

URBAN PLANNING AND BIO-ENVIRONMENTAL POLICY

[Professor Dr. Rusen Keles](#)

Director, Centre for Urban Studies, Ankara University
President, UN Association of Turkey
Turkey

Technological progress and urbanisation have drawn the attention of mankind to the environment in which it lives during the second half of the 20th century. While concern for the environment has been subject to action and co-operation at national and international levels since the 1960's, today, in many countries it is common to observe that special institutional and legal measures are taken, international organisations are set up and even an International Environmental Law is emerging.

An Environmental Science is also emerging with a view to removing the effects of 20th century technology upon both the natural and man-made environment, in just the same way as the discipline of Social Policy was born, as a result of reaction to the economic and social problems created by the industrial revolution in 19th century Europe. The difference in concept of Environmental Science from the discipline of Ecology, which is much older, is that the latter deals usually with the study and analysis of "what is?" while the subject matter of the former is, as a further step, to look for the solutions and existing environmental policies.

It is not possible to deduce the concept of human rights concerning the environment from the bundle of rights and freedoms provided by the 1789 French Revolution. As a matter of fact, traditional rights and freedoms acquired their meanings as conceived today only after they had been complemented by the economic and social rights born out of the post-war developments. Social consequences of the industrial revolution and the need to cope with them influenced these developments greatly. Therefore, it is observed that the development of the doctrine of social and economic human rights took place at the same time as the development of the concept of a social welfare state.

The fundamental principles laid down in the preamble to the Universal Declaration of Human Rights, adopted by the General Assembly of the UN, on December 10, 1948, such as the "freedom of meeting needs", "to provide men with better living conditions", "to ensure their social development in a broader environment of freedom" are the outcome of such a long development.

The right to live in a better environment with better standards may be deduced from the principles just mentioned, as well as from the following articles of the Universal Declaration:

"Everybody has the right to benefit equally from public services in his country" (Art. 21/2), "Everybody has the social security right - and the economic, social, cultural rights necessary for the free development of his personality, appropriate for his honour, as a member of the society" (Art. 22), "Everybody has the right of having a level of living comprising nutrition, clothing, housing, health and other social services sufficient for the health and well-being of himself and his family" (Art. 25). All these are examples of positive rights enabling people to ask the State for assistance for a positive action, apart from the negative rights that may be utilised to prevent unnecessary interventions of the State.

Throughout the 19th century, reactions shown to the concept of individual freedom have contributed to strengthen the understanding that it would be wrong to deal with man as an abstract personality separated from the environment and society in which he lives. In other words, this movement made the concept of individual human rights of the past centuries acquire a social content. For example, if someone who is given the right of domicile inviolability does not possess a dwelling to live in, this means that traditional freedoms are not meaningful as long as they are deprived of social contents.

In the light of this development, many governments put these rights in their constitutions during the inter-war period and especially after the Second World War. For example, the Mexican Constitution of 1917 has a provision "requiring employers to provide their employees with housing accordance with health standards" (art. 123, XI). Similarly, the Weimar Constitution of 1919 charged the State to ensure the well-being of the citizens. The same Constitution states that the land shall be put into collective ownership, in other words, shall be expropriated, and the amount of compensation and the procedure of payment will be determined by law.

One of the most important changes brought about by the present century in the traditional fundamental freedoms is the fact that the right of ownership guaranteed by the Universal Declaration (Art. 17) cannot be used in violation of the "public interest". In fact, according to the Constitution of Bonn of 1949, "The right of ownership creates some obligations". A similar provision in the Turkish Constitution stresses that the ownership right cannot be used in contradiction to the principle of public interest.

To limit the use of the right of ownership in land which is a key factor in shaping human environment, in the protection of nature and natural

beauties, and in the accomplishment of local planning functions, is one of the important guarantees of the protection of the environment. Thus, the right of ownership which seems to be an individual right, acquires a social content appropriate to the needs and development level of our century by obliging individuals not to violate natural values and to take measures to improve the bio-environment.

