



Environmental Justice in the Global South: Overview of some Contemporary Developments

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Outline of Lecture

- Definition of Environmental Justice
- Environmental Justice in the Global South
- Contemporary Developments
- Recommendations
- Conclusion



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- Environmental Justice paradigm originated from the USA
- Jean Guana in Lee defined environmental justice “as the place where we live, where we work and where we play”
- Influence of the civil rights movement in the USA
- Professor Robert Bullard is called the ‘father of environmental justice’



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Defining Environmental Justice

- Defining EJ is not a straightforward or an easy task.
- EJ means different things to different people.
- The significance of the doctrine varies depending on the context or the country in focus.
- As highlighted in earlier slides, EJ originated from the movement to prevent people of colour in the United States from becoming victims of industrial pollution.
- However, it is now applied to a widening spectrum of serious social concerns, particularly those related to communities that suffer from social inequity attributed to environmental inequalities. (Ako 2009, p 291).



‘From the beginning, an interdisciplinary academic subfield of environmental justice studies developed alongside the environmental justice movement by the same name. Researchers sought to document the unequal impacts of environmental pollution on different social classes and racial/ethnic groups, and to understand the dynamics and potential of the EJ social movement to reshape everything from the larger environmental movement, government policy on environment, and even the shapes of cities and rural communities. Often, scholars participated in the social movement, and their research findings supported claims made by communities and activists.’ (Roberts, Pellow and Mohai 2018: 234)



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- As defined by US Environmental Protection Agency: ‘Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal 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 [Environmental Justice | US EPA](#)

- In April 2023, the President Biden issued an [Executive Order](#) on revitalizing environmental justice and amongst other provisions, this executive order is said to have modernized the definition of environmental justice in the USA context.
- According to the executive order, environmental justice: ‘means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people...’
- Both the US and the UK conceptions of environmental justice emphasize equity and participatory issues in environmental matters. (Ako 2011; Ekhatator and Agbaitoro 2023)

- Environmental Justice research or scholarship in the United Kingdom is relatively new compared to the United States.
- ‘EJ research in Europe began in the UK in the late 1990s, where deprivation was the primary social metric, and where the environment was conceived of in a broader way, with analysis of a greater range of ‘bads’ (industrial sites, landfills, air quality, flooding, road traffic accidents), as well as environmental ‘goods’, such as greenspace access.’ (Mitchell *et al* 2015, page 2)
- However, ‘UK EJ has been driven top-down, by international agreements.’ (Mitchell 2019, page 8)

- This trend has however changed in recent times as gradually; environmental injustice has been shown to exist in the UK more deeply and frequently than previously presumed.
- According to Agyeman, it has been shown to be happening in many ways from disproportionate pollution loadings to fuel poverty from transportation inequalities to lack of countryside because of rural racism, in response to this, calls for greater environmental justice has become louder.
- This has led to greater policy awareness for environmental justice in the UK.
- Arguably, the new Office for Environmental Protection (OEP) in the UK which was created in 2021 will promote environmental justice in the country? [Office for Environmental Protection – The Challenges Ahead | Bristol Law School blog \(uwe.ac.uk\)](#)

- Environmental justice doctrine has flourished globally, especially in places with a history of environmental degradation (Ekhtator, 2014).
- The environmental justice paradigm has become a global movement that is no longer limited to the experiences of ethnic minorities in the United States (Sikor and Newell, 2014; Agyeman, 2014; Martinez-Alier et al., 2016).
- Furthermore, Agyeman (2014: p. 237) argues that ‘there has been an acceptance among senior figures in the US environmental justice movement that while race is a major factor in US struggles, in other parts of the world a broader set of socio-economic issues are at least as influential.’

