ENVIRONMENTAL PROTECTION AND ITS POLITICAL ISSUES

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Abstract

The question of protecting the environment is above all a political concern. Protecting the environment has political issues because it is the leaders who decide the fate of natural resources, spatial planning and territories. The modalities of development policies are determined by politicians, even if public participation is a major and innovative element. It is therefore appropriate, in our opinion, to review the development actors and their place in the environmental protection chain. The objective of this reflection is to decipher the role and responsibility of development actors as well as the key concepts linked to sustainable development and international environmental law. The environment defined as the condition of life does not apply to a single generation, but to all human, non-human, and non-animal generations. The political issues are therefore enormous and deserve to be the subject of philosophical reflection.
Keywords : *Environment, political issues, environmental law, research, concepts.*

Résumé

La question de la sauvegarde de l'environnement est avant tout une préoccupation politique. Protéger l'environnement a des enjeux politiques du fait que ce sont les dirigeants qui décident du sort des ressources naturelles, de l'aménagement de l'espace, des territoires. Les modalités des politiques de développement sont déterminées par les politiques, même si la participation du public est un élément majeur et innovent. Il est donc congru, de notre avis, de revoir les acteurs du développement et leur place dans la chaîne de protection de l'environnement. L'objectif de cette réflexion est de décrypter le rôle, la responsabilité des acteurs du développement ainsi que les concepts clés lié au développement durable et au droit international de l'environnement. L'environnement défini comme la condition de la vie ne s'applique pas à une seule génération, mais à toutes les générations humaines, non humaines, et non animales. Les enjeux politiques sont donc énormes et méritent de faire l'objet de réflexion au plan philosophique.
Mots clés : *Environnement, enjeux politiques, droit de l'environnement, recherche, concepts.*

Introduction

Deep crises in society put ethical questions in the spotlight. The environmental crisis does not escape these ethical considerations which can often be constituted in philosophical trends of the environment. We then witness clashes between ethical conceptions and ethical trends in

the environment. Man being a political animal who lives in society, who organizes himself and sets laws because he is a civil animal, ethical concerns are therefore questions that arise from the actors involved. G. Hess (2013 : 87) does he not say that ethics defines the philosophical activity consisting of developing rules of behavior, obligations, prohibitions, injunctions in force within a human community (…). She strives to show its legitimacy, offers a rational justification using arguments. ». Following in the wake of G. Hess, C. K. Dikenou (2006 : 82), speaking of environmental ethics, affirms that "environmental ethics deals with the values and normative principles relating to the relationships between humans and other living (biosphere) and non-living (lithosphere, hydrosphere and atmosphere) beings". This is how ethics is a discipline that embraces another discipline such as law. In addition to mobilizing actors, the problem of a sustainable society integrates ethics, the environment, the law, and the crisis itself. This is what justifies our theme : "Environmental protection and its political issues". How can those involved in environmental protection and the law enable effective protection of it ? This is our main problem. We support the hypothesis that the protection of the environment is located at the conjunction of a pattern of environment-society interactions, ecological changes, economic interests, development policies, political struggles, but, the political actor is the actor major who coordinates. The political dimension is a crucial element of human-nature relations. It is she who determines policies for access and control of natural resources, policies for reducing greenhouse gas emissions, integrated management policies, mitigation and adaptation policies, environmental and social safeguarding, etc. Politics and government action make it possible to open up the categories of the environment, to explore its multiple forms of representation. Our methodology consists of highlighting the role, the responsibility of the actors, the contribution of environmental law, as well as the key concepts which enable successful environmental protection when they are respected. It must be admitted with C. Stone (2022 : 30) that :

> Throughout legal history, each extension of the right to a new entity, before being effective, has been somewhat unthinkable. We tend to think that if « things » without rights are deprived of them, it is by a decree of Nature, and not because of a legal convention whose function is to maintain a certain status quo.

In this way, we refuse to question the choices that underlie the moral, social and economic aspects of these conventions.

