

LAW views

WORLD ENVIRONMENT DAY

Healthy environment is a fundamental right

BARRISTER HARON UR RASHID

LAST 5th June was the World Environment Day. Every nation observes it because the future of whole human kind is in danger because of environmental degradation.

In 2006, former Vice President Albert Gore in his book "An Inconvenient Truth" does a great job presenting the various forms of overwhelming evidence for global warming and mankind's link to it, but he doesn't do it in a political or spiteful way.

He shows global temperature and atmospheric carbon patterns, and that our last 20 years saw the highest emission of carbon dioxide over the previous 600,000 years.

Even more importantly, it goes to show why we should care that global warming is occurring. He argues if global warming continues at its current rate, the earth's coastlines will be flooded displacing tens of millions of people, it will increase the strength and frequency of hurricanes and tornadoes and it will irrevocably kill off many of our animals and plants.

Causes of environmental degradation

The causes of environmental degradation are largely attributed to:

- Growth of Population
• Overuse of natural resources
• Use of fuel-based energy
• Poverty
• Affluent style of life and consumerism

Human beings are responsible for the degradation of environment. Human activities after the Industrial Revolution (1750 onwards) have concentrated to rapid industrialization ignoring the protection of natural environment.

There is a direct nexus between industrialization and toxic emissions (greenhouse gases). In essence what is good for industrialization is generally bad for environment unless precautions are taken to remove the environmental hazards or degradations.

Sustainable development means that natural resources may be used in such a way as to "meet today's needs without compromising the ability of future generations to meet theirs."

blend economic growth with environmental sustainability.

It has been reported that 20 trees offset some of the pollution of a car driven for an hour.

A report by the Intergovernmental Panel on Climate Change, a U.N. network of more than 2,000 scientists said an increase in temperature of 3.6 degrees Celsius could subject up to 2 billion people to water shortages by 2050, and threaten extinction for 20 percent to 30 percent of the world's species.

The threat to global environment was first highlighted in the 1972 Stockholm Conference on Human Environment where right to healthy environment was recognised as one of the fundamental rights to a person.

The theme of environment was considered in the 1992 Earth Summit in Rio de Janeiro in Brazil and after ten years, in 2002 at the Johannesburg Earth Summit II. Non-binding actions were adopted by the conferences.

The most important treaty on environment was the 1997 Kyoto Protocol. It came into effect in February 2005 and ends on 2012. Under the Protocol there are binding caps on emission of greenhouse gases.

Australia's new government under Prime Minister Kevin Rudd ratified the Kyoto Protocol at the beginning of this year. However, the US, the biggest polluter on earth, is not a party to Protocol and that is why the effect of the Protocol has been negligible.

