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ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
DEPARTMENT OF PHILOSOPHY

**ENVIRONMENTAL INJUSTICE, HUMAN RIGHTS
AND DEMOCRACY IN AFRICA**

BY:
HENOK GIRMA

June, 2014

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Environmental Injustice, Human Rights and Democracy in Africa

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Acronyms and Abbreviations (delete them)

EJ	Environmental Justice
EJM	Environmental Justice Movement
PPFPE	Principle of Prima Facie Political Equality
WB	World Bank
WTO	World trade organization
IMF	International Monetary Fund
UNDHR	Universal Declaration of Human Rights
UN	United Nations
ACHPR	Africa Unions Charter on Human and Peoples Rights
MNCs	Multi-National Corporations
NGOs	Non-Governmental Organizations
NFA	Uganda's National Forestry Authority
ILC	International Land Coalition
CFCs	Chlorofluoro Carbons
GAO	The US General Accounting Office
USA	the United States Of America

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Definition of Terms

Environment: refers to an ‘objective system of nature’ including human created values and physical surroundings that affect the life, well being and integrity of human beings.

Environmental Goods: parts of public good that a person ought to enjoy because of being part of a given environment. Examples include: access to clean air, water, and arable land.

Environmental Burdens/Bads: those things, actions or negative externalities that people incur because of being a member of a given environmental setting, which adversely affect the life and wellbeing of the people in question. Waste dumping, pollution, and climate change are examples.

Environmental Justice: ‘the fair treatment and meaningful involvement of all people regardless of race, color, sex, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.’

Environmental Injustice: Refers to the presence of an environmental discrimination that will lead to an unfair imposition of environmental burdens that will negatively impede the enjoyment of human rights.

Environmental Racism: implies the imposition of unsound environmental laws, policies and regulations on some portion of the society that is intentionally left out of the decision making process.

Environmental Inequity: ‘skewed distribution of environmental risks by nationality, race, ethnicity, or class.’

Democracy: a system of governance characterized by a high involvement of the people in the different aspects of their life and state activities. It is a system of administration that respects and promotes the political, economic and environmental rights of the people concerned.

Deliberative Democracy: a form of democracy in which ‘the public deliberation of free and equal citizens is the core of legitimate political decision making and self-government’.

Human Rights: inalienable universal rights that human beings are entitled with and which serve as normative framework to evaluate policies, strategies and actions as good or bad.

Universalism: the claim that a given philosophical or religious view applies to all humanity regardless of the specific place or culture they belong to.

Cultural Absolutism: the view that culture is the sole source of the validity of a moral principle and that there is no universally valid moral or ethical principle that applies to all cultures.

Main Stream Environmentalism: an environmental movement that emphasized the protection and conservation of the non human nature. Members are mainly middle class white men.

Historical or Anthropological Universality: the claim that societies or cultures have practiced certain moral principles throughout their history.

Human Rights- Environment Organizations: nongovernmental institutions that are concerned with the promotion and protection of environmental justice and human rights. They are accountable only to the international institutions that work for the protection of human rights worldwide. Moreover, when a given human rights-environment organization is instituted in a given community, the members need to be a group of neutral experts or scholars that have no blood or historical relations with the community in which the organization is established.

Abstract

Millions of Africans need to be saved not only from their old time allies, famine and poverty, but also from environmental injustices that are jeopardizing their life and well being. In this thesis I show that certain forms of environmental injustice pose human rights concerns and their remedy also requires the adoption and implementation of human rights approach in the continent. One important point I claim is that adopting a human rights approach demands a broader theory of environmental justice that allows for the incorporation of other elements of justice (capabilities, participation, and recognition) than the one that depends on the question of distribution alone. This is crucial for two general reasons. First; identifying the cause, the result and remedy of different environmental injustices in the continent requires looking at each of the elements and the relation they have between one another and human rights. Second, it is because each of the different elements of 'justice' that I identified are in one way or another also elements of human rights that are internationally accepted. The thesis goes on to examine the human rights impacts of four different instances of environmental injustices on the enjoyment and promotion of human rights. The human rights impacts of global climate change, land grabbing for investments purposes, toxic waste importation, and resource exploitation are studied in this work. Based on the secondary data's available on each of these four different instances I show that certain dimensions of environmental injustice pose human rights concerns. Because of Land grabbing, the overexploitation of natural resources, toxic waste imports from industrialized countries, and climate change the basic human rights of the people are being endangered. The right to life, the right to health, the right to food, and the right to live in a clean and healthy environment are just some of the human rights that are being infringed because of the above mentioned injustices. Alleviating or reducing these problems demands adopting a human rights approach. Moreover, the thesis calls for the importance of implementing ideals of deliberative democracy in decision making processes. I argue that in order to protect their rights members of the community should be given the chance of participation in democratic deliberation regarding issues that affect the enjoyment of their basic human rights.

Keywords: Deliberative Democracy, Environment, Environmental justice, Environmental Injustice, Environmental Problems, Human Rights.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

The concept of environmental justice began with environmental justice movements in the United States of America. It emerged in the 1980s as protests develop against the unjust dumping of toxic wastes in communities where people of color and the poor are the majority (Bullard 1990; Bullard and Johnson 2000; Johnson 2009; Krauss 2009; Shrader-Frechette 2002). Before that time, environmentalists were more concerned with the protection of nature than human beings. The emphasis on the protection and preservation of nature, if not entirely, had to do with the claim that human centered values or anthropocentric ethics that shapes the human interaction with the rest of nature is the cause of environmental problems. Although there are other possible reasons, the blame raised against anthropocentric values was the major reason for the subsequent call for bio-centric or eco-centric values at the expense of concerns for human values (Shrader-Frechette 2002, p.4-5). However, the sole emphasis on the protection of nature at the expense of human interests has resulted in the negligence for and violation of basic human values and rights.

Against the disregard for human wellbeing and values by environmentalists, some groups emerged that emphasize environmental human misery more than wilderness preservation. Thus, JoAnn Carmin and Julian Agyeman (2011, p.3) claim that since the 1980s the unequal distribution of 'environmental bads' based on such factors as race and economic status among the different US communities was put to question primarily through the grass-roots activism of some individual communities and the works of some academicians. According to Phaedra Pezzullo and Ronald Sandler (2007, p.5) the initial environmental justice concerns were, however, broadened 'in both topical and geographical scope' after the First National People of Color Environmental Leadership Summit in 1991 and the seventeen principles of environmental justice were adopted during this summit. Some of the incorporated environmental issues include public health, worker safety, land use, transportation, resource allocation and etcetera (Sambo 2012; Schlosberg 2013; Taylor 2000). Moreover, Francis Adeola (2000, p.687) notes that because certain environmental injustices, directly or indirectly, result in the destruction of human values and lives, an attempt is also being made to make environmental injustice part of human right issues. Such a call for the human rights approach to environmental justice is important because of the fact that the protection and promotion of certain basic human rights is directly or

indirectly infringed as a result of the presence of certain instances of environmental injustice. In this study, I will defend the claim that some forms of environmental injustice in Africa needs to be framed in the language of human rights. The problem of environmental injustice brings not only an indirect impact on our human rights but it also directly affects the enjoyment of such rights. Moreover, framing concerns of environmental injustice as human rights concerns yields a better protection for our basic human rights since there are a lot of actors, both national and international, that looks after the promotion and protection of human rights and also because of the presence of an internationally accepted charter of human rights towards which most governments of the world have a political commitment to respect.

In Africa, as elsewhere in the world, politics, economy, and the environment are all tied together. According to Mohammed Salih (1999), in Africa the competition among different groups to control the state power is highly influenced by the need to control resources both for economic and livelihood purposes. The quest to control natural resources and hence the politics forms the history of different groups and governments in the continent. Once they controlled the state, different groups have employed different mechanisms (mostly undemocratic) to rip the benefits from the resources at their disposal mostly in a way that gives the ruling group the highest advantage or puts other groups in a state of disadvantage or more broadly, in a condition of socio-economic injustice. Hence, the poor political culture coupled with a state of gross violations of civil, and political rights has limited the voice of those affected by environmental and socio-economic injustice. A study by Adeola (2001) further suggests that even where the people struggle to attain justice, governments often resort to undemocratic and inhuman actions to silence the demand of the already harmed people.

Africa is a continent highly characterized by social and environmental injustices. Before the passing of Basel Convention in 1989, for instance, Africa was a center of toxic waste dumping site. Although there are also other international treaties and agreements among states, the exporting of hazardous wastes, especially electronic waste, from Western countries to Africa is still a major problem that needs to be remedied. Also, the over exploitation of natural resources in different parts of Africa by both multinational corporations and the local governments remains to be the biggest problem of the continent. The case of the Niger Delta region in which oil fields

are over exploited just to enrich the rich persons money pockets at the expense of the life and well being of the local people could be a good example (Adeola 2000, 2001, 2009). Although the recent international land deals in Africa among such countries as China, India, Turkey on the one hand and African countries such as Ethiopia, Sudan, Tanzania, Congo and other African countries on the other can bring development opportunities for the host countries, the negative implications that might come when the deals are made at the expense of the local peoples interest and without conducting environmental impact assessment (EIA) could be hazardous (Cotula et al 2009; The Oak Land Institute 2011). Moreover, the problem of climate change and its current and future impact is one of the major global environmental problems in our century (Low 2005). Although the contribution of African countries to the ever growing global climate change is insignificant, the condition will have its gravest impact mostly in Africa where most of the countries cannot adopt themselves to the potential effects of climate change (Elliott 2005, p.488).

To make things worse, most of the governments in the continent are far from being democratic in that they do not grant their citizens human, civil, and political rights (Adeola 2000). The failure to respect and promote democratic values and principles has led to different social, human and also environmental problems. The denial of equal opportunity to participate in the decision making process based on such factors as ethnicity, gender, religion, and education is one of the distinguishing qualities of African governments. The presence of an environmental injustice is, thus, promoted and perpetuated through the denial of basic human and political rights. The solution too lies in granting and promoting the above same rights, because they provide the foundation, the means and the end of environmental justice.

The central theme of this thesis is that some forms of environmental injustice, as those discussed in this thesis, pose a human rights issue and that alleviating or reducing them not only requires framing environmental injustice in the language of human rights but it also demands addressing the political side of the justice theory. Since most of the social, environmental and economic problems in the continent result from bad and undemocratic governance the institution of an inclusive system of administration which grants its citizens the right to freely participate in the decision making process regarding important aspects of their life is important. Based on the works of such justice theorists as Amartya Sen and Iris Young the thesis calls for a system of

deliberative democracy in which all the concerned stake holders participate in the formation, deliberation and implementation of ideas and decisions related to a specific concern.

1.2 Theoretical Framework

In this thesis the main point is to show the relationship that exists between environmental justice and human rights. It tries to integrate how the two areas are highly connected by presenting the different instances of environmental injustice in the African continent. In the process of achieving this task I have relied upon a broader theory of environmental justice that not only explains the real injustice being done to millions of Africans but also shows how this injustice violates their human rights. I accept and base my arguments on the theory of environmental justice given by David Schlosberg, Shrader-Frechete, Adeola and others. Environmental Justice from the point of view of these scholars goes beyond the narrow distributive conception of justice to include other elements such as participation, recognition and also capabilities. I believe that understanding the nature, cause, consequences, and remedies of environmental injustice in Africa requires critically analyzing the problems from all the different components of justice and not just on the distributive element only. Moreover, the adoption of such a theory of environmental justice makes the attempt to protect the people from environmental injustice easier because all of the different elements of justice, I can say, and their different particular manifestations directly or indirectly affect some of the basic human rights recognized by almost all countries of the world. From this perspective, a given instance of environmental injustice in a given local community that happens because of the absence of access to equal saying or absence of participation in decision making process and thus led to an inequitable distribution of goods and burdens and also becomes a hindrance to the attainment of capability that a society or a person would have wanted to attain is not only an instance of injustice but also a human rights violation. The instance not only violates the political and economic rights of the people but it also results in the violation of their basic human rights such as the right to life, the right to health, the right to food, and the right to healthy environment. I argue, based on the theories of the above stated scholars, that a broader theory of environmental justice that accepts justice as a multi-faceted concept is important. Such a theory also needs to relate the different components of justice with the concept of human rights. This is because of different reasons.

- All the components of justice are in one way or another also elements of the human rights.
- Most instances of environmental injustice show not only the presence of injustice but also the violation of human rights. This will be further elaborated in the fourth chapter.
- Since the concept of human rights is believed to be a universal value and granted a universal recognition by different states it could be used to protect the people from the injustice they suffer.

1.3 Objectives of the Study and Research Questions

The general objective of the study is to analyze the relationship between environmental justice and human rights in Africa. I will show how some forms of environmental injustice are human rights concerns and that responding to environmental concerns requires the acknowledgement that the right to a sound healthy environment is an integral part of the human rights. In view of this, the specific objectives of the study are:

- to shed light on how some manifestations of environmental injustice are human rights issues;
- to show how the remedies for environmental injustice calls for a human rights approach;
- to show that the human rights approach, in addressing issues of environmental justice demands improvement of the political justice dimension of democratic processes; and
- to identify different dimensions of environmental injustice in Africa.

In order to realize the above mentioned objectives there are certain important questions that guide both the initial thesis and also the final outcome that could be reached at the end of the study. These questions include:

- What is environmental justice?
- What relationship exists between environmental injustice and human rights?
- Which view of human rights is important to concerns of environmental injustice having global dimension?
- How are claims for environmental justice related to the call for the respect of human rights?

- What are the major forms of environmental injustice?
- In what way do instances of environmental injustice imply the violation of the basic human rights?
- How can the problem of environmental injustice be addressed in a condition where the political culture is characterized mostly by lack of respect for basic human rights and democratic principles.
- What form of democratic practice is more viable to address issues of environmental injustice in the continent?

1.4 Methodology of the Study

This study is based on a qualitative method. Although I believe in the vital importance of primary sources, the research findings will be based solely on a critical analysis of the secondary data available on the area. Different factors necessitated the application of a qualitative method in this study. Financial problem and time constraint prevented me from using quantitative method. Moreover, the political sensitivity of some of the issues discussed in the study has forced me to engage in a qualitative method.

1.5 Significance of the Study

After the completion of the study, I hope that the recommendations and conclusions reached will have a significant role to play in addressing issues of environmental injustice. The research findings will also have the following significance for the parties who have either direct or indirect interest to it: the output from the research can help policy makers, environmental organizations and corporations to make possible sound decisions regarding environmental justice. Once the relationship between human rights and environmental concerns is made explicit then government bodies and private institutions will have the chance to bring the two issues together in the formulation and implementation of policies and strategies in the area. I also believe that the research output can be used as a research input for those engaged in research on this subject.

1.6 The Scope and Limitations of the Study

The scope of the thesis is limited to the analysis of the relationship between human rights and environmental justice. Because of the inadequacy of space and time, and also since most of the environmental injustices in the continent pose similar impacts, the study covers only some instances of the injustices as they relate to the human rights. The impacts of toxic waste disposal, land grabbing, over exploitation of natural resources, and climate change are the only instances that will be covered in the study and in which a critical assessment will be made from the human rights perspective.

1.7 Organization of the Study

This study is organized into five different parts. The first part is an introduction. In the second part I will critically discuss and relate some important concepts. The different understandings of the concept of environment will be analyzed. This is important to know how the proponents of environmental justice conceive the environment differently from, say, proponents of main stream environmentalists. The environment is both the natural and the man made surroundings of an individual. But, the environment needs to be conceived not only as the natural surrounding but also as ‘a place where we live, work, and play’. It is not just an entity in which the human, with its cultures and institutions, is a mere member but a community of living and non living things in which the interaction between these different components determine the life and dignity of the human individual. This chapter is also where the study of the different definitions and the history of environmental justice are discussed. Based on the idea of Adeola and Fillomina I will argue that the history of environmental justice shows the history of those neglected people to achieve equal protection of their human rights.

