

WHAT IS ENVIRONMENTAL JUSTICE: UNDERSTANDINGS FROM THE GLOBAL SOUTH

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In 2021, a seminal publication by the UN Environment Programme relied on key concepts from environmental justice research to better identify and understand equity and sustainability issues in relation to ocean plastics. The study mainly relied on research carried out since the 1980s in the United States, where the term “environmental justice” was coined to refer to “growing allegations of environmental racism – the location of polluting facilities and industries in the areas inhabited by persons, groups, and peoples in vulnerable situations” but also “issues of exclusion, as persons, groups, and peoples in vulnerable situations are often not allowed to participate meaningfully in the leadership and composition of the environmental movement and related decision-making processes, and have restricted access to land and natural resources.”¹ The study then focused on two dimensions of environmental justice –procedural justice and distributive justice, while acknowledging that “to better understand the environmental justice implications of global dependence on plastics, future studies should focus on transboundary or international cases, and look to examples in other countries. One particularly data-deficient area is in fenceline community literature, for which non-U.S. examples of such communities is extremely rare.”¹

To complement the 2021 study, this info-sheet introduces the reader to a broader range of research on environmental justice. It outlines a variety of dimensions of environmental justice that interact with procedural and distributive justice and broadens insights by drawing on environmental justice research from the Global South, which sheds light on global,



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as well as local, environmental justice movements’ issues and their interactions. This info-sheet provides a few examples on how these notions are helpful to understand equity and sustainability issues in ocean governance, while the following info-sheets provide a more detailed discussion of the environmental justice dimensions of ocean plastics (see info-sheet 04).

ENVIRONMENTAL JUSTICE MOVEMENTS

The concept of Environmental Justice was born in the struggles of grassroots social movements of marginalised people who experience racism and other forms of oppression linked to environmental degradation. In countries in the Global North and South, environmental justice movements raise awareness of how the costs of environmental pollution (including marine pollution), and exclusionary forms of nature conservation (including ocean conservation), often fall on poorer communities of colour or of indigenous descent. For many countries in the Global

¹ UNEP (2021). Neglected: Environmental Justice Impacts of Marine Litter and Plastic Pollution. <https://wedocs.unep.org/bitstream/handle/20.500.11822/35417/EJIPP.pdf>



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South, environmental injustices were profoundly shaped by colonial administrations, who exploited both human labour and environmental resources to drive rapid industrialisation in the colonial state. The rise of global capitalism within this already unequal context has seen the continuation of poor people, people of colour and Indigenous communities carrying the largest burden of environmental harm linked to economic development (including in blue economy frameworks). These harms include locating mining and other noxious industries near marginalised communities, forcibly removing communities from their ancestral land to make way for private and state industries, and robbing people of both their health and the right to a healthy environment through pollution, such as ocean plastics, and other harmful externalities. For example in the case of South Africa, apartheid's racial segregation forcibly relocated people racialised as Black, Indian and 'Coloured' to peripheral urban areas often next to heavy industry, and with no regard to the negative implications from air, water and soil pollution for human wellbeing.²

As marine resources globally and nationally become more in demand, and powerful private and public stakeholders negotiate for rights through ocean economy governance frameworks, we have seen a repeat of these land-based inequalities. For example, Marine Protected Areas promulgated in South Africa, both during and after apartheid, continue to negatively impact low-income coastal fishing communities through loss of tenure and cultural rights, as well loss of access to livelihood³. Environmental Justice movements in

² Khan, F. (2002). The roots of environmental racism and the rise of environmental justice in the 1990s. *Environmental Justice in South Africa*, 15-48.

³ Sowman, M., & Sunde, J. (2018). Social impacts of marine protected areas in South Africa on coastal fishing communities. *Ocean & coastal management*, 157, 168-179.