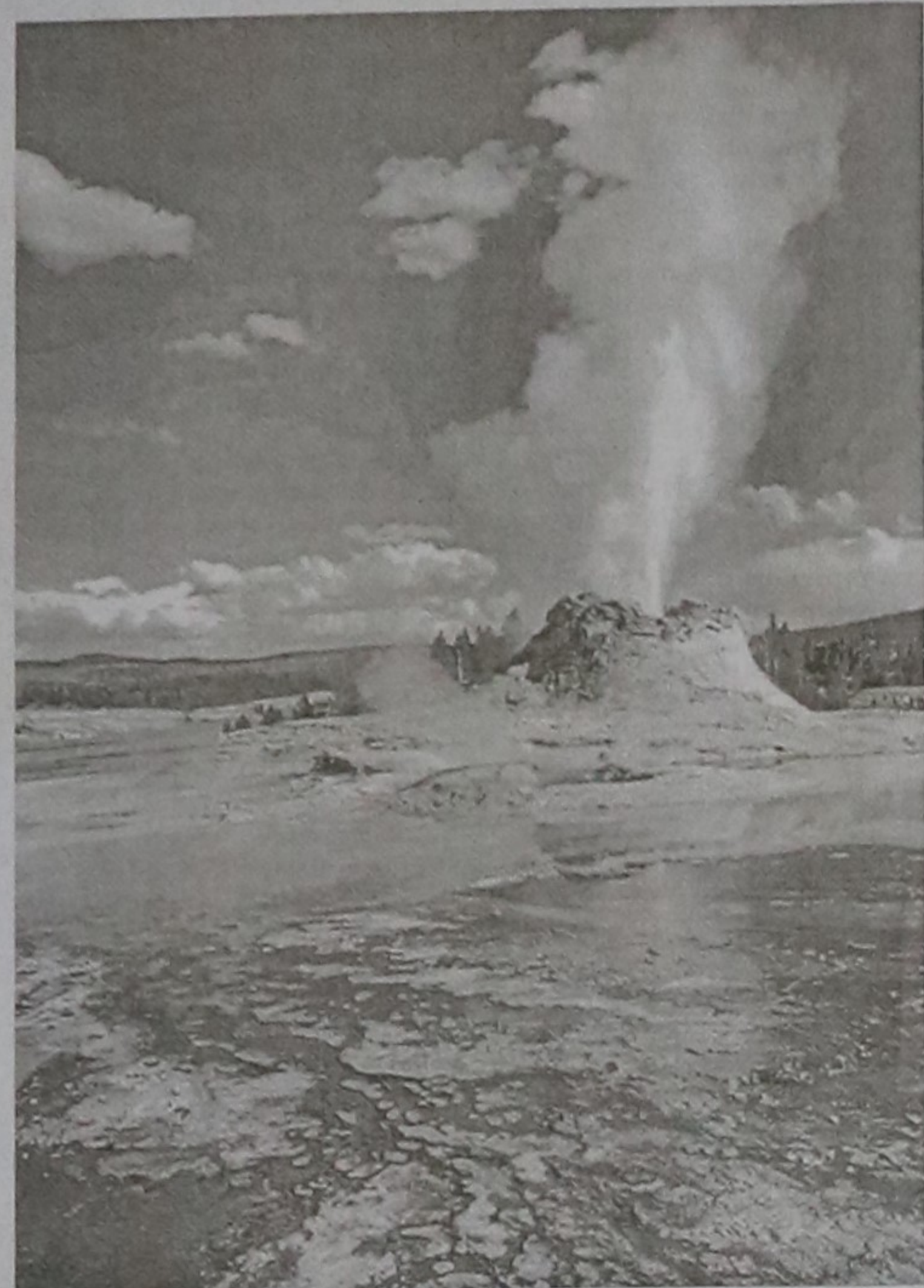
The Europeans take seriously environmental degradation and Germany has proposed to reduce 50% of the greenhouse gases by 2050. Italy, France, Britain and Japan support Germany's proposal.

The Bush administration has realized that it could no longer ignore environmental degradation. President Bush reportedly stated to the media that the US and would set a long-term global goal for reducing greenhouse gases in consultation with major greenhouse gas-producing nations.

The President's proposal reflects the difficulties his administration is facing in grappling climate change as the scientific consensus has continued to build in favour of action to control the buildup of heat-trapping gases.

Against the background, developed countries are eager to make a compact with developing countries for emissions-cut in a new global treaty where China, Brazil, South Korea and India agree to cut emissions in future.

A meeting of the Kyoto parties in Austria in August, 2007 recommended emission cuts for rich nations of 25 to 40 per cent by 2020 and green groups are keen for a similar figure to be mentioned in the future global agreement.



All-electric powered cars are being experimented. It is reported that electric cars accelerate swiftly and can drive at highway high speeds but they need re-charging.

Solar-powered cars are being experimented as well. Another approach is to power cars with fuel cells, which combine hydrogen with oxygen to form water vapour and electricity.

Research may be carried out to develop new sources of power. The need of designing a new kind of global economy without depending on fossil fuel (oil and gas) seems to be one of the answers to protect natural environment.

Wetland Act 2000 has been enacted to ensure that these wetlands (haor and baor) remain. If they remain as they are, some people think they are useless.

On this day, informed people, NGOs and government may highlight awareness among people the need to protect natural environment, otherwise the nation will confront many unforeseen adverse situations in future.

