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Environmental justice and environmental policy in the modern world

Justice is basis to the idea of democracy. Many of the ways in which we think about the problems of fairness and justice today were formulated by Aristotle in his treatise on ethics written in the fourth century B.C. [*Justice, Ideology, and Education*]. Since 1960s there has been renewed debates over the concepts of civic rights, equal opportunities and about liberalism as **a theory of social justice**. The original contemporary vision of social justice was presented at the work of American philosopher John Rawls entitled **A Theory of Justice** (1971). After its publications Rawls' theory of justice has been applied in many different fields of social life and decision making. Sphere of environmental issues belongs to areas in which idea of justice has been employed too.

Environmental protection is a sphere of interest of the society as a whole because all people breath the same air, drink the same water, have equal need in clean food, saved living conditions, etc. All people use to enjoy the beauty of nature and to safer from negative environmental impacts. Right of clean, saved and favorable environment is fundamental to the idea of democratic and just society. Nonetheless, in the last decades of the twentieth century environmental risk has become a part of the everyday life as it have newer been before. Consequently, the concept of risk has become central to environmental policy. Environmental decision making has been recast as reducing risk by assessing and managing it.

Environmental protection policy has attempt to reduce environmental risk overall. However, in the process of protection of the environment, risks have been redistributed and concentrated in particular segments of society. The unequal distribution of environmental risk is covered by the term of "environmental injustice". From the mid of 1990s concern over the unequal distribution of environmental risk, or "**environmental justice**", has the potential to expand efforts in environmental protection.

At the international level environmental justice are debated in the terms of a "divided planet" between poor and rich countries, global development policy and equitable distribution of natural resources and material wealth and benefits between poor and rich countries [*Costanza R. et al*]. There are also theories of justice, some have been applied to the issue of how to account for the intergenerational distribution of goods and bads [*Turner R.K. et al*: 34].

Justice and the environment are intertwined, and they are individually and jointly debatable concepts. Environmental justice presents a relatively new element of the contemporary environmental studies context. In considering how fairness, social justice and environmental issues are related, we must deal with the purposes of environmental policy and management (i.a. risk management), community development, cross-cultural relations and values, and how people expect to be treated and how they actually are treated.

Development of the environmental justice movement makes explicit an alliance between environmentalists and social justice advocates, and, between environmental values and civic rights. This alliance began to take shape within small, local grassroots groups protesting the location of hazardous waste facilities. In 1991 the first People of Color Leadership Summit on the Environment was held in Washington, D.C. The Summit participants were more than six hundred activists from justice groups from around the USA and other countries. The major product of the Summit was a statement of the "principles of environmental justice". These principles serve as criteria for developing and evaluating policies aimed at attaining social and environmental justice.

Today the common interest of environmentalists and social justice advocates are articulated and advanced through a multifaceted network of organizations generally referred to as environmental justice movement. The environmental justice movement can be defined as a grassroots opposition to environmental injustice.

Originally a largely grassroots movement of local activists concerned about pollution in their neighborhoods, environmental justice now has a prominent place on the agenda of American and international organizations. From the mid of 1990s different aspects of the unequal distribution of environmental risk have been drawn attention of representatives of scientific and business circles, policy analysts, mainstream environmental groups, policy and decision makers of different levels in the USA. Environmental justice has become one of the central civic rights issues in the United States and elsewhere, helping create a political climate for change [Bell: 22].

Scientists and policy analysts mostly look for evidences of environmental injustice to establish the complex chain of casual relationships that lead to adverse environmental health effects among poor and minority populations as well as to define causes for environmental inequity.

Evan J. Ringquist discovers the following criteria that result in the disproportional distribution of environmental risk: scientific/technical rationality, market rationality, neighborhood transition, political power, and intentional discrimination [Ringquist: 242 - 245]. He concludes that both technical criteria and economic rationality alone do not explain the distribution of adverse and polluting facilities. Neighborhood transition provides only partial explanation for the inequitable distribution of polluting facilities and environmental risks. The intentional discrimination may not be most plausible explanation for environmental inequities.