It is about recognizing that the application of moral, wise, and legal treatment to entities other than the human being is not an easy task. You then have to find the balance. Our work addresses the following three axes : First, the roles and responsibilities of environmental protection stakeholders ; Second, Ethics of the future and the forms of social organizations ; and thirdly, The requirements of sustainable development and marginalized research in Africa.

1. The roles and responsibilities of environmental protection stakeholders

Awareness of the disastrous drawbacks of the anthroposphere brings humanity into what Donald Worster calls "the ecological age" (1992 : 365). Faced with the persistence of poverty and social exclusion in this period of economic growth, development actors must play their full role in the advent of social sustainability, because growth processes, even when they are sustainable in economic terms, can lead to serious social consequences. These consequences can be in the form of poverty, vulnerability, the weakening of identities which prevents any further development. Thus, the State, businesses and civil society are essential in the operationality of social sustainability.

1.1. The State

It is at the government level, the main actor, that the limits can be controlled as well as unsustainable activities unrelated to the concept of sustainable development. On a geopolitical level therefore, States must ensure that the concept of sustainable development does not benefit the rich and slow down the development of Third World countries. Thus, by virtue of its function, the government is the main actor in the operationality of sustainable development. It is this idea that F. Baddache (2006 : 42) puts forward in these terms :

> It is the only one able to give the necessary impetus to the heart of public action, to be able to legislate and regulate in the different spheres of economic and social life, from energy policy to territorial planning and the problems transport, in the field of

housing, tourism policy or even raising public awareness of sustainable development issues.

The government, by proceeding by imposing important files as a priority, makes it possible to avoid the alienation of public sense. Urgent files should not interfere with this appearance. "The alienation of public sense is the lack of evaluation of the scope of what is worthwhile" (Akakpo, 2005 : 230). This measure is an essential operating principle so that sustainable development can benefit from political treatment commensurate with its importance and so that it is not always relegated to the background, or become oxymoronic

1.2. Businesses, economic space and social responsibility

Who says business says economic space. But, what economy in the context of the environmental crisis ? Businesses are essential players in development. Our world is dominated by the concern for economic growth or even productivism. It is politics and economics that have brought about this type of growth. Therefore, it is necessary to rely on the existing market economy to create an economic market space integrating environmental protection. A viable market economy first responds to the needs of the local market, that is to say, serving the social, exchange in accordance with the interests of local communities. This is Corporate Social Responsibility (CSR), Responsabilité Sociale des Entreprises (RSE) in Frensh. They are keen to meet the expectations of populations and innovate to improve the profitability of production processes and the provision of products on the markets. Therefore, businesses can play a role in building a market economy of the sustainable development paradigm. Creators of great wealth, heavy consumers of resources and powerful internationally, companies have a capacity for intervention which can prove particularly effective in favor of environmental protection. Three points can characterize companies in the context of our work. First, they participate directly in economic development through their often massive investments. Secondly, through the working conditions they offer to their employees, companies contribute to creating or reducing social inequalities. For example, saying that Africa is a cheaper source of labor encourages companies to set up in Africa and pay African employees poorly compared to those in Europe of the same company. Third, companies are large consumers of natural resources, producers of waste with the Wasteocene era, and generators

of pollution. Their activities modify the environment more or less profoundly. These three points call upon the social responsibility of companies to respect the objectives of sustainable development. This is why we speak of corporate social responsibility, or, to be more precise, of social responsibility in the sense that responsibility is not limited to the social sphere only. This is precisely what made M. Sheila (2001 : 216) say this :

> There is no doubt that the development of the logics of bureaucratic profitability and private for-profit enterprise pushes us to find new forms of discourse and human-centered practices that will protect against erosion, in these organizational contexts and in the personal sphere of identity and aspiration, the most precious human values.

