

ENVIRONMENTAL JUSTICE
IN THE NEW MILLENNIUM

*Global Perspectives on Race, Ethnicity,
and Human Rights*

Edited by
Filomina Chioma Steady



ENVIRONMENTAL JUSTICE
IN THE NEW MILLENNIUM

Selected Publications from Filomina Chioma Steady

The Black Woman Cross-Culturally (editor). Cambridge: Schenkman, 1981.

Women and Children First: Environment, Poverty and Sustainable Development (editor). Rochester, VT: Schenkman Books, 1993.

Women and the United Nations: Reflections and New Horizons (coeditor). Rochester, VT: Schenkman Books, 1995.

Women and the Amistad Connection: Sierra Leone Krio Society. Rochester, VT: Schenkman Books, 2001.

Black Women, Globalization and Economic Justice (editor). Rochester, VT: Schenkman Books, 2002.

Women and Collective Action in Africa: Development, Democratization, and Empowerment. New York: Palgrave Macmillan, 2006.

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GLOBAL PERSPECTIVES ON RACE,
ETHNICITY, AND HUMAN RIGHTS

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To the memory of Dana Alston, a pioneer of environmental justice, and in
appreciation of the environmental justice work of

Robert Bullard—United States,

Owens Wiwa—Nigeria,

Erma Brodber—Jamaica,

Abdias Do Nascimento—Brazil,

and

Wangari Maathai—Kenya

(2004 Nobel Peace Prizewinner).

CONTENTS

List of Tables and Figures	ix
Acknowledgments	xi
Introduction <i>Filomina C. Steady</i>	1
Part I Linking History, Theory, and Praxis: Race, Place, and Human Rights	
1 Environmental Justice: A Brief History and Overview <i>Glenn S. Johnson</i>	17
2 Environmental Justice Cross-Culturally: Theory and Praxis in the African Diaspora and in Africa <i>Filomina C. Steady</i>	47
3 Mothering at the Crossroads: African American Women and the Emergence of the Movement against Environmental Racism <i>Celene Krauss</i>	65
Part II Case Studies: Brazil, Jamaica, Nigeria, Guinea, South Africa, India, and the United Kingdom	
4 Strategies of Confinement: Environmental Injustice and Police Violence in Brazil <i>Christen A. Smith</i>	93
5 Gendered Dimensions of Environmental Justice: Caribbean Perspectives <i>Leith L. Dunn</i>	115
6 From Colonialism to Internal Colonialism and Crude Socioenvironmental Injustice: Anatomy of Violent Conflicts in the Niger Delta of Nigeria <i>Francis O. Adeola</i>	135

7	Writing on Water: Environmental Justice, Common Property Institutions, and the State in Guinea <i>David Tabachnick</i>	165
8	Nuclear Energy, Hazardous Waste, Health, and Environmental Justice in South Africa: The Continuing Legacy of Apartheid <i>Mashile F. Phalane and Filomina C. Steady</i>	189
9	Environmental Injustice: African Indian Response <i>Pashington Obeng</i>	203
10	The Environment Belongs to All of Us: A Vision of Ethnic Environmental Participation in the United Kingdom <i>Judy Ling Wong</i>	213
Part III Hurricane Katrina: Implications for Human Rights and Civil Rights		
11	Race, Class, and Katrina: Human Rights and (Un)Natural Disaster <i>Hope Lewis</i>	233
12	Environmental Racism: Black Landowners, Katrina, and the Making of a New Hilton Head— An Emmett Till Continuum <i>Clenora Hudson-Weems</i>	253
	Notes on Contributors	267
	Index	271

TABLES AND FIGURES

TABLES

Table 1.1 Corporate Welfare in Louisiana: Biggest Recipients/ Costliest Jobs	28
Table 1.2 Percent African American Population by Geographic Location in National Search for Privately Owned Uranium Enrichment Plant	29
Table 1.3 Population by Race Living within One-Mile Radius of LES Candidate Sites during Winnowing Process	30
Table 6.1 Selected Social Indicators of Top 10 Oil Exporting Countries in the World, 2006	141
Table 6.2 Poverty Rates in the Niger Delta Oil-Bearing States (1996, 2004)	143
Table 6.3 Derivation Formulas for State and Federal Shares of Oil Revenue, 1960–2007	151

FIGURES

Figure 6.1 Map of Nigeria Showing the Thirty-Six States, including the Federal Capital and the Niger Delta	139
Figure 6.2 Distribution of Nigeria's Crude Oil Exports by Country, 2006	142
Figure 6.3 The Axis of Violent Conflict in the Niger Delta of Nigeria	146
Figure 10.1 Khalsa Wood, Nottingham— Tree Planting to Mark the Three-Hundredth Anniversary of the Birth of Guru Nanak	221

Figure 10.2 Discovering Wildlife and Gaining Knowledge of Environmental Jobs in the Countryside	221
Figure 10.3 Growing Plants for Vegetable Beds, Window Boxes, and Gardens—Chumleigh Garden, London	223
Figure 10.4 Linking Cultural Traditions and Nature. Storytelling at Gelli Hir, Wales	224
Figure 10.5 Asylum Seekers/Refugees. Cycling in Peak District National Park	225

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INTRODUCTION

Filomina C. Steady

Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

—Eleanor Roosevelt,
Remarks regarding the Universal Declaration of Human Rights,
delivered at the United Nations, March 27, 1953

LINKING ENVIRONMENTAL JUSTICE AND HUMAN RIGHTS

Environmental justice represents the history and continuing struggle of ordinary people for their civil, spatial, and human rights as members of a global ecological community. It reinforces *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.” Environmental justice challenges discrimination and disparities in the allocation of the benefits and burdens of economic development. It fights against the discriminatory practices of dumping hazardous waste and toxic chemicals and placing waste

disposals, incinerators, depots, and transportation routes in communities inhabited by people of color and poor people.

According to the Environmental Protection Agency (EPA), which has been viewed as usually falling short of effectively implementing environmental justice policies and practices, “Environmental Justice is the fair treatment for people of all races, cultures and incomes, regarding the development of environmental laws, regulations and policies.” Environmental racism, which has been used interchangeably with environmental justice, was described by the first National Symposium on Environmental Justice held in 1991, as “the disproportionate placement of hazardous industrial operations in minority communities.” The symposium further pointed out that minority communities across the United States were used as dumping grounds for chemical plants, waste dumps, and other toxic waste, and that such systematic and disparate acts represent an intolerable vestige of discrimination.

Environmental justice had its genesis in the United States and is a by-product of the Civil Rights Movement of the 1960s that not only called for an end to discrimination but also championed equal rights for all and demanded accountable democracy. It has inspired movements that challenge environmental racism all over the world, especially in the African Diaspora and in Africa and has appealed mostly, though not exclusively, to people of color, indigenous people, and poor people in endangered environments. Above all, environmental justice demands the right to the enjoyment and protection of “where we live, work, and play.”¹ To this end, the environment is viewed as total and comprehensive, and includes not only the green, natural and man-made environment but also the sociocultural, economic, and political environment. The Environmental Justice literature has shown that power differentials and the politics of place can result in unequal and discriminatory policies and practices prohibiting the enjoyment of environmental rights.

RACE, CLASS, AND GENDER

Although race and class have been shown to be important as indices of environmental injustices, the 1987 report of the Commission of Racial Justice of the United Church of Christ on *Toxic Waste and Race*, a pioneering document in the Environmental Justice Movement, identified *race* as the more compelling factor. A follow-up study in 2007 confirmed that no progress had been made in twenty years and that disproportionately large numbers of people of color still live

in hazardous waste host environments and are not protected by environmental laws.² The study found that neighborhoods within three kilometers of commercial hazardous waste facilities had 56 percent people of color, while nonhost areas had 30 percent people of color.³ Robert Bullard, one of the leading scholars and champions of environmental justice and the lead author of the 2007 *Toxic Waste and Race* report, prioritized race in his anthology, *Confronting Environmental Racism: Voices from the Grassroots*.⁴

In *American Apartheid*, Massey and Denton underscore this point, demonstrating the tenacity of residential segregation in American cities. They also note that residential segregation does not necessarily decrease with increasing income and occupational status for the majority of African Americans as is the prevailing case for other ethnic groups. This is due to direct and indirect discrimination in housing, zoning, and mortgage lending practices.⁵ In *The Declining Significance of Race*, Wilson seems to advance a slightly different position while recognizing the tenacity of race in America. He posits that because of the evolving American economy and political developments, “class is clearly more important than race in predetermining job placement and occupational mobility.”⁶ Wilson has also argued in earlier publications, including *The Ghetto Underclass*, that middle-class and professional Blacks with rising incomes tend to move to more desirable suburbs, thereby reinforcing the social and environmental problems of the inner cities.

While not doubting the validity of these observations, the challenge of gentrification requires attention and can present different but equally troubling environmental justice scenarios. Gentrification drives up house prices, as affluent people, mostly whites, move into some inner cities, usually from affluent suburbs, forcing urban blacks to move to degraded and neglected suburbs with increasing transportation costs. From all indications, this is bound to repeat the pattern of residential segregation and its associated environmental justice problems.⁷ More studies are needed on the problems of environmental racism in racially segregated and neglected low-income suburbs, as more and more people of color and low income are forced out of some inner cities by gentrification. The book *There Goes the Hood: Views of Gentrification from the Ground Up* by Freeman is instructive of this controversial trend.

Problems of environmental justice exist in urban and rural areas and are particularly marked in the Southern sections of the United States. Since 1982 when women of Warren County in North Carolina

protested the placement of a polychloro-biphenyl-contaminated dump in their neighborhood, activists have become galvanized against environmental racism and this inspired the Environmental Justice Movement. Today, this movement has grown in the United States and in other countries of the world, especially in the African Diaspora and in Africa. The Environmental Justice Movement and literature have exposed the collusion between government and corporations, resulting in governmental and economic policies that support and promote environmental racism in targeted communities, primarily for profit.

Maintaining gender inequality is another predictor of environmental injustice, since women's multiple roles, including caregiving and home-nursing responsibilities, as well as the management of natural resources, can disproportionately ascribe to them the burdens and risks of environmental degradation and its social and human costs.⁸ Women's multiple burdens also include the responsibilities for environmental damage control, which has been described as the "third shift" and is analyzed in the chapter by Celene Krauss in this book. According to Krauss, "the discourse of environmental justice and environmental racism provided opportunities for the empowerment of women in the public domain, who are often faced with the responsibility for and burden of environment rehabilitation and restoration." This has often meant additional work for people in these degraded environments. Krauss shows how most of this work is done by women in what she describes as "unjust conditions of mothering in the third shift." Other contributors, such as Leith Dunn who will be discussed later, also examine the concept of environmental justice from a gender perspective.

HISTORY AND CONTINUITY OF ENVIRONMENTAL JUSTICE

An international symposium titled "Environmental Justice Cross-culturally: Theory and Praxis in the African Diaspora and in Africa," was held at Wellesley College in 2007. It examined, from multidisciplinary and global perspectives, some of the economic, political, and sociocultural factors that influence economic development paradigms and environmental policies and practices. The symposium brought together academics, policy makers, and activists as a way of indicating the multidimensional aspects of environmental justice in the African Diaspora and in Africa. Participants also discussed the importance of concerted action and solidarity in finding solutions.

Many of the chapters in this book were presented at this symposium and are designed for a wide audience in the academic community, in policy circles and among activists and nongovernmental organizations (NGOs). Among the themes covered were the importance of historical and theoretical analyses in challenging the dominant model of economic development; colonial, neocolonial, and postcolonial challenges; the continuum between civil rights and environmental justice; the gender dimension of environmental justice; the challenge of common property systems; “structural expendability” of targeted groups; climate change; Hurricane Katrina; and the relationship between environmental justice and human rights.

The chapter by Glenn S. Johnson provides a brief history and overview of the Environmental Justice movement. This movement was built on seventeen principles that were adopted at the First National People of Color Leadership Summit in 1991 held in Washington, DC, and was reinforced in 1994 by Executive Order 12898 signed by President Bill Clinton, which gave authority to the federal government to address environmental justice issues in minority and low-income populations. Several environmental laws, policies, and procedures have been adopted, but it is well documented that they are unfairly and disproportionately administered as far as minority and low-income populations are concerned. Johnson uses the Environmental justice paradigm to analyze the environmental inequities in poor communities and communities of color in the United States and abroad. He discusses some of the successes and continuing struggles of environmental justice activists in challenging polluting industries and persuading the government to provide adequate environmental protection in communities under siege by environmental and health risks.

THE DOMINANT ECONOMIC DEVELOPMENT PARADIGM AND ENVIRONMENTAL JUSTICE

Limitless economic growth and the domination of nature to ensure such growth have been the prevailing development paradigm for centuries, emanating primarily from the Global North. Today, both neo-conservatives and neoliberals subscribe to this paradigm. Such models of development have been shown to operate at both international and national levels, and to create and sustain economic and social inequality on the basis of race, class, and gender, with important human rights implications. Agricultural, industrial, and household activities, as well as the allocation of the benefits and burdens of economic growth,

are often based on an ideology of domination of nature and people. This has been shown to result in unequal social division of labor and unequal and imprudent application of science and technology. Ideologies, policies, and practices promoted environmental racism and environmental injustice that were not challenged by the mainstream environmental movement.

The significance of the dominant models of development for the African Diaspora is both historical and ideological. First, the African Diaspora came into being as a result of European expansionism exemplified by the transatlantic slave trade and colonial, neocolonial, and imperialistic designs in Africa and what would become the African Diaspora in the Caribbean, South America, Europe, and the United States.⁹ The aim of such projects was to dominate these countries and exploit their natural resources, labor, and wealth. This process continues today through multinational corporations and international financial institutions, manifested by postcolonial debt burdens, structural adjustment programs, and corporate globalization. As a consequence of such exploitation, economic growth and development continue to be promoted in rich industrialized countries, primarily in the Global North. Rodney has eloquently argued this fact in his classic book *How Europe Underdeveloped Africa*. The burdens of such growth, propelled by the dominant neoliberal economic paradigm, included environmental destruction, toxic pollution, and unequal allocation and use of land. These burdens were to be borne overwhelmingly by communities inhabited by African peoples in Africa and in the African Diaspora.¹⁰

Filomina C. Steady's chapter, on environmental justice in the African Diaspora and in Africa, contends that "structural expendability" of people of color and poor people reflects the hegemonic agenda that is fuelled by the dominant model of development. Ideologies of domination and hegemonic rule were instrumental in bolstering and sustaining the transatlantic slave trade with its chattel form. From all accounts, enslaved people in the Americas and the Caribbean lived in environmentally dangerous and squalid conditions that endangered their health and kept them in a state of racial and environmental terror. In addition, colonial and imperialist schemes were grounded in exploitative racial and environmental ideologies, with *apartheid* as its most extreme form. Steady also notes that ideologies of domination and "structural expendability" still shape the dominant development paradigms upheld by the neoliberal global economy, international financial institutions, and corporate globalization.

