

# THE UNBIDDEN PARADIGM OF ENVIRONMENTAL JUSTICE

By

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Justice is defined as a quality of being righteous or fair. Philosophers and thinkers over the years have pondered over the concept of justice, and though a universal definition on justice could not be conceived, it is broadly defined as the proper ordering of people and things. All races and religion include a definition of justice in their codes of law and conduct. Sociologists consider codes of justice as one of the principal factors in describing an organised society. Of the different types of justice, distributive justice is directed at proper allocation of things amongst people, based on what they deserve. Thus justice, which binds the society together and is ingrained into the hearts and minds of people, has seeped into the purview of environment. Environmental problems do not affect everyone equally. Environmental injustice is the term used to refer to situations in which some individuals or groups bear disproportionate environmental risks, have unequal access to environmental goods like clean air, or have unequal voice in environment-related decision-making. The concept of environmental justice is relevant today because it not only takes into account the problems of the ones disproportionately affected by environmental injustice, but also because it promotes a level playing field amongst the countries of the world. Thus an attempt has been made here to paint the canvas of the article with a concrete image of the concept of environmental justice, a concept not known to many, relevant nevertheless.

## **The Concept: Inception and Understanding**

'Environmental Justice' as a concept emerged not at the inception of the environmental movement when 'biocentrism' prevailed over 'anthropocentrism'. The environmentalists devoted their attention to the protection of the earth and not so much to the plight of the ones inhabiting the earth. This is evident from the writings of many an environmentalist such as J.Baird Callicott

in "Animal Hibernation: A Triangular Affair". In his words, "the extent of misanthropy in modern environmentalism... maybe taken as a measure of the degree to which it is biocentric". Environmentalist Edward Abbey was of the opinion that "he would rather shoot a human than shoot a snake" In Garret Hardin's words, "people injured in wilderness areas should not be rescued hence it damages pristine wildlife." In "Eco-Warriors," Rik Scarce is of the opinion that extermination of humanity is an 'environmental cure-all'<sup>i</sup>. Grassroots Environmental movement is more recent phenomena which recognise the plight of the poverty stricken masses damaged by societal threats, such as environmental pollution, toxic wastes etc. Environmental Justice has been defined variously by many environmentalists and activists. Simply put however, the environmental justice movement is an attempt to equalise the burdens of pollution, noxious development and resource depletion. It requires a more equitable distribution of environmental goods and bads and public participation in evaluating and apportioning the goods and bads. The first time environmental justice as a concept came to be acknowledged was in 1976 at a conference entitled 'Working for Environmental and Economic Justice and Jobs' sponsored by the United Automobile Workers of America and many other organisations. The **Environmental Protection Agency** defines Environmental Justice as follows:

*"the fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, and policies. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work".* <sup>ii</sup>

The Preamble of the People of Color Environmental Leadership Summit held on 21<sup>st</sup> August 1991 states certain Principles of Environmental Justice which helps paint the relatively new concept in a clear light. Amongst others, environmental justice "demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias and "affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples". The principles of environmental justice also state that it is the right of the victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care. One important principle stated in the preamble was that

governmental acts of environmental injustice is considered a violation of International Law, the Universal Declaration On Human Rights and the United Nations Convention on Genocide. Environmental justice also calls for the strict enforcement of principles of informed consent. Environmental justice opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms. Environmental justice calls for the education of present and future generations which emphasises social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.<sup>iii</sup>

### **Addressing Environmental Injustice**

Environmental injustices challenge human rights to equal protection, due process, consent and compensation and people are at risk everywhere be it the developed countries or the developing ones. According to the World Health Organization, 40,000 people die annually, most in developing nations, from pesticide poisoning. Many of these deaths occur because one- third of the pesticides produced in the United States are banned from U.S. and shipped abroad. This is just one example of environmental injustice. The problems of environmental justice can be dealt with effectively if the principles and practices of distributive justice are improved and this includes equal apportionment of social benefits and burdens, such as toxic waste dumps. In addition to this the principles and practices of participative justice too have to be reformed and this connotes to equal rights to self- determination in societal decision making. Distributive justice is essential to the search for environmental justice because it requires a fair or equitable distribution of society's technological and environmental risks and impacts. Citizen's participation or participation of the ones exposed to the risks of environmental injustice is desirable and it is their duty to engage in advocacy and activism.<sup>iv</sup>