In clear terms, corporate social responsibility (CSR) is a concept by which companies integrate social, environmental and even good governance concerns into their activities and interactions on a voluntary basis. The role of political authorities is to encourage companies to adopt sustainable development management by changing internal behaviors and tangibly embodying their social and environmental responsibilities. Companies have much-needed knowledge and capital, but there remains the problem of will and motivation. The lack of motivation comes from the following concerns : will sustainable development approaches and efforts be positively appreciated by the financial markets ? Do products that respect sustainable development really meet the expectations of populations and customers ? By committing to sustainable development, do companies not risk losing competitiveness compared to competitors ? These are some concerns that undermine and block business motivations. To address these concerns, it is good to create an economic space based on rules of the game that galvanize businesses to fully invest in sustainable development considerations. F. Baddache (2006 : 44) believes that : "Motivations in legislation and taxation could encourage companies in their innovations and their active contributions to sustainable development". The structures of financial markets must evolve to allow companies to better promote their approaches to operationalizing sustainable development. We are not talking here about the overused concept of sustainable development which is extractivist and productivist. Sustainable development here is understood as that which allows the sustainability of natural resources and the development

of society. It does not limit the notion of future generations to humans only, but also includes animal and non-animal components of the environment.

1.3. Civil society and the opening of "political dialogue"

The management of the industrial, natural and social environment must be open to civil society, because the implementation of sustainable development is the work of all, because it is in the interest of all. Decisions relating to sustainable development should not be taken solely on the initiative of political leaders. Civil society has a role in governance and even good governance. "Civil society has a governance role to play in monitoring risky activities (chemistry, nuclear in particular) ", says F. Baddache (2006 : 44). It monitors the quality of government action.

Civil society would serve to better understand the respective roles of government and other forces involved in the development of society from within and without. Thus, collective mobilization is very often essential to ensure that the harmful aspects of development are taken into account. Civil society allows the free expression of social problems. The bridge or zeugma between political power and civil society is the procedural ethics of discussion. We are in a morally plural society. Based on the fact that there is not a single fixed model of development, openness to dialogue is essential in the choice of the development model of society. This is precisely what leads L. M. Poamé (2001 : 410) to maintain that : "in procedural ethics, normativity relates not to the content, but to the method to follow to reach an agreement". Procedural ethics is not limited only to bioethics. It is also essential in the choice of the development model, because we are in a world where the difficulties are linked to the vicissitudes and the selfishness of a political universe whose ideal still does not have good press. In such a context, for development to benefit populations and not developers, procedural ethics must accompany reflections on the choice of the societal model and the implementation of sustainable development. This is precisely what C. Arditi and E. Bernuis (1996 : 7-8) maintain when they assert that :

> Societies and the different systems that govern them are flexible because they live and are continually confronted with choices. It

is in the perspective of the future of such societies that a process of development or something approaching it can take place.

The dialogue between political power and civil society consists of clarifying the interplay between the transformation of the natural environment and the transformation of production systems. It is a process which in fact consists of finding the dynamics of change capable of responding to the concerns and problems of development. In other words, from the perspective of protecting the environment and people, the dialogue will consist of finding the dynamic of modernization capable of responding to present needs and enabling their satisfaction while taking into account the environment and future generations.

2. Ethics of the future and the forms of social organizations

Ethics of the future must not remain at the theoretical stage, it must be practiced. It is not a question of postulating ethical standards of the future, they must also be evaluated in terms of their chances of being implemented. The responsibility towards future generations that Hans Jonas speaks of is not without limits in our current societies dominated by democracy and the liberal economy. Hence it's appropriate for us to ask ourselves whether there really exists a possibility of action oriented towards the future within the current price systems imposed by the market, and within which the resources important for the future are evaluated according to criteria relating to the interaction of current supply and demand and not by criteria relating to ethics of sustainability. In addition, it's necessary to seek to know whether adequate action in terms of ethics of the future is compatible with current forms of political organizations, that is to say the market, democracy and globalization.

These questions obviously give rise to ambiguous reactions depending on whether we attach value to the ability to orient ourselves towards the future as well as to convictions favorable to democracy and the liberal economy. Whatever the reaction, the option favorable to the ethics of the future lies in the need to accept restrictions both in the constitution of the economy (especially that of the market economy) and in the democratic constitution. By democratic constitution, we must understand the political decision-making processes and the conditions of decidability. These two necessities allow the use of modes of human action which take into account the interests and needs of future

generations as well as those of the current generation. Ethics of sustainability therefore implies an extension of economic planning by the State. We are entitled to wonder if the paradigm of sustainable development should be accepted as a form of current renunciation in the name of the future or if it should be prohibitive in the name of satisfying the needs of current populations lacking proper development. To resolve this problem, it is necessary to free the main object from responsibility for the future. Natural resources are the subject of ethics of sustainability. By therefore limiting ourselves to the preservation and protection of natural resources, we can establish the link with market mechanisms and at the same time gradually establish, through education, the application or implementation of the principles of sustainability.