In addition, corporate globalization has been linked to wars, armed conflicts, violence, and acts of genocide.¹¹

THE GLOBAL SIGNIFICANCE OF ENVIRONMENTAL JUSTICE AND ENVIRONMENTAL RACISM

Several studies have shown that dumping of hazardous waste on minority communities is not confined to the United States alone but represents a global trend in which countries and communities inhabited by people of African descent are deliberately targeted. This has been referred to as “toxic colonialism” or “toxic terrorism.” A landmark book, *The Faces of Environmental Racism: Confronting Issues of Global Justice*, edited by Laura Westra and Bill E. Lawson, has underscored the prevalence of environmental racism among people of color in the United States and in Africa. As a result, environmental justice movements have mushroomed in many parts of the world. Most of the serious environmental problems are inherently global, but first and foremost they are anthropogenic. Human use, consumption, and conservation of the earth’s resources determine, to a large extent, the health of the planet and its inhabitants. Human activity has been shown to be responsible for global warming, climate change, loss of biodiversity, increasing use of life-threatening pollutants and the use of synthetic chemicals that mimic hormones and cause infertility, deformities, and cancers in humans and animals.¹²

The United Nations has observed that about 80 percent of the pollution of the world’s oceans and coastal regions are caused by land-based human activities resulting from urban sewage, agricultural fertilizers, pesticides, industrial emissions and effluents, radioactive material, oil slicks, and so forth.¹³ This global character of environmental problems was emphasized in the 1992 Earth Summit held in Rio and has been elaborated in several international environmental conventions, including the Basel Convention against intentional dumping of toxic chemicals and hazardous waste. The Bamako Convention of African nations is specially aimed at preventing dumping in Africa. The follow-up conference to the Earth Summit, held in 2002¹⁴ and titled “World Summit on Sustainable Development,” noted that very little had changed since 1992. Examples of environmental justice in the book include case studies of Brazil, India, South Africa, Jamaica, Nigeria, Guinea, the United Kingdom, and the United States.

Christen A. Smith’s chapter makes a theoretical contribution to the emerging discourse on environmental racism in Brazil. She examines

police violence (specifically death squad murders) in the city of Salvador, Bahia, as “not only an environmental toxin but also a nonexplicit strategy of spatially marking black bodies and neighborhoods across Brazil’s urban landscapes as expendable.” She emphasizes that “it is this performative link between the act of police violence and the epistemology of blackness . . . [that] permits environmental injustices to occur. Police violence performatively defines black spaces (like black bodies and majority black neighborhoods) as potential toxic dumping grounds, creating an epistemological regime of truth that determines marginalized communities right to life.”

The chapter by Leith Dunn uses Jamaica as a case study to explore the links between gender, environmental justice, and socioeconomic development. The article focuses on natural disasters, such as hurricanes, that are part of the geographical and climatic conditions of the Caribbean and that have been worsened by climate change. She also examines the gender dimensions of environmental justice in relation to two important economic sectors, namely bauxite and tourism. She supports the need to promote a rights-based and results-based approach to sustainable development policy and planning, and gender *mainstreaming* in environmental policies and programs. Dunn argues that inequalities in the global, social, political and economic system pose challenges to guaranteeing gender equality, environmental justice and basic human rights as outlined in international agreements ratified by many Caribbean countries. The chapter also draws attention to the fact that Caribbean countries experience particular vulnerabilities to climate change as Small Island Developing States (SIDS).

Francis O. Adeola’s chapter, which includes policy options, focuses on several decades of natural resource-induced violent conflicts in the Niger Delta of Nigeria. This is due to the shift in the structure of the Nigerian economy, from agriculture-based to crude oil dependency and the associated problems of Dutch Disease and resource exploitation. He discusses how the underdevelopment of the Niger Delta is due to colonialism, neocolonialism, involving Multinational Oil Companies (MNOCs), and internal colonialism as well as problems of governance. These are viewed as directly linked to ongoing social disequilibrium and crude oil-induced violence across many parts of the Niger Delta. Adeola offers theoretical analysis involving oil dependency, internal colonialism, and relative deprivation and frustration-aggression perspectives to shed some light on the state of underdevelopment and increased use of violence by militant groups as a strategy of change in the area.

In the case of Guinea in West Africa, David Tabachnick shows how indigenous common property systems can be distorted by colonial and postcolonial land tenure reforms. In Guinea, indigenous communities sought to preserve the role of common property irrespective of the 1992 land law in which group property rights overlap with individual rights. The circumvention of this law through agency of the local communities can be viewed as an example of a quest for environmental justice against colonially and postcolonially defined land-reform concepts and policies. These concepts and policies violated important principles of land ownership that were more democratic and just under an indigenous common property system. According to Tabachnick, "Guinea represents a test of two possible paths to development of a market society: the English path, in which common property systems (group property rights overlap and limit individual rights) is seen as an obstacle to be destroyed; and the French path, in which common property is defended by local communities who want to participate in the market and yet preserve the role of common property as a social welfare system and democratic check on elites."

South Africa, a country in which race has been a major organizing principle, has been grappling with the various strands of environmental justice and environmental racism as noted in the introduction to the book *Environmental Justice in South Africa*, edited by David McDonald. The chapter by Mashile F. Phalane and Steady highlights two of the major environmental justice problems of South Africa, international dumping and nuclear energy. They argue that apartheid still continues in de facto terms through racial inequalities, residential segregation, and international dumping of hazardous waste and toxic chemicals in lands inhabited by Africans. In addition, nuclear energy programs pose unequal burdens and risks, particularly for Africans. Other environmental problems are inherent in the legacy of conservation programs that have a history of seizure of African lands for game reserves from which Africans were banned because of racial segregation. Wild animals were used and protected for conservation, sport, and recreational purposes, while blacks lived in the endangered and highly segregated environments of apartheid.

Pashington Obeng's chapter on African Indians, known as Siddis, focuses on the impact of environmental injustice concerns through grassroots political mobilization, coalition, and political action of privileged interests of powerful individuals and institutions and governments, and their marginalized peoples that are often ignored. The unchecked profit value systems, that they deploy through policies and

practices, disadvantage low-class and low socio-economic peoples. Obeng discusses the ways in which the Karnataka Siddis articulate their noninstitutionalized power in the Indian subcontinent by using strategies such as roadblocks (*rasta roko/raste chaluvelí*) and hunger strikes (*upavasa satyagraha*). According to Obeng, Indian social action movements are often undergirded by moral and historical verve and the success of political cleavages among low status classes to effect change. With such grassroots strategies of resistance, Siddis also perform aspects of their identity on local levels with national and global implications.

In the United Kingdom, NGOs, such as the Black Environment Network (BEN), are working to strengthen the role of ethnic minorities in environmental activism. The chapter by Judy Ling Wong presents the work of BEN, an organization positioned as an agent for social change. Its mission is to enable full ethnic participation in the natural and built environment. According to Wong, “We use the word ‘Black’ symbolically recognizing that Black communities are the most visible of ethnic minority communities. We work with black, white, and other ethnic minority communities.” She notes that the vision of BEN includes providing creative, innovative, imaginative, and ethical solutions to key concerns of ethnic minorities. BEN also seeks to move from the old fashioned and limited goals of conservation of nature to a more progressive agenda for sustainable development that links the environmental, heritage, health, community development and arts sectors.

LINKING HURRICANE KATRINA TO ENVIRONMENTAL JUSTICE, CIVIL RIGHTS, AND HUMAN RIGHTS

The preventable disaster that accompanied Hurricane Katrina was one of the most widely publicized tragedies in recent history. Analyses of the responses to Katrina have shown that entrenched social inequality and race reflected the delay and neglect in the response by the government.¹⁵ Several articles in this book focus on Katrina and have used the voices of the people most affected, especially women, to illustrate environmental injustices and environmental racism.

In the chapter by Hope Lewis, Katrina is viewed as representing both a massive international humanitarian disaster and a human rights crisis—not only because of the natural disaster, but also because of governmental inaction and affirmatively abusive actions and neglect

that predated the disaster. “Black and poor Americans were struck in the face again with the fact that their ‘American-ness’ was not as solid as might have been expected by the rhetoric of equality. They were called ‘refugees’ and treated as outsiders in their own home.” Lewis emphasizes the fact that there were many overt and outrageous acts of civil and racial discrimination and political violations associated with Katrina but notes the more ignored violations of human rights. “It is those ‘other’ even more threatening human rights—clean water, food, physical and mental health care, a safe place to sleep, a living wage, education, the enjoyment of our cultures in community with one another—that the United States has the most trouble accepting.”

Clenora Hudson-Weems’s chapter brings us full circle as she connects the Katrina tragedy to the Civil Rights Movement and the Environmental Justice Movement. She shows how the 1955 murder of Emmett Till, a civil rights activist, provides a continuum that links his murder to the dumping of toxins in black communities and to the tragedy of Katrina, which resulted from discrimination through neglect of the levees in New Orleans. She argues for “bringing these two incidents together for a better understanding of the model of injustice, fuelled by greed and power that are intricately linked to the continuing production and placement of deadly toxins in Black communities.” Hudson-Weems insists on a human rights perspective in dealing with the compounded evidence of environmental racism and injustice.

CLOSING REMARKS

The environmental justice paradigm presents a human rights challenge to the dominant model of economic development that stresses limitless growth and that is impoverishing millions of people and threatening the health and safety of all living things and the environment. Until fairly recently, environmental justice was ignored by the mainstream environment movement and by ecological economists. What is most needed now is a conceptual framework and a comprehensive plan of action for environmental justice to end environmental racism. Development processes operating at the global level are linked to processes at micro- and grassroots levels that produce inequality, injustice, and human suffering. Many of these processes, as the chapters in this book show, endanger the health and well-being of people, especially people of color and poor people, as well as the planet. Environmental justice can rise to the challenge of environmental degradation and its human

rights violations by striving through research, teaching, and activism to promote the elimination of all forms of domination and discrimination, including the domination of the people and the planet.

ORGANIZATION AND INTENT OF THE BOOK

The book is divided into three parts. Part I focuses on the importance of linking history, theory, and praxis in understanding the relationship among race, place, and human rights. Part II presents case studies of environmental justice, from the African Diaspora and Africa, in Brazil, Jamaica, Nigeria, Guinea, South Africa, India, and the United Kingdom. Part III examines Hurricane Katrina in the context of socio-ecological disasters and the implications for civil rights and human rights. This book is intended for a wide audience, including academics, students, lawyers, community organizers, policy makers, activists, and NGOs.

NOTES

1. These demands were elaborated in publications by the Environmental Justice Center, Clark Atlanta University, Atlanta.
2. United Church of Christ, 1987, 2007.
3. United Church of Christ, 2007, p. 1.
4. See Bullard, 1990, 1993, 1994.
5. Massey & Denton, 1996.
6. Wilson, 1980, p. 152.
7. Wilson, 1980; Freeman, 2006.
8. Steady, 1993.
9. Palmer, 1995; Rodney, 1981; Amin, 1977.
10. Rodney, 1981.
11. Amin, 1977; Ake, 1981; Aina, 1997; Dembele, 1999; see also Steady, 2002.
12. Colborn, Dumanski, & Myers, 1997.
13. United Nations, 1993.
14. United Nations, 2002.
15. Dyson, 2006.

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PART I



LINKING HISTORY,
THEORY, AND PRAXIS

RACE, PLACE, AND HUMAN RIGHTS

CHAPTER 1



ENVIRONMENTAL JUSTICE

A BRIEF HISTORY AND OVERVIEW

Glenn S. Johnson

INTRODUCTION

The environmental justice movement has set out clear goals of eliminating unequal enforcement of environmental, civil rights, housing, transportation, facility siting, and public health laws. Community residents are fighting to end their exposure to harmful chemicals, pesticides, and other toxins in their homes, schools, neighborhoods, and workplace. They are challenging the “science” and faulty assumptions in selecting sites for polluting facilities, calculating, assessing, and managing risks. In many cases, the only “science” involved in the siting of locally unwanted land uses, or LULUs, is political science. This chapter will provide a brief history and overview of the environmental justice movement.

HISTORICAL BACKGROUND

About thirty years ago, the concept of environmental justice had little meaning on the radar screens of government, environmental, civil rights, public health, or social justice groups.¹ However, during this same period of time, it should not be forgotten that Dr. Martin Luther King Jr. was in Memphis, Tennessee, in 1968 on an environmental, social, and economic justice mission for the striking black garbage workers.² The strikers were demanding equal pay and better

work conditions. Dr. King was assassinated before he could complete his mission.

Another landmark garbage dispute took place in Houston in 1978, when African American homeowners began a bitter fight to prevent the creation of a sanitary landfill out of their suburban middle-income neighborhood.³ Residents formed the Northeast Community Action Group (NECAG), and their attorney, Linda McKeever Bullard, filed a class action lawsuit to block the facility from being built. The 1979 lawsuit, *Bean v. Southwestern Waste Management, Inc.*, was the first of its kind to challenge the siting of a waste facility under the civil rights law. The environmental justice movement has measurably advanced since its humble beginning in Warren County, North Carolina, where a polychlorinated biphenyl (PCB) landfill ignited protests and over five hundred arrests. The Warren County protests provided the impetus for a U.S. General Accounting Office (GAO) study, *Siting of Hazardous Waste Landfills and Their Correlation with Racial and Economic Status of Surrounding Communities* (1983). The GAO study documented that three out of four of the off-site, commercial hazardous waste landfills in Region 4 (which comprises eight states in the South) were located in predominantly African American communities, although African Americans made up only 20 percent of the region's population. More importantly, the protesters put "environmental racism" on the map. The state of North Carolina spent \$18 million to clean up and detoxify the Warren County PCB landfill.⁴ Even after the detoxification, there are some residents who still question the completeness of the cleanup since contamination may have migrated beyond the three-acre landfill site and into the buffer zone that surrounds the landfill, nearby creek, and an outlet basin.