The third chapter specifically discusses the idea of human rights. Human rights are taken to be universal human endowments granted to all equally by virtue of being human. I will argue for the importance of endorsing the ‘functional universality’ claim of Jack Donnelly. Human rights, according to this claim, are rights that could be applied to address universal human problems resulting from similar socio-economic and political transformations in the global world. Many writers reject the universal idea of human rights by posing an argument that claims for the presence of an indigenous conception of human rights in Africa; a conception of human rights

that is both humanist and communalist (Ambrose 1995, p31). I will argue against such a view of human rights that tries to exclude Africa from the rest of the world. In this part, I will also discuss in favor of a deliberative practice of democracy when the issue has the tendency to affect the life and wellbeing of the people in question. The fourth chapter relates environmental injustice and human rights. It shows that certain forms of environmental injustice are really a human rights issue. I will do so by looking at four different examples of environmental injustices in Africa and how the presence of these injustices, either directly or indirectly, affects the human rights of Africans. Waste dumping, Land grabbing, climate change, and natural resource exploitation and their relationship with human rights will be critically approached. The last chapter provides the conclusion of the study.

CHAPTER TWO: THE ENVIRONMENT AND ENVIRONMENTAL JUSTICE

2.1 The Environment

It is a self evident fact that human beings depend on their environment for their survival. The continued existence of humanity on the surface of the earth is only possible so long as the environment continues to provide what it has provided humanity since the beginning of life. But what exactly is this environment without which life is impossible?

The environment can be conceived in different ways. In this respect, looking at Robin Attfield's discussion of the definition of environment can give us a useful insight to understand the concept and the different ways in which it is conceived. Robin Attfield (2003, p.2) defines the environment as "the objective system of nature that encompasses either local society or human society in general, and that precedes and succeeds it". He identified two other different conceptions of environment which, however, are not adequate understandings of the environment. First, the environment is taken to mean "'the surroundings' natural or otherwise, either of an individual for the duration of her life, or a society for the duration of its existence". This view of environment, Attfield argues, is deficient. This is because, the environment is more than just the 'surroundings' of individuals or human societies, since people often look at and care for the surroundings of other societies as that of their surroundings. Second, according to Attfield, people also conceive the environment as "the perceived surroundings or familiar *milieu* of an individual person or animal, the territory or pathways that give that individual a sense of belonging and comprise her home". However, Attfield claims that the coming together of the people of the world and its subsequent development of sense of belongingness for more than one place renders such a territorially bound conception of the environment difficult to persist. Moreover, he claims that any talk about the ideal or physical surroundings presupposes the prior existence of an 'objective system of nature' that comes before and gives meaning to the other conceptions of environment. Understanding the environment as an objective system of nature does not only incorporate the understanding of the environment as the natural and artificial local surroundings of a given individual or society but it also recognizes the importance of including the shared surroundings and natural systems of the people of the world. Moreover, such a conception makes it possible for people to talk about 'the global environment' that is being

harmful because of the result of human actions such as 'global warming, through emissions resulting from acid rain, radioactive discharges, and the releases of chemicals such as CFCs'(Attfield 2003, p3). Although Attfield's conception of environment as an 'objective system of nature' contains important philosophical insights just mentioned above, it is also important for such a conception not to fully discredit the conception of the environment as the coming together of the natural and artificial surroundings of a person during his/her life time. Theoretically it is true that people could develop a feeling of belongingness for more than one surrounding but this fact shouldn't render a locally limited conception of the environment useless. Such a theoretical articulation of the different conceptions of environment is important but it needs to respond to practical problems the remedy of which depends on the philosophical understanding of the concept. Although their cause might have a global dimension, most of the environmental problems have bad consequences for just the surroundings of a local community. Responding to such problems necessarily requires having a locally bound conception of environment, which however needs to go beyond such a narrow conception when the context requires.

In general, the above discussion shows that the environment is the coming together of the natural, the artificial and their interaction at the local and global level. It is important, therefore, to note how the natural could affect the artificial or vice versa. In relation to this, one important point to consider is where the environment is conceived as determining the nature of relation between the state and its people. Mohammed Salih (1999, p.2) states that the environment refers not only to the natural and human created values and institutions but also to a domain of competing economic, political and social interests. According to Salih, the struggle for political power in most of the African social groups is highly linked to the need to control natural environmental resources for economic and livelihood purposes. Thus conceiving the environment both as the natural world and as an arena of socio-economic and political competitions among different groups is important.

Since recently also, the idea of environment has grown to include important components of the environment having a human flavor. With the emergence of Environmental Justice Movement in the 1980s a new conception which views the environment as a natural, social and political

construction was developed. Now, the environment is defined more broadly to refer to the social, cultural and political settings in which ‘people live, work, and play’ (Novotny 2000, p.3). Similarly Alice Kaswan (1997, p. 229), claims that the environment refers to ‘attributes of the physical environment that affect any aspect of a community’s well being’. Steady Fillomina (2009, p.1) also states that the environment is a ‘total and comprehensive’ entity that ‘includes not only the green, natural and man-made environment but also the socio-cultural, economic, and political environment’.

2.2 Environmental Problems and Environmental Ethics

Despite the conception of the environment that one holds, it is a self evident fact that the life of human beings and other animals is based on the continued existence of the natural world. Since it is a matter of survival, it is acceptable that humans should necessarily intervene with the natural world. Indeed, as James Connelly and Graham Smith (1999, p.17) have tried to comment, when it comes to human interaction with the natural environment “non intervention is not an option”. As any other type of animals would do, human beings have some basic needs to satisfy. Then, it is natural that human beings rely on nature to get those necessities realized. However, human interaction with nature and his/her everlasting desire to control and dominate it has led to the emergence of a broad range of environmental problems in almost all human societies. Many different environmental problems that people faced in the past and are still facing are usually the result of humanity’s relationship with nature (Attfield 2003, p.1; Jameison 2008, p.6).

The environmental problems created as a result of human’s interaction with nature are of a different nature and magnitude. They are of a diverse origin, in that there is no single factor that could be used to explain the cause of environmental problems. Michael S. Northcott (1996) attributed the causes of the environmental crisis to the manifold changes and social processes since the beginning of modernity which radically altered the relation of human beings with the natural world. Donald K. Anton and Dinah L. Shelton (2011, p.1) and Attfield (2003, p. 17) also identified different factors including rapid growth of human population, the sole emphasis on economic growth, over consumption by industrial countries, high technology, global capitalist

system, inefficient use of resources, religion and world views, and patriarchy, as causes of environmental problems.

Whatever the type or seriousness of a particular environmental problem, however, the cause seems to be human's unwise and exploitative use of the natural environment. According to Seyyed Hossein Nassir (1968, p. 17), the problem is the result of humanities desire to conquer and dominate nature. This is, generally speaking, claimed to have to do with what one thinks of the natural environment, i. e., his/her attitudes and beliefs towards the natural environment. Similarly, Attfield (2003, p.20) and Simmons (1993, p.1) claim that the attitudes and beliefs, held in a given culture, regarding nature determines the way that culture views and treats the natural. For instance, it is because of the belief that Christianity and Western philosophy have caused an environmental crisis that scholars, in the 1970s, started looking for alternative philosophical solutions that can promote a healthy relationship between human beings and the natural environment (Wiredu 1994, p.30-49; Varner 1998, p.5).

As stated above, there is a tendency to view environmental problems as a consequence of irrational and exploitative human interaction with nature. But what people mean by an environmental problem is different among different peoples and cultures because of different reasons. Attfield (2003, p.4) presents the existence of differing conceptions of environmental problems on the presence of different 'attitudes regarding what constitutes a problem or about what makes problems problematic'. The theory of value that one adheres to, he further claims, determines what he/she recognizes as a problem and the proper way of handling it. Another important definition of environmental problem is that of Dorceta E. Taylor. She, for her part, chose a social construction approach to the concept of environment and viewed environmental problems (2000, p.509) as 'social problems' that are 'perceived, identified, and defined by society in terms of shared meanings and interpretations of the issue'. An important point central to her discussion is the concept of 'social location', which refers to a position an individual or a group occupies within a given society and which in turn is determined by such factors as gender, race and class. Being from different social locations, she rightly argues, implies different conceptions and ways of dealing with environmental problems. A particular social location grants one with a particular access to different types and amounts of resources, and this determines the type of movements established and the strategies applied to address

environmental problems (ibid). Since, as shown above, different people have employed different conceptions and also ways of addressing environmental problems, understanding what an environmental problem is, therefore, requires grasping not only the different ways that people conceive of what the environment is but also the different 'social location' they belong to.

With the different conception of an environmental problem comes different ways of responding to the problem. Among others, many environmental groups having different concerns were formed that aimed at influencing governments, peoples, and industries in their policy making and decisions regarding the environment. Scholars were also busy looking for a new ethical philosophy that could replace the old one which is claimed to have brought the environmental crisis. Writing on how environmental activists and philosophers looked forward for a new ethical philosophy, as a way to solve the ongoing environmental crisis, Gary E Varner (1998, p.6) claims that '[e]nvironmental philosophers, like environmental activists, have tended to assume that resolution of the environmental crisis will involve a paradigm shift in ethics'.

The quest for a new ethical philosophy that could shape the relationship between human beings and the natural world led to the emergence of a new field of study in ethics, which came to be known as environmental ethics, in the 1970s. Andrew Light and Holmes Rolston (2003, p.1) claim that since its establishment in the 1970s, environmental ethics has come to be 'concerned with describing the values carried by the non-human natural world and prescribing an appropriate ethical response to ensure preservation or restoration of these values'. According to Light and Rolston (2003, p. 2), the need for such concern is taken to be the result of the acknowledgment of the claim that humanity is posing threat to 'the communities of life on earth' which includes both human beings and other non-human components of the natural world. With the realization that environmental crisis is actually causing environmental problems for both nature and its inhabitants, environmental ethicists began to look for 'the moral grounds for protecting the welfare of non-human animals, the moral foundation for laws protecting endangered species, and the ethical basis for preserving and restoring degraded environments' Light and Rolston (2003, p. 2). Since the very days of the discipline, therefore, the question of moral consideration has been the central concern of the new class of ethicists (Palmer 2003, p.15, Rolston 1992, p.134; Hooker 1992, p.154; Connelly and Smith 1999, p.10). As Rolston (1992, p.134) has tried to note, it was the need to incorporate and justify claims that call for '[r]espect

for plants and animals, respect for endangered species, respect for ecosystem' that has been challenging environmental ethicists since the beginning. Also, Clare Palmer (2003, p16-17) provides a clear discussion of some of the central questions that environmental ethicists have been concerned with. The questions of value theory, the origin and location of values, the nature of the relation between human beings and nature, and the universal versus plural notions of ethical principles constitute the major areas of debate among environmental ethicists. Whether the future generations can be included in the class of entities that are morally considerable has also been an object of debate in environmental ethics (Connelly and Smith 1999, p. 27). Different schools were, thus, developed based on their response to the above stated issues and most particularly based on the value and respect they extend to the nonhuman world, including animals, plants and the ecosystem. Light and Rolston (2003) provide a discussion of some of these schools: biocentrism, eco-centrism, deep ecology, social ecology, and eco-feminism. Since the concern here is something else than giving a broad analysis of what these different environmental philosophies are, it is not important to go far. My aim is only to show that there has been an important concern among environmental ethicists for a different philosophy of ethics as a way of responding to the problems of environmental crisis and that different scholars have tried to develop such a philosophy in different ways. In the next section, I will present a brief account of one of the ways that people developed in dealing with the environmental crisis; a position that integrated environmental issues with concerns of social justice in the attempt to respond to the human and natural problems that people faced because of the anthropogenic environmental crisis.

2.3 The Environmental Justice Movement (EJM)

Although environmental problems pose a threat to all, not all the people are affected equally. Some people or communities are affected highly while others face a little or no hardship at all. The reason for this could amount to different factors; race and economic capacity being the prominent ones (Bullard 1990, 2000, 2009; Pellow 2002; Shrader-Frechette 2002). Sometimes those who bear the largest share of the negative consequences of environmental problems are those who contribute little or nothing to the emergence of the problem. They are usually also the ones that get a little benefit from the fruits of the process that generates environmental problems

(Jamaisn 2008, p. 10; Pellow 2002, p.1). In the USA, since the 1980s, for instance, the realization that discrimination exists regarding the distribution of environmental burdens and benefits had led to the emergence of groups and scholars that combine issues of social justice with environmental issues in addressing environmental problems (Bullard 1990; Kaswan 1997; Taylor 2000; Kibert 2001). These are those that came to be known as environmental justice groups because of their emphasis on the inequitable distribution of environmental bads and goods among different communities constituting a given country or state. In what follows an attempt will be made to shortly but clearly state the emergence, objectives, organizational structure and strategies of the Environmental Justice Movement as developed in the USA.

The EJM is a social movement that emerged in the 1980s in an attempt to address the human and environmental problems that people of color and minorities incurred as a result of the unjust dumping of toxic wastes, and the institution of toxic waste incinerators in their neighborhoods. Nicole Kibert (2001 p.169) and Patrick Novotny 2000, p.2) argued that the movement began as an opposition to 'environmental racism' that shaped the American community of the time. Dale Jamieson (2007, p.88), Alice Kaswan (1997; P.232), and Novotny (2000, p.11) all indicate that the presence of distributive inequities of environmental benefits and burdens among people of color in the American society was confirmed through such significant studies made by the US General Accounting Office (GAO) in 1983 and the report by the United Church of Christ Commission For Racial Justice in 1987 both of which confirmed the primary role of race and economy in the distribution of environmental benefits and burdens. The work of Robert D. Bullard (1990) also showed the role of race and economic capacity in determining the distribution of environmental benefits and burdens, and also in environmental decision making in the history of the USA. His recent joint work with Beverly Wright (2009) also exposed that race and economy still continue to enjoy their historical role in the USA.

At this point, perhaps, it is important to note the relation between the presence of environmental injustice, inequitable distribution of environmental benefits and burdens, and environmental racism. As Francis Adeola (2000, p.4) has tried to show, environmental injustice and environmental inequity are both connected to the concept of environmental racism. While environmental injustice involves an unjustified 'imposition' of environmental problems on a people or group that is not responsible for the cause of the problems, inequity refers to the

presence of disproportionate sharing of environmental problems on the basis of class, color, or race one belongs to. Both environmental injustice and environmental inequity, Adeola rightly states, show the existence of racism in which some communities are intentionally marked, to bear environmental burdens, over others just because of their race, ethnicity, and culture. Racial discrimination in the formulation, implementation and enforcement of the environment related decisions is taken to be an environmental racism which in turn is the primary factor behind the inequitable distribution of environmental benefits and burdens. David Pellow (2002, p.8) also provides a somewhat similar definition of environmental racism. His conception, like Adeola's, views environmental racism as 'a form of environmental inequity' that takes place when 'a particular social group is burdened with environmental hazards'.

Thus addressing environmental racism i.e., the presence of group discrimination in environmental decision making and the subsequent negative implication it has for the environment and also for the well being of the poor and people of color was the reason for the emergence of the EJM and forms the initial concern of the movement. Andrew Dobson (1998, p.17) also associates the emergence of the EJM to the growing knowledge among local communities that 'poor people typically have poor environments'. Thus the EJM is the call for environmental justice to those groups of people who are exposed to environmental problems and those who are systematically forced to live and work in conditions that are not safe and healthy just because of their race or the economic status they hold in a society.

The objectives, organizational structure and strategies employed by the EJM can better be understood when compared against the preceding mainstream environmentalism. Since the members of the two movements are from different social and racial backgrounds, using Taylor's (2000) social location perspective, it is apparent that they will have a different understanding of what an environmental problem is and ways of dealing with the problem. The major area of difference between main stream environmentalists and EJM, hence, was their area of priority. As many writers would claim, the primary objective of the mainstream environmentalists was doing justice to the natural world where as the EJM was concerned with human beings. According to David Schlosberg (1997), Kristin Shrader-Frechette (2002), Taylor (2000), and Sandler and Pezzullo (2007), unlike mainstream environmentalism, which gives a prime concern to the protection of the natural world through the reservation and conservation of wilderness areas, the

EJM is concerned with protecting and doing justice to humanity. In fact, the EJM was said to be a critical response to the supposed failure of the mainstream organizations in defending community of color and the poor from environmental discrimination. According to Schlosberg (1997, p. 275), many of the EJM activists criticized the sole emphasis on resources and wilderness preservation at the expense of human environmental concerns and viewed the mainstream organizations as 'alienated and estranged' from the experience and realities of local human communities. Dobson (1998, p.13) also blamed the concern of mainstream environmentalists as one sided for it was the sole emphasis on 'the question of extinction that has normally occupied political environmentalists, and not the question of sharing'. Thus, unlike the mainstream environmental movements which emphasize a narrow conception of the environment and environmental problems, the EJMs are grassroots movements which emphasize local realities and call for numerous definitions and experience of the environment. So, one area of divergence between the new EJM and the mainstream environmentalists has to do with the latter's narrow conception of what need to be counted as an environmental problem.