2.1. The market mechanism and the principles of sustainability

When the market for natural resources important for the future does not exist, the market mechanism or system is incapable of providing foresight for future generations. However, natural resources exist but in small quantities due to the overexploitation of previous years in the process of productivist development. Thus, for an evaluable natural resources market to exist, the State must work to define property rights over natural resources for technical and political reasons. Often, for technical reasons, the attribution of property rights to many environmental resources is prohibited. In this case, technically, we cannot apply the price mechanism to them. This is the case of air for which we cannot technically establish the right of ownership regardless of its importance for the existence and the rarity of its good quality. On the other hand, there are other natural resources over which the right can be defined technically, but politically the effectiveness of these rights is compromised. For example, raw material reserves, ocean fauna which is not located in coastal areas claimed by States. The lack of property rights over these resources means that they also do not have a market price capable of expressing a current or future deficit which would make it possible to guide the nature, scale and temporal structure of their use. Given that these resources are common property, they are exposed and threatened by overexploitation, especially in countries where raw materials constitute the lifeblood of the economy. D. Birnbacher (1994 : 227), in the same vein, says that :

The quality of environmental resources such as air or water can be massively degraded. Exhaustible resources, such as raw material reserves, can be completely consumed. Renewable resources, such as soils and forests, can be exposed to lasting degradation, affecting their ability to regenerate.

It is political power that can limit the overexploitation of environmental resources such as air and water by limiting damage in relation to the standard of living of populations. We understand that, with regard to resources, the market economy, foresight towards the future must be the mission of political planning in the era of sustainable development. We are in a world where the economy is dominated by the law of supply and demand. But, is the market price established according to the law of supply and demand capable of preventing and signaling current and future scarcity and thus directing the use of resources towards optimal solutions in the short term ? and in the long term ? There is a clear divide between theory and practice because of the time preferences of egoistic rationality. To operationalize sustainable development and give substance to responsibility for the future, political will must progressively exercise corrective actions in current lifestyles and pace of life inherited from the productivist model of development.

2.2. Exhaustible resources and substitutes

The survival of future generations is in danger if we look at the future of humanity in relation to the depletion of non-renewable natural resources. Chemical materials like oil, gas and coal, formed over hundreds of millions of years were literally thrown into the fire in the space of a few centuries. The use of exhaustible, non-renewable and non-reusable natural resources is part of an irreversible process. The normative evaluation of the use of non-renewable resources must go hand in hand with irreversible anthropogenic processes as a whole. This anthropogenic process is the modernization and development of societies. This process is irreversible because the development model is an unfinished model. Given the environmental crisis, this unfinished model should not expect exhaustible resources to answer all existential questions at all levels. Development is therefore at a decisive turning point. This turning point consists of breaking away from the abusive exploitation of natural resources and finding substitutes to support natural resources. D. Birnbacher concludes : "Whether the use of an

exhaustible resource meets the criteria of plunder or raises no moral objection depends essentially on the degree to which this resource can be replaced by a substitute, or on the estimated probability of the future existence of substitutes".