Poverty leads to unsanitary practices that pollute environment. There is no urbanization plan in towns and cities, slums are growing in around outskirts of cities.

It has been reported that 18 species of birds and animals have been extinct in Bangladesh. Human settlements have taken away habitats of animals that have led to extinction of flora and fauna.

The people in the country are not sitting idle. Several NGOs have led a vigorous campaign in the country to arrest environmental degradation and an awareness campaign of environmental hazards among public has started for some time by NGOs.

To respond to public sentiments, in recent years governments have adopted certain concrete steps, such as setting up of Environmental Courts and the 1995 Act was amended to ban production, marketing and distribution of polythene bags.

Conclusion: On this day, informed people, NGOs and government may highlight awareness among people the need to protect natural environment, otherwise the nation will confront many unforeseen adverse situations in future.

Saving the environment is a big job. World Environment Day is an important reminder of the need to ensure a sustainable future of our next generations.

The writer is Former Bangladesh Ambassador to the UN, Geneva.

LAW lexicon

Diversity of citizenship - The condition when the party on one side of a lawsuit is a citizen of one state and the other party is a citizen of another state; such cases are under the jurisdiction of federal courts.

Diversion - The process of removing some minor criminal, traffic, or juvenile cases from the full judicial process, on the condition that the accused undergo some sort of rehabilitation or make restitution for damages.

Docket - An abstract or listing of all pleadings filed in a case; the book containing such entries; trial docket is a list of or calendar of cases to be tried in a certain term.

Docket control - A system for keeping track of deadlines and court dates for both litigation and non-litigation matters.

Domicile - The place where a person has his permanent home to which he intends to return.

Double jeopardy - Putting a person on trial more than once for the same crime. It is forbidden by the Fifth Amendment to the United States Constitution.

Due process of law - The right of all persons to receive the guarantees and safeguards of the law and the judicial process. It includes such constitutional requirements as adequate notice, assistance of counsel, and the rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront and secure witnesses.

Elements of a crime - Specific factors that define a crime which the prosecution must prove beyond a reasonable doubt in order to obtain a conviction: (1) that a crime has actually occurred, (2) that the accused intended the crime to happen, and (3) a timely relationship between the first two factors.

Embezzlement - The fraudulent appropriation by a person to his own use or benefit of property or money entrusted to him by another.

Eminent Domain - The power of the government to take private property for public use through condemnation.

En Banc - All the judges of a court sitting together. Appellate courts can consist of a dozen or more judges, but often they hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

Encyclopedia - A book or series of books arranged alphabetically by topics containing information on areas of law, including citations to support the information.

Enjoin - To order a person to perform, or to abstain and desist from performing a specified act or course of conduct. See injunction.

Entity - A person or legally recognized organization.

Entrapment - The act of inducing a person to commit a crime so that a criminal charge will be brought against him.

Entry - A statement of conclusion reached by the court and placed in the court record.

Environment - The conditions, influences, or forces which affect the desirability and value of property, as well as the effect on people's lives.

Environmental Protection Agency (EPA) - A federal agency created to permit coordinated and environment effective governmental action to preserve the quality of the environment.

Equal Protection of the Law - The guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons be treated equally by the law.

Equitable action - An action which may be brought for the purpose of restraining the threatened infliction of wrongs or injuries, and the prevention of threatened illegal action.

Source: Jurist International.

FOR YOUR information

Give earth a chance
Message of General Assembly President Han Seung-Soo



Over the last decade, much progress has been made in implementing Agenda 21. However, much more remains to be done for achieving sustainable development at the global level.

Massive poverty in the developing countries constitutes one of the most important causes of environmental degradation. As long as hundreds of millions of people remain poor, sustainable development will be an unachievable ideal.

The theme of this year's World Environment Day is "Give Earth a Chance", an urgent summons to each and every one of us to contribute to the healing of our ailing planet.

On this World Environment Day, let us carefully consider the actions which each of us has to take and then address ourselves to our common task of preserving the earth with a firm and sober resolution.

Source: UNEP.