The protests also led the Commission for Racial Justice to publish *Toxic Waste and Race*, the first national study to correlate waste facility sites and demographic characteristics.⁵ The study documented that race was found to be the most potent variable in predicting where waste facilities were located—more powerful than poverty, land values, and home ownership. The new *Toxic Wastes and Race at Twenty, 1987–2007: Grassroots Struggles to Dismantle Environmental Racism Report* (2007), concludes that twenty years after the release of the original *Toxic Waste and Race In The United States* report, there are still significant racial and socioeconomic disparities that persist in the distribution of the nation's commercial hazardous waste facilities.⁶

In 1990, *Dumping in Dixie: Race, Class, and Environmental Quality* chronicled the convergence of two social movements—social

justice and environmental movements—into the environmental justice movement.⁷ This book highlighted African Americans' environmental activism in the South, the same region where the modern civil rights movement began. The 1991 First National People of Color Environmental Leadership Summit, **Summit I**, was held in Washington, D.C. The author views this summit as the most important single event in the environmental justice movement's history. The Summit broadened the movement beyond the narrow antitoxins focus to include issues of public health, worker safety, land use, transportation, housing, resource allocation, and community empowerment.⁸

On September 27, 1991, **Summit I** delegates adopted seventeen "Principles of Environmental Justice." These principles were developed as a guide for organizing, networking, and relating to government and nongovernmental organizations (NGOs). By June 1992, Spanish and Portuguese translations of the Principles were being used and circulated by NGOs and environmental justice groups at the Earth Summit in Rio de Janeiro. The Second National People of Color Environmental Leadership Summit, or **Summit II**, was also held in Washington, DC, on October 23–26, 2002. The four-day event attracted over 1,400 participants—although it was planned for 500. **Summit II** builds on the legacy of the **Summit I**. It also expands and extends the environmental and economic justice paradigm to address globalization and international issues.

The publication of the *People of Color Environmental Groups Directory* in 1992, 1994, and 2000 further documented that environmental justice organizations are found in the United States from coast to coast, in the District of Columbia, Puerto Rico, Mexico, and Canada. Grassroots groups have come to embrace a wide range of issues, including public health, facility siting, children's health, public participation, pollution prevention, housing, brownfields, enforcement, community reinvestment, sustainable agriculture, land rights, transportation equity, land use, air pollution, worker safety, smart growth, fair growth, and urban sprawl. This directory was designed as a planning, organizing, networking, and community empowerment tool.⁹

ENVIRONMENTAL JUSTICE FRAMEWORK

There have been significant improvements in environmental protection over the past several decades, yet millions of Americans are trapped in unsafe and unhealthy physical environments.¹⁰ Many financially impoverished communities and their inhabitants are exposed

to greater health hazards in their homes, on their jobs, and in their neighborhoods when compared to their more affluent counterparts.¹¹

Environmental justice (EJ) is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations, and policies. The environmental justice framework rests on developing tools and strategies to eliminate unfair, unjust, and inequitable conditions and decisions.¹² The main characteristics of the EJ framework are: The environmental justice framework incorporates the principle of the right of all individuals to be protected from environmental degradation; The environmental justice framework adopts a public health model of prevention (i.e., elimination of the threat before harm occurs) as the preferred strategy; The environmental justice framework shifts the burden of proof to polluters/dischargers who do harm, who discriminate, or who do not give equal protection to people of color, low-income persons, and other “protected” classes; The environmental justice framework allows disparate impact and statistical weight or an “effect” test, as opposed to “intent,” to infer discrimination and The environmental justice framework redresses disproportionate impact through “targeted” action and resources. In general, this strategy would target resources where environmental and health problems are greatest (as determined by some ranking scheme but not limited to risk assessment).¹³

Environmental justice also includes the ability of communities to have a “voice” in the decision-making process that affects their health, environment, and quality of life, such as economic growth and development of communities.¹⁴ The framework provides an analytical structure that allows environmental justice advocates and stakeholders the methodology to document and examine environmental injustices in their communities. The framework reinforces grassroots activism in people of color communities who are impacted severely by environmental contamination.

THE DRIVING FORCE FOR CHANGE

The driving force behind the environmental justice movement did not come from within government, academia, or from within mostly white middle-class nationally based environmental and conservation groups. People of color grassroots activists are the individuals who brought about change in environmental policies that impact the lives of the poor people of our society. The driving force for change in the

environmental justice movement came from people of color grassroots activists and their “bottom-up” leadership approach to change environmental policies in society. Grassroots groups organized themselves, educated themselves, and empowered themselves to make fundamental change in the way environmental protection is performed in their communities.

The government took some important initial steps in the early 1990s. In 1990, the Agency for Toxic Substances and Disease Registry (ATSDR) held an historic conference in Atlanta, Georgia. The ATSDR National Minority Health Conference focused on contamination.¹⁵ In 1992, after meeting with community leaders, academicians, and civil rights leaders, the U.S. Environmental Protection Agency (EPA; under the leadership of William Reilly) admitted there was a problem and established the Office of Environmental Equity. The name was changed to the Office of Environmental Justice under the Clinton administration.

In 1992, the EPA published one of the first comprehensive documents to examine the whole question of risk, environmental hazards, and equity in a report titled *Environmental Equity: Reducing Risks for All Communities*.¹⁶ The report and its Office of Environmental Equity were initiated only after prodding from people of color environmental justice leaders (e.g. Dr. Robert Bullard, Dr. Beverly Wright, Peggy Shepard and others), activists, and a few academicians. Black environmental justice leaders are those individuals who have been fighting for years with corporations and the government to reduce toxic contamination in minority communities.

EPA also established a twenty-five-member National Environmental Justice Advisory Council (NEJAC) under the Federal Advisory Committee Act. The NEJAC divided its environmental justice work into six subcommittees: Health and Research, Waste and Facility Siting, Enforcement, Public Participation and Accountability, Native American and Indigenous Issues, and International Issues. The NEJAC was comprised of stakeholders representing grassroots community groups; environmental groups; NGOs; state, local, and tribal governments; academia, and industries.

In February 1994, several federal agencies sponsored a national health symposium, “Health and Research Needs to Ensure Environmental Justice.” The conference planning committee was unique in that it included grassroots organization leaders, impacted community residents, and federal agency representatives. The goal of the February conference was to bring diverse stakeholders and those most affected

to the decision-making table.¹⁷ Some of the recommendations from the health symposium included the following: conduct meaningful health research in support of people of color and low-income communities; promote disease prevention and pollution prevention strategies; promote interagency coordination to ensure environmental justice; provide effective outreach, education, and communications; and design legislative and legal remedies.

In response to growing public concern and mounting scientific evidence, President Clinton on February 11, 1994 (the second day of the national health symposium), issued Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” This order attempts to address environmental injustice within existing federal laws and regulations. Executive Order 12898 reinforces the Civil Rights Act of 1964, Title VI, which prohibits discriminatory practices in programs receiving federal funds. The order also refocuses the attention on the National Environmental Policy Act (NEPA), a twenty-five-year-old law that set policy goals for the protection, maintenance, and enhancement of the environment. NEPA’s goal is to ensure for all Americans a safe, healthful, productive, and aesthetically and culturally pleasing environment. NEPA requires federal agencies to prepare a detailed statement on the environmental effects of proposed federal actions that significantly affect the quality of human health.¹⁸ The executive order also recommends improved methodologies for assessing and mitigating impacts, health effects from multiple and cumulative exposure, collection of data on low-income and minority populations that may be disproportionately at risk, and impacts on subsistence fishers and wildlife consumers.

A 1999 study from the Institute of Medicine concluded that government, public health officials, and the medical and scientific communities need to place a higher value on the problems and concerns of environmental justice communities. The study also confirmed what most impacted communities have known for decades—that is, people of color and low-income communities are (a) exposed to higher levels of pollution than the rest of the nation and (b) experience certain diseases in greater numbers than the more affluent, non-Hispanic, white communities.¹⁹

COMMUNITIES UNDER ATTACK

A 1992 study reported in the *National Law Journal* uncovered glaring inequities in the way the federal EPA enforces its laws. Lavelle and Coyle found the following: “There is a racial divide in the way the U.S. government cleans up toxic waste sites and punishes polluters. White communities see faster action, better results and stiffer penalties than communities where blacks, Hispanics and other minorities live. This unequal protection often occurs whether the community is wealthy or poor.”²⁰

The *National Law Journal* study reinforced what many grassroots activists have known for decades—all communities are not treated the same.²¹ Communities that are located on the “wrong side of the tracks” are at a greater risk for exposure to lead, pesticides (in the home and workplace), air pollution, toxic releases, water pollution, solid and hazardous waste, raw sewage, and pollution from industries.²²

LEAD POISONING IN CALIFORNIA

Childhood lead poisoning is a major threat to African American children. Lead poisoning is preventable. Data reported in the July 1994 *Journal of the American Medical Association* on the Third National Health and Nutrition Examination Survey (NHANES III) revealed that 1.7 million children (8.9 percent of children aged 1 to 5 years) are lead poisoned, defined as blood lead levels equal to or above 10 micrograms/deciliter. The NHANES III data found African American children to be lead poisoned at more than twice the rate of non-Hispanic white children at every income level.²³ Over 28.4 percent of all low-income African American children were lead poisoned compared to 9.8 percent of low-income non-Hispanic white children. During the time period between 1976 and 1991, decrease in blood lead levels for African American and Mexican American children lagged far behind that of non-Hispanic white children.

In California, a coalition of environmental, social justice, and civil libertarian groups joined forces to challenge the way the state carried out its lead screening of poor children. The Natural Resources Defense Council (NRDC), the National Association for the Advancement of Colored People Legal Defense and Education Fund (NAACP LDF), the American Civil Liberties Union (ACLU), and the Legal Aid Society of Alameda County, California, won an out-of-court settlement worth \$15 million to \$20 million for a blood lead-testing program.

The lawsuit, *Matthews v. Coye*, involved the failure of the state of California to conduct federally mandated testing for lead in some 557,000 poor children who receive Medicaid.²⁴

LEAD SMELTER IN WEST DALLAS

The children in the mostly African American West Dallas, Texas, neighborhood were poisoned for years by a nearby smelter since the 1930s. All the lead smelters in the city were located in either African American or Latino neighborhoods.²⁵ The West Dallas Murph Metals lead smelter was located next door to an elementary school and across the street from the West Dallas Boys Club and a 3,500-unit public housing project. The smelter pumped more than 269 tons of lead particles each year into the West Dallas air.

Dallas officials were informed as early as 1972 that lead was found in the blood stream of children who lived in two mostly African American and Latino neighborhoods: West Dallas and East Oak Cliff.²⁶ Living near the smelters was associated with a 36 percent increase in blood lead level. The city failed to take immediate action to protect the mostly African American and poor residents who live near the smelters.

In 1980, the federal EPA, informed about possible health risks associated with the Dallas lead smelter, commissioned another lead screening study. Soil-lead concentrations near the RSR Corporation smelter in West Dallas, for example, averaged nine times that in the control area, while the average near the Dixie Metal's smelter in East Oak Cliffs was thirteen times the norm. The lead levels in the soil were so high that it forced the director of the nearby West Dallas Boys Club to suspend outdoor activities.

Local residents organized themselves into the West Dallas Neighborhood Committee on Lead Contamination. The EPA played politics with the dangerous lead levels in the impacted communities. In 1983, the Dallas Alliance Environmental Task Force concluded that the "city of [Dallas] had missed many opportunities to serve and protect the community at-large and two neighborhoods in particular in relation to the lead problem we now address."²⁷ The West Dallas plaintiffs negotiated an out-of-court settlement worth over \$45 million. The lawsuit settled in June 1983 with RSR Corporation agreeing to a soil cleanup in West Dallas, a blood-testing program for the children and pregnant women, and the installation of new antipollution equipment. The settlement was made on behalf of 370

children—almost all who were poor and African American residents of the West Dallas public housing project—and forty property owners. The agreement was one of the largest community lead-contamination settlements ever awarded in the United States. In May 1984, the Dallas Board of Adjustments, a city agency responsible for monitoring land-use violations, requested the city attorney to order the smelter permanently closed for violating the city's zoning code. In September 1984, the Dallas Board of Adjustments ordered the West Dallas smelter to close permanently.

On December 31, 1991, the federal EPA crews began a "comprehensive" cleanup of the West Dallas neighborhood. It is estimated that the crews will remove between 30,000 to 40,000 cubic yards of lead contamination soil from several West Dallas sites, including a school property and about 140 private homes. The cleanup costs over \$4 million.

RELOCATION FROM "MOUNT DIOXIN"

Margaret Williams, a seventy-three-year-old retired Pensacola, Florida, school teacher, led a five-year campaign to get her community relocated from the environmental and health hazards posed by the nation's third-largest Superfund site. The Escambia Wood Treating site was dubbed "Mount Dioxin" because of the sixty-foot-high mound of contaminated soil dug up from the neighborhood. The L-shaped mound holds 255,000 cubic yards of soil contaminated with dioxins, one of the most dangerous compounds ever made. Ms. Williams led Citizens Against Toxic Exposure (CATE), a neighborhood organization that was formed to get relocated from a superfund site in Pensacola, Florida. Ms. Williams challenged the EPA officials who first proposed to move only sixty-six households that were most affected by the superfund site.²⁸ After prodding from CATE, EPA then added thirty-five more households for a total cost of \$7.54 million.

The original government plan called for some 257 households, including an apartment complex, to be left out. CATE refused to accept any relocation plan unless everyone was moved. The partial relocation was tantamount to partial justice. CATE took its campaign to EPA's NEJAC. The group was successful in getting EPA's NEJAC Waste Subcommittee to hold a Superfund Relocation Roundtable in Pensacola. At this meeting, CATE's total neighborhood relocation plan won the backing of more than one hundred grassroots organizations. EPA nominated the Escambia Wood Treating Superfund site as

the country's first pilot program to help the agency develop a nationally consistent relocation policy that would consider not only toxic levels but also welfare issues, such as property values, quality of life, health, and safety.