The principles concerning the improvement of environmental conditions and the protection and development of the environment do not only consist of the provisions of the Universal Declaration of Human Rights. In the preamble to the Charter of the Economic Rights and Duties of the States which was adopted by the UN General Assembly on December 12, 1974, attention is drawn to the fact that the General Assembly is ready to contribute to the creation of the conditions necessary for the protection and development of the environment. Article no. 30 of the Charter states that: "Environmental policies of all states should influence the development potentials of developing countries not adversely but in an appropriate way. All states have to ensure that their activities and control actions within their boundaries should not harm the environments of other countries or other places outside their boundaries".

In accordance with a resolution of the UN General Assembly adopted on Dec. 6, 1973 (3087 XXVIII) the Second Conference of UNIDO, convened during March 1975 in Lima, Peru, adopted a Declaration and Action Plan. Article no. 38 of the Declaration says that "The international community and especially the developed countries have to mobilise their human and material resources in order to solve the problems threatening the environment. Therefore, developed countries, in order to prevent environmental pollution, have to increase their efforts and have to refrain, in accordance with scientific measures, from actions that might create pollution problems and adverse effect in developing countries".

Developed And Developing Countries

The United Nations has dealt with such issues as urbanisation, urban public services, regional imbalances, housing, industrial estates, and city planning since the post-war years when the differences between developed and developing nations, development problems and the experiences of planned development became important socio-economic questions. In fact, this organisation which strives for the well-being of mankind could not remain indifferent to the miserable living conditions in the less developed world. Therefore a Centre for Housing, Building and Planning, later called the Centre for Human Settlements (Habitat) has been at work since the 1950's with the aim of providing technical assistance for urbanisation, housing, transportation and urban public services and of ensuring the exchange of experiences and information among nations. In addition, the concept of environment used in the UN circles has been expanded since the 1970's, and it turned out to include not only the above-mentioned topics, but also questions of the pollution of air, sea, water and land.

Environmental problems may be viewed from two different angles, one narrower, and the other larger. Even the larger meaning of the environment is inadequate at present; for the majority of the world population and especially the people living in the Third World do not consider their conditions of health, education and employment as satisfactory. It is generally accepted that these conditions can not be separated from the concept of the environment in which we live. Inadequate health, education, employment, nutrition and income conditions, in other words, poverty, is the most important factor determining and shaping the material environment of man.

Like other international organisations, the UN is composed of developed and developing countries. These groups of countries are different from each other with respect to their social and economic structures, development potentials and development styles. From the point of view of the economy, the interests of developed countries require the search for markets for their manufactured products, the achievement of monopolistic advantages, the protection and maintenance of such advantageous conditions and the permanence of developing countries as exporters of raw materials. On the other hand, for the developing countries, rapid industrialisation and a level of self-sustaining development are extremely important goals. These two groups of countries differ from each other also with respect to the nature of the problems of environment. While the pollution in advanced countries is a result of the increase in production and consumption and therefore it may be named as the "pollution of affluence", the pollution in developing countries seems to be an outcome of inadequate health, education, housing, cleanliness and unemployment conditions and of regional disparities, and therefore, it may be called "pollution of poverty". Therefore, a kind of environment policy formulated on the basis of the needs of developing countries may not meet the needs of developing countries. Such a formulation would simply help the existing international economic order to perpetuate itself. Yet, less developed countries cannot consent to live in a state of continuous poverty, even in an environment not polluted by industry and urbanisation. They have to be entitled, too, to the privilege of becoming industrialised no matter how polluted their environment becomes.

It is because of this major difference that environment and development have come, in recent years, to be perceived as two contradictory goals and it is agreed that renunciation of one of these objectives for the purpose of improving the environmental conditions may result in neglecting the other. Inspired by this contradiction, Indira Gandhi, the late Prime Minister of India, said in the Environment Conference of Stockholm, in 1972: "Aren't poverty and unmet human needs the most important kinds of pollution? How can I explain the necessity of keeping the air, seas and rivers clean to the masses living in their own villages, in slums, while their lives are badly contaminated? Environment cannot be improved in the conditions of poverty".