Defining Environmental Justice: Global South Perspectives

- In as much as there are contestations around the meaning of the ‘Global South’, this presentation adopts a broad understanding or conceptualisation of global south and African countries dominate in the Global South.
- The conceptualisation of Global South in this presentation do not include ‘Global South’ sites in the Global North.
- However, according to Sousa Santos (2016, pp. 18–19), the Global South is not a geographical description but ‘rather a metaphor for the human suffering caused by capitalism and colonialism on the global level... and speaks of a South that also exists in the geographic North (Europe and North America), in the form of excluded, silenced and marginalised populations...’

- However, ‘environmental justice in Africa emphasizes access to natural resources, while in the USA and UK the focus is on maintaining the planet’s well-being via active public participation’.
- Thus, in the African (or Nigerian) context, a distinct connotation of environmental justice will suffice.
- Here, access or control and ownership of natural resources by the inhabitants of the Niger Delta region (where the oil and gas industry is located) are the underlying factors in the environmental justice paradigm in Nigeria. (Ekhator 2014).
- Countries to which the doctrine has diffused include Nigeria, South Africa and India, amongst others.
- Thus, it can be argued that the environmental justice paradigm is now a global movement which is no longer localised to the experiences of the ethnic minorities in the USA. (Ekhator 2014)
- The ambit of environmental justice in Africa is wider, with issues pertaining to access to natural resources being a major component (Ako in Botchway 2011, page 75).

African Ethics and Environmental Justice

- There has been a paucity of publications explicitly linking African environmental ethics and environmental justice in the African context.
- However, things are changing.
- African philosophers have argued that indigenous African values and norms regarding the environment should be embedded in the conceptualization of environmental justice on the continent. [Solving Environmental Harms through an African Model of Environmental Justice — African Law Matters](#)
- Some scholars have termed this conceptualization as ‘eco-responsibility theory’ (Ssebunya, Morgan and Okyere-Manu 2019)

- Hence, it has been suggested that ‘Africans seek to exist side-by-side and peacefully with nature and treat it with judicious concern for its worth, survival and sustainability. Again, the African traditional viewpoint is more cosmically humble, more respectful of other people, and more cautious in its attitude to plants, animals, and inanimate things and to the various invincible forces in the world. An important virtue within the eco-collective responsibility theory, is that the consumption of these environmental resources must come with a collective duty of care for these resources.’ <https://www.africanlawmatters.com/blog/solving-environmental-harms-through-an-african-model-of-environmental-justice>
- Thus, the eco-collective responsibility theory is said to be ‘an environmental justice model that is specific to the African communitarian society characterised by mutual dependence, cooperation, harmony, relationality and communion in order to promote the common good of the people as well as the good of the environment for both current and future generations.’ (Ssebunya, Morgan and Okyere-Manu 2019, page 175).

- Fortunately, there appears to be a few forthcoming academic books on the role of African environmental ethics in the conceptualisation of environmental justice.
- One of the books will be published by Routledge and the other, by the University of Pretoria University Press
- See the link to the Routledge book - [Human Rights and the Environment in Africa: A Research Companion - 1st \(routledge.com\)](#)
- Also, a recent development is the role of African feminist scholarship on the conceptualisation of the gender dimensions of environmental justice in Africa (Ekhator and Obani 2022).
- Hence, Ekhaton and Obani (2022, page 263) suggests that ‘Overall, gender aspects of environmental justice buttress the connections between women, environmental justice, access to justice, and African women’s resistance movements in the burgeoning global environmental justice paradigm and related scholarship.’

Decolonial Approaches to environmental justice in Latin America

- ‘In Latin America, in contrast to other parts of the world, environmental justice thinking has largely developed alongside decolonial thought, which explains social and environmental injustices as arising from modernity and the ongoing expansion of European cultural values and world views’ (Rodriguez 2021, page 78)
- This in contrast to mainstream environmental justice research in the Global North, where emphasis is not placed on the colonial and epistemic roots foundations of injustices in the Global South (Rodriguez 2021; Alvarez and Coolsaet 2021; Roy & Hanaček 2023)
- The Latin American approach to environmental justice is largely premised on the Indigenous peoples’ movements and their struggles in the region (Rodriguez 2021)