The substitute must take into account respect for the environment. This means that science and technology must find suitable substitutes for Man and the environment. The substitute must always be related to said resource and relate to a specific need or fundamental needs and not create needs. In other words, a non-renewable and exhaustible natural resource can be more or less replaced by other resources in the production of goods falling within a determined category of needs on the one hand, and on the other hand, the categories of needs that the exhaustible resource satisfies can be in one way or another exchanged for other categories that maintain the same area of basic needs. There is a problem of scale of value here. Obviously, a greater value must be given to an exhaustible resource essential for the production of all goods falling within a specific category of need than to an exhaustible resource essential for the sole manufacture of specific goods in said category. Human beings being at the heart of development, we must place greater value on an exhaustible resource essential to the satisfaction of a fundamental need, or even all fundamental needs, the main one of which is the need for survival. Substitutes are possible, because many raw materials which, originally, were considered irreplaceable, have proven with technical progress to be perfectly replaceable by a substitute. But there is a social price to pay. This social price is scientific and technical research. The substitute depends on the capital, the technique (the know how) of scientific research as well as the raw materials necessary for its production. Africa lacks research capable of transforming raw materials. This explains the fact that Third World countries have raw materials but continue to find themselves in an unfavorable situation as a supplier of raw materials. However, development, in a modern context, cannot do without research. Because what is necessary for sustainable development in order to circumvent resource shortages is less the fact of having raw materials and specific substitutes than the fact of having sustainable and adequate adaptation and innovation technology.

3. The requirements of sustainable development and marginalized research in Africa

The time to build one's intellectual notoriety on the fact of copying, rehashing, ruminating, interpreting and even slavishly translating the thought of Western authors is over as an interest for the African continent. The intellectual of Africa's future is not in this category. Reflections outside the realities of Africa, specific experiences of African intellectuals linked to Africa are at the twilight of their paradigm. The development of Africa, let's say, the happiness of Africans must come from Africans themselves : this is where endogenous intellectual work must be oriented while being open to other intellectual work throughout the world. Producing research that transforms society, that empowers African society to lead itself towards a better life for the entire community, this is the main task that Africans expect of their intellectuals and researchers. The political actor must imperatively take into account this aspect of self-realization through the contribution of African intellectuals and researchers.

3.1. Intellectual work on an endogenous scale

The sustainable development paradigm requires that our current lifestyles and rhythms of life change. In addition to changing mentalities, intellectual work constitutes a key element. The use of resources and substitutes must be accompanied by research to support businesses and other development actors. Unfortunately, collaboration between researchers and African development actors is currently insignificant and often even non-existent. "We note that the partnership between university research laboratories and teams and local businesses remains non-existent, or at best informal or small-scale" (Akakpo, 2005 : 29). The few results we have must be popularized. Which is not often the case. Patented inventions are scary because of the risk of lack of takers. All things considered, the lack of popularization of results and university expertise leads to ignorance of the investment opportunities offered by laboratories and research teams in the development process. This situation constitutes a brake on endogenous development and favors the imperialism of the Western model. In an uncomfortable situation of the research/business partnership (or research/development actors) in an Africa which is struggling to modernize its organizational and political

standards, and which exists as if on the fringes of modern production and the market economy, we wonder how it can meet the challenge of sustainable development through research which has now become costly. Sustainable development is a challenge to be met by endogenous research.

In Africa, research funding is derisory. We are not going to fixate on the reasons for the lack of research funding, but our task will be to show how the ethics of sustainability is a challenge that must be addressed by research. The world of work in Africa is called upon to be professional and efficient to guide the ongoing industrialization (for certain countries) and adapt it to the protection of the environment and people. Changing mentalities and unsustainable behaviors is not enough ; we need technical means, the results of research, to gradually correct the unsustainable development model and options. Indeed, no matter how much people are educated about environmental protection, if the means of protection are not available or if they are expensive, environmental preservation education will be in vain. It is under these same conditions that sustainable development manifests its « oxymoracy ».

Adopting a sustainable lifestyle seems to be an obstacle in Africa. For example, the sustainable mode of transport by electric cars and mopeds is an innovation that protects the environment, until proven otherwise. But these innovations come from the West. African researchers must be able to produce non-polluting and less expensive means of transport. If everything must come from the West, sustainable development will prove to be a means of enriching the holders of the technology capable of producing less polluting or non-polluting means of transport. Urbanization and competition require the use of fast and efficient means of transport thanks to new technologies. Research must be a state affair in the quest for the performativity of the means of a good life that protect the environment.

Research policy is essential in the context of sustainable development. We must domesticate science and technology. The domestication or even appropriation of sciences and technologies must be a state policy. This is not blind domestication, but informed by traditional environmental principles and ethics.

