

SAMATA

GOVERNANCE CONFERENCE [January 19-20,2017]
BRIEF INAUGURAL REMARKS

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It is a rare honour to be with you all.

We need normatively to acknowledge that India has made substantial progress in national environmental governance with the importantly through the constitutional guarantee of the Fifth Schedule and the landmark *Samata* decision, the enactment of the EPA, the NGT decisional law, and much more.

These normative breakthroughs are very important and I am glad that at this deliberative event you are concentrating on the Fifth and Sixth Schedules and people's struggle to transform these into reality. I have said long back (in *The Crisis of the Indian Legal System*, 1982) that India is not well developed if one takes GDP into account but over-developed if one takes note of its GLP—the gross legislative product!

In the short time that I have, I will briefly deal with two aspects: (1) the epistemicide and the ecocide that capitals' extractive activism bring with it and some ways out if these and (11) the need to posit epistemic human rights as integral to national environmental governance.

Ecocide¹ stands for the wanton destruction of the environment and its accompanying wicked justifications.

Epistemicide² signifies the intended systematic destruction of indigenous knowledges and the nativist capacity to think, learn, and articulate alternate conceptions of knowledge for good life.

The horror stories of what mining does to people and environment are embodied examples of ecocide and epistemicide.

¹See, Polly Higgins, *Eradicating Ecocide: Laws and Governance to Prevent the Destruction of Our Earth*, (Shepherd-Walwyn, London, 2010, 2015); *Ead., Earth Is Our Business: Changing The Rules of The Game*, (Shepherd-Walwyn, London (2012).

² A category developed most by Bonaventura de Souza Santos in the context of emancipation: see Santos, *Epistemologies of the South: Justice Against Epistemicide* (London, Routledge, 2014).

This raises a threshold question: why there is an abundance of narratives worldwide but so little action: what may we say are the organic linkages between *narrative* and *inaction*? The more we narrate horror stories about confiscation of core human rights of the scheduled tribes, the less social action there in their defence. I think that any serious-minded study would reveal the class character of both the rulers and the ruled, and processes of governance and of resistance.

One reason of course is that extractivism is integrally related to capitalism: you cannot imagine capitalistic growth and development outside some extraordinary ways of perfecting ‘corporate Neanderthalism’.

Much has been written on this subject.

For example: about the ‘perverse state of affairs known in the specialist literature as “the paradox of plenty” or “the resource curse.’ The Inter-American Development Bank (IDB), in several of its annual reports and technical studies, has argued that ‘development is determined by geography: the countries that are richest in natural resources and closest to the equator are condemned to be more backward and poor. (...) This suggests a tropical fatalism, whereby nations near the equator seem destined to be poor. (...) In the IDB’s judgement, the richer a country is in natural resources, the slower it will develop and the greater its internal inequalities will be.’³ Two Sides of the Same Curse’,

So, understating matters; we ought to know how national and multinational corporations more closely form an arc of exploitation of natural resources: how these entities:

- confiscate voice by the sheer silencing of all human rights
- appropriate and appropriate national policies and laws to their own advantage
- promote a version of immunity and impunity for their activities through talk of CSR, even in the land where Bhopal happened
- develop what has been aptly called ‘corporate ventriloquism’⁴
- marginalize social movements and struggles

³ Alberto Acosta, ‘Extractivism and Neoextractivism: Two Sides of The Same Curse’, https://www.tni.org/files/download/beyonddevelopment_extractivism.pdf

⁴ Jen Schneider, Steve Schwarze, Peter K. Bsumek, Jennifer Peeples, ‘Corporate Ventriloquism’, Palgrave Studies in Media and Environmental Communication pp 51-76 (2016).

--- use state coercion and force (even terror) to control the possible regulatory and other outcomes of struggle

--- seek to legitimate 'AstroTurf activism' against the practices of 'grassroots activism'.

What then are the alternatives?

One: What we need is not sustainable development but 'sustainable degrowth' and post- developmentalism

It is based on a moving remark of Sachs: 'The last 40 years can be called the age of development. This epoch is coming to an end. The time is ripe to write its obituary'⁵

Arturo Escobar asks what are the routes to 'counteract the ravages of global capitalism and for constructing sustainable communities 'and responds the following way⁶:

its 'main components are ecological justice, biological and cultural diversity, bioregionalism, rootedness in place, participatory democracy, and cooperative self-organization'

'One of the most concrete proposals for a transition to a post-fossil fuel society is the transition town initiative'

Understanding the 'growing number of cultural critics in many parts of the world' which have 'questioned the very idea of development'

Critical solidarity across nations: Ecuador and Bolivia doctrines *Buen Vivir* of (good life/living well).⁷

Understanding the global meaning of post developmentalism.

I conclude, perforce, with some remarks on epistemic rights

⁵ Wolfgang Sachs, *The Development Dictionary*, p.1 (London, St. Martin's Press,1992).

⁶ See, Escobar, 'Degrowth, Postdevelopment, And Transitions: A Preliminary Conversation', *Sustain Sci* 10:451-462(2015).

⁷ Robin Broad & Julia Fischer-Mackey, 'From Extractivism Towards Buen Vivir: Mining Policy As An Indicator Of A New Development Paradigm Prioritising the Environment', *Third World Quarterly*, (2016); DOI: [10.1080/01436597.2016.1262741](https://doi.org/10.1080/01436597.2016.1262741)

Towards a conclusion: I am developing category of action of epistemic core human rights confronting epistemic injustice --an image so compressively developed by Miranda Fricker.⁸

Briefly, epistemic core human rights are rights to learn, to know, and to contest and to dissent, and to preserve the structure of these rights, both normatively and existentially. These rights are accompanied by concrete obligations of state and civil society. The Indian Constitution in its Article 21 enacts these rights, summated by the phrase 'right to live with dignity'.

Core epistemic human rights are nowhere absolute but these have a hard core normative presence. These rights can be reasonably restricted but not taken away in any society claiming that its peoples and the State live under, and within, the rule of law. Ownership by the State of all information and knowledge, and ordering the way peoples' chose to participate, may in most cases amount to infringement or violation of these core epistemic human rights.

I develop my thinking on these rights elsewhere. Suffice it to say in the end that: *Extracting justice from sovereignty is the task and the mission of extractivism, though denying and defeating core human rights may be the task of extractivism.* How do we non-violently 'organize negation'⁹ is the principal concern of all the subordinated peoples?

⁸ *Epistemic Injustice: Power and the Ethics of Knowing*, (Oxford University Press, 2007).

⁹ Cf. Ana Cecilia Dinerstein, 'Organising Negation: Neoliberal Hopelessness, Insurgent Hope (Mexico)', link.springer.com/content/pdf/10.1057/9781137316011_4.pdf