On the other hand, it has become quite an attractive policy today to transfer to other countries through foreign aid and multinationals, the most polluting industrial establishments. As a result, it is natural that the transfer of pollution from developed to developing countries becomes facilitated through the transfer of capital. As pointed out by a European political scientist: "Such transfers may not create big problems since the

lack of concern for pollution in the less developed countries prevents the issue of environment from becoming an important political question".

However, one can find the ways of striking balance between the two variables without accepting the exaggerated view that environment and development are essentially contradictory objectives. This depends, as pointed out by Johan Galtung, largely upon self-sacrifice of the developed countries, and on their formation of new life styles. To put an end to inequality and exploitation requires a change of attitude of developed countries towards satisfying themselves with lower standards of living as far as their habits of nutrition, clothing, housing, education, health, transportation and communication are concerned. In other words, developed countries must visualise their responsibilities towards poor nations. Any discussion about the possibilities for international co-operation for the protection and improvement of the environment must take these differences into consideration.

As a matter of fact, a declaration adopted in a Symposium on Resource Allocation: Environment and Development Strategies (Cocoyoc), organised by the UN in Morelos, Mexico, on October 8-12, 1974, observed that: "A great majority of the world population has still not liberated itself from the exploitive pressures of a tiny group of nations representing the economic power of the world". It equally observed that "a small part of the transfer of surplus of richer countries to poor countries can suffice to meet all needs in Asia".

In addition to the UN, several organisations are interested in environmental problems: The World Bank, The European Economic Community, OECD, UNESCO, WHO, FAO, The Council of Europe and NATO. The role of the UN Stockholm Conference on Human Environment (1972) in furthering public awareness for the protection of environment has been of great importance. Some of the proposals adopted in the Conference are indicative of the increased concern for environment among nations; for instance, the fact that the protection and the improvement of the environment is the responsibility of humanity, that the real protection necessitates careful planning and management, that the capacity for recycling the existing world resources should be increased, that a decreased use of non-renewable resources is required, that the natural environment should be carefully utilised, and that the air, water and sea resources should be protected.

The Conference also drew attention to the possibility of using regional planning as a tool in alleviating the environmental problems. And it insisted that countries should not attempt to use their efforts concerning the environment as an excuse for the implementation of discrimination foreign trade policies or for the limitation of other countries' possibilities to compete in international markets, and they should not transfer the economic burden of their environmental policies, directly or indirectly, to developing countries. As a general rule no country can solve its own environmental problems or neglect their solutions at the expense of other countries.

The UN Conference on Human Settlements that was convened in Vancouver in 1976, emphasised the rights of states to exercise full and permanent sovereignty over wealth, natural resources and economic activities, to adopt the resources, and to provide for the protection, preservation and enhancement of the environment. The increased concern for the environment and the trans-boundary environmental problems served as a change factor in complicating the relationships between the principle of national sovereignty and the interest of universal human community. Peter Mayer-Tasch pointed out the legal implications and consequences of the developments in this field for the principle of national sovereignty.

Although Article 25 of the International Document on Economic, Social and Cultural Rights adopted by the UN General Assembly stated that: "No power can be used so as to prevent the full and independent utilisation of natural wealth and resources of the people",³ the need for the protection of the environment and the solution of the conflicts over the environment among individuals and states, paved the way for the emergence of an International Environmental Law. Regulations based on international costumes and traditions, namely the Soft-Law, directive recommendations, action programs, the principles and declarations and bilateral or multilateral agreements all constitute the sources of this new branch of law.

A part of the documents of International Environmental Law deals with the matters of responsibility and compensation. They are mainly retroactive and concerned with the conflicts already arisen. A second group of documents are future-oriented and their aim is to protect the environment from future damages that might occur. Most of the international regulatory actions concerning the seas, rivers, air, radioactive ionisation, protection of wildlife are of the latter category.