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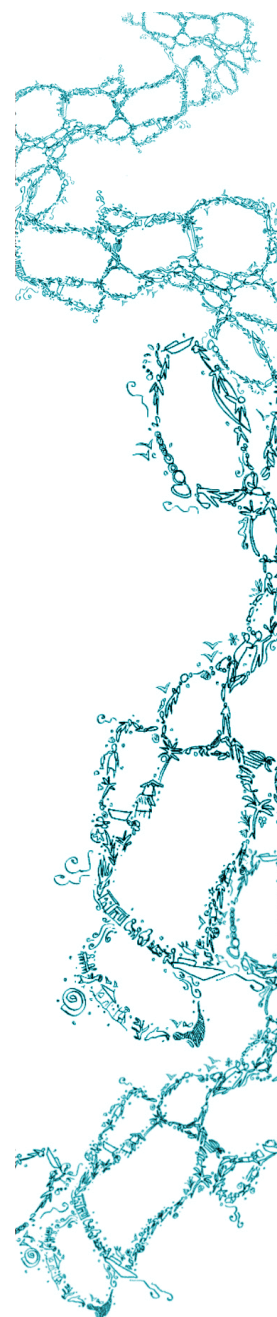
the South frequently struggle against intertwined global and local power imbalances. While a 2020 European Union report calls for the end of oil and gas mining by 2025 to mitigate negative climate impacts⁴, many European oil & gas companies are successfully applying for exploration and mining rights in the oceans of the global South. Local coastal communities, including small-scale fishers, are often left with the time, costs and emotional burden of taking their own government and these international companies to court when their concerns are not addressed, or when they have been excluded from meaningful consultation.⁵

Environmental justice movements today call for recognition of how racial and other forms of discrimination are implicit in policy and decision-making spaces (see Info-sheet 4 for how issues of environmental justice relates to the current debates on plastics and the oceans). Environmental policy and practice are shaped by Western frameworks that link economic development and progress, and position nature and the ocean as something to be conserved outside of human society.⁶ These dominant frames frequently draw on science as the only legitimate form of knowledge for understanding our natural environment and developing related policies and regulations. This framing delegitimises and excludes other ways of knowing and living with the natural world, such as Indigenous and local knowledge (in environmental justice theory,

⁴ European Commission, Directorate-General for Research and Innovation, Lamy, P., Citores, A., Deidun, A., et al., *Mission Starfish 2030 : restore our ocean and waters*, Publications Office, 2020, <https://data.europa.eu/doi/10.2777/70828>

⁵ <https://coastaljusticenetwork.co.za/full-press-release-blasting-along-the-west-coast-threatens-the-future-of-small-scale-fishers/>

⁶ Morton, T. (2009). *Ecology without nature: Rethinking environmental aesthetics*. Harvard University Press.



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this dismissal is usually termed epistemic violence). Even environmental education programmes can fall into this trap of assuming the need to ‘educate’ Indigenous peoples on science in order to make them value nature. Environmental Justice movements argue that those who hold political power should set aside their assumptions and learn to listen to other knowledge frames on resource management and the natural world. Recognition of these equally important epistemologies entails offering holders of Indigenous and local knowledge a negotiation space in policy development forums. Inclusive and participatory policy processes could afford a genuine opportunity to co-develop responsive and just policies and practices with the people who suffer the most harm, and who have the most to lose in the era of climate change and environmental degradation.

It is important to recognise that environmental justice movements do not only take action on what they are fighting against in local or global contexts. These movements have an underpinning philosophy that explores what they are fighting for, and advocate for imaginative thinking and action that lessens planetary harms and renews a common world that sustains all biospheres.⁷

ENVIRONMENTAL JUSTICE CONCEPTS

In the Global South, environmental justice movements intersect with social and economic justice movements, and many researchers and human rights lawyers work

⁷ Singh, N. M. (2019). Environmental justice, degrowth and post-capitalist futures. *Ecological Economics*, 163, 138-142.

in solidarity with environmental justice activists. This has led to the emergence of theory and legal conceptual frameworks within environmental justice scholarship. It is important to clarify at the outset that there is no “universal” approach towards environmental justice³ and researchers prefer a more plural and contextually located approach.³ This is because concepts like “environment” and “justice” and the histories they carry have been framed and defined through Western ways of thinking and doing^{8,2} which are underlined by an understanding of human and the living world as distinct and separate⁹.

This is problematic, as the majority of people who fight for environmental justice in the world do not come from Western systems of thought. As described above, a tendency to transpose Western concepts and frameworks to the Global South runs the risk of being ineffective and, worse still, producing further injustice (see the notion of cognitive justice mentioned below).¹⁰ Much of the first-hand environmental justice research is, in fact, increasingly emerging from the Global South context;¹ and a rich expansion of voices from the Global South are redefining environmental justice with a view to supporting and building ways to recognise non-Eurocentric ways of knowing, being and doing³ in policy and in pragmatic locally contextualised programmes.