Overview of some contemporary EJ developments in Global South

- Linking Environmental Justice and Right to Environment
- Conceptualisation of Climate Justice and Climate Litigation in the Global South
- Collaboration between western and non-western NGOs in promotion of environmental justice in many countries
- Use of Regional Mechanisms to promote EJ
- Filing cases in different countries by NGOs and victims of environmental injustice



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Conceptualisation of Climate Justice and Climate Litigation in the Global South

- Climate justice which is an offshoot of the environmental justice and environmental justice is also a movement and concept
- ‘For example, there is close connection between the struggles for environmental justice and climate justice in the Niger Delta. Thus, there is an explicit link between the grassroots struggles of people suffering from pollution, to broader concerns about the climate change impact of MNCs - and the fact that the conduct of the MNCs is the same - both polluting locally, and globally, with the effects being felt even more locally due to vulnerabilities amongst other issues in the Niger Delta.’ (Ekhaton and Okumagba 2024)

- Climate litigation is now a global phenomenon brought to challenge governments and corporates (including MNCs) for their climate change response.
- Furthermore, there is perceived slowness in Global South countries but the character of climate litigation in those countries may be different, including a close connection with environmental justice cases. (Ekhator and Okumagba 2024)
- Thus, a broader conceptualization of climate litigation (influenced by environmental justice movements and cases) is said to be the norm in the Global South (Bouwer 2022; Ekhator and Okumagba 2024)
- For example, as I have argued elsewhere, in the context of climate litigation in Nigeria, the Niger Delta environmental justice cases is arguably the model of climate litigation in the country.

Recommendations

- More theoretical/conceptual underpinnings of environmental justice needs to be calibrated by scholars researching environmental justice issues in the Global South
- Law academics need to collaborate with non-law academics in environmental justice research
- Environmental justice scholarship should be decolonised, especially in the African context. Here, African environmental ethics has an integral role to play.
- African (legal) scholars can also rely on African feminist scholarship. However, there appears to be a tendency for scholars to rely majorly on Western (liberal) feminist conceptualisations in this context especially by legal scholars.



- Legal scholars researching on environmental justice should endeavour to publish academic materials (especially books) on environmental justice in the Global South.
- I am aware there is a forthcoming edited book on environmental justice in Africa to be published by the University of Pretoria University Press in late 2023



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Conclusion

- I will conclude this presentation with words of Dr David Bullard, who is said to be the ‘Father of Environmental Justice’ whilst discussing the utility of the environmental justice paradigm from a USA perspective:
- ‘Four decades ago, the concept of environmental justice was a mere footnote...Today, environmental justice is a headline-registering on the radar of the media; green groups; civil rights, human rights and racial justice organizations; social media networks; academic consortia; educational institutions; and at least one of the major political parties.’ (Bullard 2021: 243-244)
- Arguably, in the Global South, environmental justice scholarship is no longer relegated to the academic and legal backwaters, but it has gone mainstream.

- Also, I am not suggesting that western perspective/conceptualisation of environmental justice should be discarded in the Global South but that scholars should be more nuanced and be aware of ‘home-grown’ perspectives on environmental justice.
- This is against the background provided by the Environmental Justice Atlas which shows that majority of the environmental injustices in the world takes place in the Global South <http://www.ejolt.org/maps/>

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'Fluffy words and good intentions'.
The problem with the SDGs,
'communities' and justice in actually
existing governance of the post-oil
future