On October 3, 1996, EPA officials agreed to move all 358 households from the site at an estimated cost of \$18 million. EPA officials deemed the mass relocation as "cost efficient" after city planners decided to redevelop the area for light industry rather than clean the site to residential standards.²⁹ This decision marked the first time that an African American community had been relocated under EPA's Superfund program and was hailed as a landmark victory for environmental justice.³⁰ As of June 2007, building demolition, chemical disposal, and site fencing was completed in addition to 359 residential locations that occurred between 1997 and 2005 for a cost of \$25.5 million.³¹

LOUISIANA AND CORPORATE WELFARE

The southern United States has become a "sacrifice zone" for the rest of the nation's toxic waste.³² A colonial mentality exists in the South where local government and big business take advantage of people who are both politically and economically powerless. The region is stuck with a unique legacy—the legacy of slavery, Jim Crow, and white resistance to equal justice for all. This legacy has also affected race relations and the region's ecology.

The South is characterized by "look-the-other-way environmental policies and giveaway tax breaks" and a place where "political bosses encourage outsiders to buy the region's human and natural resources at bargain prices."³³ Lax enforcement of environmental regulations has left the region's air, water, and land the most industry-befouled in the United States. Toxic waste discharge and industrial pollution are correlated with poorer economic conditions. In 1992, the Institute for Southern Studies' "Green Index" ranked Louisiana forty-ninth out of fifty states in overall environmental quality.³⁴ Louisiana is not a rich state by any measure. It ranks forty-fifth in the nation in spending on elementary and secondary education.

Ascension Parish typifies the toxic "sacrifice zone" model. In two parish towns of Geismer and St. Gabriel, eighteen petrochemical plants are crammed into a nine-and-a-half-square-mile area. In Geismer, Borden Chemicals has released harmful chemicals into the environment, which are health hazardous to the local residents.

These chemicals include ethylene dichloride, vinyl-chloride monomer, hydrogen chloride, and hydrochloric acid.³⁵ Borden Chemicals has a long track record of contaminating the air, land, and water in Geismer. In March 1997, the company paid a fine of \$3.5 million—the single largest in Louisiana history. The company has been accused of storing hazardous waste, sludge, and solid wastes illegally; failing to install containment systems; burning hazardous waste without a permit; neglecting to report the release of hazardous chemicals into the air; contaminating groundwater beneath the plant site (thereby threatening an aquifer that provides drinking water for residents of Louisiana and Texas); and shipping toxic wastes laced with mercury to South Africa without notifying the EPA, as required by law.³⁶

Louisiana could actually improve its general welfare by enacting and enforcing regulations to protect the environment.³⁷ However, Louisiana citizens subsidize corporate welfare with their health and the environment.³⁸ A growing body of evidence shows that environmental regulations do not kill jobs.³⁹ On the contrary, the data indicate that “states with lower pollution levels and better environmental policies generally have more jobs, better socioeconomic conditions and are more attractive to new business.”⁴⁰ Nevertheless, some states subsidize polluting industries in the return for a few jobs.⁴¹ States argue that tax breaks help create jobs. However, the few jobs that are created come at a high cost to Louisiana taxpayers and the environment.

Nowhere is the polluter-welfare scenario more prevalent than in Louisiana. Corporations routinely pollute the air, ground, and drinking water while being subsidized by tax breaks from the state. The state is a leader in doling out corporate welfare to polluters (see Table 1.1). In the 1990s, the state wiped off the books \$3.1 billion in property taxes to polluting companies. The state’s top five worst polluters received \$111 million dollars over the past decade.⁴² A breakdown of the chemical releases and tax breaks include the following:

- **Cytec Industries** (24.1 million pounds of releases /\$19 million in tax breaks)
- **IMC-Agrico Co.** (12.8 million pounds/\$15 million)
- **Rubicon Inc.** (8.4 million pounds /\$20 million)
- **Monsanto Co.** (7.7 million pounds/\$45 million)
- **Angus Chemical Co.** (6.3 million pounds/\$12 million)

Subsidizing polluters is not only bad business but it also does not make environmental sense. For example, nearly three-fourths of Louisiana’s

Table 1.1. Corporate welfare in Louisiana

A. The biggest recipients

Companies ranked by total industrial property tax abatements, 1988–97

Company	Jobs created	Total taxes abated
1. Exxon Corp.	305	\$213,000,000
2. Shell Chemical/Refining	167	\$140,000,000
3. International Paper	172	\$103,000,000
4. Dow Chemical Co.	9	\$ 96,000,000
5. Union Carbide	140	\$ 53,000,000
6. Boise Cascade Corp.	74	\$ 53,000,000
7. Georgia Pacific	200	\$ 46,000,000
8. Willamette Industries	384	\$ 45,000,000
9. Procter & Gamble	14	\$ 44,000,000
10. Westlake Petrochemical	150	\$ 43,000,000

B. The costliest jobs

Companies ranked by net cost of each new job (abatements divided by jobs created)

Company	Jobs created	Costs per job
1. Mobil Oil Corp.	1	\$29,100,000
2. Dow Chemical Co.	9	\$10,700,000
3. Olin Corp.	5	\$6,300,000
4. BP Exploration	8	\$4,000,000
5. Procter & Gamble	14	\$3,100,000
6. Murphy Oil USA	10	\$1,600,000
7. Star Enterprise	9	\$1,500,000
8. Cytec	13	\$1,500,000
9. Montell USA	31	\$1,200,000
10. Uniroyal Chemical Co.	22	\$900,000

Source: Bartlett and Steele (1998, p. 77).

population—more than three million people—get their drinking water from underground aquifers. Dozens of aquifers are threatened by contamination from polluting industries.⁴³ The Lower Mississippi River Industrial Corridor, or “Cancer Alley,” has over 125 companies that manufacture a range of products, including fertilizers, gasoline, paints, and plastics. This corridor has been dubbed “Cancer Alley” by environmentalists and local residents.⁴⁴

THE CASE OF *CANT v. LES*

The Executive Order 12898 was put to the test in rural Northwest Louisiana. Since 1989, the Nuclear Regulatory Commission (NRC) had under review a proposal from Louisiana Energy Services (LES) to build the nation’s first privately owned uranium enrichment plant. A national search was undertaken by LES to find the “best” site for

a plant that would produce 17 percent of the nation's enriched uranium. LES supposedly used an objective scientific method in designing its site selection process.

The southern United States, Louisiana, and Claiborne Parish were the dubious “winners” of the site selection process. Residents from Homer and the nearby communities of Forest Grove and Center Springs—two communities closest to the proposed site—disagreed with the site selection process and outcome. They organized themselves into a group called Citizens Against Nuclear Trash (CANT). CANT charged LES and the federal NRC staff with practicing environmental racism. CANT hired the Sierra Club Legal Defense Fund (the group later changed its name to Earthjustice Legal Defense Fund) and sued LES.

The lawsuit dragged on for more than eight years. On May 1, 1997, a three-judge panel of the NRC Atomic Safety and Licensing Board issued a final initial decision on the case. The judges concluded that “racial bias played a role in the selection process.”⁴⁵ A story in the *London Sunday Times* proclaimed the environmental justice victory by declaring “Louisiana Blacks Win Nuclear War.”⁴⁶ The precedent-setting federal court ruling came two years after President Clinton signed Executive Order 12898. The judges in a thirty-eight-page written decision also chastised the NRC staff for not addressing the provision called for under Executive Order 12898. The court decision was upheld on appeal on April 4, 1998.

A clear racial pattern emerged during the so-called national search and multistage screening and selection processes.⁴⁷ For example, African Americans comprise about 13 percent of the U.S. population, 20 percent of the Southern states' population, 31 percent of Louisiana's population, 35 percent of Louisiana's northern parishes, and 46 percent of Claiborne Parish. This progressive trend, involving the narrowing of the site selection process to areas of increasingly high poverty and African American representation, is also evident from an

Table 1.2. Percent African American population by geographic location in national search for privately owned uranium enrichment plant

Geographic Location	% African American (1990)
United States	13
Southern States	20
State of Louisiana	31
Louisiana's Northern Parishes	35
Claiborne Parish	46

Source: U. S. Census Bureau (1990). U.S. Census Data, PL 94-171. <http://www.census.gov>.

evaluation of the actual sites that were considered in the “intermediate” and “fine” screening stages of the site selection process. The aggregate average percentage of the black population for a one-mile radius around all of the seventy-eight sites examined (in sixteen parishes) is 28.42 percent. When LES completed its initial site cuts and reduced the list to thirty-seven sites within nine parishes (i.e., same as counties in other states), the aggregate percentage of the black population rose to 36.78 percent. When LES then further limited its focus to six sites in the Claiborne Parish, the aggregate average percentage black population rose again, to 64.82 percent. The final site selected, the “LeSage” site, has a 97.10 percent black population within a one-mile radius.

The plant was proposed on Parish Road 39 between two African American communities—just one-quarter mile from Center Springs (founded in 1910) and one and one-quarter mile from Forest Grove (founded in the 1860s just after slavery). The proposed site is in a Louisiana parish that has a per capita earning of only \$5,800 per year (just 45 percent of the national average), compared with a national average of almost \$12,800 and where over 58 percent of the African American population is below poverty. The two African American communities were rendered “invisible” since they were not even mentioned in the NRC draft environmental impact statement.⁴⁸

Only after intense public comments did the NRC staff attempt to address environmental justice and disproportionate impact implications and as required under the NEPA and called for under the Environmental Justice Executive Order 12898. For example, NEPA required that the government to consider the environmental impacts and weigh the costs and benefits of the proposed action; these include health and environmental effects, the risk of accidental but foreseeable adverse health and environmental effects, and socioeconomic impacts.

The NRC staff devoted less than a page to addressing environmental justice concerns of the proposed uranium enrichment plant in its

Table 1.3. Population by race living within one-mile radius of LES candidate sites during winnowing process

Candidate Sites	Total Population	Black Population	Black (%)
Initial 78 sites	18,722	5,321	28.42
Intermediate 37 sites	8,380	3,082	36.78
Fine screening 6 sites	1,160	752	64.82
Final selection 1 site	138	134	97.10

Source: U.S. Census Bureau (1990). U.S. Census Data, PL94-171. <http://www.census.gov>.

Final Environmental Impact Statement (FEIS). Overall, the FEIS and Environmental Report (ER) are inadequate in the following respects: (a) they inaccurately assess the costs and benefits of the proposed plant, (b) they fail to consider the inequitable distribution of costs and benefits of the proposed plant to white and African American population, and (c) they fail to consider the fact that the siting of the plant in a community of color follows a national pattern in which institutionally biased decision making leads to the siting of hazardous facilities in communities of color, and results in the inequitable distribution of costs and benefits to those communities.

Among the distributive costs not analyzed in relationship to Forest Grove and Center Springs include the disproportionate burden of health and safety, property values, fire and accidents, noise, traffic, radioactive dust in the air and water, and dislocation by a road closure that connects the two communities. Overall, the CANT legal victory points to the utility of combining environmental and civil rights laws and the requirement of governmental agencies to consider Executive Order 12898 in their assessments.

In addition to the remarkable victory over LES, a company that had the backing of powerful U.S. and European nuclear energy companies, CANT members and their allies won much more. They empowered themselves and embarked on a path of political empowerment and self-determination. During the long battle, CANT member Roy Mardris was elected to the Claiborne Parish Jury (i.e., county commission), and CANT member Almeter Willis was elected to the Claiborne Parish School Board. The town of Homer, the nearest incorporated town to Forest Grove and Center Springs, elected its first African American mayor, and the Homer town council now has two African American members. In the fall of 1998, LES sold the land on which the proposed uranium enrichment plant would have been located. The land is going back into timber production, as it was before LES bought it.

ST. JAMES CITIZENS VS. SHINTECH

Battle lines were drawn in Louisiana in another national environmental justice test case. The community is Convent, and the company is Shintech. The Japanese-owned Shintech Inc. applied for a Title V air permit to build an \$800 million polyvinyl chloride plant (PVC) in Convent—a community that is over 70 percent African American, where over 40 percent of Convent residents fall below the poverty line. The community already has a dozen polluting plants and a 60 percent

unemployment rate. The plants are so close to residents' homes that they could walk to work. Industries are lured into the black community with the promise of jobs. But in reality, the jobs are not there for local residents.

The Shintech case raised similar environmental racism concerns as those found in the failed LES siting proposal. Any environmental justice analysis of the Shintech proposal will need to examine the issues of disproportionate and adverse impact on low-income and minority populations near the proposed PVC plant. Clearly, it is African Americans and low-income residents in Convent who live closest to existing and proposed industrial plants and who will be disproportionately impacted by industrial pollution.⁴⁹ African Americans comprise 34 percent of the state's total population. The Shintech plant was planned for the St. James Parish. The parish ranks third in the state for toxic releases and transfers. Over 83 percent of St. James Parish's 4,526 residents are African American. Over 17.7 million pounds of releases were reported in the 1996 Toxic Release Inventory (TRI). The Shintech plant would add over 600,000 pounds of air pollutants annually. Permitting the Shintech plant in Convent adds significantly to the toxic burden borne by residents who are mostly low-income and African American.

The Louisiana Department of Environmental Quality (LDEQ) is also bound by federal law (i.e., Title VI of the Civil Rights Act of 1964) to administer and implement its programs, mandates, and policies in a nondiscriminatory way. After six months of intense organizing and legal maneuvering, residents of tiny Convent and their allies convinced EPA administrator Carol M. Browner to place the permit on hold. A feature article in *USA Today* reads, "EPA Puts Plant on Hold in Racism Case."⁵⁰ A year later, the environmental justice coalition forced Shintech to scrap its plans to build the PVC plant in the mostly African American community. The decision came in September 1998 and was hailed around the country as a major victory against environmental racism. The driving force behind this victory was the relentless pressure and laser-like focus of the local Convent community.

