

Lecture 10:

Environmental Rights and Justice

Course: Environment and Politics in India

Rights

THEORIES of Rights:

- The Theory of Natural Rights: Right to remain in the 'state of nature', to act according to the 'law of nature'. Absence of government/ORGANISED political authority.
- The UTILITARIAN theory of rights: Acting according to the theory that the "community" must achieve MAXIMUM utility.
 - ☐ Very popular with policy-makers (Nehru and the Hirakud Dam)
 - ☐ Assumes that UTILITY can be QUANTIFIED. By WHOM?
 - ☐ Justifies the impoverishment of SOME members.
- John RAWLS on rights.
- LIBERTARIAN theory of rights: Emphasizes procedural justice, puts individuals rights (over property etc.) ABOVE ALL.

Rights

HUMAN RIGHTS:

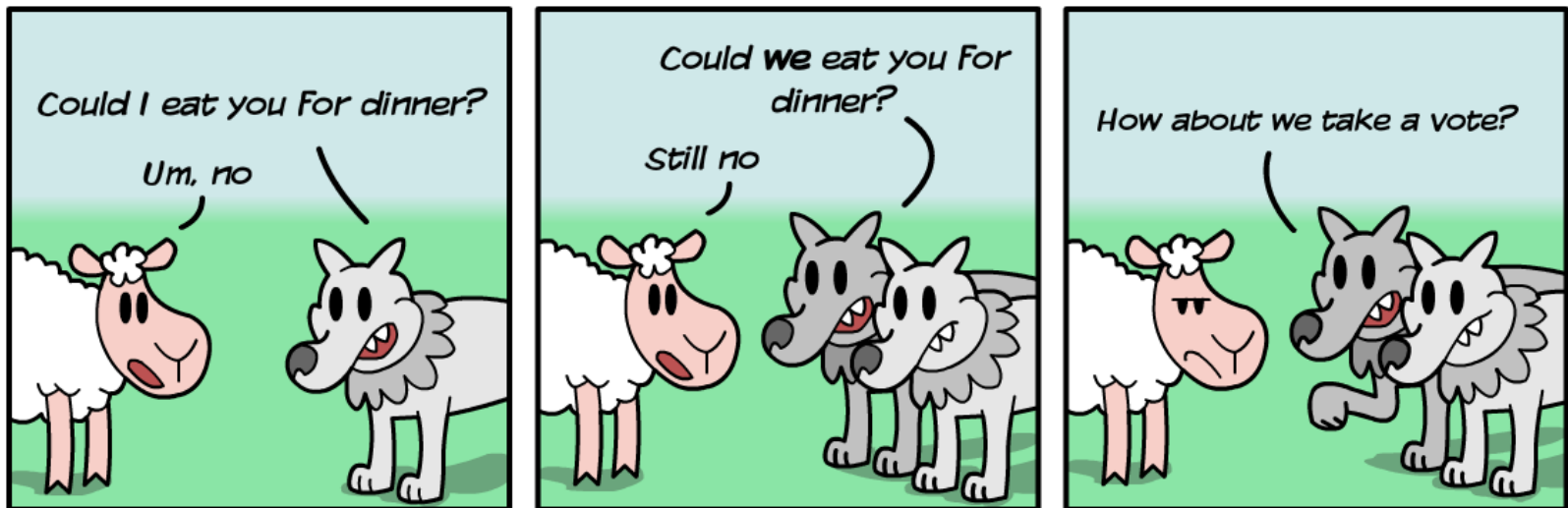
WHAT are they? International MORAL and LEGAL norms. Applicable to the STATE.

- ❑ SECURITY rights: Against murder/rape/torture
- ❑ LIBERTY rights: Freedom of belief/expression/association
- ❑ POLITICAL rights: Right to participate in political activity/vote/serve in public office
- ❑ DUE PROCESS rights: Against illegal detention/punishment without trial
- ❑ EQUALITY rights: Equality under law, protection against discrimination
- ❑ WELFARE rights: Economic and Social rights (food/education/health etc.)
- ❑ GROUP rights: Protection against genocide, religious/ethnic discrimination.

Rights

MULTICULTURAL perspective on human rights:

- Differences in society need to be accommodated.
- Some groups are less advantaged in the CULTURAL/political sphere.
- GROUP-DIFFERENTIATED rights to preserve cultures: territorial autonomy, veto powers, guaranteed representation, land claims, language rights.
- LIMITATIONS: Assaults on democratic values.



Democracy

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Uranium Mining at Jadugoda

<https://www.youtube.com/watch?v=YggnRw7kRC4&t=6s>

Ken Saro-Wiwa and Oil Pollution in Nigeria

<https://www.youtube.com/watch?v=I9Gwf8UcgS0>

Ecological Distribution Conflicts

QUESTION: How do these issues connect to EQUALITY,
JUSTICE and RIGHTS?