The movement's organizational structure should also be taken into account in addressing the relation between the two movements. This is important because of the fact that the social and economic realities of those members who constitute a given movement plays a significant role in the movements conceptions of what constitutes an environmental problem and also in the adoption of ways or strategies of responding to the problem. Although the overall intention of their book is to shed light on how the two movements can work together to achieve their objectives, Sandler and Pezzullo (2007) present cases of accusations presented by environmental justice groups regarding the mainstream environmental organizations organizational racism and ignorance towards the problems that the poor people suffer. Recognizing race as the primary point of criticism against the mainstream environmentalists, Sandler and Pezzullo (2007, p.8) comment that 'nearly all environmental movements were constituted of white Americans at the exclusion of African Americans and other people of color'. Since most of the mainstream environmental movements are composed of male members they also claimed that the 'environmental movements down play the role of women' which in turn has led to the sex and gender criticism regarding the structural composition of the mainstream movements. In contrast to the restricted nature of membership in mainstream environmental organizations, the EJMs were characterized by the presence of variety in the membership composition; people of color,

the poor and women's which were denied membership in the mainstream environmental organizations formed the internal composition of the EJM. In the case of the EJMs, unlike the old days, women played a major role in the struggle against the unjust distribution of environmental burdens; most of the time assuming the leadership positions in the struggle (Sandler and Pezzullo 2007, p.8; Krauss 2009, p.66). Based on the criticisms posed above against the mainstream environmental movements, it could be inferred that the concern for wilderness preservation and protection of endangered species wouldn't have included, issues of toxic pollution if it was not for the coming in to the game of other groups constituting different race, sex and economic status. Since, as stated above, one's conception of environmental problem is likely to be determined by the social position one belongs to, the white middle class environmentalists might have continued with their original concern for they are rarely affected by such issues raised by other people of color and the poor in EJM. An important point to draw from the EJM, thus, is the importance of acknowledging the relationship between one's conception of environmental problem and the respective class or race one belongs to.

Moreover, Schlosberg (1997, p. 277) claims that the EJMs were also characterized by the acceptance and recognition of 'multiplicity which has taken the form of alliances and networks'. From the beginning, the EJM was not only an environmental movement but also a social movement demanding both environmental and social justice. That is the main reason why the emergence of the movement is claimed to have a strong connection with the civil rights movements, whose major concern was the demand for social justice (Kaswan 1997; Schlosberg 2007). Schlosberg (2007, p.48) further states that the EJM has emerged out of eight different political movements: the civil rights movements, the occupational safety and health movement, the indigenous land rights movements, the public health and safety movements, the solidarity movement, social justice movement, immigrant workers movement and urban environmental movements. This fact shows how the EJM was not only concerned with environmental issues but also with the importance of integrating other areas of concern in social justice to environmental concerns.

In the above discussion, I have stated the historical emergence and areas of emphasis in EJMs, including what peculiar characteristics they have when compared with the mainstream environmental movements. Although it is claimed that the environmental movements and the

EJM diverge on structural composition, mission and objectives, and also in their conception of the environment, there is however, a group of scholars who argues in favor of the presence of a common element in both the movements and call for a joint venture as the best way to effectively achieve their goals. Shrader-Frechette (2002, p.6) claims that the traditional environmental agenda and the concern for environmental justice, as many people would assume, are not opposed to each other but rather complementary in that the concern for the one promotes the concern of the other. Sandler and Pezzullo (2007, p.2) also state that the two movements are not 'distinct from each other but rather two aspects of one encompassing movement'. They argue against the view that presents the two movements as hostile and non-cooperative. A similar claim is also made by Peter S. Wenz (2007, p. 57), who writes: 'there are no inherent conflicts between the goals of environmentalism and environmental justice'. Dale Jamieson (2007, p.86), for his part, claims for the centrality of concerns for 'justice' as something that deserves to be noted in the effort to reconcile the two movements. Schlosberg (2007) on the other hand comments on the presence of a tendency among advocates of environmental justice and ecological justice to view the two areas as separate and hostile. Against such a view he argued for the importance of developing a broader framework that could include both environmental justice and ecological justice concerns.

Despite the presence of scholarly disagreement regarding the relation between the EJMs and the mainstream environmental organizations, looking at the principles of environmental justice adopted at the SUMMIT I shows how the coming together of the goals of the two movements is important to insure a healthy and safe environment. Despite showing the importance of incorporating issues of concern to both movements the Summit made it explicit that the attainment of environmental justice requires the protection of nature as emphasized by the mainstream environmentalists. To that effect different scholars have even commented on the importance of the Summit in the history of the EJMs. Bullard and Johnson (2000, p.556) claims the SUMMIT to be 'the most important single event in the EJMs' history'. Sandler and Pezzullo (2007, p.3) also claim that the SUMMIT I was one of the key events in the 1990s that shaped the relationship between the EJMs and the mainstream environmental movements. They (2007, p.5) claim that SUMMIT I was significant for it has adopted 'an expansive conception of environmental issues, and locate them within an encompassing social, political and ethical outlook'. On the role of the summit to bring the two movements together for future collaboration

Sandler and Pezzullo (2007, p.7) further commented that ‘the summit was hoped to be the starting point towards better communication, understanding, responsiveness, and alliances’. Writing on the proceedings of the 8th *Global Conference on Environmental Justice and Global Citizenship*, Estelle L. Weber (2009, p. ix) also argues that environmental justice has moved away from the sole emphasis on human issues to incorporate a broad conception that involves a concern for other non human aspects of the environment; the ecosystem, habitats, future generations, and generally the environment are what constitutes the new environmental justice agenda as opposed to the old conception which restricted itself to be concerned with human communities.

The present work too is based on the assumption that the world is in a state of environmental crisis and that the crisis is a global one, for it affects not only a single or some part of the world but also the whole humanity, and mostly the people of the Third World. It accepts that the presence of environmental injustice, if not entirely, is the result of the prior presence of environmental problems causing the ecological crisis and that addressing issues of environmental injustice demands recognizing the link between the two and other factors that perpetrate the injustice (Shrader-Frechete 2002, p.5; Kibert 2001, p.175). To use Nicole Kibert’s words ‘the origins of environmental injustice are intertwined with the degradation of the earth and other oppressive regimes’ (Kibert 2001, p.175). Therefore, the attempt to rectify issues of environmental injustice by advocates of environmental justice needs to incorporate important environmental values as emphasized by environmentalists. Environmentalist should also consider issues of environmental injustice as part of their continued demand to reach a sound and healthy environment.

2.3.1 Environmental Justice and Its Components

The socio-economic and political transformations that come with the enlightenment is thought to have given the impetus for the emphasis by philosophers on issues of social justice (Sen 2009). Since then, Amartya Sen (2009, p.5-7) claims, philosophers have been responding to the question of justice from different perspectives; while some attempted to construct an ideal just

society that could be a model upon which the earthly human society could be built others emphasized the actual earthly human societies and a comparative notion of justice.

Initially, as stated earlier, the EJM was concerned with addressing issues of inequity in the distribution of environmental benefits and burdens among communities of color and the poor. The question was the question of distribution. Scholars relied on the mainstream theories of justice to explain the injustice and also to find ways of responding to it. John Rawls's theory of justice is one such theory of justice that focuses on the distribution of goods and services as a standard of evaluation to refer to the institutions responsible for the distribution as just or unjust.

Rawls's idea of justice in the second half of the 20th century is one of the prominent formulations of the justice theory in the contemporary time. He is recognized as one of the leading political philosophers of the 20th century. 'Justice as Fairness' has been the motto of his political philosophy. It seems conventional that when a talk about contemporary conception of justice arises, many call upon the views of Rawls on the issue. Contemporary discourse on the issue of justice often relies on the ideas of Rawls.

In his theory of justice, Rawls constructed an ideal world called 'original position' in which everyone is equally situated under a hypothetical 'veil of ignorance' that requires individuals to set aside their knowledge of the talents, wealth, social position, religious and political views, and particular conceptions of value they have. Connelly and Smith (1999, p. 24) claim that Rawls wanted to show what principles of justice people would choose in a condition in which they are devoid of a particular knowledge of their 'situation in life', their future destination and also the 'benefits or burdens' they have in life. This is important because it helps everyone to treat each other with fairness and on no other basis. They further note that (1999, p. 24), Rawls's combination of the original position and the veil of ignorance is important for it demands 'us to be impartial, by positing a situation in which although we want the best for ourselves, we cannot directly choose a way of ensuring that we will emerge better off than anyone else'.

One important feature of Rawls's theory of justice that has attracted the attention of both the proponents and opponents of the theory is the primary emphasis given to the role of distribution in the conception of justice. Schlosberg (2007, p.1) argues that Rawls's theory focuses on a conception of justice defined in terms of 'the distribution of goods in the society and the best

principles by which to distribute these goods'. Schlosberg (2007, p.12) further states that from the outset, Rawls defined justice in terms of distribution when he claims that 'justice is a standard whereby the distributive aspects of basic structure of society are to be assessed'. He notes that the question of the equitable distribution of social goods has almost exclusively occupied the literature on the contemporary discourse on justice and that 'Rawls's initial task, and his primary innovation, is the development of a fair way of developing such principles of distribution' (ibid). Scholars like Andrew Dobson (1998) have used distributive theories of justice to explain the issue of environmental justice. Moreover, environmental justice activists and institutions in the early days of the movement relied on mainstream distributive theories of justice to present cases of unjust inequities in the distribution of environmental goods and bads.

However, another group of theorists emphasized not only the distribution of goods but also what the distributed goods would accomplish for the fulfillment of human life and wellbeing. The two well known proponents of such thinking are Amartya Sen and Martha Nussbaum whose works have come to be known as the capability/ies approach. According to David Crocker (2008, p.113), Sen's development of the capability approach in the 1970s has to do with the development of development ethics, a discipline that has questioned the development policies and practices endorsed by development experts and practitioners in the period after the Second World War. Schlosberg (2007, p.4) comments that against the primary focus given to the distribution of goods, their capability/ies approach focuses 'on how those goods are transformed into the flourishing of individuals and communities'. Nussbaum (2003, p.33) claims that against the over emphasis given to economic growth, GNP and GDP by economists and development scholars Sen argued for 'the importance of capabilities, what people are actually able to do and to be'. Sen himself (2003: p. 4) writes that, in the capability approach human life is considered to be a coming together of 'doings and beings' called 'functionings' the attainment of which determines the quality of human life. He further writes (Sen 2003, p.5)

[a] functioning is an achievement of a person: what he or she manages to do or to be....The capability of a person reflects the various combinations of functionings (doings and beings) he or she can achieve. Capability reflects a person's freedom to choose between different ways of living.

The capability approach accepts a broader view of the human life and evaluates the fulfillment of the life of an individual in terms of the capability of the individual to do or become those things he/she has reason to value. As stated above, Rawls's theory of justice is primarily concerned with the search for principles that guarantee a just distribution of goods in a society. For Sen, however, the primary focus given to the distribution of goods fails to grasp the fact that human life is much more than the possession of goods or wealth. Sen (2009, p.233-234) argues that Rawls's theory is problematic, because he advanced 'a means oriented approach' that focused on the distribution of goods than on the 'actual opportunities of living'. Moreover, Sen (2009, p.9) departs from Rawls when he states that the starting point need to be 'how should justice be advanced?' than 'what would be perfectly just institution?' The notion of 'transcendental institutionalism' i. e. the attempt to build a theory of justice in an ideal world is problematic, Sen claims, because no reasoned agreement could be reached on the feasibility of the transcendental solution propounded by philosophers. He (2009, p.231) self expressively favored a theory of justice based on a comparative approach in evaluating the life of an actually existing society's level of justice and injustice.

Although the capabilities approach argues for the importance of valuable functionings and capabilities there is, however, no common understanding among the two proponents as to what exactly these functionings and capabilities are. According to Croaker (2008, p193) both Sen and Nussbaum 'discuss the same or similar items as valuable capabilities' but they advance a different conception when it comes to 'the status and justification of these capabilities'. For instance, while Sen forbids himself from positing a list of 'valuable functionings', Nussbaum have presented a list of ten 'universally valid valuable capabilities' towards which the quality of human life could be evaluated (Nussbaum 2003, pp.41-42). For Nussbaum it is only when the human capabilities are explicitly known that the capabilities approach gets its critical nature and be used to direct social policies. It is because of this that she came up with a list of universally valid values that, however, can be changed or improved when the need arises. Moreover, it is on the basis of the different but interrelated human capabilities listed that the society's level of social justice is evaluated. According to Nussbaum (2003, p. 40)

[i]n some form all (the ten capabilities) are part of a minimum account of social justice: a society that does not guarantee these to all its citizens, at some

appropriate threshold level, falls short of being a fully just society, whatever its level of opulence.

The concept of justice, as shown above, could be understood in terms of both the distribution of goods and how the goods at one's disposal help flourish the human life. But the emphasis on distribution and capabilities alone doesn't capture an adequate conception of justice.

Other scholars argue for the importance of other elements of justice that needs to be included in a complete definition of justice. According to Iris Young (1990), Schlosberg (2007), Shrader-Frechete (2002) and others, the correction of the distributional inequity as stipulated in the demands of the social and environmental movements of the time called for the consideration and inclusion of other aspects of justice in addition to the distributive aspect previously stressed. Thus, the sole emphasis given to the issue of distribution within the liberal justice theorists was put to question with the emergence of theorists that looked beyond the issue of distribution to explain the real world injustice that could not be grasped without recognizing other important aspects the presence or absence of which determines even the process of distribution.

Schlosberg (2007) claims that the literature on the meaning of justice, as espoused in the EJM, is inadequate for it lacks important aspects that need to be included in the justice literature. The literature is inadequate because although the conception of justice in 'political theory' has grown broader to include other ways of understanding the processes of justice and injustice the literature on environmental justice is mostly concerned with only one aspect of justice i. e., the issue of distribution, which is mainly based on Rawls's theory of justice. Schlosberg rightly believes that the theoretical discourses of justice in political realm could be applied in the environmental realm. Thus, he emphasizes the importance of extending the different aspects of justice as elaborated by different justice theorists to the discourse of the 'justice' of environmental justice. He argues for the incorporation of 'recognition', 'participation', and 'capabilities' as valuable aspects in the definition of environmental justice. But this incorporation needs to be done while at the same time sustaining the prior emphasis given to distributive aspect.

The call for recognition and political participation as important aspects of justice has been expressed in the works of different theorists. For them, the sole emphasis given by liberal theorists to distributional issues fails to grasp and respond to the injustice that is actually witnessed on the ground. According to Young (1990), this is because of the absence of a critical examination of the causes of distributional injustice in the liberal tradition

Young (1990, p.3), begins by asking the implications for political philosophy of the claims and demands of the newly emerging group based social movements; ‘feminism, the black liberation, American Indian movements, gay and lesbian liberation’ movements. The claim of these different movements, she contends, tends to confront the traditional conception of justice which gives the sole and central emphasis to distributive aspects. She criticizes the old political theory both for its failure to put the institutional structures in the system under critical evaluation and also for neglecting the specific differences existing among political subjects (ibid). Young (1990, p.3) claims that the problems with the old political theory could be solved when the central focus on distributive justice is replaced by an emphasis on the role of ‘domination and oppression’ in social justice conceptions. ‘Such a shift’, is important she argues (1990, p.3) , ‘because it brings out issues of decision making, division of labor, and culture that bear on social justice but are often ignored in philosophical discussions’ and also because it ‘exhibits the importance of social group difference in structuring social relations and oppressions’ (1990, p.3). For Young, therefore, ‘the distributive paradigm’ needs to incorporate the more pressing concerns of social division of labor, democratic decision making procedures, and recognition of cultural differences. Based on the demands and claims of different movements in the USA, she observes that many of the appeals and claims of justice are not primarily about distributional issues. According to Young (1990, pp.19-20), the call for justice, as espoused by the movements, doesn’t contain distributive issues as central claim but rather it is full of claims that argues for the justice of ‘decision making power and procedures’, ‘cultural imagery and symbols’, and ‘the structure of the division of labor and a right to meaningful work’.