DICKSON COUNTY LANDFILL: A CLASSIC CASE OF ENVIRONMENTAL RACISM

Dickson, Tennessee, is a town of 12,444 residents located about 35 miles west of Nashville. Dickson County was 4.5 percent black in 2000. Dickson's mostly African American Eno Road has been used as

the dumping ground for garbage and toxic wastes dating back more than six decades.⁵¹ The black neighborhood was first used as the site of the Dickson “city dump” and subsequent city and county Class I sanitary landfills and Class III and IV construction and demolition landfills, balefills, and processing centers. The Dickson County Landfill consists of seventy-four acres of Eno Road, 1.5 miles southwest of Dickson. The landfill contains three parts: the City of Dickson Landfill, the County Landfill Expansion, and the balefill, which are all now closed.⁵² For years, drums of toxic industrial waste solvents were dumped at the landfill, which later contaminated the groundwater.⁵³ Dickson County operates a recycling center, garbage transfer station, and a C&D (Construction & Demolition) landfill at the Eno Road site⁵⁴—where twenty to twenty-five heavy-duty diesel trucks enter the sites each day—leaving behind noxious fumes, dangerous particulates, household garbage, recyclables, and demolition debris from around middle Tennessee. The garbage transfer station alone handles approximately 35,000 tons annually.

Dickson County covers more than 490 square miles—an equivalent of 313,600 acres. However, the only cluster of solid waste facilities in the county is located just fifty-four feet from a 150-acre farm owned by the Harry Holt family, African American landowners who have lived in the Eno Road community for five generations, turning this family’s American dream into a hellish nightmare.⁵⁵ After slavery, dozens of black families acquired hundreds of acres of land—not part of the empty “40 acres and a mule” government promise—and lived a quiet and peaceful existence in Dickson’s historically black Eno Road community. That is, until their wells were poisoned by the county landfill.⁵⁶ The black family has been especially harmed by the toxic assaults of the city and county landfills and by government inaction.

For many years, the Holt family drank, bathed in, and cooked with water from their contaminated well.⁵⁷ Trichloroethylene (TCE) was found in the Holt’s well water in 1988,⁵⁸ and they used the contaminated well water for nine years while the Tennessee environmental and health officials told the family that it was safe to drink.⁵⁹ However, the white families who lived in the same area were told to stop drinking their water. In 2003 and 2004, Shelia Holt-Orsted filed lawsuits against Dickson County and the state of Tennessee.⁶⁰ The lawsuits are pending while their claims against the EPA were dropped due to a legal error by a former lawyer.⁶¹ Shelia has breast cancer, her father died of prostate cancer in January 2007;⁶² her mother was diagnosed with cervical polyps in September 2002;⁶³ her uncle died of Hodgkin’s

disease, three cousins had cancer, and her aunt who lived next door had cancer.⁶⁴ Shelia has become an environmental justice activist to seek justice for the family's toxic well. She has lobbied for Congress to address the environmental injustice in her backyard. She has received research support from Dr. Robert Bullard (a national environmental justice expert), legal support from NAACP LDF,⁶⁵ and political support from the Congressional Black Caucus (CBC),⁶⁶ to ensure that her family did not die in vain and that no other environmental justice community is viewed as "invisible" in the eyes of our legal system.

RADIOACTIVE COLONIALISM AND NATIVE LANDS

There is a direct correlation between exploitation of land and exploitation of people. It should not be a surprise to anyone to discover that Native Americans have to contend with some of the worst pollution in the United States.⁶⁷ Native American nations have become prime targets for waste trading.⁶⁸ More than three dozen Indian reservations have been targeted for landfills, incinerators, and other waste facilities.⁶⁹ The vast majority of these waste proposals have been defeated by grassroots groups on the reservations. However, "radioactive colonialism" is alive and well.⁷⁰ Radioactive colonialism operates in energy production (mining of uranium) and disposal of wastes on Indian lands. The legacy of institutional racism has left many sovereign Indian nations without an economic infrastructure to address poverty, unemployment, inadequate education and health care, and a host of other social problems.

Some industry and governmental agencies have exploited the economic vulnerability of Indian nations. For example, of the twenty-one applicants for the U.S. Department of Energy's (DOE) Monitored Retrievable Storage (MRS) grants, sixteen were Indian tribes.⁷¹ The sixteen tribes lined up for \$100,000 grants from the DOE to study the prospect of "temporarily" storing nuclear waste for a half century under its "monitored retrievable storage" program. It is the Native American tribes' sovereign right to bid for the MRS proposals and other industries. However, there are clear ethical issues involved when the U.S. government contracts with Indian nations that do not have the infrastructure to handle dangerous wastes in a safe and environmentally sound manner. Delegates at the Third Annual Indigenous Environmental Council Network Gathering (held in Oregon, June 6, 1992) adopted a resolution of "No Nuclear Waste on Indian Lands."

Native peoples are constantly faced with threats to their survival as they preserve land ownership against the industrialized world's demand for resources and the disposal of waste on their land.⁷²

TRANSBOUNDARY WASTE TRADE

Hazardous waste generation and international movement of hazardous waste pose some important health, environmental, legal, and ethical dilemmas. It is unlikely that many of the global hazardous waste proposals can be effectuated without first addressing the social, economic, and political context in which hazardous wastes are produced (industrial processes), controlled (regulations, notification, and consent documentation), and managed (minimization, treatment, storage, recycled, transboundary shipment, pollution prevention, and so on). The "unwritten" policy of targeting Third World nations for waste trade received international media attention in 1991. Lawrence Summers, when he was chief economist of the World Bank, shocked the world and touched off an international scandal when his confidential memorandum on waste trade was leaked. Summers wrote, "'Dirty' Industries: Just between you and me, shouldn't the World Bank be encouraging MORE migration of the dirty industries to the LDCs?"⁷³

Consumption and production patterns, especially in nations with wasteful "throw-away" lifestyles as the United States, and the interests of transnational corporations, create and maintain unequal and unjust waste burdens within and between affluent and poor communities, states, and regions of the world. Shipping hazardous wastes from rich communities to poor communities is not a solution to the growing global waste problem. Not only is it *immoral*, but it should be *illegal*. Moreover, making hazardous waste transactions *legal* does not address the ethical issues imbedded in such transactions.⁷⁴ The practice of transboundary shipment of banned toxic products like pesticides is a manifestation of power arrangements and a larger stratification system where some people and some places are assigned greater value than others.⁷⁵

A 1983 agreement between the United States and Mexico required American companies in Mexico to return waste products to the United States. Plants were required to notify the federal EPA when returning wastes. Results from a 1986 survey of 772 *maquiladoras* revealed that only twenty of the plants informed the EPA that they were returning waste to the United States, even though 86 percent of the plants used toxic chemicals in their manufacturing process.⁷⁶ In 1989, only ten

waste shipment notices were filed with the EPA.⁷⁷ Much of the wastes are illegally dumped in sewers, ditches, and the desert. All along the Lower Rio Grande River Valley, *maquiladoras* dump their toxic wastes into the river, from which 95 percent of the region's residents get their drinking water.⁷⁸ In the border cities of Brownsville, Texas, and Matamoros, Mexico, the rate of anencephaly—babies born without brains—is four times the national average. Affected families have filed lawsuits against 88 of the area's one hundred *maquiladoras* for exposing the community to xylene, a cleaning solvent that can cause brain hemorrhages and lung and kidney damage. The Mexican environmental regulatory agency is understaffed and ill equipped to adequately enforce its laws.⁷⁹ Only time will tell if the North American Free Trade Agreement (NAFTA) will "fix" or exacerbate the public health and the environmental problems along the U.S.-Mexico border.

ENVIRONMENTAL JUSTICE SETBACKS AND CHALLENGES

The environmental justice movement has experienced many setbacks, challenges, and rollbacks in environmental laws over the last thirty years. The movement has experienced many successes and is now faced with environmental and political projections that will shape the future advocacy of the movement. In the *Alexander v. Sandoval* case, the Supreme Court decided that private citizens do not have the right to enforce Title VI regulations that have set back environmental justice battles.⁸⁰ The Bush administration has done everything in its power to silence the environmental racism movement by cutting off funding to programs that could uncover crimes against poor and minority communities.⁸¹ Environmental justice advocates must continue to persuade and lobby elected officials and federal and state legislators to create more tools for environmentally distressed communities faced with discrimination.⁸² Lawyers doing environmental justice work will have to come up with innovative legal strategies that will assist environmental justice communities in court.

On July 25, 2007, Senator Hillary Clinton led the first-ever Senate hearing on environmental justice. She emphasized that the "Bush administration has turned a blind eye to communities that continue to be disproportionately impacted by exposure to environmental hazards." Senator Clinton called for more accountability at EPA and increased support for community-based efforts to address environmental concerns.⁸³ Her bill included three components: increased

federal accountability, helping to build community capacity, and providing access to experts.⁸⁴ Professor Robert Bullard delivered a letter to Senator Clinton on behalf of environmental justice network leaders, civil rights and human rights advocates, educators, health allies, and community residents from around the nation.⁸⁵ The letter urged the senator to take immediate steps to end environmental injustice and toxic racism in low-income and people of color communities as documented in the new study *Toxic Wastes and Race at Twenty: 1987–2007*.⁸⁶ Professor Bullard also presented a testimony at the hearing to share with the senator recent research and policy work that he and his colleagues had done on “environmental justice, toxic wastes and race, and government response to the needs of low-income and people of color populations.”⁸⁷ Fortunately, “Real legislation is currently on the table in Congress on October 4th, the House and Commerce Committee [held] a hearing on Community Right to Know, examining both changes to the Toxic Release Inventory Program under the Bush Administration, and legislation introduced by Congresswoman Hilda Solis (D-California) and others to codify the executive order on environmental justice.”⁸⁸ It is the responsibility of all of us to continue to pressure our elected officials to force companies to build facilities that are environmentally friendly. However, Americans need to live cleaner, greener, and healthier lives. In order to protect our environment we must think globally and act locally.

CONCLUSION

The environmental justice movement is about thirty years old, and it has been successful in confronting environmental degradation in poor and minority communities. This chapter provided a brief history and overview of the environmental justice movement. The environmental justice framework provides an analytical framework for environmental justice advocates to examine environmental inequities in their respective communities. The environmental protection apparatus in the United States does not provide equal protection for all communities. The driving force for change did not come from the government but from people of color grassroots activists and their bottom-up approach for social change.

In the United States there are many communities (in California; West Dallas; Pensacola, Florida; Louisiana; and Dickson, Tennessee to name a few) under attack. Native Americans’ lands are impacted by the mining of uranium and the disposal of wastes on their lands. Third

World nations are dumped on, with the hazardous waste generation and international movement of hazardous waste for the desperate need for money to store this waste. Although environmental and civil rights laws have been on the books for more than three decades, all communities have not received the same benefits from their application, implementation, and enforcement. Unfortunately, the environmental justice movement has experienced many setbacks and challenges over the years. It is going to take all Americans to fight for environmental justice for all.

NOTES

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56. Bullard, 2007b.
57. Edwards, 2003d, 2003f, 2003g; Trevisan, 2007.
58. Edwards, 2003e; Souter 2007; Trevisan 2007.
59. News Channel 5–Nashville, 2007; Trevisan 2007.
60. Duke, 2007; Edwards, 2003a; Trevisan, 2007.
61. Fernandez Rysavy 2007; “Racism alleged in polluted well case,” 2007; Trevisan 2007.
62. Fernandez Rysavy, 2007; “Racism alleged in polluted well case,” 2007; Trevisan 2007.
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64. Herbert, 2006; Souter, 2007.
65. NAACP Legal Defense and Educational Fund, 2007.
66. Trevisan, 2007.
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68. Angel, 1992; Geddis, 1993.
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CHAPTER 2



ENVIRONMENTAL JUSTICE CROSS-CULTURALLY

THEORY AND PRAXIS IN THE
AFRICAN DIASPORA AND IN AFRICA

Filomina C. Steady

INTRODUCTION: THE ENVIRONMENTAL JUSTICE MOVEMENT

Environmental justice has become synonymous with environmental racism and both are probably the most challenging democratic and human rights issues today. Until fairly recently, Environmental justice was ignored by the mainstream environment movement and by ecological economists. The concern was for conservation primarily of fauna and flora and the protection of fragile ecosystems. At the same time, human beings, especially people of color and poor people, were deliberately targeted to bear the burdens of environmental degradation. According to Bullard, “Race and class are intricately linked in our society. However, race continues to be a potent predictor of where people live, which communities get dumped on and which are spared. Racial bias creates and perpetuates unequal environmental quality in communities of color.”¹

Environmental justice has spurred a vibrant and growing grassroots movement made up primarily of minority groups, the majority of whom are women. Although it started in the United States in opposition to the emphasis on mainstream environmental conservation and the neglect of the human and social dimensions of environmental policies and practices, it is now a global movement. The major

objective is to tackle the problem of social inequality and environmental racism, evidenced in the siting of waste disposals, incinerators, depots and transportation routes in communities inhabited by people of color, or poor people. They also advocate for better housing in areas dominated by slums and ghettos, in which there is a high exposure and vulnerability to environmental hazards and diseases, such as lead poisoning and asthma. Asthma and lead poisoning are symptoms of the phenomenon of environmental injustice since they have been shown to be more prevalent among African Americans and populations of people of color, especially poor children in the inner cities of the United States.

Environmental justice embraces the principle that all people and communities are entitled to equal protection of their environmental, health, employment, housing, transportation, and civil rights laws. It considers as unjust any undue imposition of environmental burdens on innocent bystanders or communities that are not parties to the activities generating such burdens.

Environmental racism involves racial discrimination in environmental policies, laws, and practices. It evokes not only the concepts of social inequality, injustice, human rights violations, and disproportionality but also what can be termed “structural expendability”—that is the idea that some groups are expendable. This ideology of “structural expendability” may have led Lawrence Summers, the former president of Harvard University, to propose dumping of hazardous waste in Africa, while working as chief economist for the World Bank. According to him, “I think the economic logic behind dumping a load of toxic waste in the lowest-wage country is impeccable and we should face up to that.”²

Fortunately, not all economists are apparently as dismissive or underestimate the pitfalls of free market economics. Sir Nicholas Stern, who also served as senior economist to the World Bank, criticized industry for continuing to pollute for profit at the expense of people and the environment by refusing to increase their production costs through more environmentally benign technologies and procedures. He blames the catastrophe of climate change on free market economics by declaring that “climate change is the greatest market failure the world has even seen.”³

This ideology of domination is pervasive and systemic, when one examines the philosophical underpinnings that still guide the behavior of powerful governments, international financial institutions, and multinational corporations. Unfortunately, this model is being

exported all over the world and is being emulated by governments, elites, and the business community in the Global South.