Ecological Distribution Conflicts

- ❑ Oil extraction: local population *versus* oil companies/government?
WHO will talk about greenhouse emissions, and WHY?
- ❑ Conflicts over genetic resources: local communities *versus* companies/governments? EXAMPLE: Neem/Basmati/Turmeric.
- ❑ Sardar Sarovar dam: WHO gets electricity/water? WHO loses land?
- ❑ Water conflicts: Industrial *versus* community use
- ❑ Oil spills: Galicia incident
- ❑ Landfills/waste sites
- ❑ Uranium Mining
- ❑ Shrimp/Prawn farming: Local/traditional farming *versus* trawlers
- ❑ Control over carbon sinks
 - US/UK: Most polluting countries should get to use the biggest sinks
 - CSE's suggestion: EQUAL per capita rights/use over soil/forests/atmosphere

Vocabularies of Conflicts

HOW have these conflicts been framed?

- ❑ Struggles over ETHNIC (*adivasi*) political/cultural rights.

Ken Saro-Wiwa.

- ❑ Territorial rights of communities/countries. Unequal economic exchange, unaccounted environmental local 'externalities'

Jadugoda, Galacia.

- ❑ Corporate accountability: 'Class struggles' against corporate greed

Jadugoda, Bhopal Gas Tragedy.

- ❑ Environmentalism of the poor

Protests against Copper Mining in Japan, Copper refinery versus silk industry.

Environmentalism of the Poor

ALSO: Environmental Justice/Popular Environmentalism/Livelihood Ecology ...

WHAT does this say?

- ☐ Economic growth -> Increased environmental impacts
- ☐ Economic growth -> Increased geographic displacement between environmental sources/sinks. Transnational/National/Regional

EXAMPLES: Oil, Aluminium, Copper, Eucalyptus, Shrimp, Gold

- ☐ DISPROPORTIONATE distribution of impacts felt by SOME social groups
- ☐ Main thrust of protests: NOT protection of SACRED nature, but protection of livelihoods TODAY
- ☐ Technology is NOT the only solution

Environmentalism of the Poor

Manifestations?

- Farmers as unacknowledged 'inventors'/innovators
- Environmental 'racism' in the US
- Many forms of the struggles of the POOR
- Moving from NIMBY to NIABY

Ecological Distribution Conflicts

Link between environmental degradation, human rights and civil rights:

“In many places where Black, minority, poor or Indigenous people live, oil, timber and minerals are extracted in such a way as to devastate eco-systems and destroy their culture and livelihood. Waste from both high-and low-tech industries, much of it toxic, has polluted groundwater, soil, and the atmosphere. Environmental degradation such as this, and its concomitant impact on human wealth and welfare, is increasingly seen as a violation of human rights”

Environmental ‘Racism’ hotspots in the US: Louisiana (‘Cancer Alley’ between New Orleans and Baton Rouge)

Environmental ‘Racism’ hotspots in India: Adivasi dominated regions, urban slums...

'Dirty' Industries: Just between you and me, shouldn't the World Bank be encouraging MORE migration of the dirty industries to the LDCs [Least Developed Countries]? I can think of three reasons:

- 1) The measurements of the costs of health impairing pollution depends on the foregone earnings from increased morbidity and mortality. From this point of view a given amount of health impairing pollution should be done in the country with the lowest cost, which will be the country with the lowest wages. I think the economic logic behind dumping a load of toxic waste in the lowest wage country is impeccable and we should face up to that.
- 2) The costs of pollution are likely to be non-linear as the initial increments of pollution probably have very low cost. I've always thought that under-populated countries in Africa are vastly UNDER-polluted, their air quality is probably vastly inefficiently low compared to Los Angeles or Mexico City. Only the lamentable facts that so much pollution is generated by non-tradable industries (transport, electrical generation) and that the unit transport costs of solid waste are so high prevent world welfare enhancing trade in air pollution and waste.

3) The demand for a clean environment for aesthetic and health reasons is likely to have very high income elasticity. The concern over an agent that causes a one in a million change in the odds of prostate[*sic*] cancer is obviously going to be much higher in a country where people survive to get prostate[*sic*] cancer than in a country where under 5 mortality is 200 per thousand. Also, much of the concern over industrial atmosphere discharge is about visibility impairing particulates. These discharges may have very little direct health impact. Clearly trade in goods that embody aesthetic pollution concerns could be welfare enhancing. While production is mobile the consumption of pretty air is a non-tradable. The problem with the arguments against all of these proposals for more pollution in LDCs (intrinsic rights to certain goods, moral reasons, social concerns, lack of adequate markets, etc.) could be turned around and used more or less effectively against every Bank proposal for liberalization.

— *Lawrence Summers*

Reasons for siting preferences?

