

## The Polluter Pay Principle and the damage done: controversies for sustainable development

*Principiul Poluatorul Plătește și prejudiciul făcut: controveerse pentru o dezvoltare durabilă*

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### **Abstract**

*In search for equity at the Rio summit, it was suggested that in case of pollution or any other environmentally negative effect, the costs are inflicted on the responsible agents to pay for the rectification. The Polluter Pay Principle (PPP) has since then been touted as a useful environmental management tool that makes provisions for innovative penalties seeking to place the burden of environmental pollution control on those that abuse the environment. Despite such euphoria, the results on the ground have been appalling. In this analysis we question the practical utility of the PPP viz avis the deteriorating environmental fabric of many nations. The analysis reveals that it is cheaper for many individuals, organizations or even countries to pollute the environment and pay a fine than to install systems that require the constant monitoring of the environment. Emphasis of the PPP is misplaced as it focuses on curing damages and not on the process that brings the environmental problems to a halt. Its implementation is further constrained by the difficulty associated with placing a price tag on environment parameters. We recommend a proactive alternative to PPP that emphasize on preventative measures through environmental education. The success of such a management strategy is however not spontaneous as it needs to be rooted upon an effective system of values, institutions, attitudes, personal commitment, self confidence and active participation of all individuals in managing and detecting environmental problems that affect them.*

**Keywords:** *Polluter Pay Principle, pollution cost, environment and development, sustainable development*

### **Rezumat**

*În căutarea pentru echitate, la summit-ul de la Rio, s-a sugerat că în caz de poluare sau orice alt efect negativ de mediu, ca agenții responsabili de costurile provocate să plătească pentru rectificare. De atunci, Principiul Poluatorul Plătește (PPP) a fost cotate*

ca un instrument util de management de mediu, care face dispoziții pentru sancțiuni inovatoare care intenționează să introducă sarcina de control al poluării mediului asupra celor care abuzează de mediu. În ciuda unei astfel de euforie, rezultatele de pe teren au fost îngrozitoare. În această analiză ne întrebăm de utilitatea practică a PPP viz aviz de deteriorarea mediului multor națiuni. Analiza relevă faptul că este mai ieftin pentru multe persoane, organizații sau chiar țări să polueze mediul și să plătească o amendă decât să instaleze sisteme care necesită monitorizarea constantă a mediului. Accentul PPP este greșit, deoarece se concentrează pe tratarea daunelor și nu pe procesul care aduce la oprirea problemelor de mediu. Implementarea sa este în continuare limitată de dificultatea asociată cu introducerea unei etichete de preț asupra parametrilor de mediu. Vă recomandăm o alternativă proactivă pentru PPP în care accentul este pus pe măsurile preventive, prin educație de mediu. Succesul unei astfel de strategii de management nu este, totuși, spontan, deoarece aceasta trebuie să fie înrădăcinată la un sistem eficient de valori, instituții, atitudini, angajament personal, încrederea în sine și participarea activă a tuturor persoanelor fizice în gestionarea și detectarea problemelor de mediu care îi afectează pe ei.

**Cuvinte-cheie:** *Principiul Poluatorul Plătește, costul poluării, mediul și dezvoltarea, dezvoltare durabilă*

**JEL Classification:** Q52, Q56

## Introduction

**H**uman activities and quest for economic development and survival have altered the state of the environment greatly. The world today is facing problems of desertification, deforestation, climate change, pollution, land degradation, loss of biodiversity among others. Although these problems are more apparent at a spatial scale, their manifestation globally has a significant impact on all living organisms because we are living on a global village; hence numerous attempts to promote conservation and sustainable development through strategies such as international conventions. Through international conventions, all countries of the world come together on common environmental issues and sign formal agreements that bind them collectively in an endeavor to address environmental challenges of a common interest. The protection and management of the global commons and other shared natural resources are issues that transcend national boundaries. In Figure 1 is a box showing some of the common conventions.

Focus of this paper is on highlighting controversies from enforcements recommended from international conventions or 'soft laws' such as from the Rio Declaration vis-à-vis possible alternatives from using Environmental education in pushing the way forward.