This chapter argues that the concept of “structural expendability” can be traced to the philosophical roots that shaped Western hegemonic proclivities. The mind-body split of Descartes, which separated humans from nonhuman nature, was reinforced by Bacon, a leading figure of the Enlightenment, whose ideology of the domination of nature by science helped form the foundational tenets of “modernity.” Although the idea of the domination of nature has been challenged, its entrenched position in Eurocentric ideological developments from the Enlightenment to the period of state capitalism in the late nineteenth century and beyond have not been shaken.

This ideology was instrumental in bolstering and sustaining the transatlantic slave trade with its chattel form that considered Africans as nonhuman and closer to nature and therefore must also be dominated. Enslaved people in the Americas and the Caribbean lived in environmentally dangerous and squalid conditions that endangered their health and kept them in a state of racial terror. Later, colonial and imperialist schemes became grounded in a racial ideology, with apartheid as its most extreme form. These ideologies also reduced Africans to nonhuman or subhuman status to justify their oppression on the basis of race.

Blackness was constructed in opposition to whiteness stemming from slavery and, as scholars like Wellesley’s Peggy Macintosh have shown, this led to the development of an ideology of white privilege. Scientific racism and environmental racism have contributed to maintaining and adding potency to these racial constructions, despite contradictory evidence, resistance, and opposition. Even today, many state policies are designed to make some groups, especially the blacks and poor, structurally expendable through structural racism and environmentally unjust laws, policies, and practices.

Ideologies of domination and “structural expendability” still shape the dominant development paradigms upheld by the neoliberalism global economy of corporate globalization, whose negative impact on the environments and economies of Africa and the African Diaspora is now well documented. In addition, corporate globalization has been linked to wars, armed conflicts, violence, and acts of genocide.⁴ While proponents of corporate globalization argue that it has benefits, this has been hard to prove. And opponents have argued that corporate globalization destroys the economies, environments, social fabric, and peoples of the Global South.

Even Europe and the United States have been negatively affected by corporate globalization and the neoliberal agenda. In the United States, corporate globalization has had an impact through industrial restructuring, a decline in manufacturing, outsourcing, and other economic failures, all of which have had a negative impact on employment, especially for people of color. “Structural expendability” of people of color, especially people of African descent, poor people, minority populations, peasant communities, and agricultural communities are part of the hegemonic agenda currently fuelled by corporate globalization, international financial institutions, and the wealthy nations of the world.

THE POLITICAL ECONOMY OF ENVIRONMENTAL RACISM

According to John Bellamy Forster, “The history of capitalism has been a history of war with the environment.” Capitalism is a system of “creative destruction” driven by the logic of profit. This will not end except with a “socialization of nature and production” that will allow for “concern for other species and future generations.”⁵

Mainstream economists promote the thesis of “growth first” as a prerequisite for environmental protection. They argue that environmental protection improves with economic growth. According to this view, most environmental problems are in the “Third World,” which must be saved by Western technology.⁶

This ignores the fact that Western technologies have created much of the environmental problems in the “Third World” through export or dumping of toxic chemicals and hazardous wastes, and dirty industries involving pesticides, asbestos, the building of dams, petroleum refining, mining, and the transfer of outdated and dirty technologies. According to Girdner and Smith, the globalization of corporate toxic pollution has yet to be adequately addressed and the need for a global campaign against toxins is stronger than ever.⁷

The United States

In the United States, the waste industry became the engine of economic growth after World War II, and the rapid expansion of the U.S. economy was largely based on the petroleum industry as part of the emerging military-industrial complex. Most of the 70,000 chemicals now used regularly have been produced since then. The United States

is the world's largest consumer of chemicals, totaling \$318 billion in 2000. The amount of toxic waste created by the chemical industry is significant, as evident in the releases reported in the Toxic Release Inventory (TRI). It could total as much as 800 million pounds for 3,855 reporting facilities.⁸

From the 1960s, the U.S. Congress has passed a number of environmental laws but implementation has been a challenge. As is the case with civil rights legislation, "intent" of corporations to pollute has to be proven. In addition, the enormous resources of corporations are often used in their defense. These resources also use propaganda to help paint a more benign and environmentally responsible picture through greenwashing, a form of brainwashing as the television advertisements of Waste Tech often shows. In addition, corporations use lobbying tactics and try to influence politicians by making contributions to their campaigns and to the activities of trade unions and local communities.⁹

Important evidence of "structural expendability" is in the application of environmental laws. According to studies of the *National Law Review*, penalties imposed under hazardous waste laws at sites having the greatest percentage of whites were 500 percent higher than penalties in areas with the greatest number of minority populations (averaging \$336 for white areas and \$55 for minority areas). In addition, it took 20 percent longer time to place hazardous waste sites in minority areas on the national priority list than it took for those in white areas to be placed on the list. Even the Environmental Protection Agency discriminates against nonwhites. At minority sites, the EPA chose "containment," that is the capping or walling off of a hazardous waste dump site—7 percent more frequently than the clean up method preferred under the law—requiring permanent "treatment" to eliminate the waste or get rid of its toxins. At white sites, the EPA ordered treatment 22 percent more often than it did containment.¹⁰

THE AFRICANA-DIASPORA DIMENSION

African and Caribbean countries have been marginalized and undermined by corporate globalization. Many of these countries are plagued with debt, protracted economic recession, and Structural Adjustment Programs encouraged by the neoliberal project.¹¹ Agriculture has been influenced by industrially driven chemical processes that destroy the environment and undermine self-sustaining and sustainable agricultural practices, leading to the devastation of many agricultural

communities in Africa and the African Diaspora. Studies are increasingly showing that environmental justice issues are global and are of particular relevance to Africa and the African Diaspora.

THE CARIBBEAN

Caribbean countries are particularly vulnerable to environmental degradation due to their small size and fragile ecosystems and a large coastal area in which almost half of the population lives. Industrial production has added a large number of toxic chemicals and hazardous wastes to the environment, primarily by foreign-owned companies from the Global North. In Jamaica, the mining of bauxite has caused environmental problems and loss of land, and the expansion of bauxite mining is now threatening to take over some of the land owned by the Maroons.

A controversy has arisen around speculators planning to begin mining in mountainous Cockpit County, the area inhabited by the Maroons. According to Colonel Peddie, head of the Accompong Maroons, "We the Maroons, who are the leading stakeholders where the Cockpits are concerned, are totally against the move to establish bauxite mining or any other form of mining in the Maroon Community and will fight it right till death . . . The aim of the government of Jamaica and mining prospectors to investigate the possibility of finding oil in the Cockpit and extending the mining of bauxite through mining would seriously damage, if not destroy the delicate eco-systems in the area as well as Maroon heritage."¹²

In *South America*, the favelas of Brazil are well known for their environmental risks and places like Salvador, Bahia, where most of the people of African descent live are in deplorable states of poverty and poor housing. This pattern is repeated in countries like Costa Rica, Columbia, and Mexico, where the majority of African people live in poverty.

In *Europe*, especially in England and France, most people of color tend to live in poor urban ghettos, and in countries like France and Holland immigrants from Africa have had their apartment buildings, already in ghettos, burned down. In most countries of Europe, including the Scandinavian countries, immigrants live in segregated ghettos that are often stigmatized and that have poor housing and environmental conditions. Economic refugees from Africa often lose their lives trying to go by boat or swim from North Africa in polluted waters only to be confronted by the barriers of "Fortress Europe."

In *Asia and the Pacific*, especially Australia and New Zealand, black people, especially indigenous people, live in poor and degrading environments and are exposed to environmental threats to their health. In India, the Siddhis—who are of African descent—experience discrimination that is worse than that of the Dalits in some cases, and the majority live in environmentally degraded environments and in abject poverty.

AFRICA: CLIMATE CHANGE

Sub-Saharan Africa produces less than 4 percent of the world's greenhouse gases but according to scientists will suffer the most from Climate Change. A conference on Climate Change, held in Nairobi, Kenya in November 2006, indicated that the region's diverse climates and ecological systems have already been altered by global warming and will undergo further damage in the years ahead. Widespread flooding would affect the East African low-lying islands and coastal areas and cause some cities like Lagos, built on a lagoon, to disappear over time. Coastal fisheries would be damaged if higher sea levels push salt water inland and destroy freshwater estuaries and coastal farmlands.¹³

By 2080 there would be substantial loss of animal habitats and a 5 percent drop in cereal yields. Climate change will also have a devastating effect on agriculture, which is the main source of income for nearly three-quarters of Africans and accounts for 55 percent of the continent's exports. The small island Caribbean States are also extremely vulnerable to Climate Change and the resulting sea level rise and flooding. The United Nations predicts that climate change will produce fifty million "environmentally displaced people." Climate change will also affect parasites like the tsetse fly, and parasitic diseases such as malaria, as regions outside the malaria zone become hotter and drier. Malaria is the single greatest killer of African children and imposes a \$12 billion annual drain on African economies through death, medical costs, and lost productivity.

TOXIC COLONIALISM AND IMPERIALISM

In what has been termed "toxic colonialism," the pattern of dumping of toxic chemicals and hazardous waste in Africa and the African Diaspora by Western countries and multinational corporations has existed for a long time. In addition, some industries have been polluting the

environment in which they operate to the extent that the flora and fauna have become endangered.

In September 2006 the *Trafigura*, an oil tanker based in The Netherlands, secretly and illegally dumped a considerable amount of toxic chemicals, mostly hydrogen sulfide and components of organochlorides, in various locations in the Ivory Coast. This resulted in death and injuries to hundreds of people, despite the Basel Convention and the Bamako Convention against such actions.

The materials deposited vary from nonnuclear industrial waste from North America to uranium mining wastes from Colorado and chemical and industrial waste (PCB) from Italy.¹⁴ African countries describe the dumping of nuclear waste on their continent as “Toxic Terrorism,” but according to Gbadegesin, this racist-inspired terrorism is of the worst kind. He states that rather than motivated by the need to avenge an injustice, it is apparently driven by economic motives and it does not appear to target specific property as a way of sending a message.¹⁵

South Africa and the Continuing Legacy of Apartheid

Environmental racism was, and continues to be, an important dimension of the brutal legacy of apartheid. The history of South Africa is replete with the genocidal acts that led to the deprivation of blacks of land in South Africa to such an extent that the white minority of 9 percent still owns 80 percent of the land. In addition, African lands were used to establish parks, from which Africans were excluded and as game reserves for animals. Significantly, under the system of Bantustanization of the apartheid regime, Africans were shunted off to the worst land, known as homelands or Bantustans, to rid the fertile white areas of Africans, except for those who carried passes. These homelands were used as “dumping grounds” for the nonproductive members of the white economy, such as elderly men and women, the sick, and children. The siting of toxic facilities, such as sewage plants, polluting industries, and landfills, in close proximity to black areas was common practice during the apartheid era, and those practices continue through de facto apartheid.¹⁶

Nigeria

The oil companies operating in the Niger Delta of Nigeria have been destroying the environment with impunity as they exploit the

wealth of that nation. African governments, including Nigeria, in trying to attract foreign investment, have not been enforcing the laws governing these corporations. On the contrary, they may in fact give incentives and tax holidays without due regard to the damage to the environment and the resource base on which people's livelihoods depend. Nigerian women have been at the forefront of the protests against the oil companies for their exploitation and destruction of the environment. Some of these protests have resulted in the shutdown of operations for considerable periods.

THEORIES AND EXPLANATORY MODELS

Various theories have continued to promote the ideas of domination of nature, neoliberalism, and "structural expendability" directly or indirectly even though they have been challenged by critical theories and oppositional discourses of all types.

Modernization theory is most compatible with notions of domination of nature since it emphasizes unlimited growth regardless of the dangers to the environment and people. This notion, which was best articulated by Rostow, promotes the classical economic theory of rational and utilitarian choice and its neoliberal variant that argues for the domination of market forces.¹⁷ Social Darwinism was a form of modernization theory in which progress was determined by domination and credit was given to the survival of the fittest. This justified conquest and domination and colonialism and imperialistic projects.

Dependency theory, theories of underdevelopment, and postcolonial theories have all challenged modernization theory for its lack of an international perspective, and for failing to take colonial domination and oppression into account. Some of them like Magubane include "racial oppression" in their analysis and others like Rodney highlight the economic and environmental destruction of Africa by colonialist and imperialistic schemes. Scholars like Rodney, Frank, and Amin argued that the historical linkages forged through colonialism and capital accumulation brought about a process that both underdeveloped countries of the Global South while developing countries of the Global North.¹⁸

A similar process has been shown to take place in the Global North and is expressed by "domestic dependency" and "internal colonialism" as applied to groups within the same geographical and national boundaries. The postcolonial theories of Fanon, Said, Dubois, and others are part of this antihegemonic tradition and have relevance

for environmental justice. In most colonial and settler regimes, the destruction of the environment and the “structural expendability” of large numbers of people through genocide was an integral part of the exploitation of the rich sub-soil and resources of the colonies.