We outline briefly some of the main rights-based conceptual frames tackled by environmental justice movements and their allies as they seek to ensure fair treatment and meaningful involvement of all people regardless of race, gender, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Procedural justice concerns the fairness and transparency of the processes in which decisions are made at the local, national, and international levels. In addition to formal guarantees of due process, careful consideration with regards to procedural justice is needed to understand power distribution, genuine participation with an actual opportunity to influence the process, and how governance operates in each context.¹¹ Access and ability to participate in decision-

⁸ Álvarez, L., & Coolsaet, B. (2020). Decolonizing environmental justice studies: a Latin American perspective. *Capitalism Nature Socialism*, 31(2), 50-69.

⁹ Morton, T. (2009). *Ecology without nature: Rethinking environmental aesthetics*. Harvard University Press.

¹⁰ Vermeylen, S. (2019). Environmental justice and epistemic violence. *The International Journal of Justice and Sustainability* Volume 24, 2019 - Issue 2: Environmental Justice and Epistemic Violence

¹¹ Suissee, K. R. M. (2020). Procedural justice matters: Power, representation, and participation in environmental governance. In *Environmental Justice* (pp. 37-51). Routledge.



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making processes is not equally distributed. Therefore it is important to pay attention to how accessibility, representation, and capabilities of those seeking justice and those making the decisions shape power and influence in decision-making processes.²

Procedural justice issues can also occur when processes do not adhere to natural justice and/or the customary rights and principles of Indigenous Peoples and other communities. For example most procedural justice processes are undertaken in the dominant language of the country, in cases such as South Africa for example, where there are 11 official languages, the procedural system does not always fully accommodate the many languages and dialects of people seeking procedural justice. Issues of procedural justice have been identified in the decisions-making processes on fisheries, negatively affecting small-scale fishers, and particularly women fishers, but also on marine protected areas and climate change adaptation with negative impacts on coastal communities.¹²

Distributive justice speaks to the socially just allocation of natural resources, access to nature's benefits, and the fair distribution of the benefits and costs associated with environmental protection and management.¹³ Distributive justice focuses on the outcomes of procedural justice in relation to an individual or community. Distributive justice has been long discussed in philosophy and the social sciences, and is used also for popular debate and public decision making, or activism around the perceived fairness of how rewards and costs are shared or distributed across society. It has been one of the central concepts that has helped support sustainability

decision making globally.³ A striking example in the ocean context concerns when environmental "sacrifice zones" are established in coastal and ocean areas where massive pollution is allowed to override ecosystem health, human health, and human rights.¹⁰

Cognitive justice calls for the equal treatment of all forms of knowledge.¹⁴ While all forms of knowledge should be seen as inherently equal, equal treatment of the knowers is not always ensured, especially around environmental conflicts. For example, scientific and economic knowledge systems are often given precedent over Indigenous and local embodied forms of knowing. Instead, a dialogue between knowledges is required for meaningful environmental practice, as the ways in which people come to know, use, and care for the living world, are locally and culturally unique. There are many missed opportunities for meaningful ecological care practices through legal, management and justice systems, when they do not fully consider and find ways to include different ways of knowing's and knowledge(s) so that they can make an equal contribution to decision making practices.¹⁵ For example many people living on the east coast of Southern Africa practice ancestral spiritual and cultural beliefs that view the oceans as a sacred realm belonging to the ancestors.¹⁶ Yet very rarely are people asked about their cultural and spiritual beliefs in relations to the ocean during environmental impact assessments or consultation processes for coastal developments. Neither are Indigenous groups, such as traditional healers or African religious leaders, who use the ocean as part of their healing and cleansing rituals offered a role in ocean policy development.