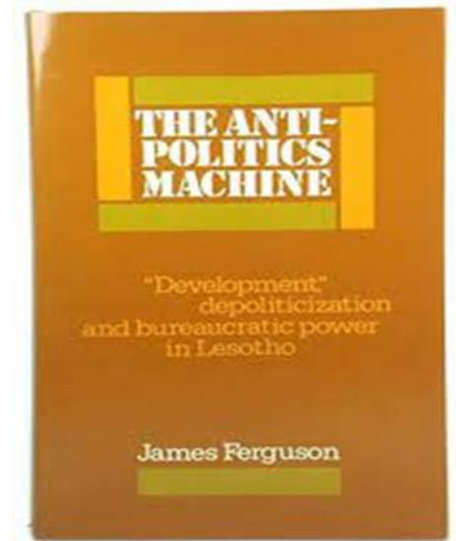
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The road to hell is paved with good intentions

- What are the Sustainable Development Goals?
 - Who are they for?
 - What agendas do they serve?
 - What behaviour do they incentivise?
 - What do they hide?
-
- Seeing like a neo-liberal state (drawing on long-standing development as anti-politics machine and alternative/post development thinking)





SDGs- the new colonial frontier

A quasi-religious mantra

A feel-good branding

A motivating set of targets

An attempt to control knowledge, framing and action

A rag bag nonsense collection of indicators (with serious potential to undermine and distract limited institutional capacity)

You cannot take decolonisation seriously and uncritically subscribe to/promote the SDGs.....

'We squandered a decade': world losing fight against poverty, says UN academic

Goal to eradicate poverty by 2030 'completely off track', says outgoing special rapporteur, with Covid-19 likely to impoverish millions more
The Guardian 7th July 2020

International institutions are losing the fight against global poverty despite “self congratulatory” messages to the contrary, according to the UN’s outgoing special rapporteur on extreme poverty and human rights.

In his [final report](#) in the post, the Australian academic **Philip Alston** warns that states and global organisations are “completely off track” to meet the goal of eradicating extreme poverty by 2030, with more people instead likely to become highly impoverished by new shocks, including coronavirus and existing challenges like the climate crisis.

He told the Guardian he was sceptical about the role of the private sector in poverty reduction. Blaming squandered opportunities, bad policies and hubris, Alston said: “Even before Covid-19, we squandered a decade in the fight against poverty, with misplaced triumphalism blocking the very reforms that could have prevented the worst impacts of the pandemic.”

Amid a round of international events in the coming weeks to examine the UN’s [sustainable development goals](#) (SDGs), Alston suggests the framework they provide for poverty eradication appeared more tailored for “colourful posters” and “bland reports”.



Why is the gap between policy and practice/outcome so large?

Action is framed in fuzzy words and contested concepts (reductive thinking and rendering technical) e.g.

- Community
- Empowerment
- Justice
- Fairness
- Equity (particularly gender)

These types of normative concepts are deployed across the SDGs and become codified into managerial indicators which stifle debate and hide the operation of neoliberal capitalism. Each of them is actually about POWER

For example: What is a 'community'?

- An easy way to denote the local/the people/the poor/the powerless.....
- An easy way to pass responsibility
- An easy way to sound inclusive
- An easy way to hide POWER

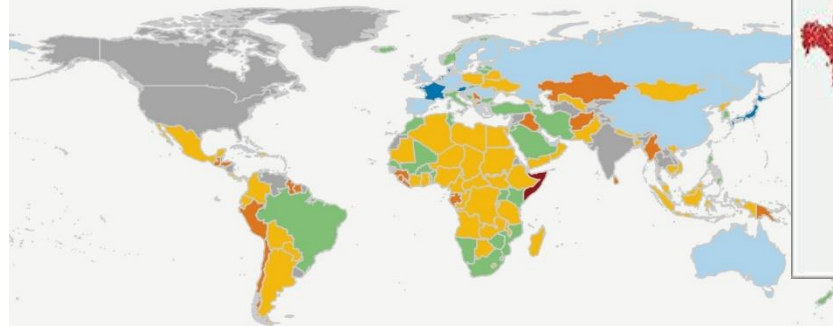
BUT- Community is not a real material thing. It is a concept – a vague term for a collective of interests or individuals who live close to each other. It is a word that hides more than it reveals.



