivation that preceded it.

3. Very different outcomes

The two projects both have clear documented goals regarding distributional and procedural justice. Also, both areas have many social and political attributes in common including widespread common property management institutions, quite rapid commercialisation of agriculture, and seasonal and permanent out-migration. Bearing in mind that the projects have similar approaches to both distributional and procedural justice, the similarities of the two agrarian economies may suggest similar outcomes in terms of environmental justice and injustice. However, the summary of outcomes in Tura District, Meghalaya and Baoshan County has shown the contrast, in spite of close similarities in the intentions regarding considerations of distributive and procedural justice of the donors.

Therefore the explanation for these profound differences in outcome lies elsewhere. The key difference is that each of these internationally funded projects was “inserted” into very different cultures, styles of government, standards of governance, and a range of political and strategic considerations. Therefore, whatever global discourses about distributive and procedural justice find practical expression in internationally designed and funded environmental projects, they have to be negotiated with national governments. International/national interfaces exist at a variety of different scales, particularly, although not exclusively, between international agencies and national governments. Local, often marginalized groups may interact with either international NGOs multilateral and bilateral aid agencies or with representatives of national governments, but find it much more difficult to do so. These interfaces are frontiers of negotiation, conflict and compromise between different development agendas—for example, economic approaches to the environment, community management of natural resources, democratization of policy making, the livelihoods approach, and militarized “fortress conservation” and in every case there are direct implications for how justice is defined and for whom.

In China, these intentions were largely ignored in practice and the outcome of the ICRAF project tended to resemble that of its own in-country New Socialist Countryside Policy – top-down and unjust in important respects despite substantial rhetoric to the contrary. The emphasis on the participation of the poorest of the poor in project documents was quickly replaced by finding households where the chance of success was highest. Thus a “pro-poor policy” was primarily implemented by attention to, and allocation of resources to the better off and wealthier ‘model’ households. These households would, it was argued, somehow ‘inspire’ the poor to jump on the band wagon – but without the same resources and subsidies, and under conditions of much greater vulnerability and thus risk aversion. Predictably the poorest of the poor did none of these things unless forced to by administrative fiat and imposition of new practices. Given their lack of access to land and resources, and their overall inability to raise needed capital (as well as local microfinance organizations and banks unwillingness to lend to them because of high risk), the project has resulted in increased distributive *injustice*, amplified through the procedural *injustice* of their complete lack of access to project resources and any meaningful participation in projects justified and legitimated by their condition.

The IFAD project in Tura District, encouraged adaptive improvements to the *jhum* system and income generation from alternative sources. There were no state-initiated, top-down edicts which undermined the procedural and distributive justice considerations acknowledged in the project. The notion of compensation for a reduction of dependence on *jhum* cultivation (and potential loss of income) through the provision of voluntary income opportunities is an important one for upholding distributive justice. Large numbers of cluster groups, marketing federations, agricultural processing plants, and apex organisations were formed. Most of the income earning opportunities were financed by loans with an excellent repayment rate (IFAD, 2007). In-depth interviews with different types of Groups attested to transparency, and an acceptable degree of equity in access to project resources (field notes, Blaikie 2007/8).

4. Conclusion

International environmental programmes have to be negotiated with national governments which have very different agenda than the promotion of environmental justice. International funds are accepted nationally along with the project document, which may uphold principles of justice but national political priorities may well override these principles at all levels (from senior ministerial level right down to the local field worker). Thus, in many cases, justice issues are treated as rhetoric and ignored.

The degree of administrative and political control from central government and its obverse (local independence and discretion) are key factors which shape justice outcomes in environmental projects. Senior management of government departments in Meghalaya have considerable room for manoeuvre for independent thinking and decision taking which would not be possible in other Indian states, not protected under Schedule 6 of the Constitution. While local independence can also mean the flourishing of corruption and local “big man” politics, it can also allow senior officials direct action to uphold justice – if they choose to. In Baoshan, the space for the exercise of discretion is more limited, and the power of the state at all scales is oppressively present. Thus, justice-conscious individuals on project teams found few opportunities to exercise their discretion to enable a more just outcome, and independent thinking outside of official goals is rarely rewarded and potentially catastrophic to project continuation and to their own careers.

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