Lack of recognition which deprives people from enjoying their rights, opportunities, which excludes them from participation and, when given the chance of participation, makes their voice unheard in the different decision making processes that affect their life is what the critics of liberal tradition claim to be one of the causes for distributional inequity. When, therefore, the

cause of the prevailing distributional inequalities is something that is not included in the idea of distribution then the solution cannot be derived from improving the principles of distribution which determines the process of distribution but rather from the examination of a factor that leads to distributional inequality at the first place (Young 1990). Schlosberg (2007, p.14) shares a similar claim that lack of recognition which manifests itself through ‘insults, degradation, and devaluation’ on an individual and cultural basis, is ‘the foundation for distributive injustice’.

But not all accept the attempt to include recognition as an independent component on different accounts. Schlosberg argues for the presence of the tendency among some traditional liberal justice theorists to reject the view that recognition is an independent component because they claim its presence as a pre condition assumed in the distributive component. This, however, is ‘problematic on pragmatic and empirical grounds’ (2007, p.21). He claims that the opposition against the concept of recognition is because of a misunderstanding that the concern for recognition ignores or rules out the distributive component. According to Schlosberg (2007, p.24), however, the emphasis given to recognition is not meant to replace the issue of distribution as an important component of justice but rather to develop ‘a broader’ and more ‘inclusive understanding of justice’. For these justice scholars, unlike Francis Fukuyama’s claim in his *the End of History and the Last Man*, ‘the struggle for recognition’ doesn’t capture all that is to human history but forms just one part of it.

Alongside the distributive and recognition components, the other important component widely discussed is the issue of participation or procedural justice which refers to the fair and equitable decision making processes of institutions. Shrader-Frechete (2002, p.6) gives a definition of environmental justice that calls for the inclusion of other aspects of justice in addition to the distributional aspect. She claims that attaining environmental justice calls for the institution of ‘a more equitable distribution of environmental goods and bads and a greater public participation’. She recommends the Principle of Prima Facie Political Equality (PPFPE) as way of solving environmental injustice. The PPFPE, she claims, is composed of both distributive and participative elements and that responding to the environmental injustice calls upon ‘the improvement of both the principles and practices’ of the two elements. In adopting discriminatory environmental policies or actions, the distributive aspect of the PPFPE puts the burden of proof on the agent that discriminates among the people concerned. The participative

aspect, on the other hand, calls for the importance of taking both the views of different stakeholders and that of experts as having equal weight and worthy of acceptance. This is to avoid the rejection of the voices of concerned stakeholders for the sole emphasis given to what experts say on a given area or issue. To use her exact words (2002, p.29), it ‘guarantees citizens and environmental stakeholders both equal decision making voice with experts’.

A similar claim is also made by Alice Kaswan (1997) who discusses the meaning of environmental justice in terms of the two aspects of justice emphasized by the EJ: distributive justice and political justice. While distributive justice in EJ framework is concerned with the actual ‘distribution of environmental benefits and burdens’, political justice refers to the fairness of the ‘decision making processes that determine the distribution of environmental benefits and burdens’ (1997, p.223). While the former deals with the inequitable allocation of ‘environmental hazards’ in poor and minority communities, the latter questions ‘the discriminatory manners in which decisions with environmental consequences are made’ (1997, p. 230). Because distributive and political justices are the defining components of environmental justice, the existing environmental injustice could be put in the language of the two but often inter-related components. The presence of inequitable distribution shows the presence of distributive injustice and procedural/political injustice is promoted through the exclusion of minorities and the poor from the decision making process in important matters that directly affect their life. Kaswan (1997, p. 143) argues that rectifying environmental injustice, therefore, requires remedying both the distributive and political aspects of justice. Distributive injustice can be addressed through preventive and remedial approaches, before or after distributions are made. Addressing political injustice, on the other hand, more generally demands the adoption of a fair decision making process that calls for and ‘encourages a widespread public participation’ (1997, p. 251). The most important point however is that, for Kaswan, when decisions affecting one’s life are reached without the prior knowledge and consent of the affected party, then ‘litigation and political organizing’ could be used as a mechanism to correct the injustice of the decision making process.

In addition to the above mentioned justice theorists, other scholars like Tawelo Sambo (2012), Nicole Kibert (2001), David MacDonald (2002), Steady Fillomina (2009), and Francis Adeola (2000, 2001, 2009) all argue for the multi-faceted nature of the ‘justice’ of environmental justice

and call in support of such a broader understanding in the attempt to rectify environmental injustice.

In addition to acknowledging the diverse nature of justice, one important point to note is the presence of a reinforcing relationship among the different components of justice that are discussed above. There is a tendency for one of the components to be either the cause or the result of the presence or absence of one of the other components. Different scholars, according to Schlosberg, observe the presence of a 'direct link' between misrecognition and the tendency of exclusion from 'membership and participation'. "If you are not recognized, you do not participate; if you do not participate, you are not recognized" (2007, p. 26). Procedural justice of the political process, he claims, is important to address both distributional inequity and lack of social recognition. Young (1990, p.23) also gives an important focus on decision making procedures in addressing the other two elements of justice. The rules and procedures of decision making play a major role in responding to issues of justice that includes and goes beyond the issue of distribution.

In this chapter I have tried to illuminate on some important concepts basic to the entire thesis. Based on Robin Attfield's definition I have stated that the environment is an 'objective system of nature' that incorporates both the natural and artificial surroundings of a person. Moreover, the environment needs to be looked as a state of socio-economic and political competitions between individuals and groups because of the interaction between the natural and human components of the environment and the impact it will have on the life and well being of the people occupying a given environmental surroundings. I have discussed how one's conception of environmental problems is determined by what a person thinks the environment is and also the 'social location' that a person belongs to. The rest of the chapter looked at the different ways that people applied to respond to the different environmental problems which in turn are determined by their corresponding conception of what the environment is and also on the social status they have in a society. More particularly, I have discussed the environmental justice paradigm developed in the 1980s in the USA through grass roots activism of local minority groups as a way of solving the burden of environmental problems they disproportionately suffered because of their social and low economic status.

I have also defended the view that environmental justice needs to include other important aspects in addition to the distributive element. Environmental injustice shows not only the presence of disproportionate sharing of environmental benefits and burdens among societies but also the existence of political, and economic inequalities that feed and perpetrate the inequitable distribution. The need to frame environmental injustice as demanding a broader conception of justice, however, does not give us a complete definition of the problem unless the language of human rights is brought in to the game. Environmental justice requires an equitable distribution that could help the people concerned to become or be what they want to be. More than that, it calls for the direct involvement in the decision making process of the concerned people in issues that directly or indirectly affect their life and well being. As some writers have correctly argued, environmental justice also demands the respect and promotion of the basic human rights. This is important because in most parts of the world the life, wellbeing and dignity of the people are closely interlinked with the natural environment surrounding them. Since environmental injustice shows both the absence of justice and the violation of the basic human rights, responding to it requires having a broader view of justice in addressing the problem of injustice and also adopting human rights perspective in defense of the life, and wellbeing of the people affected.

Chapter Three: Human Rights and Environmental Justice

3.1 The concept of Human Rights

Many conceive the concept of human rights to be the 20th century substitute for the natural rights of the Enlightenment era. Louis Henkein (1989, p.12) claim that the modern notion of Human rights had its origin in the seventeenth century, with natural rights theory of John Locke and also in the works of different philosophers whose ideas were incorporated in such important historical documents as the American Declaration of Independence and The French's 'Declaration of The Rights of Man'.

According to such human rights theorists as Henkein (1989) and Jack Donnelly (2007), in the contemporary time, the widely accepted conception is the one that views human rights as universal human entitlements. Henkein (1989, p.11) defines human rights as 'rights of all human beings anywhere and anytime'. Human rights are conceived to be those rights individuals, independent of the community they belong to, are entitled to enjoy just because of being a human being and not because it is granted by the society to which the individual is a member. Since 1948 the concern and promotion of human rights has been one of the primary concerns of governments that claim to be democratic. Theoretically, with the adoption and acceptance of the UDHR the United Nations became a uniting umbrella of democratic states that respect and value human rights. Since then there is an understanding of human rights as universal, inalienable, and indivisible rights shared equally by all regardless of race, sex, political view or religion (Henkein 1989). Human rights are viewed as rights enjoyed because of the mere fact of being human and not because of being part of a political community (Henkein 1989, p.11; Donnelly 2007, p.282). However, some question such a universal conception of human rights. Other theories criticize the liberal individualistic definition of human rights. Henkein (1989) and Donnelly (2007) both claim that positivism, utilitarianism, Marxism, and cultural relativism pose some of the insightful criticisms against the liberal view of human rights. Moreover, Micheline R. Ishay (2004, p. xxii- xxviii) presents a set of controversies on human rights that determine the debate on the origin, extent and development of human rights. The proponents of the universal idea of human rights themselves recognize the presence of philosophical and

political controversies regarding human rights. However, that doesn't hinder them from accepting the presence of certain human rights that are believed to be respected in all diverse cultures of the world. Since my own conception of human rights is a universalist one, In what follows I will give a critical analysis of the Universalist notion of human rights based on the works of such human right theorists as Henkein and Donnelly.

Henkein (1989) while denying the presence of historical or anthropological universality identified two different notions of universality that could be attributed to human rights: political universality and legal universality. According to him, once the human impacts of the war were made clear, virtually all the world states endorsed the notion of human rights with the adoption and acceptance of the UN's UDHRs. Hence, rendering the concept of human rights a political universality. Moreover, the presence of the UN charter on international covenants and conventions on human rights and also the incorporation of human rights in to the constitution of world states assures the legal universality of the idea of human rights. Noting that the strongest criticism to the idea of universal human rights is from the proponents of cultural absolutists, Henkein rightly claims for the presence of a difference between cultural roots of a political idea and its acceptability in different cultures. Even if the idea of human rights is a Western concept, it is not only the West that showed interest but also other cultures were equally receptive of the idea. This is because; the universality of human rights is 'not the universality of the political idea' of human rights but rather the 'interpersonal morality' that underlies the idea of human rights. The presence of universal 'interpersonal morality' among the diverse human cultures, according to Henkein, provides the basis for both the political and legal universality of the concept of human rights. According to the 'interpersonal morality' theory of Henkein certain rights, but not all, have a universal moral standing in that the respect and promotion of these rights goes beyond the reality of a single or some human communities and embrace all human communities.

Another important discussion of human rights is also made by Donnelly (2007). Like Henkein, he accepts the view that human rights are universal rights. Again he rejects the historical universality of the idea of human rights. They also share a similar view regarding the cultural roots of the human rights idea. Although they use different arguments, both of them seem to

accept the West as the birth place of the human rights idea. Moreover, both Henkein and Donnelly accept that the cultural roots of an idea are insignificant in the acceptance and application of the idea in other cultures. Therefore, the process of exporting the human rights idea from the West to other parts of the globe need not be hindered for the mere fact that the idea is alien. But his conception of 'universal' is different from what we have just seen above. His idea of universality tries to narrow the gap between Universalists and cultural relativists by recommending a kind of 'relative universality', a form of universalism that allows substantial space for important claims of relativism. Donnelly (2007) first identifies conceptual and substantive kinds of universality in human rights. According to him (2007, p.282), conceptual universality has to do with literal understanding of the term while substantive universality refers to 'the universality of a particular conception or list of human rights'. From the literal point of view, human rights are those rights enjoyed equally by everyone for the mere fact of being a member of the human race. They are rights that emanate from the fundamental human nature; its humanity or being human. Since the humanity of human beings is something unchangeable, human rights are also inalienable. It is this view of human rights as equal and inalienable rights which Donnelly referred as conceptual universality. Since the conceptual understanding of human rights is related only to the idea of human rights and not to actually existing human rights, Donnelly claims that conceptual universality of human rights by no means guarantees the universality of any particular notion of human rights as listed, for instance, in the UDHR.

A very useful insight, however, is found in his discussion of functional universality of human rights. As stated above, Donnelly seems to accept the cultural roots of human rights to belong to the Western culture. He (2007, p.287) attributes the development of human rights, in the West, with the socio-economic and political developments in the society. The move from God appointed monarchial states to money driven bourgeoisie state, the economic shift from communal sharing to competitive capitalism brought a new set of problems that jeopardized human life and dignity. Donnelly claims that it is in responding to the problems created as a result of economic and political change, that people first framed the language of human rights. In the contemporary world globalization of markets and politics has led to the proliferation of those problems in the different parts of the world. Since the same problems of economy and politics, that used to affect Europe at one time is now global/universal human problems, it is

important to apply the human rights framework in the struggle for the betterment of human life and dignity globally. The demand for equal and inalienable human rights which were central during the initial socio-economic and political transformations in the West are now universally recognized demands everywhere. This is because of the advancement of the same transformations in that specific part of the world to other parts of the world, creating similar problems on the life of human beings everywhere alike. The applicability of the human rights framework to those problems that human beings face regardless of their geographical or cultural belongingness is what Donnelly calls the functional universality of human rights. It is the application of human rights in the process of solving or reducing universal human problems. According to Donnelly, it is this functional universality of human rights which renders them a political or a legal universality.

Endorsing Donnelly's universality of human rights is important in that his idea of functional universality provides the best and more effective way to respond to human problems. First, it helps us to respond to urgent practical socio-economic and environmental problems and injustices without spending time on conceptual controversies on the nature of human rights. Moreover, it views human societies as entities whose life and well being is influenced and determined by political and economic developments in the international arena. From this perspective a given human society, or country is not an isolated Island on a wide ocean but rather a being or entity whose institutions, decisions and actions can positively or negatively affect the life and well being of the people of other islands on the ocean. It is a self evident fact that the political and economic transformations that first appeared in Europe have brought both good and bad results for other countries of the world that tried to apply those transformations on their land. The call for human rights that initially emerged to respond to the negative impacts of these transformations in Europe, therefore, can also be applied to solve similar problems that are happening in other societies that are facing similar transformations later in time. Besides, since the respect and promotion of equal and inalienable human rights is the central agenda of the UN, States, NGOs and civil societies, it makes the call for human rights approach the best way in solving problems that have direct or indirect relation with human life and dignity. Some of the problems that are discussed in this thesis are partly the result of globalization and the global expansion of market economies. The overexploitation of the natural resources of the Third

World countries to meet the ever growing consumption of developed countries (Guha 1998, p.80), and also the push on developing countries from global institutions like the WTO, World Bank, and the UN to make them accept unequal terms of trade and ill suited development programs and policies have led to the emergence of both human and environmental problems that jeopardize the life and dignity of billions of people around the world (Steady 2009, p.6). The exporting of hazardous wastes from developed countries to undeveloped countries; the over exploitation of natural resources like oil, timber, diamond, and gold both by governments and multi-national corporations; the expulsion of local communities from their land so as to meet the interest of outsiders; and also the problems of climate change have both national and international causal dimensions. It is true that the policies, strategies and actions of national governments are the major causes of these problems. But these different problems are also the result of the economic and political interaction between the different countries of the world, mostly when the interaction is between the rich countries and the poor under developed countries. Responding to these problems that have a global nature, therefore, requires developing a universal morality that could shape the relation between human beings. I believe, it is important to develop global theory of ethics that conceives citizens of the world as members of the same family of “mother nature” whose decisions and actions affect not only the health of the family in question but also the life and existence of other members in the family. Moreover, responding to these human and environmental concerns demands endorsing a more pragmatic and empirically justifiable approach to the problem. Here the human rights approach is the approach in question and the best one at that. These problems have posed dangers and still continue to do the same on our human rights like the right to life and well being. Since almost all the world states have accepted the UDHRs, framing the language of human rights to address these problems is thus politically justifiable. The presence of international entities and agreements that follow up the global protection and promotion of human rights also provides the human rights approach a legal acceptance among the different states of the world. It is because of this that many instances of environmental injustices, including those discussed under the current study, are being presented in the language of human rights.