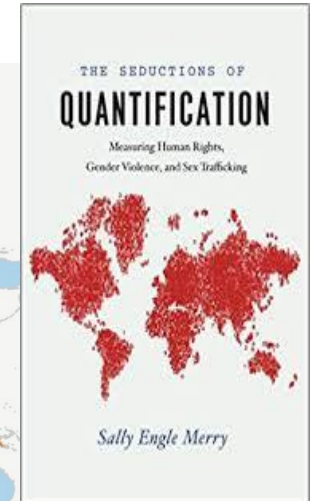
The power of pretending to act: Integrated Water Resources Management (0-100 scale)

- 1. Enabling environment:** Policies, laws and plans to support IWRM implementation.
- 2. Institutions and participation:** The range and roles of political, social, economic and administrative institutions and other stakeholder groups that help to support implementation.
- 3. Management instruments:** The tools and activities that **enable decision-makers** and users to make **rational and informed choices between alternative actions**.
- 4. Financing:** Budgeting and financing made available and used for water resources development and management from various sources.

6.5.1 Degree of integrated water resources management implementation (0–100) (2017)



Data source: UNEP
Exported from UN-Water <https://sdg6data.org> on 22 Jan 2020



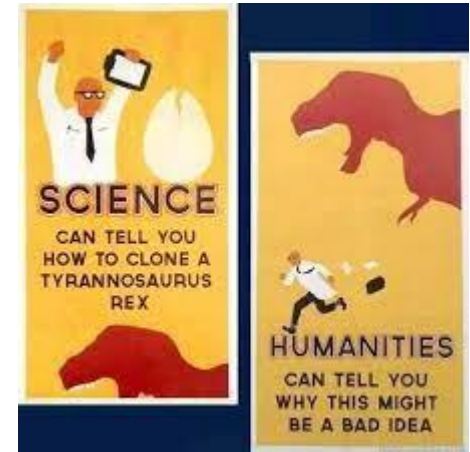
- Embedded in SDG 6.5.1
 - Perfect example of a fantasy artefact
 - <https://sdg6data.org/indicator/6.5.1>

3 problems for 'just transitions' governance

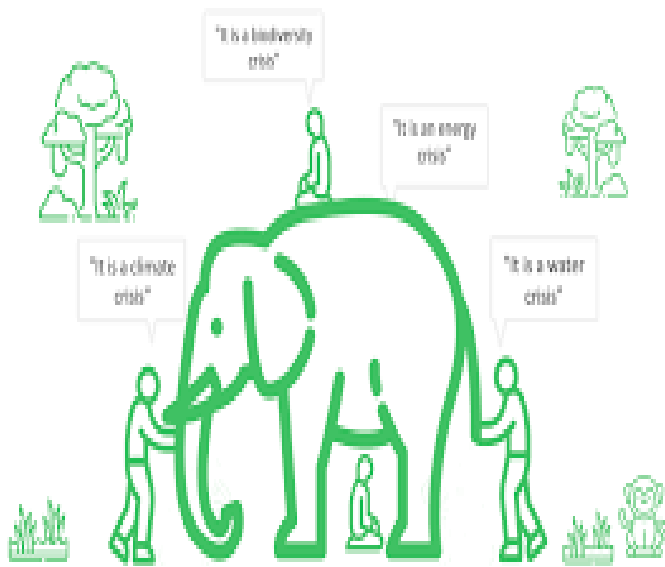
Problem 1- The pervasive power of fluffy global rhetoric in place of **specific** analysis of context e.g. leaving no one behind

Problem 2- The pervasive ideological (hegemonic) power of neoliberal governance

Problem 3- The evidence-based policy fallacy (a comfort myth)



Conclusion



- Who are 'just transitions' just for and who decides how just they are?
- Have awareness of power.....who are 'we'?
- Don't be complicit in rendering technical- talk about real incentives and how power flows
- Work with and from actually existing governance not the performative expressions of copy and paste policy/declarations