This is a way of sharing modern science with traditional communities. The latter have a legitimate right to a fair sharing

> of the benefits of modern environmental sciences and techniques, but as much as possible in alliance with their values, knowledge and practices. (Dikenou, 2008 : 103).

The experience of developed and emerging countries confirms this. Thus, no African ambition of the integrative development model can ignore public policy favorable to research. We must see research as an integral part of society's choices, ambitions and aspirations. African policies must enable research to be able to meet fundamental needs by producing sustainable goods and services. This helps avoid "pragmatism" and "eclecticism". Pragmatism here designates the attitude of making choices excluding the use of theoretical reflection and evaluations based on ethical principles. And eclecticism here designates the attitude in research of not paying attention to its coherence, to its belonging to a system or ideology, to its historical context. As H. Jonas (1990 : 224) says about domestication, "the technique is justified only by its effects, and not by itself." To say that public research policy makes it possible to avoid pragmatism and eclecticism means that it makes it possible to avoid what a model may contain that is erroneous or inappropriate. In the era of globalization where societies are open to each other, the public policy of endogenous research makes it possible to domesticate technoscience and thereby makes it possible to detect what is inappropriate for the local environment and the development of populations. It is a way of protecting said populations and the environment on a political level.

3.2. The rise of uncertainties and the need for environmental law

Faced with the environmental and social crisis, the uncertainty of the good life of future generations has become a major concern. The current critical state of the planet and the difficulty of the prospects proposed to find an adequate solution until now give rise to the rise of uncertainties and urge all of today's humanity to fight for the protection of the environment. The rise in uncertainty means that we are in a situation where we do not know if the future will be better than today. Will future generations live in better living conditions than us ? Fighting the environmental and social crisis is a form of social protection, a measure of public utility. The operationality of sustainable development must therefore be effective in the name of the social protection of individuals against the vulnerability linked to the environmental crisis.

The ethics of sustainability shows today that we are in a society where everything should not be judged based on market and instrumental value. Hence the need to reform, that is to say, put limits on unsustainable human behavior. This is where environmental law finds its full meaning.

Thus, "international environmental law, a special area of international law, aims to protect the biosphere against major deterioration and imbalances which could disrupt its normal functioning." (Kiss and Beurier, 2000 : 19). Obviously, this definition raises the problem of the very purpose of environmental law. The question is, why protect the environment and for whose benefit ? International environmental law does not exist at the moment. But this does not prevent us from thinking about its future legal status in the context of social sustainability. For example, in accordance with a UNESCO program entitled Man and Biosphere (MAB) the term biosphere has been used to designate the entirety of our environment. According to current knowledge, and until proven otherwise, the biosphere is in fact the part of the universe where all forms of life are concentrated. If we really want to operationalize its protection, the means most consistent with legal techniques would be to give it a legal status close to legal personality. The idea is good, of course, but finding such a solution covering the entirety of our universe is difficult to imagine currently. Hence the importance of the endogeneity of development, because on the local level, we can build a legal order from the convergence of some concepts of sustainable development and international law. This possibility is due to the fact that any legal order is based on concepts. If developed societies are societies where human rights are respected, then the environment will only have peace if it has a right.

3.3. Some concepts of sustainable development and international environmental law

Legal orders are based on concepts, that is to say, on abstract representations of the objectives of society. Concepts, unlike principles, cannot be applied directly because they underlie all the rules forming the legal order. This is how they can play an important and leading role in the development of law and therefore environmental law. The social state must promote environmental justice which includes three aspects :

- Environmental justice primarily means equity among humans living today, or what concerns the distribution of environmental benefits.
- Secondly, it advocates equity between generations and in particular between present humanity and future humanity.
- Environmental justice thirdly introduces the notion of equity between species, that is to say between humans and other non-human species.

3.3.1. The concept of the common heritage of humanity

It was during the United Nations Conference on the Law of the Sea in the early 1970s that the concept of the common heritage of humanity was officially formulated into international law. The environmental content of this concept appeared with the UNESCO convention of November 16, 1972 concerning the protection of world cultural and natural heritage. This convention affirms that it is in the general interest of present and future humanity to safeguard species threatened with extinction and that it is up to States to fulfill the duties which are incumbent upon them. The main characteristics of the concept of the common heritage of humanity are :
-Exclusive use for peaceful purposes,
- Rational use in a spirit of conservation,
- And finally, good management and transmission to future generations.