Recognition: In situations of environmental racism or cognitive injustices mentioned earlier, there is a call within environmental justice activism for greater recognition of communities and individuals who have been unfairly affected by environmental decision making or the lack thereof. Recognition speaks to the need to make visible the previously invisible and wilfully ignorant decision-making systems that have not included the customary rights, local and Indigenous Knowledges and other ways of knowing, being, and doing. Respectful recognition of the diversity of participants and experiences, particularly in affected

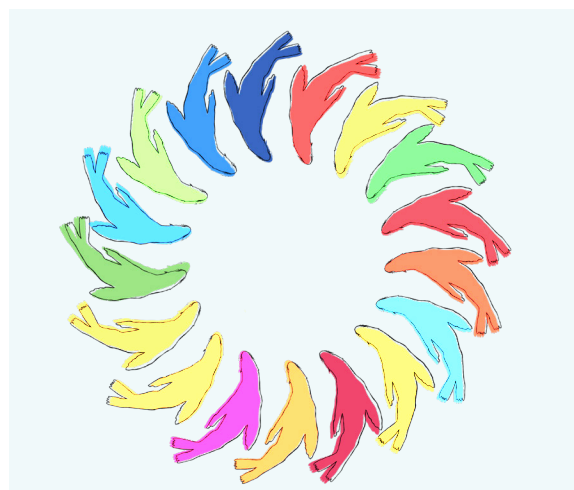
12 Bennet, N., Alava, J.J., Ferguson, C., Blythe, J., Morgera, E., Boyd, D. and Cote, I. (2022) Environmental Justice in the Ocean, The University of British Columbia Working Paper #2022-03, <https://fisheries.sites.olt.ubc.ca/files/2022/04/Working-Paper-2022-03-All.pdf>

13 Pelletier, N. (2010). Environmental sustainability as the first principle of distributive justice: Towards an ecological communitarian normative foundation for ecological economics. *Ecological Economics*, 69(10), 1887-1894.

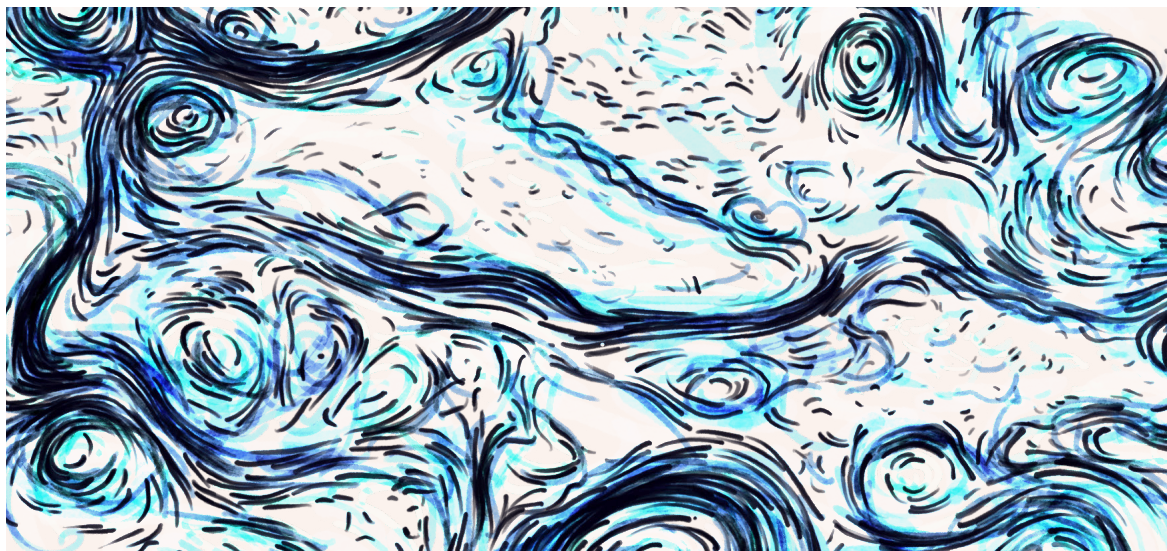
14 Leibowitz, B. (2017). Cognitive justice and the higher education curriculum. *Journal of Education* (University of KwaZulu-Natal), (68), 93-112 Also see: Chan-Tiberghien *, J. (2004). Towards a 'global educational justice' research paradigm: Cognitive justice, decolonizing methodologies and critical pedagogy. *Globalisation, Societies and Education*, 2(2), 191-213.

15 Erwin, K., Pereira, T., McGarry, D., Coppen, N. (2022). Lalela ulwandle: An Experiment in Plural Governance Discussions. In: Boswell, R., O'Kane, D., Hills, J. (eds) *The Palgrave Handbook of Blue Heritage*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-99347-4_20.

16 Hofmeyr, I. (2020). Imperialism above and below the water line: Making space up (and down) in a Colonial Port City. *Interventions*, 22(8), 1032-1044.