Alternative Feminist Theories

Many feminist theories, especially from women of the Global South, have challenged the dominant neoliberal feminist discourses. For example, African feminism emphasizes the struggles against the transatlantic slave trade, colonialism, racism, economic dependency, and corporate globalization as part of the feminist struggle for black women in Africa and in the African Diaspora.¹⁹

The “feminization of poverty” is central to the environmental justice discourse.²⁰ According to the women in development critique, both women and nature are marginalized in development thinking. Feminists have been questioning the development process itself in terms of its roots, which are firmly embedded in Western scientific traditions often destructive to the environment and resistant to alternatives. Feminists, primarily from the Global South, have argued for a more fundamental transformation in relations of production, to eliminate the gross social and gender inequalities that economic exploitation produces and that are injurious.²¹

Ecofeminism is closely allied to critical theory and environmental justice in a number of ways. According to Shiva, “Industrialization created a limitless appetite for resource exploitation, and modern science provided the ethical and cognitive license to make such exploitation possible, acceptable, and desirable.” They view ecological destruction as resulting from the “symbolic patterns of patriarchal consciousness . . . and as stemming from an ideology that equates women with nature as objects of domination.”²²

Critical Theories

The stream of Critical Theories have for the most part been motivated by challenges to the Cartesian and Baconian premises that separated human from nonhuman nature and proposed the domination of nature by science. Critiques have included the Frankfurt School, Leiss, Horkheimer, and Adorno.²³ Since then, other critical theorists have emerged often challenging existing theoretical paradigms that ultimately tend to support the neoliberal paradigm. Many of these

counter hegemonic theories that derived from the West drew their inspiration from Marx and Engels and their criticism of capital and its built-in structural constraints through its need to expand its sphere continually at the expense of humans and nature.

These views have been closely aligned to the political economy theories that criticize the capitalist logic and its relationship to the environment, especially its propensity to lead to eco-racism and to commit ecocide and “structural expendability.” I would argue that dependency and underdevelopment theories are based on Third World experiences and not on industrial relations of the West that inspired Marxism. Marx’s dialectic also missed the racial and gendered implications of class formation.

Other critical theories that have become important include the following. The first is critical pluralism, which is a critique of the complacency of liberal pluralism, such as is found in the mainstream environmental movements that focus on natural resources, wilderness, endangered species, etc. rather than on the impact of toxic chemicals and hazardous wastes on people and the unjust distribution of environmental risks. The environmental justice movement challenged the lack of and denial of diversity and the exclusion of certain groups. The second, critical medical anthropology, studies the political economy of health and social inequality expressed by scholars like Foucault, has relevance for environmental justice because of the health problems and threats to all living things, both human and nonhuman.

The third is *Critical Race Theory* (CRT). All of these theories take the critical theory tradition one stage further by looking more deeply at the impact on specific people’s lives, and their involvement and participation in the struggles against “structural racism” and “structural expendability.” They call for more direct and active participation of oppressed groups in the process of their liberation. CRT deserves closer examination because of its relationship to the law, a factor that has been central in the environmental justice discourse and activism.

The CRT of Bell, Delago, Williams, Crenshaw, and others is particularly relevant for this examination of “structural expendability.” It has a strong legal foundation and is based on several premises, some of which are of particular significance to environmental justice, which has relied to a large extent on legal redress. CRT discounts many of the tenets of liberalism such as “the rule of law,” “merit,” and “equal protection” as being too closely linked with racial power and as needing transformation in order to achieve racial emancipation. So-called race-neutral structures reflected in most institutions, are viewed as ways

of policing the racial boundaries of the regime of white supremacy and racism. For example, in most civil rights legislation discrimination does not count unless it is proved to be “intentional.” The same applies to environmental legislation that requires companies to prove their intent to pollute. Given the huge resources of most polluting industries, legal solutions are difficult to achieve and to enforce.

Certain elements define CRT, many of which are important in understanding environmental racism. The first is that racism is a normal, ordinary, and not aberrant or rare fact of daily life in society, due to the entrenched nature of white supremacy in the political and legal structures. The second is what Bell describes as “interest convergence,” which is that elite whites will promote black interests and act against racist behavior in society, only when it serves their own interests as well. The third is that CRT has to challenge racial oppression and the status quo through analyzing forms of storytelling, myths, presuppositions, and presumed wisdoms that make up the common culture about race, and that leads to discrimination. In this regard, the fourth element of CRT is that it shares the postmodern tradition and prefers particularity to universalism, and emphasis on concrete personal experiences rather than principles and the rule of law.

The “call to context” argues that general laws may be appropriate in some areas, such as trusts, estates or highway speed limits, but political and moral discourses are not among them. For example, normative discourses such as civil rights are highly fact-sensitive, and the addition of one new fact can change intuition radically.²⁴ The fifth is that characteristics ascribed to a particular “race” will change to facilitate control, based on what is expedient. Unlike the days of slavery, when blacks were considered as “happy-go-lucky and childlike” to justify slavery, in contemporary times they are regarded as “threatening and criminal” in order to rationalize increased control by the police and imprisonment.

Barry’s categorization of the prison system in the United States underscores the role of prisons in maintaining the “Structural Expendability” of blacks. “The system of slavery in the United States is the key to understanding the institutionalized racism that infects every level of our Criminal Justice System. Just as many Whites once considered slavery a necessary and justifiable institution, today, many Whites see our Criminal Justice System as fair and unbiased despite its racially discriminatory impact. And just as many Whites once viewed slaves as inferior and naturally suited to brutal treatment, many Whites today see African-Americans in prison as criminals who are bad and

deserving of punishment well beyond the sentences they received.”²⁵ Some Critical Race Theorists, like Crenshaw, have argued that despite civil rights and other legislation, blacks still suffered more under the law compared to whites, regardless of whether or not the regime or legislative climate is conservative or liberal. They propose a more profound examination of the multidimensional aspects of a person’s background, race, class, ethnicity, and so forth, which could intersect in ways that compounds discrimination.²⁶ In this application, one can easily discern not only the disproportional exposure and differential impacts of environmental racism but also the legitimization of “structural expendability” by the legal system.

CONCLUSION

Environmental racism decides who bears the burden of environmental degradation and who is structurally expendable. It follows a long tradition and ideological path that justifies domination, and that puts no limits on market forces and the profit motive. This presents a paradigmatic challenge, since solutions to the problem are often constrained because they are sought within the parameters of the problem itself. Critical race theory is important in understanding the concept of “structural expendability” because it points to the racism inherent in the legal system, one of the major mechanisms on which the environmental justice movement relies. The legal system however is part of the economic system with a history and ideology that continues to foster global hegemonic domination, economic exploitation, and racial ideologies. CRT would be more effective if it also were to critique the political economy that sustains the racism entrenched in the legal system.

“Structural Expendability” involves deliberately targeting black people in the African Diaspora and in Africa, as well as other people of color and poor people, for the burdens of environmental degradation. The politics of pollution has reaped great profits for the waste industry and other chemical industries and shipping companies, and brought impoverishment, disease, death, and misery to others, including entire nations, mostly in Africa and other countries of the Global South.²⁷ Though it is important to challenge and fight against the siting of hazardous products in communities inhabited by people of color, the struggle must also challenge production and a world economic system that (a) grants legal rights to corporations that are even more protective than those granted to people; (b) gives corporations the right to

move capital around the world in a single market environment that allows them to control space which, as Ruiters has observed, “creates creative destruction”; and (c) the right to exploit global resources and to pollute with impunity.

Environmental issues are inherently global and are based on human activity on the chemical, biological, and physical entities of the planet. However, the global system is not color-blind, and people of African descent are deliberately being targeted for bearing the brunt of environmental hazards. It is also not gender blind, as studies have shown that women are more profoundly affected by environmental degradation because of their multiple social and cultural roles and because of gender-based discrimination.

I have argued that this is in keeping with the philosophical, historical, and ideological traditions of a Eurocentric paradigm that constructs “others,” especially black people, as structurally expendable. There is ample evidence to show how such ideologies help to maintain a global political economy that feeds on expediency and economic growth at all costs, and not only at the expense of poor people and black people in the African Diaspora and in Africa, but also poor people in general and low or depressed immigrant communities.

Many scholars have argued that the destruction of the environment has become an integral part of the liberal, capitalist political economy of production, consumption, and waste generation. The challenge to the neoliberal agenda, especially corporate globalization, has come from both the Global South and the Global North. Many scholars have also argued that alliances need to be formed between academics and others in examining and challenging the theoretical and ideological paradigms that sustain “structural expendability.” The environmental justice movement needs to consider building alliances with other movements, such as antiglobalization movements, anti-poverty movements, and some feminist movements that are challenging environmental injustices and racism at the source, namely, the system of production that is managed and dominated by corporate globalization.

NOTES

1. Bullard, 1993, p. 11.
2. Westra & Lawson 2001a, p. xviii.
3. “Climate change, Africa gets ready,” 2007.
4. Aina, 1997; Dembele, 1999; also see Steady, 2002.

5. Forster, 1994, chap. 7.
6. Girdner & Smith, 2002.
7. Girdner & Smith, 2002.
8. Girdner & Smith, 2002.
9. Girdner & Smith, 2002.
10. See, for example, Koh, 2002; Rupert, 2000; Dembele, 1999, 2001.
11. See Steady, 2002.
12. Myers, 2007, p. 1.
13. "Climate change, Africa gets ready," 2007.
14. Gbadegesin, 2001, p. 189.
15. Gbadegesin, 2001, p. 189.
16. Khan, 2002.
17. Coleman, 1990; Zey, 1998.
18. Amin, 1977; Frank, 1969; Magubane, 1979; Rodney, 1981.
19. Steady, 1981.
20. Steady, 1993.
21. Agarwal, 1992; Sen & Grown, 1987; Young, Wolkowitz, & McCullagh, 1981.
22. Diamond & Orenstein, 1990; Merchant, 1994; Shiva & Meiss, 1993.
23. Horkheimer & Adorno, 1972; Leiss, 1972.
24. Delgado, 1995, introduction.
25. Barry, 2007.
26. See Bell (2004) and Crenshaw (1995) for the leading views on Critical Race Theory.
27. Adeola, 1994, 2002; Bullard, 1990, 1994; Gbadaegesin, 2001; Simon, 2000.

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CHAPTER 3



MOTHERING AT THE CROSSROADS

AFRICAN AMERICAN WOMEN AND THE EMERGENCE OF THE MOVEMENT AGAINST ENVIRONMENTAL RACISM

Celene Krauss

We had a protest where we made a conscious decision that only women would be arrested. Five women went to jail because we felt that not enough attention was paid to the fact that women and children were the most impacted by the dump. I don't know why there are more women . . . but since slavery, women have had to look out for their children . . . this is the reality of my community's church. The media could have defined this differently by showing the women and children who blocked the trucks. But the media wouldn't focus on it . . . we were viewed as ornaments rather than leaders.¹

—Dollie Burwell, Warren County, North Carolina

In 1982, two hundred African American women lay on the road to block the trucks that were to put a PCB dump in Warren County, North Carolina, and the movement against environmental racism was born. The women of Warren County made movement history as the first in the country to make the connection between race and the siting of a dump, when they questioned the selection of their community, ninety-ninth on the site selection list, in violation of every EPA regulation. Their protest set in motion a process of critical questioning across the United States about environmental racism, the inequitable and unjust siting of hazardous waste dumps in communities of color.

In the 1980s and 1990s, as ideologies of environmental and racial injustice merged, the movement against environmental racism spread rapidly across the country. This ideology has been well-articulated

through the voices and activities of people in the movement, and well-documented in both the movement literature and in scholarly accounts.² However, less well understood is the important role played by African American women, and other women of color, who catalyzed and led the movement against environmental racism at the grassroots.³ Extending a long tradition of African American women's community work on behalf of racial and economic justice,⁴ women fought to protect their children, families, and communities from life-threatening environmental hazards and challenged the social conditions of racism that produced these hazards. Their leadership role "at the frontlines" was a theme repeated over and over in the stories and anecdotes of people within the movement. Nevertheless, their activism as mothers remained invisible and unrecognized outside the community.⁵

This chapter examines African American women's environmental challenge to the everyday conditions of their lives and their lived experience of injustice. Shifting to the voices of African American women makes visible their consciousness and agency in the emergence of the movement against environmental racism. Women's reflection on their experience as mothers and protectors of the communities⁶ led them to uncover the problem of toxic waste and challenge the environmental destruction of their families and communities. Their environmental knowledge, derived from mothering under conditions of racial injustice, became a resource of resistance in their political challenge. Environmental racism did not exist for women as an abstract concept a priori to their activism. Its meaning was constructed and reconstructed by women out of the concrete experience of their struggles around issues of survival and in the context of a broader social movement.⁷

African American women initially viewed their toxic waste protests as part of their community work around issues of racial and economic injustice. As the movement against environmental racism developed, women's initial focus on toxic wastes shifted to include a far broader environmental critique of institutionalized racism, a system of economic and political actions that unjustly site toxic facilities in their communities, politically disenfranchise African Americans, and create racially segregated toxic sacrifice zones. By the late 1990s, the movement encompassed many issues besides toxic wastes and the power relations that produced it, ultimately leading to the emergence of a broad, multiracial, multiethnic people of color movement for environmental and economic justice that is still ongoing. However, still invisible to those outside the movement were the early voices

of African American women and women of color, generally, and the reality that much of the expansion of the movement reflected other gender-based community concerns, such as lead poisoning, asthma, and transportation.

In this chapter, African American women activists reflect on the meanings of environmental racism for them. Influenced by their social location and the conditions of their lives, African American women interpret their experience of toxic waste problems within a context of their particular cultural history.⁸ Through an analysis of interviews, newsletters, books, and conference presentations, I show the ways in which African American women arrived at an environmental critique that reflects broader issues of race, gender, and class. Their narratives reveal the conditions of their environmental labor as mothers, their leadership role at the grassroots, and the influence of the broader movement on their emerging environmental critique. Women's voices show how their environmental work, grounded in a tradition of African American mothering in the community, challenged multiple levels of racism and led to a redefinition of the meaning of the environment.

“THE CHILDREN HAVE NO VOICE”: THE ENVIRONMENTAL LABOR OF AFRICAN AMERICAN MOTHERS

African American women's private work as mothers has traditionally extended to a more public role in the local community as protectors of the race. As over a decade of black feminist theorizing has shown, African American women have historically played a central role in community activism and in dealing with issues of racial and economic injustice.⁹ From slavery to sharecropping to the rural towns and urban centers of today, African American women have challenged the social relations of power that destroy their families and communities. For this, they have always received tremendous status and recognition within their community.¹⁰ Many women participating in toxic waste protests and the emerging movement against environmental racism came out of a history of civil rights and urban activism, and their environmental protests, especially in the South, developed through community organizations born during the civil rights movement.

Not surprisingly, many African American women defined environmental protests as part of the work that mothers do. Said Robin Cannon, a leader in the fight against the Lancer incinerator in South Central Los Angeles in the late 1980s, “I see this as a woman's issue as

number one, because it has so many potential negative health affects on my children.” Another woman from Mississippi who suffered from occupationally induced lupus opposed an incinerator in her community and fought against lead-related issues because “children have no voice.”