3.2 The African Conception of Human Rights

On the debate on whether there is a conception of human rights in Africa or not it is possible to identify different positions. Some accept and argue for the existence of human rights in Africa which, however, is different from the Western conception of human rights. EI-Obaid Ahmed El-Obaid and Kwadwo Appiagyei-Atua, (1996, p. 820) recognize the presence of concerns for human rights in African societies but deny the claim that views the African conception of human rights as either purely communal or purely individualistic. According to those who argue in favor of the African conception of human rights, human rights in Africa are characterized by their emphasis on groups as more important than individuals constituting the group, and also the valuing of consensus based decision making process. Brendalyn P. Ambrose (1995) and Ziyad Motala (1989), also argue that in the traditional African society human rights are protected and promoted through the communal sharing of material resources. Ambrose (1995, p.31) identified two general essential elements that characterize the discourse on the African concept of human rights: the respect for human dignity and the access to resources. The respect for human dignity, Ambrose claims, insures the presence of social interaction that is based on respect and equality. The close tie that existed between individuals and their family members, and the communal sharing of resources has served to ensure the survival of African families and communities. He didn't, however, deny the fact that sometimes communal rules and values tend to overburden individual members to the extent of performing practices and rituals that can pose injury to their wellbeing. He concludes that (1995, p.31) it is necessary to endorse a policy of individual protection where the practices, rules and norms of the community pose threat to the life and wellbeing of the individual. According to Ambrose, because the Western and African communities adhere to different notions of human rights the attempt to implement the liberal concept, which is individualistic and competitive, on the African continent, would yield no useful fruits. He stresses the importance of understanding and incorporating the African human rights conception through the replacement of the liberal concept, which is not compatible with the African reality, and with the humanism inherent in African communities. Motala (1989, p.373) also recognizes the presence of the African conception of human rights, in the traditional African communities, which 'have particular relevance to the present day African societies'. Against the universalistic tendency of the Western standards of human rights, Motala (1989, p. 374) writes: "[f]undamental rights' need not be based on foreign standards but on standards,

customs, ethics, and practices indigenous to African society.” Like Ambrose, Motala claims that the concept of human rights being implemented in Africa is not only alien but also fails to prevent the human rights violations in the continent. For her (p.387), the principles of human rights are best promoted and the violations and abuses best prevented when ‘using Africa’s own standards’. In recommending the importance of incorporating the traditional African conception of human rights into the Western modeled universal declaration of rights, she (1989, p387) argues for the promotion of ‘conceptions of human rights located in particular society’s customs and laws’. But unlike Ambrose, who completely rejected the attempt to implement the liberal human rights standards in Africa for a purely humanistic African conception of rights, Motala acknowledges the presence of universal elements that could hold for all cultures irrespective of their specific differences. She (1989, p.379) identifies such rights as ‘the right to life and the right against torture’ as a universally accepted human rights.

The African Charter on Human and Peoples’ Rights (ACHPR) which was adopted in 1981 and entered into force in 1986 is praised by some for its inclusion of both the specific cultural realities of the African communities and the universal standards of human rights. Frans Viljoen (2001), for instance, presents the contents of the ACHPR as ‘Africa’s contribution to the development of international human rights’. The ACHPR is important, he claims, because it bridged concepts that were previously dichotomized among human rights theorists. A theoretical debate on individuality versus communalistic nature of human rights was compromised by the charter’s treatment of ‘human being as both an individual and as a member of the collective (the ‘people’)’ (Viljoen 2001, p.20). Unlike the Western conception of human rights which privileges the individual, the ACHPR presented the individual as both ‘the bearer of rights’ and a duty holder (Viljoen 2001, p.20). Moreover, the African charter recognizes the essential relationship between the different types of rights and acknowledges the importance of the implementing those rights simultaneously without discriminating between them. This is an African contribution because such an integration of rights was never attempted in the West. Indeed, the Western liberal conception is believed to discriminate among the different types of rights conceived to be human rights. For instance, it is criticized for giving more emphasis to civil and political rights at the expense of socio-economic rights (Viljoen 2001, p.21). Although it is for a different end both Ambrose and Motala argued for and supported such an integration of

rights for the realization of human rights and democracy in Africa. They both rejected the central focus of Western scholars on civil and political liberties while socio-economic rights are disregarded. In Africa, the promotion of socio-economic rights is both a condition and an input that facilitates and empowers people to stand for the protection of their civil and political rights. Thus, the sole emphasis on ‘first generation rights’¹ in the poor and illiterate African majority will have a greater negative impact than the advantage it brings to the society (Ambrose, pp. xiix, and 24).

There might be a philosophical debate on the nature of the African conception of human rights or on whether the Western conception of human rights really works in Africa. But the presence of globalized human and environmental problems because of the economic, political and cultural integration of the people of the world is sure to make Africa part of a whole undergoing similar socio-economic and political transformations that lead to the emergence of similar universal problems facing the people of the world. The emergence of such global problems, no matter where they happened for the first time, demands a universal approach that applies to all societies of the world regardless of the time or the place they occupy. In this respect, the functional universality of human rights discussed earlier proves to be the right approach to be pursued in Africa. Africa is part of an economically, and politically globalizing world. Like the people of other continents, the African people face similar problems as negative consequences of the globalization process. Since Africa is undergoing similar transformations having human rights implications it is important to apply the language of human rights in responding to these problems. Adopting such an approach is useful, because it has the potential to respond to the needy African people suffering from human rights violations without backing down for philosophical disputes regarding the general idea of human rights, or particularly, the African conception of human rights. Even if a unique conception of human rights exists in Africa, it does not currently help rectify many of the human rights abuses evident in the continent. Africa is part of a globalizing world and its problems. Since most of the states of the world are under the same globalization process that incorporates economic and political elements, most of these

¹ “First generation rights” is another name for civil and political rights. The name was assigned to distinguish human rights that are initially granted from those that joined the language later in time. Some of these include freedom of speech, the right to a fair trial, freedom of religion, and voting. These rights are taken to be the fruits of the American and French revolutions.

states experience similar economic and political problems that negatively impede the enjoyment of human rights of their citizens. The Westerners were the first to endorse the idea of human rights (Donnelly 2007). This is because they were the first to experience socio economic and political changes having negative impacts on the life and wellbeing of their society. Currently almost all states of the world, including African states, are undergoing the same transformation that the Europeans once experienced. Since there are problems as a result of such transformations, it is important to use the human rights framework in the attempt to solve them. Although there is no clear answer as to the philosophical bases and historical universality of the idea of human rights, it seems reasonable to accept the notion of functional universality that bases the foundation of human rights on emergence of certain problems that universally affect humanity because of the similar transformations the global society is undergoing.

3.3 Argument for Human Rights Approach to Environmental Injustice

I believe that an adequate, healthy and safe environment, as emphasized by international documents, is a primary condition to the attainment of such important human rights as the right to life. Many believe that threats to the wellbeing of the environment pose a direct practical threat to the lives and livelihoods of the people (Adeola 2000, 2001, 2009; Hayward 2005; Lewis 2009, Steady 2009). Therefore, it is important to acknowledge the strong link between the environment and the enjoyment of the basic human rights, and work for a better promotion and protection of the two.

Noting that most of the time civil, political and environmental rights are abused in Africa, Adeola calls for the recognition of environmental injustice as a component of the human rights (2000, p.3). Beside the direct impact on the health and life of the people because of such problems as toxic dumping, and oil spills, governments in most of the Third World countries often resort to such inhuman acts as ‘systematic genocide’ ‘military extermination’, ‘assassination’ against local tribal communities and their members in order to control land and other natural resources. This fact, he claims, demands the incorporation of environmental concerns into the human rights framework.

Steady Fillomina (2009) also provides us with an important insight on the relation between environmental justice and human rights. Steady (2009, p.1) claims that the history of environmental justice activism shows a 'continuing struggle of ordinary people for their civil, spatial, and human rights as members of a global ecological community'. Environmental justice, she further writes, (2009, p.1)

[r]einforces The Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948, which states in Article I that "All human beings are born free and equal in dignity and rights. They are endowed with reason and consciousness and should act towards one another in a spirit of brotherhood."

Based on the assumption that the globalization of the economy of the world states has led to unequal distribution of environmental goods and bads among different communities of the world and also to the emergence of certain human problems Steady argues that environmental justice is not only a demand for an equitable distribution of goods and bads associated with the environment but also a call for respect and promotion of basic human rights. Therefore, the fight against environmental injustice needs to be captured under the magnifying lenses of human rights because most of the human problems, caused by the globalizing economy pose the harshest threat to the health, wellbeing and life of the people.

Earlier I have discussed the attempt by some scholars to extend the capabilities theory of justice in to the environmental justice paradigm. They claim that environmental injustice goes beyond the narrow focus on distributional inequality in that it affects the attainment and enjoyment of different functionings, choices and capabilities that people would have wanted to attain or enjoy. Martha Nussbaum provides a list of capabilities that could be used as standards of evaluation in assessing the level of justice attained in a given community. The list of specific capabilities conforms to the list of human rights emphasized in international documents like the UDHR. Therefore, the attainment and enjoyment of these capabilities also means the enjoyment and promotion of human rights. Nussbaum (2003) herself states that the specific instances of human rights are also instances of her own list of capabilities. She takes human rights as capabilities that

provide the moral basis and goals of development. It is also important to look at human rights not only as our entitlements because of our humanity but also as capabilities that could help us in becoming all the beings we want to be or in achieving all things we want to accomplish in our life. The presence of an environmental injustice from this perspective, therefore, not only violates our basic human rights but it also prevents us from becoming what we want to be.

There are other important values of framing environmental injustice in the language of human rights. Bridget Lewis (2009, p.69) tries to show some of the benefits of using the human rights approach. She argues that the 'human rights' approach 'can be used as a normative framework' that could serve as both guide and 'standards of evaluation' in response to environmental problems. According to her, since most of the world states have accepted and ratified 'human rights treaties' the principles of human rights as stated in the documents can be used as a normative standard of evaluation both in the formulation and evaluation of policies and strategies. The other important benefit is that the human rights framework presents the nexus between the environment and human rights in terms that are acceptable to 'the broader community'. That is, with the adoption of a human rights framework the issue of the relation between the environment and human rights ceases to be the sole concern of economists, and natural and political scientists and extends to include the wider community. The approach is also thought to be important for it gives the chance for 'at risk communities in consultation and planning to help identify how their rights are being threatened and to gain an appropriate understanding of the social, religious and cultural implications' (2009, p.69). Lewis (2009, p.71) further claims that since the impacts of some of the environmental problems pose a serious threat not only to the human rights of the present generation but also to the posterity, 'a human rights perspective also requires us to think about the human rights capabilities of future generations'.

The other rationale rests on the assumption that the international community, national governments, and NGOs have given a considerable emphasis to the protection and promotion of human rights worldwide and that the integration of environmental justice concerns and the human rights framework would yield a better protection of the local communities from ill conceived policies and strategies of governments and private institutions. Besides, scholars also identify the presence of a practical connection between the environment and human rights based on the alliance often made between environmental activists and human rights groups. Tim

Hayward (2005, p.9) claims that the concerns of environmental justice activists and human rights proponents are highly interrelated because there are common areas of concern that have brought together environmentalists and human rights advocates.

The main problem for the presence of unjust policies and practices that discriminate among communities can also be attributed to the absence of democratic governance that gives the opportunity for the people in question to participate in the decision making processes on issues that directly affect their life. As it will be discussed in the following sub sections, most of the indigenous groups in Africa have been suffering and are still suffering from ill conceived environmental policies and practices that are being implemented at a huge human and environmental costs. Many people have lost their life fighting against both private and governmental environmentally exploitative operations. Moreover, the import of environmentally hazardous wastes for economic gains, the expulsion of local communities from their land for economic purposes, the exploitation of natural resources, the importation and adoption of environmentally unfriendly technologies, the impact of climate change and other activities have been putting the life, livelihood, health, and integrity of local communities in danger and still continue to do so. Therefore, the demand for environmentally sound policies requires not only the importance of granting environmental human rights but also the institution of democratic values characterized not by a mere emphasis on the theoretical articulation of the values but by the application of the theoretical values into the practical problems affecting the society.

3.4 Deliberative Democracy and Environmental Justice

Framing environmental injustice in Africa, and also elsewhere, in terms of human rights is not sufficient in itself to assure the promotion and adoption of environmentally just policies and strategies. Although the relation between human rights and environmental concerns is acknowledged since the 1972 Stockholm Conference on Environment and Development, there is still a call for a stronger connection between the two since most of the world states lack a political commitment to ensure the promotion of democratic principles in their institutions. Although there is a place for environmental rights in the constitutions of different states, there,

however, is the failure to protect and promote these rights (Hayward 2005, p.3). Although different states have granted constitutional environmental rights, most of them still lag behind in the protection and promotion of what they actually put in their constitutions. Hayward, who argues for the presence of a fundamental human right to adequate environment, suggests different values of constitutionalizing environmental rights. Putting environmental rights into constitutions, he claims, is important for strengthening the value that a society gives to environmental protection, for promoting inter-state cooperation in issues of environmental protection, and also for avoiding the adoption of decisions that rely on 'narrow majorities' by promoting citizens participation in environmental concerns (2005, p.6). Although it is important to give constitutional and legal protections to environmental rights, it is a wishful thinking, however, to hope the realization of the provisions of the legal documents in a condition where the fundamental democratic principles are not given a due consideration in the first place. Most of the time what is on paper remains on paper and fails to account for real practical situations. Hayward himself (2005, p.4) has made clear the lack of political commitment from the side of some governments when he states that from among the states that grant a constitutional environmental right there are 'a number which cannot be said to have an especially impressive record in practice of either environmental or human rights protection'. Thus, the promotion and protection of environmental rights should simultaneously go with the promotion and protection of civil and political rights, and socio-economic rights which can only be realized when real democratic governance is instituted.

Of all the types of political systems that have been practiced by human beings, democracy is the one in which the role of citizens is significant. In theory democracy is believed to promote citizens participation in the decision making processes and this gives the citizens the ability to influence the making and implementation of policies and strategies. But this is only theoretical truth. In reality we see citizens of the most democratic countries suffer from procedural injustice of the political process.

In the attempt to respond to procedural injustice in different human societies some scholars call upon the importance of democratic processes. Iris Young (1990, p 27) argues in support of a 'democratic and participatory decision making procedures' both as a necessary condition for and a component of social justice. Amartya Sen (2009, p.321), like Young, calls for deliberative

democracy that emphasizes the exchange of reasons, among citizens and concerned stakeholders, in decision making practices. Although not suitable to be applied all the time, solving certain issues of environmental injustice, I also think, demands the adoption of the ideals of deliberative democracy.

Although there are different types of democratic deliberation based on different criteria, scholars identify common values shared by all deliberative democrats together. Amy Gutmann and Dennis Thompson (2004, p.7) defined deliberative democracy as:

a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future.

Similarly, for Maeve Cooke (2000, p.947) ‘deliberative democracy refers to a conception of democratic government that secures a central place for reasoned discussion in political life.’

From the above two definitions it is possible to note some important values that every democratic deliberation is supposed to possess. One is the value of reasonableness, from both the people and the decision makers included in the process of deliberation. In deliberation, citizens or people in the process are expected to provide reasons on why they accept or reject a given decision and political representatives are also required to do the same. Commenting on this ideal of deliberation James Bohman (1998, p. 402) writes that ‘any conception of deliberative democracy “is organized around an ideal of political justification” requiring free public reasoning of equal citizens.’ For Bohman, however, the reason requirement is much more than just listing of the available reasons because it has a vital room for distinguishing between ‘better reasons’ and the bad ones. Moreover, according to Gutmann and Thompson (2004, p.3), the reasons that are provided ‘are reasons that should be accepted by free and equal persons seeking fair terms of cooperation’.

Another distinguishing quality of deliberative democracy according to the above theorists is reciprocity. Reciprocity in deliberative democracy implies the belief in the importance of the act of exchange of ideas or arguments and thus the absence of an imposition. It refers to the free give and take of arguments of persons in the deliberation for mutual benefit. For Gutmann and Thompson (2004) the reciprocity of deliberative democracy holds in the accessibility, to all, of reasons that are forwarded in the process.

Another important feature of deliberative democracy is that the decisions that are reached are only temporary and that the process is open for further public deliberations. Gutmann and Thompson (2004, p.), point out that democratic deliberation seeks to reach decisions that are 'binding' for a shorter duration of time. In addition, the process is 'dynamic' in that the decisions of today could be changed by the decisions of the new deliberation tomorrow. While these are essential features that make democratic deliberation important, it is also valued for the different purposes it serves for the parties engaged in the process. Maeve Cooke (2000, p. 947-969) identified five different purposes of deliberative democracy. First, deliberative democracy has an 'educative power' in that the deliberation process 'improves the moral, practical or intellectual qualities of those who participate: it makes them not just better citizens – but also better individuals.' Second, deliberative democracy will have a 'community-generating power. According to Cooke, engaging in a public reasoning process with other peoples that follow the same tradition and adhere to similar values will further strengthen one's membership in a community of people. Thirdly, it is claimed that public deliberation contributes to the improvement of the fairness of democratic outcomes. Fourth, deliberative democracy contributes constructively to the practical rationality of democratic outcomes. Democratic public deliberations are important because they are concerned with finding the best way of regulating matters of public concern. Fifth, deliberative democracy elucidates an ideal of democracy that is most congruent with 'whom we are'. This relates democratic deliberation with the human self and the notion of good life. Deliberation is important because it recognizes reasoning, a valuable aspect of human life, as important. Moreover, it captures the right picture of human beings 'as an autonomous moral agent with a distinct point of view' (2000, p.955) that deserves respect.