- The Ramsar Convention (1971) on wetland conservation
- CITES (1973) on cross boundary traffic of endangered species of fauna and flora
- The Convention of the seas(1982)
- The Montreal Protocol (1987) on hazardous substances and the ozone layer depletion
- The Basel Convention (1989) on control of transboundary movements of hazardous wastes and their disposal
- The Bamako Convention (1991) on the ban of imports into Africa and control of transboundary movement and management of hazardous wastes within Africa
- The Convention on Biological diversity (1992)
- The Framework Convention on Climate change (1992)
- The Convention to combat desertification (1994)
- The Rio Declaration (1992) on Environment and development

**Figure 1. Some common conventions**

Faced with serious threats on environmental crisis, the international community responded and prompted the call on the famous Earth Summit (1992) in Rio de Janeiro, Brazil. The Rio Declaration contains a set of principles agreed and adopted by the world's governments on harmonizing, managing and regulating environment and development. According to the Courier (1992:42), the summit "...intended to bring together all nations of the world in order to map the way forward in environmental problems". Thus the Earth Summit focused upon the future of the earth through focusing on environmental problems such as land degradation, deforestation, climate change, biodiversity, among others. The motto of the conference was "The fate of the world is in our hands" (Pickering and Owen, 1994). The question is whose hands? All nations and individuals are part of the summit whether participating in the proceedings or not because we all own the environment collectively. Due to inevitable spillovers it is a responsibility of all people to participate in environmental issues. The Rio summit wanted to boost awareness on the growing global ecological crisis.

It has to be noted that focus of the summit was to harness international effort rather than a solely national perspective which can be translated to individual action. Nations were kind of being persuaded to look beyond national interests and come up with some kind of an agreement over the management of the planet. Due to this wide scope, constraints in implementing the resolutions at the Earth summit were felt globally because of the diversity and complexity of individual nations' environmental laws and policies. The problems is on who monitors implementations of such resolutions. There is no international law that regulates the agreements made at the convention. Nations tend to implement the resolutions

the best way they can afford and understand them. As such nations may choose to implement the agreements or not. It is "...a negotiation on a wide range" (Courier, May-June, 1992:46); because the success of the resolutions made depend on the willingness of sister countries to make adjustments in participation and supporting such development strategies. Financial and technical limitations in most poor nations such as developing countries are often the major limitations (Moyo et al 1994), In most cases conformity with international requirements will necessitate the modification of national law either by adapting to existing practices or by introducing new legislation. This is often a long and expensive process

Such summits, declarations are often taken as quantum leap by many politicians, economists and scientists who often make the majority of the affluent participants and decide the stakes of all. Thus conventions are often regarded as top down processes in solving environmental problems through decision makers' participation while they forget that the success or failure of the conventions depends upon how communities, organizations, and all sectors of society take to heart the messages and put it into practice.

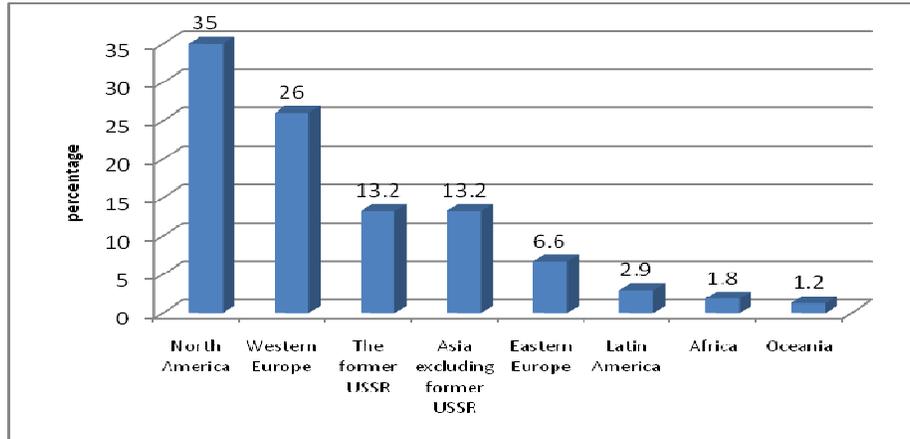
## Discussion

### *The Polluter Pay Principle*

In search for equity at the Rio summit, it was suggested that in case of pollution or any other environmentally negative effect, the costs are inflicted on the responsible agents to pay for the rectification. The Polluter Pay Principle makes provisions for innovative penalties seeking to place the burden of environmental pollution control on those that abuse the environment. Monetary fines are mandatory for wrong action against the environment. The question is, can we really put a price tag on our wetlands, our forests resources, water bodies, flora and fauna? If so how much can it cost in light of damages caused? Why pollute in the first place when the environment is our home? Emphasis of the Polluter Pay Principle is curing damages and not on the process that brings the environmental problems to a halt.

It is thus cheaper for many individuals, organizations or even countries to pollute the environment and pay a fine than to install systems that require constant monitoring of the environment. In such cases the poor suffer most because they lack mechanisms that hedge them against environmental threats and shocks; they are weak; and are already suffering from other forms of vulnerabilities apart from those that are environmentally driven. Figure 2 is a snapshot of carbon dioxide emissions by various regions since 1800. This summary is meant to reflect on how the rich nations can vie for development at the expense of environmental protection.