Environmental Justice which at its inception was a movement against the environmental injustices meted out to the poverty stricken masses and people of color, has today a deeper implication. It has transcended national borders to address global issues such as climate change and global warming. It is now a universally acknowledged fact that Global warming spells

trouble for the world and in order to address this gradually strengthening catastrophe, green house gas (GHG) emissions have to be sufficiently reduced. The Framework Convention on Climate Change (FCCC) aims at stabilizing the GHG levels and with this end in mind the developed nations or the Annex 1 nations under the FCCC have a current GHG reduction target that amount to 5.2% below 1990 levels, to be achieved in the period 2008-2012. Yet the rich countries are unwilling to compromise on their lifestyle and the poorer ones are unwilling to accept a premature cap on their right to development. Every human being has a right on the atmosphere, it being a global commons but the industrialised nations by emitting higher level of GHGs have more than used up their share of absorptive capacity of the atmosphere and the onslaught of global warming which is for the most part their doing has unleashed a frenzy of environmental disasters mostly on the developing nations. Thus environmental justice would necessitate the industrialised nations to take initial responsibility of reducing emissions while allowing the developing countries to achieve at least a basic level of development.<sup>v</sup>

## **Conclusion**

Environmental Justice Movement is gaining momentum throughout the world. What had begun as a struggle against the minorities and the disadvantaged particularly in the US has spread far and wide. The importance of the Movement can be grasped if one looks into a few examples. In the US itself the EPA is awarding \$800,000 in grants to organisations working with communities throughout the country that struggle with environmental justice issues thus beginning a full-scale revitalisation of how environmental justice should be thought about<sup>vi</sup>. One other incident revolves around South Asia, which is the dumping ground of toxic, hazardous wastes, materials and technologies. Thus on June 25, 2004, the meeting on South Asian Judicial Interaction on Environmental Justice and Equity ended with a key declaration which entrusted the judiciary of these nations the responsibility of protecting the biodiversity of this region and providing for Environmental Justice in the face of increasing environmental exploitation.<sup>vii</sup> The world today is reeling under problems and issues that can solely be addressed in a global platform, mobilising the consensus of the global players. What proves to be an obstacle here is the tilted - playing field amongst the countries of the world, and environmental justice movement seeks to address

this problem through distributive and participative justice based on equity and fairness.

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<sup>i</sup> Kirstin Shrader-Frechette, "Environmental Justice: Creating equality, Reclaiming Democracy", Oxford University Press, New York, 2002.

<sup>ii</sup> Refer to <http://www.epa.gov/environmentaljustice/>

<sup>iii</sup> Roger.S.Gottelib, "This Sacred Earth: Religion, Nature, Environment," Routledge, London, 2004.

<sup>iv</sup> Kirstin Shrader-Frechette, *op.cit.*

<sup>v</sup> Anil Agarwal, Sunita Narain, and Anju Sharma, "The Global Commons and Environmental Justice- Climate Change," in John Byrne, Leigh Glover, and Cecelia Martinez (eds.) *Environmental Justice: Discourses in International Political Economy*, Vol. 8, Transaction Publishers, 2002 accessed electronically at

[http://books.google.co.in/books?id=d6EJpqeeteAC&dq=environmental+justice:discourses+in+political+economy&printsec=frontcover&source=bl&ots=bDLoPpatW3&sig=nj8ts\\_9kb6KPd4PZ0fwkhBGXX6k&hl=en&ei=aqvVSZjDKYqZkQWHs8m8BA&sa=X&oi=book\\_result&ct=result&resnum=2](http://books.google.co.in/books?id=d6EJpqeeteAC&dq=environmental+justice:discourses+in+political+economy&printsec=frontcover&source=bl&ots=bDLoPpatW3&sig=nj8ts_9kb6KPd4PZ0fwkhBGXX6k&hl=en&ei=aqvVSZjDKYqZkQWHs8m8BA&sa=X&oi=book_result&ct=result&resnum=2)

<sup>vi</sup> Refer to <http://www.ens-newswire.com/ens/mar2009/2009-03-24-092.asp>

<sup>vii</sup> The Kathmandu Declaration: A Significant Step In Environmental Justice, accessed electronically at [http://www.thesouthasian.org/archives/2004/the\\_kathmandu\\_declaration\\_a\\_si.html](http://www.thesouthasian.org/archives/2004/the_kathmandu_declaration_a_si.html)

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