3.3.2. The concept of the general interest of humanity

Legal orders are structured around the moral and material good of all citizens recognized as constituting the general interest. Within societies, this interest is determined by the constitution, or acts, or constitutional customs. Unfortunately, the international legal order has not yet been equipped with such structures. But, "this does not prevent us from seeking the concepts and rules to apply beyond national legal orders, in international law", we can read in the 1992 Rio Convention. This is so especially since the problem of preserving the environment has global dimensions and therefore concerns all of humanity which must be responsible for its safeguarding. Environmental justice, through the concept of the general interest of humanity, is a deterrent. The solutions thus ultimately based on the awareness of a general planetary interest contain aspects such as respect for human rights, maintenance of peace, development and conservation of the environment. The Universal Declaration of Human and Peoples' Rights must normally be revised

because it was designed at a time when the crisis, environmental law and responsibility towards future generations were not a major concern.

3.3.3. The concept of rights of future generations

The preceding concepts join that known as the right of future generations. This concept owes its first formulation to the declaration of the Stockholm conference of 1972 where it emerged that Man has the solemn duty to protect and improve the environment for future generations. "Obligations to the entire system of nature do not replace duties to other people and other living beings...duties to the ecosystem are in addition to other duties." (D. E. Marrieta Jr., 1995, p. 5). Twenty years later, the Rio Declaration agrees with the third principle which states that "the right to development must be realized in such a way as to equitably satisfy the development and environmental needs of present and future generations".

Technoscience evolves by presenting itself as a co-author of the history of human beings. The political issue can also be understood from scientific knowledge on an epistemological level. "To fully understand the evolution of political ecology in the history of ideas, two keys are necessary. They relate more to the political commitment of the researchers involved than to epistemology." (Gautier and Benjaminsen, 2012 : [online]). The environment-societies relationship is linked to technological progress, citizen engagement, to public action for the benefit of future generations. Technoscience is a source of economic power. The result for K. T. Koussé is that (2021 : 540) "Economic power is considered as the power of the community. It is ultimately establishes itself as the identity of the community. It is through it that we can quickly raise the standard of living of consumers". From this diagnosis, he regrets that "Economic power is the expression of "individualism of States and the individuals who compose them." (Koussé, 2021 : 540). Individualism is not likely to safeguard the needs of future generations. However, "man will always be an integral part of a natural system whose fundamental laws he must follow. " (Dorst, 1965 : 11).

We must see the environment as an actor, a companion who is part of geography and human history. The ecosystems that sustain the life of all human generations are not politically inert, hence the need for environmental laws to guarantee its status as an actor. This allows natural resources to be used, experienced and socially interpreted. As capitalist

forces are still rampant in modern societies and mentalities, it is appropriate to highlight the importance of interactions between the actors and the institutions that set environmental rights. The perception we have of environmental stakeholders counts for the success of safeguarding it for the greatest benefit of future generations.

3.3.4. The concept of common but differentiated responsibility

This concept mainly concerns States. It challenges States on their social responsibility in protecting ecosystems. Each State has a different responsibility from that of the others given the disparity of the roles played in the deterioration of the environment. Principle 7 and Principle 8 of the Rio Declaration in 1992 are in line with common but differentiated responsibilities. Principle 7 states :

> States must cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. Given the diversity of roles played in the degradation of the global environment, States have common but differentiated responsibilities. Developed countries recognize their responsibility in the international effort for sustainable development, taking into account the pressures their societies exert on the global environment and the techniques and financial resources at their disposal.

Principle 8 states that :

"In order to achieve sustainable development and a better quality of life for people, States should reduce and eliminate unsustainable modes of production and consumption and promote appropriate democratic policies."