Since most of the issues of environmental injustice arise out of lack of participation in the decision making process that led to the injustice, it is important to apply deliberative mechanism in some areas of concern where the decisions reached will affect the life and wellbeing of the people in question. Sometimes, rather than relying on simple expert advice or voting on a given issue it is insightful to include and listen to what each and every person has to say on an issue of much importance.

Another important point on the significance of deliberative democracy is presented in David Crocker's discussion of democracy in relation to the capability approach. He (2008, p.297) argues that 'Sen's capability approach to social ethics and international development requires democracy conceived as public discussion as well as fair and free elections.' According to Crocker, for Sen the exercise of democracy is not only important but also a prerequisite to the realization of capability that people ought to achieve. Moreover, He rightly claims that for Sen the conception of democracy that best serves the purpose of the capability approach is democracy conceived as a deliberative exercise of the views of individual agents in a society than democracy that relies on election results. Looking at the definition of democracy given by Sen is insightful here. In his *Democracy as a Universal Value* (1999, p.9) Sen writes:

What exactly is democracy? We must not identify democracy with majority rule. Democracy has complex demands, which certainly include voting and respect for election results, but it also requires the protection of liberties and freedoms, respect for legal entitlements, and the guaranteeing of free discussion and uncensored distribution of news and fair comment. Even elections can be deeply defective if they occur without the different sides getting an adequate opportunity to present their respective cases, or without the electorate enjoying the freedom to obtain news and to consider the views of the competing protagonists. Democracy is a demanding system, and not just a mechanical condition (like majority rule) taken in isolation.

From the above discussions it is possible to infer some significances of deliberative democracy. First, it has the potential to solve problems related to the issue of participation. Moreover, some have argued that the implementation of deliberative democracy is important in the achievement

of capability or functioning's with which the quality of human life and wellbeing is measured. In Africa, the adoption of deliberative process in certain issues of public concern is important for reasons just mentioned above. Moreover, some ideals of deliberative democracy discussed above seem commensurate with the traditional African way of life espoused by some African philosophers. I have discussed earlier that the traditional African conception of human rights is claimed by some to be characterized by its emphasis on consensus generating decision making processes as opposed to the ideal of compromise emphasized by liberal theorists. Moreover, the claim that the African traditional way of life values communal way of life and respects the dignity of its members can be related to the emphasis given by deliberative democrats on the importance of respecting the different arguments of the participants of the deliberative process even if their ideas negate each other or are even faulty. Respect for human dignity which is said to be the distinguishing feature of the African way of life would be meaningless if there is no respect for the opinion of individuals in the community whose decision making process is claimed to work towards reaching consensus when disagreements are created. Also, the attempt by democrats to solve a given problem through the flourishing of arguments would not be realized unless the process respects the dignity of persons involved in the deliberation.

In this chapter, I have tried to shortly look at the different understandings of human rights. But this is not a full account of human rights; rather a theory of human rights that I chose is important for the current thesis. Based on James Donnelly's thesis, I have argued that human rights are universal moral rights developed in response to universal human problems arising from the socio-economic and political transformations the world states are undergoing due to political and economic globalization. Although some recognize the presence of a unique African conception of human rights which is egalitarian and communal in character, I believe that such an understanding has the tendency to isolate Africa from the rest of the world and it fails to recognize the fact that most of the problems of Africa are the result of globalization and its process. Moreover, the criticism posed by some against universalistic view of human rights can be approached through the incorporation of ideals of democratic deliberation that are compatible with the traditional way of life. The claim that the African conception of human rights emphasizes groups rather than individuals and consensus based decision making process can be related to some ideals that are also emphasized in deliberative democracy.

I have also looked at arguments for human rights approach to environmental justice. I have provided a list of arguments regarding human rights approach to environmental protection. Although there are criticisms against human rights approach to environmental injustice, it is only philosophical and fails to respond to practical human problems caused by environmental injustice. It ignores practical researches, and reports done by different institutions showing the impact of environmental injustice on human rights and vice versa.

In the next chapter I will discuss different instances of environmental injustices in Africa and the impact they have on people's human rights. The human rights problems associated with toxic waste trade, climate change, land grabbing and the overexploitation of natural resources will be analyzed from environmental justice perspective.

Chapter Four: Environmental Injustices in Africa

The presence of ‘environmental crisis’ which has become the impetus for the emergence of modern environmentalism and environmental groups in most of the Western countries is not the only concern of that part of the world. The inter-related nature of the problem and its global impact makes the crisis a global phenomenon. But as different scholars have noted, not all nations of the world or people of the world suffer equally from the dangers of environmental crisis. Sometimes it is the one who contributes less to the occurrence of the problem, Africa being the prime example, which is hardly hit by the impacts of the problem. On societal basis too, not all parts of a society are affected equally. Like the USA, the presence of environmental problems in Africa coupled with a state of poor justice system and the attempt made by African governments to integrate to the global economy has resulted in the disproportionate impact of environmental problems on different communities. The majority of the indigenous African communities are not only affected by the impacts of environmental problems that pose danger to their health but also suffer from diverse human rights violations and abuses because of factors related to the environment.

In what follows I will defend the claim that some dimensions of environmental injustice in Africa ought to be treated as human right issues. I do so by discussing the different forms of environmental injustices and their relation with human rights. The discussion, however, is not an inclusive account of the environmental injustices in the continent. The following discussion, therefore, attempts to link concerns of environmental justice to concerns of human rights by showing how toxic waste export to Africa, resource exploitation, land grabbing and climate change imply a concern for human rights protection.

4.1 Toxic Waste Importation

Initially, the environmental justice movements of 1980s in the USA were believed to be anti-toxic movements. According to Robert Bullard (1990) and David Pellow (2002), the movements developed as social struggles against the fact that the poor and communities of color have been disproportionately burdened with toxic dumping and other environmental pollutions. For Bullard (1990, p.7) the dumping of ‘hazardous wastes’, the institution of ‘garbage dumps’, and ‘polluting

industries' across the different sections of the American society used to follow the 'path of least resistance'. This, according to him, relates to the refusing potential of a given part of the society to the actual placement of toxic dumps in their neighborhoods. Where the resistance is strong against the placement of toxic dumps, there is a little chance for the actual placement of the toxic dump. Because the rich affluent part of the society can afford to hire personal lawyers, and has had greater advocacy and lobbying capacity, it was able to put a strong resistance against toxic waste disposal and other externalities of developments that the government or private industries plan to implement (Bullard 1990, p.81). Steady Fillomina (2009, p.2-3) also writes, 'low-income and minority communities' lack such qualities required for a successful resistance and they were and are still mainly places of toxic dumping that posed a huge health problem on the life of members of the community.

Francis Adeola (2000, p.694) notes that as internal resistance grew through the activism of different environmental justice groups in the USA and other developed countries, the governments of these countries including their national companies shifted their focus away from their territories to Africa and other developing countries for the export of environmentally hazardous wastes. Africa and other developing countries are claimed to be centers of toxic waste dumping and the exporting of such wastes continuous based on the agreement between the host country and the exporting one but mostly without the informed consent of the society around the dumping sites (Shrader-Frechette 2002, p.10). The report by Green Peace International (2010) shows that the transportation of the wastes from one part to another involves different stakeholders most of whom work together for economic purposes: the exporting state, the receiving state, brokers, mafias and individuals are some of those engaged in such a transaction. However, the most important point is that with the coming of a given toxic waste into a given community the health and life of the people begins to be endangered.

Adeola (2000, 2001) discussed different theoretical perspectives that could explain the nature of toxic waste trade in Africa. He identified the economic contingency theory, rational choice perspective, the dependency/world-system perspective, internal colonialism perspective and the environmental justice framework. He specifically chose the latter three perspectives to account for the toxic waste trade in the continent and rejected the first two perspectives, because they provide no complete explanation on the nature of the problem and how it is perpetrated.

According to him (2000, p.691), the toxic waste trade in Africa could be explained from the unequal economic interaction between the world's poor and rich countries which has led to the dependence of the poor on the economically and politically strong nations. He writes (2000, p.691): "[b]ecause poor nations are passive or negligible actors in global environmental policy decisions, and represent the path of least resistance, environmental burdens are continuously directed to them."

The dependency of the poor, he further claims, is perpetuated through unequal exchange and external controls that maintain the status quo. Moreover, the activities of multinational corporations (MNCs) in different Third World countries add to environmental injustice and human rights violations in those countries.

Internal colonialism perspective is also another valuable insight that Adeola applied to explain the toxic waste trade. Internal colonialism is a situation in which a dominant group of numerical superiority forcefully subjugates minority groups. Moreover (2000, p. 693), the dominant group adopts policy that 'constrains, transforms, or destroys the indigenous culture, its values, orientations, traditions, ways of life, and modes of subsistence.' Adeola also applied an environmental justice paradigm to discuss issues of toxic waste in the continent. The exporting of long banned herbicides, pesticides, asbestos, and toxic wastes to Africa can also be conceived as environmental injustice.

The above discussion shows the different theoretical approaches that could be used to explain the toxic waste trade in Africa. Since my concern, however, is to show how the toxic waste trade and importation violates the human rights of the concerned people, I have to look at different specific instances that have negatively affected the human rights of the people.

Adeola (2001, p.49) shows an instance of toxic dumping in a given Nigerian locality that had resulted in the violation of the basic human right of the people. Thousands of people have lost their lives in a rural locality when an individual took few thousands of money in return for the toxic dump an Italian government had to make. Many others also suffer health problems in Ghana because of the burning of used electronics that are imported from Western countries. A country assessment on Ghana by Amoyaw-Osei and others in 2011 (p.3), for instance, shows the presence of different formal and informal e-waste recycling sites in different parts of the country

such as, Gallaway, Kokompe and Ashaiman. The report (2011, p.45) further shows that from the total amount of electronics imported into Ghana 109,000 tons of waste is generated. The recyclers at the different dumping sites use 'burning' as one of the mechanisms to get rid of electronic wastes. This creates both environmental and human problems for the people around the dumping sites because most of the electronic devices contain chemical and metal toxics. A study on chemical contamination in open burning sites in Ghana by the Green Peace in 2008 shows that most of the soils or ashes in the burning sites contain residues of toxic metals such as Lead, Copper, Tin, Zinc, Antimony, Cadmium and chlorinated compounds which could pose environmental and human problems for the people around the dumping sites. Also, according to the assessment report (2011, p.60) the 'burning operations' in Agbogbloshie have led to 'serious health risk' for the adjacent communities because of the release of toxic chemical fumes from the electronic wastes. The report further states that 'the pollution in the area does not affect only the air, but the land, and nearby Odaw River which receives some amount of the waste, and eventually the Korle Lagoon.' A work by Jack Caravanos and others (2011) also show human and environmental problems associated with e-waste recycling and disposal sites in Ghana, Accra.

Similarly, Cyril Uchenna Gwam (2000, p.189) shows an instance of toxic dumping in Madagascar that have led to the death of human beings and other species in the area. In 1993, 100 persons are reported dead in the port of Mankara after a toxic dumping on Indian Ocean contaminated the fish species on which the people depend on for their daily consumption. Similar incident in 1997 have led to the death of 'several fish' embodying the ocean. There are many others in different parts of Africa including Ivory Cost, Guinea Bissau, Nigeria, and South Africa, which face similar human and environmental problems because of toxic waste dumping in their environment.

When most of the toxic transaction is done with voluntary agreement of the host states, sometimes the dumping goes without the knowledge of the receiving country. In 1989 the Basel Convention on the Trans-boundary Movement of Hazardous Wastes was passed to curtail the transfer of toxic wastes from industrialized countries to Third World countries. Although there have been improvements since the Convention but the recent act of Trafigura, an oil company based in the Netherlands which illegally dumped toxic chemicals in Ivory Cost, in 2006, has

made the binding force of the Convention questionable (Steady 2009, p.54). This particular illegal dumping took hundreds of lives and injured a lot.

Since it results in the adverse impacts on the health both of human beings and the ecology, the toxic waste dumping on the African continent needs to be stopped. Both the developed countries and African governments have not only political obligation not to jeopardize the health and life of the African people but also the moral obligation to treat the people of Africa as endowed with basic human rights and deserving of the quality of life that they enjoy themselves. In addressing the problem of toxic waste export in Africa, it is good to acknowledge what Connelly and Smith have said regarding the global nature of environmental problems and their remedies (1999, p.23)

We cannot be morally justified in solving environmental problems by exporting them. There is no moral reason to deny others the welfare we would wish to enjoy ourselves; it cannot be morally right to inflict the adverse consequences on other people merely because they are in no position to object.

While the developed countries and their people are under a huge moral obligation and a political commitment to adhere to international treaties and conventions, African governments need to develop a democratic governance that respects the basic human rights of their citizens and promote a more democratic decision making process in matters that affect the life and well being of the people. But this is not to imply that addressing the problem of environmental injustice is the duty of governments only. NGOs and civil societies including the people, both the international community and the local people, also need to develop the belief that they have at least a moral obligation to fight the injustice in a spirit of global citizenship. In this regard, one can mention the words of Dale Jamieson on the global environmental justice. For him, instead of conceiving global environmental problems as sole concern of governments or between governments it is important to develop an alternative moral world in which the quest for a global environmental justice is (1994, p.210) “[s]upplemented by a more inclusive ecological picture of duties and obligations-one that sees people all over the world in their roles as producers, consumers, and knowledge-users and so on, connected to each other in complex webs of relationships that are generally not mediated by governments.”

4.2 Climate Change and Global Warming

The problems of climate change and global warming pose a huge threat to the life and well being of the people of the world and more particularly for the people of the poor Third World countries. The problem of climate change and its current and future impacts on the enjoyment of the basic human rights, therefore, is one of the major global environmental problems in our century (Tadesse 2010, p.1). The continued emission of gases to the atmosphere has gradually resulted in the change in patterns of weather and in the rise of the global heat. The problems resulting from such phenomena is claimed to have a potential to hardly hit parties that have very little contribution to the very emergence of the problem. While the industries in developed countries, for instance, hold the lions share in damaging the natural climate, it is the least developed countries that are highly affected by the negative consequences of the global climate change and global warming (Elliott 2005, p. 488; Humphrey 2009, p.1; Lewis 2009, p.70; Steady 2009, p.53). For instance, Lewis (2009, p.70) states that “many countries that will suffer worst from the impact of climate are among the least responsible for its causes”. Steady Fillomina (2009, p.53) also writes that the “Sub Saharan Africa produces less than 4% of the world’s green house gases but according to scientists will suffer the most from climate change”. Thus, although the contribution of African countries to ever growing global climate change is insignificant, the condition will have its gravest impact mostly in Africa where most of the countries can not adopt themselves to the potential effects of climate change (Elliott 2005, p. 488). Many others also claim that even in areas where adaptation and mitigation strategies are applied the people have suffered serious human problems because they are unable to adapt themselves to the strategies in question. It is important, therefore, to critically look and approach at the problem of climate change from the various threats it poses on the basic human rights of the peoples it affects, especially those in the Third World.

Lewis (2000) used a human rights perspective to show the different types of rights affected by the impacts of climate change. Her discussion shows the threat that climate change poses to the human rights to life, the right to physical and mental integrity, the right to an adequate standard of living, food, clothing and housing, the right to the highest attainable standard of health, the right to maintain one’s traditional way of life, customs, and religions, and also to human environmental rights as stressed in such international treatises as the UN’s Bill of Rights, the

Declaration on the Rights of Indigenous Peoples, the International Convention on Civil and Political Rights, the Draft Declaration on Human Rights and The Environment, the Stockholm Declaration, the Rio-Declaration and other International Documents (Lewis 2009). On the impact of climate change on human rights, Stephen Humphrey also writes (2009, p.1):

[c]limate change will undermine – indeed, is already undermining – the realisation of a broad range of internationally protected human rights: rights to health and even life; rights to food, water, shelter and property; rights associated with livelihood and culture; with migration and resettlement; and with personal security in the event of conflict.