For example, the 1972 Stockholm Conference adopted the following principle in this respect: "Mankind has a specific responsibility for the protection of natural flora and fauna and of their patrimony composed of their settlements which are threatened at present by negative factors. Therefore, this matter has to be arranged by economic development plans. The World Conservation Strategy that was adopted in 1980 by the authorised organs of the Council of Europe, emphasised the importance of anticipatory environmental policies, of greater public participation, and environmental education programs and it pointed out the need for more comprehensive international conservation law, and increased development assistance for living resource conservation."

At the regional level, two examples are worth mentioning: One is the Scientific Forum of 1980 that was convened in accordance with the provisions of the Final Act of the Conference on Security and Co-operation in Europe which stressed the practical problems arising from the imperfect understanding of environment and recommended taking into consideration, in the formulation of economic policies, not only economic factors but also the social, cultural and ecological values of the environment. Ecologically oriented urban and regional development planning was among the most important recommendations of the Scientific Forum.

Secondly comes the successful co-operation among 13 Mediterranean countries which co-operated to elaborate the BLUE PLAN for the preservation and improvement of Mediterranean environment. [**](#) It drew attention to the fact that the threat is not so much from what happens in the Mediterranean, as from what goes on around it. According to the Blue Plan, pollution levels in Athens, Ankara and Cairo were above those accepted in Northern Europe, America or Japan. 20 to 30% of the urban population in the southern and eastern areas of the Mediterranean lived in shanty-towns. Therefore, several existing trends such as demography, urbanisation, tourism, industrialisation, technology and economic development had to be revised and, if necessary, reversed. It is praiseworthy to simply mention that with the support of the Mediterranean countries and of their specialists and institutions, together with that of the UN Environment Programme and other international organisations, the second phase of the Blue Plan, which concerns the anticipation and identification of the objectives of normative nature, is about to be completed.

Contribution Of Urban Planning

Among many other factors, the concentration of population and economic activities in already big centres and in some geographic regions is considerably deteriorating the human environment. It is often argued that it is mainly economic considerations that dictate excessive urbanisation, and this cannot, and should not be prevented. Yet, the bio-environment of both developed and developing countries suffers greatly from the ill-effects of over-urbanisation. In other words, environment is adversely affected not only by the pace of urbanisation, but also by its pattern.

It has become a widely accepted view recently among the experts of urban and regional development and planning that a more decentralised pattern of urban development could help considerably to get rid of the UN Centre for Human Settlements (Habitat) came up with the clear conclusion that a revision of national settlement policies in favour of medium and small-size settlement units would greatly reduce the inconveniences for the environment.

This would require close co-operation among the world's nations, both developed and underdeveloped, and international organisations which try to promote socio-economic progress through technical and financial assistance. A precondition of the preservation of bio-environment is to take every possible measure to inform the world about the disadvantages of "monocephalic territorial structures" and the advantages of "polycephalic urban development". Education, informing the public, and the exchange of ideas and dissemination of experiences at international level have an extremely important role to play for the survival of ecological values through shaping future urban structures.

Since both the beneficiary and the destroyer of bio-environment is man, educating him for his responsibilities for the future of mankind becomes crucially important because, as it is indicated in one of the international documents, "Birds do not need maps or passports to make their way across national borders, but they are assisted by laws which mitigate the dangers posed by people engaged in hunting, farming and industry".

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* "Internationalisierung der Umweltprobleme und Statliche Souveranitat", Wissen fur die Umwelt (encl.). M. Janicke, U.E. Simonis, G. Weigman, Gruyter, Berlin, 1985, 175-193.

** Overview of the Mediterranean Basin (Development and Environment), Blue Plan, Mediterranean Action Plan, Paris 1987.

Professor Rusen Keles is Director of Environmental Studies on the Faculty of Political Science at Ankara University. He has served as President of the United Nations Association of Turkey and, in addition to providing advisory services to local government agencies, he has also been a consultant to the Council of Europe and the United Nations. Recipient of the Abdi Ipekci Prize for Peace and Friendship, he has published more than 30 books and reports and is a member of a number of national and international organisations, including B.I.O. trustee