This redistribution of environmental risk have persecuted the segment of the population that has historically lacked political influence, legal access, economic stability, residential mobility, and adequate education and health care system. Polluting industries and waste management companies turn to areas with cheap land and minimal opposition. M.K. Theodore adds that their actions are justified as realities of capitalism [Theodore]. M. Bell states that environmental justice concerns patterns of inequality in the distribution of environmental goods. These patterns are usually closely associated with inequality in the distribution of wealth [Bell: 23].

These conclusions are critical for understanding of the essence of the environmental concern with regards to the contemporary Ukrainian society.

In spite of the certain progress has been done in understanding and research of the concern for environmental justice there are a lot of uncertainties in this field and too much should be done. At the theoretical level these uncertainties are as follows.

First, there are some difficulties of definition of the key concepts like **"equity"**, **"justice"**, **"risk"** and **"risk assessment"**, **"discrimination"**, etc. For instance, there are many definitions of the term of **"equity"**, but non of them is universal one. One problem with each of these definitions of equity is that a distribution that is equitable at one level often produces inequities at another level [Ringquist: 250]. Similarly, **risk assessment** is a complex discipline, not fully understood by its practitioners, much less by the lay public. Risk assessment remains controversial among scientists, and the policy results of risk assessment are generally not accepted by the public. Risk assessment is a value neutral, science-based approach. It is also can be defined as a field of objective scientific analysis. In its turn, risk management is the arena where the objective data are processed into appropriate social policy. This category includes most decision-making actions and takes into account a broad scope of values [Silbergeld: 99-114]. At the same time, definition of these terms are of more than academic interest.

Second, identification of the concepts and theories that might be relevant to the concept of environmental justice and investigation of their methodological potential is a task of high importance too. Most environmental justice advocates are skeptical of the effectiveness of the traditional tools of public policy like legislation and litigation. The environmental justice movement generally targets its political action and pressure at the local level and demonstrates restriction of "top-down" approach in environmental decision-making and policy implementation. Consequently, it is also necessary to investigate concept and theories that could be relevant to understanding of the phenomenon of the grassroots movement, NGO activity, and factors of community development, as well as studies on NIMBYism ("not-on-my-backyard phenomenon"), place-based-theories (theory of place), the Local Agendas XXI, etc.

Importance for Ukraine

Since 1991 Ukraine's primary task is independent development of its social-economic strategy, its priorities and measures and instruments of implementation in compliance with

principles of the market economy. Simultaneously Ukraine has been building an open democratic society.

Partly, unequal distribution of the environmental risk in Ukraine is a heritage of the previous Communist regime, when the authorities decided whether industrial facilities were desirable, and they were not influenced by public attitude or opposition. At the same time transition to the market economy inevitably results in a number of new negative social problems. One of them is differentiation (stratification) of the society according to the amount of income and property of certain segments of the society, and unequal access to material wealth and services (education, medical service, recreation and leisure, etc.). Moreover, further differentiation of the Ukrainian society, cancellation of the previous system of strong residential registration ("propyska") and increasing of residential mobility of population also presume re-distribution of environmental risk between different groups of the society.

What kind of reaction of the Ukrainian society and its certain groups can we presume? What can we learn from the experience of other countries and societies?

In fact, independent Ukraine proclaims principles of sustainable development and environmental safety as a backbone of its social and environmental policies. Legally all citizens have an equal right for participation in taking decision in the sphere environmental policy. Ukraine has ratified the UNEP/UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention)*.

At the same time, both governmental measures on environmental risk prevention and public activity (especially at the grassroots levels, or level of local communities) are seriously constrained by current economic problems in Ukraine. Solving economic and environmental problems at the governmental level should be supplemented with increasing public civic activity and raising environmental awareness, and local resources mobilization. Environmental groups at the local/community level should be re-oriented on incorporation environmental values into economic and social concerns. Environmental justice has to be realized by all citizens as a crucial component of human and civic rights, social justice and quality of life.

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* The Aarhus Convention is an environmental rights convention, that was adopted in 1998 by 39 countries and the European Union. The Convention recognizes citizen's environmental rights to information, participation and justice, and aims to promote greater accountability and transparency in environmental matters.