In Africa where the majority of the people are claimed to lead an agrarian and a pastoralist way of life, the different but interrelated impacts of climate change will be the gravest. In a continent where the people are already under major economic and political problems, the additional impacts of climate change on the environment, life and well being of the people will be manifold and devastating. Debay Tadesse (2010) discusses different potential and actual impacts of climate change in Africa. Based on the works of analysts in the area, Tadesse argues that the increasing global temperature because of the emission of green house gases will lead to water and arable land shortages, the basic requirements for agricultural production. This in turn will lead to food shortage for millions of already impoverished peoples in the different parts of the continent especially the sub-Saharan Africa. He further writes (2010, p.5):

[t]he Horn of Africa's pastoralist areas (Ethiopia-Kenya-Somalia border) have been severely hit by recurrent droughts, causing livestock losses that have plunged approximately 11 million people who are dependent on livestock for their livelihoods into crisis and triggering the mass migration of pastoralists out of drought-affected areas.

A report by Joe Ware and Alison Doig in 2014 also shows the presence of these same impacts on the people of the sub-Saharan Africa, particularly in Kenya and Malawi.

Moreover, other works on the area [Bonnie Ayodele (2010), Tibangayuka A K Abanda and Christopher Munyati (2010), Dennis G. Willms and Karolina Werner (2009)] show that besides

the food security issue attributed to climate change, the increasing shortage of water and arable land for agricultural and pastoralist purposes will also lead to security problems because of the competition over such scarce resources. In addition to these impacts of climate change, some also identify the attempts to alleviate these impacts through mitigation or adaptation as having human rights impacts (Loftus-Farren and McKiernan 2009, International Council on Human Rights Policy 2008; Tsosie 2007). A human rights approach, therefore, needs to incorporate both the impacts of climate change on the fulfillment and promotion of the basic human rights and also the impacts of human responses to alleviate or reduce the impacts of climate change through different mechanisms.

Climate change, therefore, has multiple negative impacts that adversely affect the promotion and enjoyment of basic human rights of the African people. Besides the human rights implications it has, the issue of climate change also poses an ethical problem regarding the injustice of the process that lead to the suffering of the people that has little contribution to the emergence of the problem in the first place. Because of this and other factors moral philosophers have considered the issue of climate change as having ethical implications. Some of them have discussed the ethical challenges associated with climate change (Gardner 2004, Jamieson 2007).

The issue of climate change is an instance of environmental injustice that needs a human rights framing. In the case of climate change and global warming, it is the industrialized countries that rip the benefits of most of the polluting industries while the burden of dealing with the impacts of the industries is unjustly left to all of humanity, most of which enjoys no benefit or have no direct contribution to the problem. In fact, the problem with the impact of climate change needs to be seen not only from the distributional injustice, but also from a broader perspective that includes other areas of concern. Humphrey, for instance, argues that besides its human rights concerns the problem of climate change poses at least four different justice claims (2009, p.40). The process of dealing with the problems of climate, first, requires a concern for 'corrective justice' in prohibiting polluters from their action and compensating the affected ones. Second, there is a 'substantive justice' claim calling for a relevant international law that can help reduce the impact of climate change without harming those societies that highly depend on those factors that contribute to the promotion of the problem. 'Procedural justice' i. e. the importance of 'just

mechanism' to arrive at 'just solutions' while acknowledging the interests of different stake holders, forms the third claim of justice. Finally, climate change demands a concern for 'formal justice' which involves the promotion of rule of law and legal norms.

The impacts of climate change and global warming are so pervasive that they have resulted in the deterioration of the natural environment of many indigenous societies. This in turn has resulted in the deterioration of their life and wellbeing. The issue of climate change, therefore, 'is a human issue, where the livelihoods of numerous communities are threatened and their security is at stake' (SID 2008, p.9).

4.3 Land Grabbing

History tells us that Africa, as a continent, used to be a place where most of the European countries fought each other to control the land and its resources at a huge cost of human, cultural and social values of the people. While the scramble for Africa's land brought prosperity for the invaders, it had a devastating impact on the humanity of the invaded. The control of Africa's land and its resources by foreign conquerors, however, was brought to an end when different African countries declared their independence after a bitter military and diplomatic struggle with the colonizers. This made it possible for the newly established African government to administer the use of their natural resource for the betterment of their societies.

Decades after the end of colonization, Africa is being faced with a new kind of scramble for its land and natural resources, but this time with a full consent and even incentives from the African governments themselves. In the past it was military invasion that forced Africans to bow down for those with fire guns but now globalization and global economic integration through such institutions as the WTO have demanded governments to make their doors open for other rich governments or investors willing to acquire land and its natural resources (Stephenson and Schweitzer 2011, p.46, Francesco Francioni 2001). Because of its economic benefit most African countries have welcomed both state and individual investors to their land. In developing countries more than 227 million hectares of land have been given to domestic and foreign private and state owned investments (Oxfam 2011). However, like the colonial era, the new relationship has also caused human, social and environmental problems for some parts of the host society. This is because, the promotion of foreign investments in the Third World often ignores the

protection and promotion of local people's economy, their human rights and environment (Puvimanasingh 2007, p.14).

On the basis of the negative impacts of the large scale land acquisitions on the local small scale land owners of the Third World the International Land Coalition (ILC), in 2011, defined Land Grabbing as any international or national act of acquiring or granting land that is

- (i) In violation of human rights, particularly the equal rights of women; (ii) Not based on free, prior, and informed consent of the affected land users; (iii) Not based on a thorough assessment, or are in disregard of, social, economic and environmental impacts, including the way they are gendered; (iv) Not based on transparent contracts that specify clear and binding commitments about activities, employment, and benefits-sharing; (v) Not based on effective democratic planning, independent oversight, and meaningful participation.

Triana Declaration (Oxfam 2011, p.6)

It is important to accept the above definition of land grabbing because most of the land agreements in Africa can be examined from the important points stated in the definition. The violation of human rights and the absence of a free, prior, and informed consent, lack of transparency and accountability and others are all the major characteristics of the land deals in Africa.

There are different reasons behind foreign investment. The growth of world population and global economy (Oxfam 2011), food and fuel security issues, economic liberalization, the globalization of transport and communications, and the creation of investment opportunities are taken to be the major drives for both the host and investor countries to enter into large-scale land acquisition deals (Cotula et al 2009; Daniel 2010). In their analysis of foreign direct investment in different countries of the sub-Saharan Africa (Ethiopia, Mali, Ghana, Tanzania, Mozambique, Sudan and Madagascar) Cotula and others (2009) identified different reasons behind the land deals. According to Cotula and others, the lack of water and arable land, which are the basic preconditions for a good agricultural production, and the growing price of food that came with the ever increasing demand for food among the urban societies have resulted in many states to look for a place outside their boundaries that could be used to fulfill what they cannot afford on

their own land (2009, p.4). It is true that there are both benefits and burdens that come with the international land agreements. It is claimed that it will solve the food security problem of the local people. Moreover, the positive role it will have in the development of a country's economy might be tremendous in view of the job opportunities it could create, and the huge revenue it could bring to the host state. Moreover, as Fernando Puvimanasinghe (2007, p.16) has noted, foreign direct investments, in general, can be important factors 'in furthering human rights, and promote, protect, realize or fulfil economic, social and cultural rights, as well as environmental standards'. However, most often the human, cultural, social and economic costs of foreign direct investments in general and having investors that occupy a large area of land in particular surpass the economic benefit that the host states get from the transaction. It is because of this that others have regarded the above stated claims for the vitality of large scale land acquisitions as "myths" that sustain the land grab than the actual benefits of the land transaction (Oxfam 2011, Agrarian Justice Programme 2013). They point to the fact that although there is a development opportunity, as far as the native peoples are concerned, there is also a wider opportunity for the destruction of their livelihood, culture, and human dignity. In most of the African countries engaged in the international land deals the people depend on land and its resources to meet their day to day necessities. Therefore, the acquisition, by both domestic and foreign private and national investors, of the land will have a negative impact on the life and well being of the society. This according to Cotula and others (2009, p.15), is because 'large-scale land acquisitions can result in local people losing access to the resources on which they depend for their food security and livelihoods.' Rather than solving food security problems the large scale land deals have further exacerbated the food insecurity. Moreover, to make things worse, most of the host countries are characterized by the absence of 'legal or procedural mechanisms' that could protect the 'rights', 'interests', 'livelihoods and welfare' of the native peoples. Cotula and others (2009, p.7) further write:

[I]lack of transparency and of checks and balances in contract negotiations create a breeding ground for corruption and deal that do not maximise the public interest. Insecure use rights on state-owned land, inaccessible registration procedures, vaguely defined productive use requirements, legislative gaps, and compensation

limited to loss of improvements like crops and trees (thus excluding loss of land) all undermine the position of local people.

A country report by the Oakland Institute on Ethiopia in 2011, for instance, presented the critical state of the land investment deals in the country. According to the report (2011, p.1), rather than securing food for local peoples the commercial investments rather exacerbates the problem of food insecurity which originally forms much of the history of the people. Moreover, most of the investments are being done at the expense of the human and cultural values of the local communities. People are being expelled from their land without receiving the necessary compensation with which they could sustain their life afterwards. The absence of environmental impact assessments, environmental controls, and community consultation make the business more money oriented than people centered (ibid).

Smita Narula's (2012) account of the land grabbing incident in Ethiopia's Gambella region can be used to strengthen the above point. According to Narula, more than 70000 people are believed to have been moved, most of which is forceful removal, from their land because of the agreement made between the Ethiopian government and the Saudi based Saudi Star Company. On the negative impacts of the deal on the life and well being of the people Narula (p.4) writes:

[t]he relocation program or 'villagization' process in Ethiopia's Gambella region—the site of the Saudi Star investment—has been particularly devastating for indigenous communities cut off from sources of food, water, healthcare and education.... The Ethiopian government has reportedly threatened, assaulted, or detained those resisting the relocation process.

Since almost all the people are dependent on agriculture to fulfill their necessities the removal of the people from their land means the denial of their means of survival, and their right to food. Since the evictions are claimed to be forceful and not voluntary agreements, the voice of the people and their right to be included in important decisions affecting their life is not respected. Moreover, the removal of the people from their land also means that the different indigenous peoples inhabiting the region are removed from the historical cultural roots and values without

which their life becomes incomplete. Therefore, land deal in Gambella region violates basic human rights and indigenous people's rights of the affected people.

Oxfams report on South Sudan also views the impact of land grabbing as the 'newest challenge' that the country has faced. According to the report (2011, p.13-14), from 2007 to 2010, 2.64 million hectares of land have been given to state and private investors. It claims that in a country where more than eighty percent of the people depend on small scale farming, such an agreement between the investors and the granting parties (local elders and the government) deprives the local people from securing their means of survival through agriculture and also prevents them from using other natural resources, such as water, the scarcity of which has led to the emergence of conflicts among the people even before the coming of investors to their land. The people, Oxfam claims, are not only deprived of their means of livelihood but also excluded from the decision making process that led to such transactions. As such, the large scale land acquisition in South Sudan is taking place in violation of important human rights universally granted to all human beings. The right to food and the right to free, prior, and informed consent of the affected people are the major issues at stake.

Similarly, according to Oxfam (2011, p.14-17,) in Uganda's Kiboga and Mubende districts more than twenty thousand local households were evicted from their land between 2006 and 2010 when a foreign firm signed an agreement with Uganda's National Forestry Authority (NFA). The evictions, according to Oxfam's report, were done with forceful removal of the households by both the company owners and the government. Blaming global monetary institutions such as the World Bank and the European investment bank for supporting such companies operating in the Third World countries, Oxfam rejects the deal because it has destroyed the livelihood of thousands of people who previously used to rely on the land to feed their young and elders. Moreover, the process of eviction failed to compensate the local people and also to take and include their voices in the discussions that finally led to their expulsion. Therefore, the granting of local people's land to the foreign company has led to the violation of important human rights to which the people are entitled.

Similar impacts of land grabbing challenge millions of Africans. The clearing of forests for large scale investment of palm oil in different parts of Cameroon, Gabon, and Liberia will pose similar negative implications unless a careful attention is given to protect and promote peoples' human rights to lead a healthy and sustainable life in human friendly environment (Green Peace 2012).

4.4 Overexploitation of Resources

It is true that Africa is a continent endowed with diverse natural resources. This is important because natural resources provide the people with their livelihoods with which they sustain their life. Since most of the people on the continent are either agrarians or pastoralists, land and water are the most vital of the natural resources. There are also other important resources in different parts of the continent: natural oil, diamonds, gold, platinum, copper, just to mention some. This would have been important if the resources were used for the furtherance of the benefit of the local people while at the same time benefiting the global community in need of them. But in most parts of the continent the need to control resources are proved to be the causes of the most dangerous civil wars among ethnic groups, and also believed to have precipitated conflicts of various intensity not only between governments, but also between local groups demanding equitable share and those who control the state power or those multinational corporations involved in the business of resource extraction (Salih 1999; Adeola 2000, 2001, 2009). Based on a study that tried to show the relation between natural resources and the quest to hold political power, Mohammed Salih (1999) claims that in different parts of Africa the emergence of liberation movements seeking the control of political power has much to do with the need to control the natural resources with which the life and integrity of the people concerned depends. Besides the internal competition to control over the natural resource bases, the over exploitation of natural resources in different parts of Africa by both multinational corporations and the local governments remains to be the biggest problem of the continent (Adeola 2000, 2009). In a position paper that calls for a stronger EJ framework in southern Africa, Victor Munnik (2007) also discussed a 'new scramble for Africa' among the Western and the newly emerging economies including China, India and Brazil. The new scramble for Africa over its resources, according to Munnik (2007, p. 2), necessitates the development of a 'stronger solidarity in support of environmental justice'.

One important example, and the only instance that will be covered in this thesis, in which the presence of natural resource has led to bloodshed between different competing groups is Nigeria's Niger Delta area. According to Adeola (2000, 2001, 2009), although Niger Delta is a land blessed with huge reserves of crude oil and natural gas accounting for 90% of oil fields in Nigeria, 95% of Nigeria's export earnings and 80% of the government's revenue, the local community has never been the major beneficiaries of the resource for most of the benefits from the oil industry go to the accounts of the multinational corporations exploiting the gas reserve and the federal government respectively (see also Stephenson and Schweitzer 2011, p. 54 and Paul Francis et al 2011, p.5). Moreover, the oil extraction is done at huge economic, cultural, environmental and human costs (Francis et al 2011, Stephenson and Schweitzer 2011). Regarding the negative impacts of the oil extraction activities on the local people's Adeola writes (2009, p.136):

[a]ppropriation of communal lands for oil extraction, environmental degradation, destruction of habitats, decimation of the modes of subsistence of the indigenous population by oil production activities, plus inequitable compensation for oil and gas minerals, and the destruction of farmlands and fishing waters are among the contentious issues.

The frequent happening and presence of 'oil spills' and 'gas flare' has resulted in environmental problems that pose adverse impact on the life and well being of the indigenous peoples (Stephenson and Schweitzer 2011, p. 52; Ebeku 2003, p157). A joint report (2005, p.4) by Environmental Rights Action (ERA) and The Climate Justice Program viewed Nigeria as the world leading gas flarer and estimates that Nigeria loses 75 % of the gas it produces because of gas flaring. The human and environmental impacts of the flaring have devastated the life and well being of many Nigerians. The report (2005, p.1) viewed the oil flaring in Nigeria as 'a human rights, environmental and economic monstrosity'. It violates the human rights of the Niger Delta people because it negatively affects their right 'to live in dignity, and to enjoy health and satisfactory environment' (2005, p.0). Kaniye SA Ebeku (2003, p157) also comments that the continuous occurrence of oil spillages in the area has led to 'pollution of water bodies, degradation of agricultural land, destruction of artisanal fishery' and more generally it has resulted in an 'adverse socio-economic consequences'. Adebola Ogunlade (2009) further claims

that the operation of oil producing companies has devastated the environment and human rights of the 250 different indigenous groups that are found in the region.