The concepts we have just seen fall under the ethics of sustainability, or at least promote the ethics of sustainability. It can thus be said that the ethics of sustainability offers an advantage for international environmental law, because, in a certain sense, the sustainable development that it guides can be seen as lying between concept and principle of international law of the environment. Environmental law, like human rights, must be one of the solutions to the problem of the development model of human societies.

Conclusion

If there are generations that are easily expendable, it is the future generations because they are not able to express themselves, to defend their rights. However, they are called to live with dignity in a healthy biosphere like previous generations. The responsibility of development actors is called into question. Our thinking was to place particular emphasis on the political issues of environmental protection in order to highlight political will as an essential factor in the effectiveness of this protection. Protecting the environment is a very delicate and complex exercise. Environmental law must be able to find the balance in order to gain the consensual support of all stakeholders by taking into account all sensitivities, particularly those of indigenous peoples. When we talk about future generations, we are not talking about human generations exclusively, but about all generations of the biosphere. In the biosphere there are non-human living things, non-animal elements which condition the existence and habitability of the earth : it is all these elements that we call future generations that environmental law must find the balance to protect them with the contributions of all stakeholders.

Bibliographic references

Akakpo Yaovi (2005), *Transmutation sociale et nouvelles traditions de savoirs en Afrique*, Thèse pour le doctorat d'Etat, FLASHS, Université de Lomé.
Arditi Claude et *al.* (1996), *Les dynamiques du changement en Afrique sub saharienne, freins et impulsions*, Paris, Harmattan.
Baddache Farid (2006), *Le développement durable au quotidien*, deuxième tirage 2008, Paris, Eyrolles.
Birnbacher Dieter (1994), *La responsabilité envers les générations futures*, Paris, PUF.
Dikenou Kwami Christophe (2006), « Éthique clinique et éthique de l'environnement », *in Revue du CAMES*, Nouvelle Série B, Vol. 7., n°1., pp. 79-88.
Dikenou Kwami Christophe, (2008), « Cultures africaines et éthique environnementale », *in Mosaïque,* N°008, Lomé, pp.101-113.
Dorst Jean (1965), *Avant que Nature ne meurt,* Neuchâtel (Suisse), Delachaune et Niestlé.

Gautier Denis et Benjamensen Tor A. (2012), *Environnement, discours et pouvoir. L'approche political ecology*, Versailles Cedex, Editions Quæ.
Hess Gérald (2013), *Ethique de la nature*, Paris, PUF.
Jonas Hans (1990), *Le principe responsabilité. Une éthique pour la civilisation technologique*, trad. Jean Greisch, Paris, CERF.
Kiss Alexandre et Beurier Jean-Pierre (2000), *Droit international de l'environnement*, 2ème édition, Paris, Pedone.
Koussé Kizito Tioro (2021), « Coronavirus, un écofascisme naturel », *in* L*ɔŋ*gbowu, Vol. 2., N° 011., Kara, Université de Kara, pp. 535-551.
Manson Sheila (2001), « Les rapports entre le bien commun et l'intérêt privé dans l'Etat-providence », *in L'Etat, la société civile et l'économie. Turbulences et transformations*, Paris, l'Harmattan.
Marietta Jr Don E (1995), *For People And The Planet. Holism And Humanism In Errvironmental Ethics.* Philadelphia, Temple University Press.
Poamé Lazare Marcelin (2001), « Ethique procédurale de la discussion », *in Nouvelle Encyclopédie de bioéthique*, Bruxelles, De Boeck Université, pp. 409-412.
Sommet planète terre, connférence des Nations Unies sur l'environnement et le développement, Rio de Janeiro, 3-14 juin 1992, [en ligne] : https://DÉCLARATION%20DE%20RIO%20SUR%20L'ENVIRONNEMENT%20ET%20LE%20DÉVELOPPEMENT_br_%20PRINCIPES%20DE%20GESTION%20DES%20FORÊTS.html, (page consultée le 09 mars 2020).
Stone Christopher (2022), *Les arbres doivent-ils pouvoir plaider ?*, Paris, Le passager Clandestin.
Worster Donald (1992), *Les pionniers de l'écologie. Une histoire des idées écologiques*, Paris, Sang de la terre.