LAW week

Govt eyes consensus on constitution review

The government is trying to build a political consensus to form a "constitutional review commission" but will leave its recommendations to be implemented by the elected government.

Arrest figure crosses 10,000

The joint forces arrested 1,729 persons including 97 in the capital in the 24 hours preceding 8:00am yesterday, in the ongoing nationwide special anti-crime drive that had begun on May 28.

Attorney department formed to move cases for state

The caretaker government has set up a new institution named Government Attorney Department for dealing with cases in courts and performing other duties on behalf of the state.

Lack of bonding between parents, children leads to violations child rights

Poverty prevents children from enjoying their rights, but their rights are violated most when there is lack of bonding between parents and children.

Hasina calls for halt to mass arrests

Detained former premier Sheikh Hasina yesterday put out a call to the government to immediately stop the ongoing 'mass arrests', and to work for making the ongoing politico-electoral dialogues and announced elections successful instead.

Falu gets 5yrs for gobbling up relief

A special court yesterday handed down five years' rigorous imprisonment on Mosaddek Ali Falu, detained former BNP lawmaker and political secretary to former premier Khaleda Zia.

Khaleda hits out at govt

In her first appearance at the court since her arrest, former premier Khaleda Zia yesterday demanded withdrawal of the state of emergency by June and general elections by October this year.

Hasina's graft case trial to continue

The High Court (HC) yesterday rejected a writ petition filed by detained former premier Sheikh Hasina challenging the legality of continuing the trial proceedings of the barge-mounted power plant graft case against her.

3,000 appeals filed with Election Commission

Near about 3,000 appeals have been filed with the Election Commission (EC) till yesterday, the last day for the filing of appeals against re-demarcation of 51 parliamentary constituencies.

New CJ takes oath

Justice MM Ruhul Amin yesterday took oath as the 16th chief justice of Bangladesh. President Iajuddin Ahmed administered the oath at Darbar Hall of Bangabhaban at around 10:30am yesterday.

Public servants, judicial commission (amend) ordinance approved

The council of advisers yesterday approved the Public Servants (Dismissal on Conviction) (Amendment) Ordinance 2008. In the new ordinance, which took effect from yesterday, the duration of imprisonment has been extended to over one year while the amount for penalty over Tk 10,000 for the dismissal of a public

servant from services. - The Daily Star, June 02, 2008.

Deputy attorney general resigns

Deputy Attorney General Md Anwarul Azim Khair, who was appointed by the previous BNP-led four-party-alliance government, resigned from his post yesterday.

Jails desperate for doctors

As doctors are unwilling to work in jails, the Directorate of Prisons proposed the government to allow appointment of all doctors in jails on deputation basis and with special facilities.

Over 100 countries agree to ban cluster bombs

A landmark international convention banning cluster munitions was formally adopted by some 111 countries here Friday, in a move supporters hope will stigmatize the lethal weapons as much as landmines.

World No Tobacco Day

World No Tobacco Day will be observed in the country today as elsewhere in the world focusing on stopping tobacco use especially among the youths.

University, were there. - The Daily Star, May 31, 2008.

Charge sheet against Huji cadres

A Sathkira court yesterday framed charges against Zandal and Gharami, operatives of banned Islamist outfit Harkatul Jihad al Islami (Huji), for possession of 44 grenades.

Law ministry to sponsor TAC

The government yesterday decided in principle that the Law Ministry would sponsor the Truth and Accountability Commission. The commission is poised to start soon the exoneration proceedings for those who would voluntarily unveil their illegally amassed wealth.

Hearing for framing charges against Khaleda, Koko June 4

The hearing on charge framing in the Gato graft case against detained former Prime Minister Khaleda Zia, her younger son Arafat Rahman Koko and 22 others will begin on June 4.

6 Bangladeshis acquitted of murder charge

Oman on Wednesday declared that its primary court had acquitted Mohammed Momin Miah and five other Bangladeshis held in that country on charges of murder.

Ex-addl police super sued for murder

Former additional police super of Khulna Mofazzel Hossain and nine others have been sued for murder.

Corresponding with the Law Desk

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