The Niger delta is also known mostly for the human rights violations associated with the oil extraction activities than the environmental problems the industry has caused. In addition to the problems mentioned above, Adeola (2001, 2009) and Ebeku (2003) identify the presence of human rights abuses of the local communities by the government that tries to protect both its interest and that of foreign companies is also a major issue. Moreover, according to Paul Francis and others (2011, p.16), this remains to be the problem of the region even after democratic governance was instituted. Different people based groups and organizations were instituted to demand justice to the indigenous people unfairly destined to be exposed to environmental and human rights violations. The response of the government to such people based organizations was not always good. For instance, the public killing of Ken Saro-Wiwa, an Ogoni born activist, and eight other members of his Organization (MOSOP) shows how the issue of oil is so sensitive in the region (Ogunlade 2009, p.6). Moreover, the huge revenue that comes from the oil extraction has led to competition among different groups who desire to capture the political power with which the possession of the oil fields could be materialized (Francis et al 2011, p.1).

These and other reasons have made the region prone to incessant conflicts that have contributed to the further violation of the human rights of the people in addition to the human and environmental impacts these people suffered due to oil flaring and spillage.

4.5 Why A Human Rights Approach

Because the environment and its resources are conceived to be important determinants of power politics in Africa, the kind of movement used in the USA couldn't be applied in the continent. In Africa, different groups conflict over the control of environmental resources such as land, water, oil, copper, gold, etc. This is because, resources grant the group with not only a means of subsistence but also with a continued means of livelihood. In the US, the environmental movements of the 1980s were only meant to resist the unequal exposure of the poor minorities to certain environmental problems. It was a resistance against the unjust policies and actions of the government, and industries and as such posing no threat to the continued survival of the

government or the industries so long as the necessary measures were taken to correct the injustice. But in Africa, the emergence of grassroots movements of EJ can be conceived in the eyes of the ruling class, not only as a force demanding the correction of environmental inequalities among the people but also as a potential threat to their rule. Therefore, the emergence of grassroots environmental movements in countries where democracy is still claimed to be infant is not the best way to deal with environmental inequities in the society. Although the significance of grassroots activism can be seen from different angles in the history of environmental justice it might not contribute the same to those people in a different socio-political and a more undemocratic political setting. Rather than remedying the problem of the society, such a strategy will have the potential to put the lives of many justice seekers in the hands of governments who think their continued existence is possible only with a continued control of the environmental resources. Sometimes cruel and barbaric measures are taken to silence those who struggle for environmental justice and protection. The imprisonment of Wangari Mathai of Kenya and the public killing of Ken Saro-Wiwa (Paul Francis et al 2011, p.14) and other members of his organization in Nigeria could be cited as examples.

There is also a tendency among governments to view groups that demand justice as public enemies because of the measures they take to actualize their demands. Most governments have devised policies and laws that could help them displace movements and groups calling for justice. For instance, in Nigeria while some view local groups fighting with the government as freedom fighters others, especially individuals from the government have attached the name “terrorist groups” to those same groups (Sampson 2009). Moreover, there is a tendency to relate concerns of environmental injustice to the broader socio-economic and political problems in different parts of the country. I believe that there is a tendency to ethnicize or nationalize problems. For instance, in Madagascar, the land deal between the government and a South Korean Company served as an immediate cause of the protest that finally led to the overthrow of the government through a ‘coup in 2009 (Wittmeyer 2012, p.1, Neimark 2013, p.1). Similarly, the recent protest over the new Addis Ababa master plan by Oromo students in different Ethiopian universities has led to the killing and imprisonment of Oromo nationals by the government who claimed that there is a bigger political intention behind the protest (BBC, 2 May 2014). Although the areal scope of the master plan is far from including all the Oromo people,

the news of the potential impacts of the master plan was able to reach Oromo nationals in every angle of the world. Adding to the popular sentiment that the people in question are always at the for-front socio-political and environmental injustice (Tajuddin 2007, p.9), the news of the master plan ignited both domestic protest in different parts of Ethiopia and also in many other foreign countries that the Oromo nationals reside. This and other instances show the presence of a strong link between concerns of environmental injustice and power politics in Africa. Since it would mean a huge political risk, there is a tendency for protests of this kind and of similar nature to be suppressed by governments that can apply any measure they want to advance their interest. Therefore, in order to avoid the creation of a nation-wide awareness the government might resort to suppress the idea of any direct action or activism by denying the people the right to do so, by distorting the reality of the injustice, by controlling media, or by any other means that ensures that the people will keep its mouth shut.

Therefore, rather than emphasizing community based local movements which puts the life of the people in danger, it is important to look for an alternative mechanism which could have a double effect of rectifying environmental wrongs in the society while at the same time preserving their peaceful life as members of a democratic political community. One such a way is to frame claims of environmental justice in terms of human rights perspective. Since environmental right is accepted to be a component of human rights the claim for correcting issues of local environmental justice needs to be presented in the language of human rights. The push, from international organization like the UN, on African countries to respect the basic human, civil and political rights need to incorporate concerns for environmental justice as demanded by local indigenous peoples, because these different aspects are highly interrelated. Rather than forcing African and other Third World countries to open their doors to the international economy and market, the global monetary organizations like the World Bank, IMF and the WTO need to stop aligning with governments that accept any terms of agreement without considering the interest of their own people. Since environmental injustice downgrades, directly or indirectly, the enjoyment and promotion of basic human rights the presentation of the injustice from the human rights perspective does not only show the practical human rights violations at hand but also the best way to approach the injustice. It is difficult for the local community to engage in a face to face political engagement with governments having a long experience of forceful subjugation

and no virtue of an inclusive democratic deliberation. Hence, among others the application of the human rights approach

- 1- shows the human rights abuses of the local community by their own governments, individuals, national and international corporations by recognizing the direct link between human, political and environmental rights;
- 2- calls for international organizations to help rectify the problems of justice that the local people face through
 - a- the imposition of a more forceful and active standards that governments, corporations and individuals need to respect.
 - b- direct involvement in local problem alleviation programs, as many of the problems that the local communities are facing are because of the opening of the local markets to the international economy, which has been and still is one of the terms of agreement if a country wants to join these institutions.
 - c- establishing local human rights- environmental organizations that are accountable not to the local governments but to the institutions directly. The establishment and management of such organizations is done through international institutions that contain the majority of world states as members. Theoretically, since the majority of world states are members of the UN, none of them will oppose the establishment of such institutions which works for the promotion and protection of human rights.
 - d- encouraging researches on the area concerned as the researches have the potential to speak for the people by exposing the different ways through which environmental injustice poses threat to the promotion and fulfillment of basic human rights;
- 3- provides a way in which the local people can fight environmental injustice without putting their life and the life of their community in danger. With the institution of human rights-environment organizations that are accountable to the international protectors of human rights than local governments, the local people will have the chance to freely expose environmental issues having negative impact on their lives without fear of political persecution. This saves the life, material and environmental destruction that would have occurred had the local people engaged in a demonstration or any other direct confrontation with governments that have a long history of merciless response to

oppositions like this. Thus, the approach provides an assurance that the people are protected from undemocratic government intrusions;

- 4- gives the chance for different stakeholders to work together. Since there is a convergence or similarity of concerns, human rights advocates, environmental groups, the people, the industries, governments, and NGOs can all work together to achieve their goal and reach an authentic outcome.
- 5- forces local governments to work for the betterment of the life and wellbeing of the society. Although many countries are believed to have a worst historical record of human rights, with the new more powerful and active standards from international organizations, the governments will be forced to uphold and work for the promotion of the basic human and environmental rights. Since there are local human-rights-environmental organizations that are run by international institutions the local governments cannot suppress environmental justice concerns that their local community raises.

In this chapter, I have discussed the relationship between environmental injustice and human rights violations by looking at four different instances of the injustice and the negative implications they will have for the promotion and enjoyment of the people's human rights. I have shown that in all the four different instances of environmental injustice there is a direct or indirect violation of human rights such as the right to life, the right to health, and the right to food. Based on different examples, for all the four types of injustices discussed in this chapter, I conclude that certain instances of environmental justice really are a human rights concerns and that responding to such claims of environmental injustice needs to rely on a stronger human rights framework.

CHAPTER FIVE: CONCLUSION

The thesis examines the relationship between environmental justice and human rights in Africa. I have argued that since some instances of environmental injustice in the continent pose human rights impacts it is important to adopt the language of human rights in the attempt to remedy them. As I have shown in the whole thesis, adopting such a human rights approach goes in line with the adoption of a respective understanding of different concepts such as the environment, environmental problems, environmental justice and human rights that support and conform to the approach to be adopted.

The environment, as discussed in the second chapter, is more than ‘the social, cultural and political settings in which ‘people live, work, and play’. It is also an arena of economic and political competitions that can positively or negatively affect the enjoyment of basic human rights. While the environment is the source of valuable things that sustain human life, it is also the source of political, socio-economic and most particularly environmental problems and injustices that endanger the life, wellbeing and integrity of humans. Despite the presence of international and national treaties and conventions and regulatory bodies, millions of Africans live in a situation of social and environmental injustice. In order to fully cover the nature of the injustice in the African continent I have called for a broader theory of environmental justice that includes different elements like distribution, recognition, participation and capability. I have showed that the injustice is not only the problem of distribution, but also lack of recognition the presence of which determines the participation of the people in the decision making process and also the inequitable distribution that follows from the decision. This also leads to the inability of the people to achieve and attain capability/ies that people would have achieved under a normal condition. Moreover, the distributive injustice, lack of recognition, procedural and corrective injustices all indicate the importance of a stronger human rights approach in the fight against environmental injustice. This is because, first, the violation of the different components of justice is also the violation of human rights values that are accepted by the majority of world governments. Moreover, human rights **framework** could be used to evaluate the soundness of a given policy, strategy and action on the basis of human rights values universally accepted by world governments. Other particular reasons are also stated under the third chapter.

In the third chapter I related three important concepts; environmental justice, human rights and deliberative democracy. Based on the idea of some human rights theorists I claimed that Human rights are universal human entitlements that are enjoyed by all human beings everywhere they exist. Although there is a philosophical dispute on the universality of human rights, adopting what Jack Donnelly called ‘functional universality’ presents the best way to respond to practical human problems without backing down for theoretical conflicts on the issue. According to this view, human rights are standards that are initially developed in the West as a result of the problems that the people incurred due to certain socio-economic and political transformations developed in the society at the time. Since Africa as a part of a globalized world is experiencing similar transformations, the same standards that once developed in the West could also be applied in the continent too. Such a view of human rights is important for different reasons. First, it rightly conceives Africa as a part of a globalizing world. Second, it helps to respond to practical human problems without wasting time on the philosophical dispute on the nature of universal human rights or on whether the Western originated human rights could be applied in Africa.

In this chapter, I have claimed that both the cause and remedy of some environmental injustices in the continent consists in the denial and promotion of human rights respectively. Those instances of environmental injustice discussed in this thesis present two different but interrelated challenges to the protection and promotion of human rights in the continent. First, the presence of an environmental injustice that negatively impedes the enjoyment of the people’s human rights is the result of the failure to respect those universally accepted human rights. Had the words of the international human rights documents been respected there would have been no discrimination in the decision making processes or no problem of inequitable distribution. Even if it is difficult to completely abolish all instances of discrimination or inequality, it might have been possible to reduce their current status if the world states and the different stakeholders have kept their words that they will help protect and promote human rights. Second, there are human rights impacts that currently affect the African people because of some forms of environmental injustices. In order to respond to these problems, therefore, it is important to come up with a

theory that best protects the people from the injustice they are suffering while at the same time helping them recover from the problem they have currently incurred.

In this same chapter, I have also argued for the importance of adopting ideals of deliberative democracy in certain areas of societal concern. Through the adoption of a deliberative democracy, in which the role of citizens goes beyond mere electoral participation to include other important aspects as a reasoned deliberation on important issues affecting their life, it is possible to avoid the formulation and promotion of ill conceived policies and actions prior to their implementation. When the issue (or the policy, strategy or action) in question has the tendency to affect all or the majority of the people, both the policy makers and the people can benefit from a democratic deliberation that gives chance to all the people to express their positions regarding the issue at hand. Sometimes, rather than following expert advice or a top down flow of decisions it is important to give credit and acknowledge what the people might say regarding the issue in question. Moreover, I have showed that, when compared with the liberal conception of democracy, deliberative democracy is important because it shares important features with the African traditional way of life as stated by different African philosophers.

In the fourth chapter, I have showed how certain instances of environmental injustice are human rights concerns. I have done this by looking at four different instances of environmental injustice and how they negatively affect our basic human rights. Since, as illustrated through different examples, the injustices directly or indirectly affect the enjoyment of the basic human rights, it is important to adopt an approach that can rectify the injustice while at the same time promote the protection of human rights. The view that environmental injustice is a human rights concern is a recent development. Although the claim that environmental protection poses human rights risks has been emphasized since the 1972 Stockholm conference and also addressed in the 1990 Rio-Declaration, the call for a stronger human rights approach to environmental injustice based on the practical problems they pose directly and indirectly to human life and well being is a recent articulation. The works of different environmental justice scholars and the reports of some NGOs and institutions including the Green Peace, Earth First!, and the Oak Land Institute show the human rights impacts of different environmental injustice instances, as those discussed in this thesis. Moreover, they support the need to frame the injustice in terms of human rights language.

Such a call for stronger human rights approach to environmental injustice is based on the belief that the state as a protector and promoter of human rights in most **Third World** countries has failed to properly serve its purpose and that the kind of activism used in the USA is difficult to be undertaken in countries that do not grant democratic rights of citizens to engage in such actions. It is true that different international conventions, treaties, and agreements are reached among the states of the world to uphold and promote a safe and sound environment favorable **to** the flourishing and development of human life and wellbeing. Although African states are also members of most of the international accords and contain environmental elements in their constitutions, the concern given to environmental matters still lacks a political commitment on the part of the governments. In most of the African countries in which citizens attempted such an activism, the result was harsher and barbaric leading to the further violation of the human rights of the concerned citizens. Since most of the demands for equitable share of environmental resources have a potential to challenge the power of the ruling government, most of the time local group activism has the tendency to either be silenced before going public or to meet a harsh response from the governments.

The thesis has made it clear that adopting human rights approach has different **values**. It requires governments, corporations and individuals to consider human rights principles when passing a given policy, strategy and action that have the potential to affect the life and well being of the people on whom the policy, strategy or action is going to be implemented. This consideration involves three important things. One, the protection and promotion of human rights of the people prior to the passing of the policy or strategy. This ensures that the people are given the chance to speak their minds on whether they accept or reject the policy or strategy in question, in a condition where their fundamental human rights are respected. Two, the protection and promotion of human rights in the process of implementation of the policy or strategy. Third, once the policy or strategy is implemented the approach requires the government, corporations, and individuals to work for the betterment of human life and wellbeing in areas where the policy adopted or the action taken **has** resulted in human rights abuses and transgressions. The thesis also argued for the importance of the adoption of the ideals of deliberative democracy **in** some areas of societal concern. Reason based, consensus generating democratic system that allows the participation of all the concerned people in the decision making process is important in areas

were the decisions going to be reached affect the life and wellbeing of the people in question. As I have stated in the third chapter, governmental and non-governmental policy makers and other stakeholders need to accept human rights as normative standard upon which they can evaluate the soundness of their policy or strategy.

In general, in this work I have tried to show that rectifying certain instances of environmental injustice demands the adoption of human rights framework. It is, however, not a full account of all the environmental injustices in the continent. It was my deepest interest to cover more instances of environmental injustice in my thesis but because of space and time limitations I couldn't accomplish that. Hence, scholars and other stakeholders need to conduct further researches on how the different instances of environmental injustice, including those discussed in this thesis are also human rights concerns. It is also important to develop further arguments in support of a human rights approach so as to come up with a lasting solution in responding to issues of environmental injustice. I also recommend that scholars need to conduct further studies on what the traditional African way of life and deliberative democracy possess in common and on how the two could be related in remedying issues of environmental injustice in the continent.

The other drawback of the thesis, I admit, is the absence a particular case study that might have substantiated my conclusions. Although it would have been good to employ a quantitative methodology in support of my claim, lack of finance and the political sensitivity of some of the issues discussed in the thesis have led me to depend on secondary sources alone. It is, I think, because of these same factors that most of the case studies on environmental injustice in Ethiopia are conducted by foreign educational institutions, and non-governmental environmental and human rights organizations like Oxfam, Green Peace, Grain etcetera. However, it is one of my future objectives to apply what I have failed to conduct in the current work. Besides, I hope scholars and all concerned parties (both inside and outside Ethiopia) working on the area will strengthen the idea of this thesis by conducting an area based research in different parts of the country where the people are suffering from different instances of environmental injustices that affect the enjoyment and promotion of their human rights.

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