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communities, implies that different worldviews and beliefs give diverse meanings to distribution, recognition and participation.¹⁷

Recognition, therefore, calls attention to social, cultural, symbolic and institutional causes underlying instances of unjust distribution or participation, that relate to diffuse reality of domination and oppression (patterns of non-recognition and disrespect of certain groups, stereotypical public and cultural representations of these groups, denial of their rights and denigration of their ways of life).¹⁸ One key area of ocean governance where recognition is crucial is the interaction between State laws and the customary laws of Indigenous peoples, small-scale fishers and local communities and through that, recognition and protection of these communities' contributions to conservation and sustainable use of the ocean.¹⁹

Contextual justice has been proposed in the ecosystem services literature to capture a combination of pre-existing social, economic and political conditions that influence an actor's ability to enjoy all other (substantive and procedural) dimensions of justice. This notion arguably encompasses two sets of issues. On the one hand, it points to embedded power asymmetries, possibly also of a historical nature, that may not be captured by the dimension of justice as recognition.²⁰ On the other hand, contextual justice draws on theories of capabilities that see justice as the distribution of opportunities for individuals and

groups to freely pursue their chosen way of life and wellbeing.²¹ An innovative way to engage with contextual justice is being pioneered in South Africa, where arts-based research projects unveil, and support public dialogue on, how historic injustices shape the claims of different groups about the ocean and the barriers they face in being heard.²²

Restorative justice highlights the need to move beyond preventing new and acknowledging past injustices, and also provide remedy for past harms with a view to re-establishing the relationship between those that caused the harm and those that suffered their impacts, and/or to preventing the long-lasting impacts of past injustices to continue to affect in the present (contributing to other forms of injustice) and from same type of injustice recurring in the future.²³ One example can be found in the recognition of injustices arising from the exclusion of local communities from the creation of a marine protected area, which was followed up with the creation of opportunities for excluded communities to contribute to decisions on the area zoning and management as part of the marine protected area forum.²⁴

²¹ Nussbaum and Sen, *The Quality of Life*, Oxford, 1993.

²² Kira Erwin (2020) "A theatre project explores collective solutions to saving the oceans", <https://theconversation.com/a-theatre-project-explores-collective-solutions-to-saving-the-ocean-135229> cross-reference to note 15; Strand M, Rivers N and Snow B (2022) Reimagining Ocean Stewardship: Arts-Based Methods to 'Hear' and 'See' Indigenous and Local Knowledge in Ocean Management. *Front. Mar. Sci.* 9:886632. doi: 10.3389/fmars.2022.886632

²³ Deplazes-Zemp, A. (2019) Challenges of Justice in the Context of Plant Genetic Resources, *Frontiers in Plant Science*, <https://doi.org/10.3389/fpls.2019.01266>.

²⁴ Taryn Pereira, Buhle Francis and Dylan McGarry, "The Unexpected Impact of a Letter to the Minister from One Ocean Hub Researchers, Resulting in an Opportunity to Facilitate Counter-hegemonic mapping into Transgressive Ocean Decision-making for Amathole Marine Protected Area, South Africa" (2021), <https://oneoceanhub.org/the-unexpected-impact-of-a-letter-to-the-minister-from-one-ocean-hub-researchers-resulting-in-an-opportunity-to-facilitate-counter-hegemonic-mapping-into-transgressive-ocean-decision-making-for-amathole>

¹⁷ Vermeylen, S. (2016), *Benefit-sharing and plurality of (in)justice*, BENELEX blog post: <https://benelexblog.wordpress.com/blog/page/7/>

¹⁸ Young, *Justice and the Politics of Difference*, Princeton, 1990.

¹⁹ Anthea Christoffels-DuPlessis, Bolanle Erinosh, Laura Major, Elisa Morgera, Jackie Sunde and Saskia Vermeylen, "Navigating a sea of laws: the quests of small-scale fishing communities in Ghana and South Africa for protecting their customary rights" in Rose Boswell et al (ed), *The Palgrave Handbook of Blue Heritage* (Palgrave, 2022), 325-356

²⁰ McDermott, Mahanty and Schreckenber, (2013) Examining Equity: A Multidimensional Framework for Assessing Equity in Payments for Ecosystem Services. *Environmental Science and Policy*, 33: 416.

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