The rich nations can afford to continue to pollute the environment in the face of the Polluter Pay Principle because they can afford the fines. The fines are often too small compared to profits made, and therefore it is cheaper for them to pollute and pay than to retard development. The burdens are being felt globally and severely in the development countries such as in Africa and Asia who often lack financial mechanisms to control and forecast the effects of the negative spillovers of global development.



Source: Egziabher (2009: 6)

**Figure 2. Carbon dioxide emissions by various regions since 1800**

From Figure 2, it can be deduced that Europe (excluding the ex Soviet Union) and North America account for 81.8% of the atmospheric pollution that has been responsible for climate change and drought in the world. Africa’s contribution stands at 1.8%. Meaning that although Africa’s contribution is low the consequences it suffers are great through pollution related externalities. High carbon emissions associated with western nations have often been a insignificant opportunity loss in comparison to developmental gains that accrue at least in the short term.

*Sustainable development*

Moyo et al (1994:1) state that, “Sustainable development builds development strategies to manage natural resources so that they provide for the needs of today while ensuring the resources of tomorrow”. This means that the present generations must use available resources wisely so that they meet their needs today without compromising the needs of the future generations to meet their own needs using the same environment. This is also supported by Frisch in The

Courier Number 133 (May-June 1992:44) who says, "We have not inherited the land from our parents, we are borrowing it from our children" This supposition is rather favoring future generations without providing insights on how the present generation can meet their own needs. The concept of sustainable development is more future oriented and yet resources are there for all generations to use as they come and go. Environmental protection is therefore pivotal for the survival of the human kind; however, "The path to sustainable development is thorny" (Booth et al 1994:41). People have to be vigilant and live lightly in their environments, communities and globally at large.

Although several initiatives were taken to try and solve environmental problems, they have done little to address the major underlying difficulties in achieving sustainable development, these are, poverty, unequal distribution of resources, and the quest for development above self interest. National and global inequalities often translate into environmental problems as people seek to survive. Poverty also means that there may be little alternatives at people's disposal except to extract what they can from the sparse resources available to them (Hale and Lachowez, 1998:25).

### **Way forward**

Environmental problems reflect a juxtaposition of private rights and public interests; therefore a balance of these is a necessary move towards sustainable environment. This should be an obligation of all people to protect the environment for the current and future generations' benefit.

Lack of awareness by the public on the importance of environmental management and its relevance for sustenance of life and the consequences of negative action on the environment are constraints that need to be managed and subsequently overcome. Environmental Education has been identified as a crucial answer to this debate in order to promote sustainable development whilst working hand in hand with conventions to improve the capacity of the people in trying to address environmental problems that affect them directly or indirectly.

Environmental Education is defined as: "The process of recognizing values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the interrelatedness among man (sic), his culture and his biophysical surroundings. Environmental Education also entails practice in decision making and self formulation of a code of behavior about issues concerning the environmental quality" (Manjengwa et al 1999:49)

The conservation, stewardship, and the rationale to maintain that attitude should be a social attitude that calls for individual responsibility and need not to be coerced and policed through strategies such as the Polluter Pay Principle which is

just palliative. It does not bring negative action on the environment to a halt because those with high purchasing power shall continue and perpetuate environmental problems such as pollution, degradation deforestation as long as they can pay for the damages which are often irreversible further compromising sustainable development efforts greatly. It can be said that the Polluter pay principle largely depends on persuasion, threats and punishment (Howard and Remson 1973).

It has to be noted that the realization of the importance of Environmental Education does not instantly translate to well managed environments or automatically stops negative action on the environment. Environmental Education depends upon an effective system of values, institutions, attitudes, personal commitment, self confidence and active participation of individuals in managing and detecting environmental problems that affect them. This strategy seeks to work through communities as they participate in environmental issues using '*together language*' that makes everyone understand the rationale behind full participation. Communities will identify with environmental problems and refer to them as '*our problems*'. Community involvement in finding solutions to environmental problems makes people sensitive to causing environmental problems; and it develops intrinsic and personal drives in looking for alternative actions for survival other than those that cause negative impacts on the environment.

### **Conclusion**

It must be noted that although the Polluter Pay Principle may seem insignificant in scaring negative attitude towards individuals, organizations and countries it remains a pivotal step in the right direction at local, international and global levels in trying to control negative impacts of development on the environment. It is a measure of efficiency needed to be complemented by initiatives that regard man as a sole controller of his own behavior, attitude and interest. It has to be recognized that Environmental Education is a life long process which can complement futuristic demands of sustainable development and has become a principal tool for environmental protection and needs to be inculcated at early stages of human development so it becomes part of him. Environmental Education does not change, it is the same yesterday today and tomorrow; and can be the most effective strategy in combating environmental problems through willingful active participation of individuals and not coercion or fear of punishment.

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