❑ ECONOMIC explanations:

- Need to maximise profits, Reduce costs
-> Cheapest land, labour -> poor areas (Mississippi River)
- Industrial pollution -> Migration of the rich
- Industrial pollution -> Cheaper land/housing -> More poor people

❑ SOCIO-POLITICAL explanations:

- Least political resistance
- NIMBY syndrome (favouring people with social capital)

❑ RACIAL explanations:

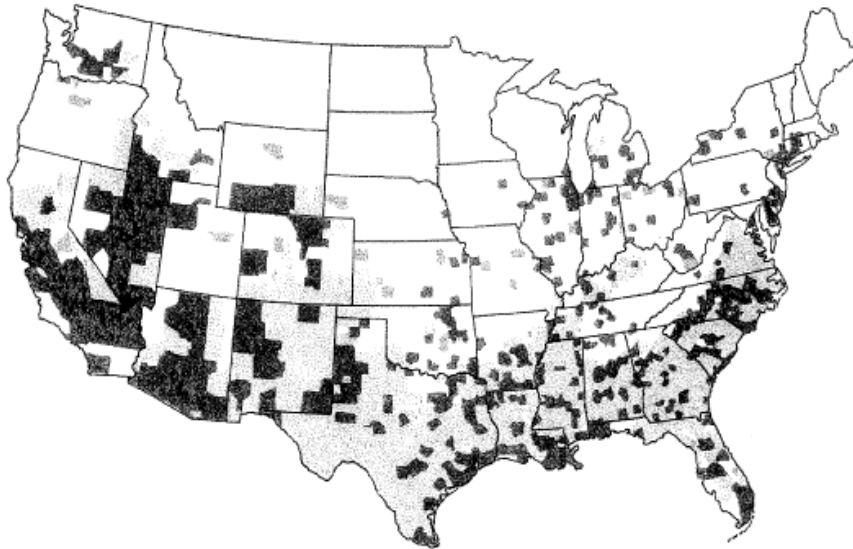
- Racial prejudices
- Past discrimination. Zoning discrimination -> Siting discrimination
- Cultural narratives of 'polluted'/unclean people

INTERRELATED explanations? TRANSNATIONAL racism?

TOXIC WASTES AND RACE

In The United States

**A National Report on the Racial and Socio-Economic
Characteristics of Communities
with Hazardous Waste Sites**



COMMISSION FOR RACIAL JUSTICE
United Church of Christ
©1987

Toxic Wastes and Race at Twenty: 1987-2007

*Grassroots Struggles to Dismantle
Environmental Racism in the United States*



▲ Hazardous Waste Facility Location

A Report Prepared for the United
Church of Christ Justice and
Witness Ministries

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Environmental Racism

- *Toxic Wastes and Race* report: Race is the most important factor deciding location of toxic waste facilities.
“..Average % of people of colour in zip codes containing at least one ...waste facility was double that of zip code areas containing none, and where 2 or more facilities were located, the average % was triple”
- 1982: FIRST use of the term ‘environmental racism’.
 - Discriminatory environmental policy (making/enforcement)
 - Official sanction of pollutants near Black communities
 - Absence of Black leadership in environmental movements
- ‘Environment’ is about the way we live, and ‘Justice’ has to include ALL aspects
- Demands/Issues?
 - ☐ Local/National/Global interventions
 - ☐ Relocation of affected communities?
 - ☐ Higher workspace standards and globalisation

Emerging shades of Environmentalism

From NIMBY to Civil Rights

Warren County movement
against toxic waste disposal
and its implications

- ❑ Background: Classic story of corporate irresponsibility -> ecological impacts.
- ❑ SHIFTING trajectories of protest:

From threats to
groundwater and local
economy – ‘Environmental
racism’



“The community was politically and economically unempowered; that was the reason for the siting. They took advantage of poor people and people of colour”

Emerging shades of Environmentalism

‘BIRTH’ of the ‘ENVIRONMENTAL JUSTICE’ movement

HOW did environmental rights and civil rights join forces?

- Battling the narrative that the environmentalism = Elitism/Racism/Exclusion
- 1968-1975: OLD narrative worked. Hesitation on BOTH sides.
 - ❑ Environmental leadership: White, professional, middle-class, male. 58% of Sierra Club said it should NOT address concerns of ethnic minorities/urban poor
 - ❑ Environmentalism as a “segregated bus” for Blacks?
“I don’t give a good goddamn about ecology...the nation’s concern with environment...distracts the nation from HUMAN problems of black and brown Americans”
 - ❑ Sharp divide between environmental problems of the TWO groups
 - ❑ BUT, young Blacks thought pollution was AS important as poverty/desegregation.

Emerging shades of Environmentalism

- 1978-1983: NEW narrative of ‘Environmental Justice’
 - ❑ White activists sought to expand their base
 - ❑ Civil Rights movement sought to expand their issues
 - ❑ Possible sites for waste disposal? Afton (Warren County) OR Emelle (Alabama)
 - ❑ First response: NIMBY. Memories of Love Canal (1978, New York). So where? Alabama?
 - ❑ Loss of local decision-making control -> Coalition building
 - ❑ Building coalitions, involvement of NAACP
 - ❑ *Toxics and Race* report
 - ❑ Environmental Racism: NOT in African-American Backyards , Blacks as ‘guinea pigs’ discourse
 - ❑ Role of ‘Big’ groups (Sierra Club/Conservation Council of North Carolina)?