[The] first thing women talk about is their kids . . . what drew me to the environmental justice movement are a garbage facility that they wanted to site in my neighborhood, which is made up of black children. . . . I was interested in black children and their images . . . what kind of image would a garbage incinerator create for them? Now I’m fighting lead poisoning which affects 98 percent of black children. Children are more impacted by environmental problems then anyone else . . . but children have no voice . . . kids are the least important thing in this country . . . they don’t vote or exist.¹¹

The grassroots activism of African American women in toxic waste protest campaigns of the 1980s and 1990s grew out of women’s invisible environmental labor as mothers and grandmothers. By and large, it was women who made the link between toxic-related hazards and their children’s ill health. They discovered toxic-related hazards: multiple miscarriages, birth defects, cancer deaths, and so on. Women’s invisible labor as mothers—and the key word here is labor—grew out of the material conditions of their lives, which were structured by a gender-based division of labor that assigns to women the task of caring for the health and welfare of their children and their families.¹² The hidden and unpaid environmental labor of women in their communities, like their unpaid labor in the home, is routinely unrecognized.

At the same time, women’s environmental labor was mediated by very different experiences of race, class, and ethnicity. The inequitable siting of hazardous waste facilities in the communities of African American women created mother’s labor of another kind. Not all women lived in communities where dumps and incinerators are part of their everyday lives, not all women had to fight the siting of dangerous and unhealthy industrial facilities in communities with inadequate health resources, not all women had to watch their children’s health deteriorate from toxic waste policies over which they have had no say because they are excluded from the political process. Environmental injustice on multiple levels informed the dailiness of their lives and struggles.¹³ Their environmental labor as mothers happened in a context of a political economy that dumped unequally, informed unequally, and provided access unequally.

Life in toxic sacrifice zones was the lived experience of African American women whose communities across the United States became this country's hidden dumping ground. Struggling to protect their children from environmental threats, African American women did so in a society where, as Hill-Collins has written, "racial domination and economic exploitation profoundly shape the mothering context."¹⁴ The suffering of women's families in oppressed communities provided the impetus for women's community work. The invisible, unpaid, unrecognized mothering conditions for African American women in their families and communities have sometimes been referred to as the "third shift" or "triple day."¹⁵ If the "second shift" gives voice to women's unpaid labor in the home, the "third shift" gives voice to women's unpaid mothering in their communities. This community mothering, "consists of women's activities to combat racism, and empower their communities to survive, grow and advance in a hostile society."¹⁶

Women's narratives of their toxic waste protest campaigns gives voice to the unjust conditions of mothering in the third shift, and their challenge to these conditions. Their desire to protect their children, and their community's children, from harm, led women to critically reflect on their everyday lives and discover the problem of toxic wastes. This environmental knowledge, derived from their mothering work in the third shift, became a resource of resistance in their political challenge. Through their stories we come to see the conditions of their mothering, their environmental knowledge and labor and development of their environmental critique.

Common Sense Knowledge

Cora Tucker, who fought against siting a nuclear waste facility in Halifax, Virginia, and organized nationally for environmental justice rooted her own activism in her mother's environmental labor:

People ask me when I became an environmentalist. I tell them that I first became involved when I was five years old. We were sharecroppers, and the arsenic powder farmers put on tobacco would make strange things happen. Five year-old girls menstruated. Boys got nosebleeds. My mama liked to keep us from putting arsenic oil in with the tobacco because mama said it'll kill you. She was not into the sciences or anything, but we had these strange bleedings and mamma said it come from the arsenic lead. And then it later came on the radio that arsenic

oil was banned from America because it killed people; and I just cried, because mama said that 25 years ago.¹⁷

Cora Tucker learned from her mother's agency, which was so critical for her own survival and that of her family. Her narrative highlights the type of mothering work that is necessary under conditions of racial and economic injustice. Widowed when she was two, her mother raised seven children in poverty. They never got any welfare because "the white man that we sharecropped with told welfare folks that mother didn't need any welfare, that he would help her with the children." As sharecroppers, Cora Tucker and her family were being forced to work with toxic substances, a reality that African Americans have had to face since the days of slavery. Dangerous and difficult work conditions shaped the dailiness of her mothering experience, which necessitated her making the connection between "the strange bleeding" and her children's exposure to arsenic. No one warned her about the dangers of the poisons used to spray tobacco—there were no label—and she had little control over her work environment or that of her children.

Working and raising children under these circumstances, Cora Tucker's mother used her "mother wit," common sense knowledge rooted in concrete experience viewed as essential for the survival of African American women.¹⁸ "Black women need wisdom . . . for their devalued status denies them the protections that white skin, maleness, and wealth confer."¹⁹ Living by her wits, Cora Tucker's mother recognized the health danger of arsenic and protected her children. Her environmental labor, in this case, meant carefully reflecting on her daily life to protect her family from the health risks of working as sharecroppers. The concrete knowledge derived from her everyday life reveals the standpoint of third-shift mothering, the "extra bundle of tasks" necessary to fight against unjust environmental burdens. In the tradition of African American mothers, she passed this legacy onto her daughter, who made it her life's work to fight on behalf of her children and her community.

Mothers, Othermothers, and Community Activists

Hazel Johnson lived in the Altgeld Gardens housing project in Chicago, where her leadership in environmental justice protest campaigns achieved international recognition. Hazel Johnson's concern about her family and children in her neighborhood led to her leadership

role as a “community mother,” reflecting a more “generalized ethic of care” where African American women view the community’s children as their own.²⁰ Rooting her environmental organizing in her commitment to her family and neighbors, she recounted, “I became involved when my husband died of lung cancer. I was left with seven kids. I really wanted to know what was the cause of so many people in my community having cancer. We had two kids right next door to each other—a beautiful little girl who had tumors on the brain and right next door to her an infant who was born with her brain protruding from her head and she was blind. I wanted to know why so many people have to suffer.”²¹

In certain moments, the environmental knowledge derived from mothering work shifts from the private to the public arena as women became activists in order to preserve their families and community. The process of uncovering the cause of the health tragedies in her community led Hazel Johnson to discover that she and her neighbors were not only exposed to a toxic waste dump but they also were living in a toxic sacrifice zone. This led to her environmental protest:

My community is an all Black community isolated from everyone. We live in a toxic donut. We have seven landfills, a sewage treatment plant, the Ford Motor Company, a paint factory and numerous chemical companies and steel mills and Chem Waste wanted to build one more incinerator here. The river, just a few blocks away from us, is carrying water so highly contaminated that they say it would take seventy-five years or more before they can clean it up. I started calling my neighbors and organizing. I was fifty when I first went to jail.²²

Hazel Johnson described her subsequent environmental activism as a response to the conditions under which she mothered. As a widow and single mother, she worked nights so that she could raise seven children. With few financial resources, she raised her children in a “toxic donut,” where the poisoning of her community by chemical factories and landfills, like the poisoning of her children, was hidden in one of this nation’s sacrifice zones in Chicago, one of the most racially segregated urban centers in the United States.

Hazel Johnson’s concern about her children and others in her neighborhood led to her leadership role as a “community mother.” Othermothers, or community mothers like Johnson, reflect the non-biological concepts of mothering immanent in the African American community as resources of survival. These family structures date back both to African traditions and to a history of slavery and low wage

labor where women needed to create new child care arrangements in a society that did not provide childcare for women who had to work.²³ Hazel Johnson said, “I have a lot of children, [not my own] in the community, and love them all, and even some of the children who have moved to another state, come to the park together every week for old-timers’ day and they visit me . . . they call me mom . . . or Momma Johnson.” She took on this role within the environmental racism movement, too: “Wherever I go people call me the mother of the movement, ever since I was introduced that way at the Summit, and I feel good about it too.”

For Hazel Johnson, the conditions of mothering in the third shift included the poisoning of her community. These conditions informed her environmental labor and made her community’s children at risk for being born with a host of environmentally related health problems. Her agency—her environmental knowledge, community mothering, and activism—was largely invisible in a society that obfuscates the difficult conditions under which African American women mother and their resources of strength and resistance.

Environmental Justice is a Women’s Issue

Dollie Burwell was a leader in her community’s fight to stop the siting of a PCB dump in Warren County, North Carolina in 1982, a protest that catalyzed the movement against environmental racism. Dollie Burwell and the women of Warren County protested injustice on multiple levels—the injustice of putting a dump in a community that was ninety-ninth on the site selection list and did not meet E.P.A. regulations; the injustice of health consequences to their children and their families; the injustice of the further deterioration of the local economy, a consequence of the siting of a PCB dump that led to the relocation of stable, healthy businesses. But Dollie Burwell and other women were also concerned about the additional, invisible burden placed on them as mothers and the additional work they would shoulder in a low income, rural community that had no adequate medical care.

For Dollie Burwell, issues of gender injustice were inexorably intertwined with racial and economic injustice:

We knew women would be affected more than men with a dump. If this dump leaks, women will be the caretakers We already had a high cancer rate, we didn’t have a hospital, we didn’t have a pediatrician in

the county, so we knew it would be women who had to get children to a doctor. . . . There were other reasons too. We felt jobs wouldn't be attracted to the area. We felt the dump was there because we were an African American community. But we also wanted people to focus on this as a women's issue. You will find two to two and two or three women for every man—from fund-raising to everything else, the women are doing it.²⁴

Selected because they were a rural, poor, African American community that no one thought would challenge the dump, women knew that their children would be impacted because of their race. So too did mothers' labor increase, because of their race. African American women were the ones who cared for and suffered for their children and their families' deteriorating health from the siting of a PCB dump with dioxin-contaminated waste that was over two hundred times the EPA limit. In a community with inadequate health care the reality was, and is, that "women are the caretakers . . . we will have to be the ones to find a doctor, we will be the ones to travel long distances."

Dollie Burwell saw her community involvement as a woman's issue. "A lot of justice issues are women's issues, even if it's not out in front. Poverty is a woman's issue, but it's not defined as one. Education is a woman's issue but it's not defined as one." However, for her, a traditional focus on gender alone could not explain women's issues for women of color. "Women of color," she asserted, "do not have the luxury of focusing on women's issues alone . . . we still have to deal with the effect of poverty and racism on our children." In recent years, Dollie Burwell, along with other women in her community, successfully fought for money to clean up the dump and oppose further development plans that would negatively impact on healthy economic growth. Her environmental labor in the "third shift" revealed her additional mothering work as a result of poverty and racial oppression and led her to create a different perspective on her experience as a woman and her subsequent involvement in an antitoxic waste protest campaign.

The narratives of African American women revealed the ways in which their mothering informed their environmental activism in a number of ways. Cora Tucker valued her mother's common-sense environmental knowledge, which protected her children from the poisons they were exposed to as sharecroppers. Hazel Johnson's concern as a wife, mother, and neighbor, led her to discover that her community had become a chemical sacrifice zone. This in turn led to her

subsequent environmental protest activities, and her role as a community mother who was also involved with other issues such as jobs and housing. Dollie Burwell's clear analysis shows how women recognized that they would shoulder the burden of siting a PCB dump in a community with inadequate medical resources. In each case, women's work as mothers informed their environmental labor and consciousness. Through their protest activities women came to include their environmental labor in the third shift as part of their ongoing community work on behalf of racial and economic justice. Experiences of racial, gender, and economic injustice, were now linked to an emerging consciousness of environmental racism. This became a resource of critique and knowledge, which furthered their environmental struggles in the political arena and helped to shape a new environmental movement.

REFRAMING TOXIC WASTES: WOMEN CONFRONT ENVIRONMENTAL INJUSTICE

Just as a tradition of community mothering brought African American women to the forefront of toxic waste protest, so did the lived experience of racial injustice provide an interpretive framework for their environmental labor and protest. The narratives of African American women reveal the ways in which toxic wastes became a metaphor for the relations of power that dumped injustice into their communities, as individual toxic waste issues came to be viewed within the broader framework of environmental racism. The language of environmental racism spread rapidly across the country because it provided women with a name for a familiar experience. Said Ann Parker of Rahway, New Jersey,

When they sited the incinerator for Rahway I wasn't surprised. All you have to do is look around my community to know that we are a dumping ground for all kinds of urban industrial projects that no one else wants. I knew this was about environmental racism the moment that they proposed the incinerator.²⁵

Women's reflections gave voice to their concrete experience and knowledge—not just about a toxic waste facility, but about the multiple (and generally invisible) ways they have been burdened by conditions of racial and economic injustice. They documented industrial growth policies that resulted in their living next to or on top of toxic

waste dumps and other industrial facilities. From the standpoint of African American women, every level of government allied itself with industrial and corporate interests and supported the political disenfranchisement of their people, the exploitation of their property, and the environmental threat to their families in the most racially segregated communities in the United States. Women struggled against governmental and economic policies, which supported racial segregation and the making of their communities into toxic dumping grounds. Their lived experience of racial and economic injustice, combined with new issues raised in the emerging movement, became the lens through which the issue of toxic wastes was interpreted.

“WE COULDN’T VOTE”

Florence Robinson, a well-known activist and biologist from Alsen, Louisiana, has been involved in fighting against the environmental devastation of her community since the 1980s. Alsen, a small town outside of Baton Rouge, is a tightly knit, stable African American community once settled by freed slaves; it sits on the Mississippi River, and might conjure up images of a small, sleepy village along that waterway. Instead, Alsen and other African American communities along the Mississippi River, became home to the chemical industry and its wastes, making up a corridor along the Mississippi River so polluted it is called Cancer Alley. As Robinson described, women, who were historically excluded from the decision-making process, struggled with the consequences: respiratory problems, asthma, keloids on the face, dogs dying, leukemia, and other cancers and reproductive problems that are especially difficult for women in these conservative, religious communities where “women were supposed to have children.”

For Florence Robinson, the political process that disenfranchised communities of color was environmental racism. In the South, the environmental destruction caused by chemical companies was rooted in decades-old economic and political policies that were created during an era when African Americans could not vote, a reality that was enforced by literacy tests and the Ku Klux Klan (KKK).

We had no choice. There was no input from the Black population . . . government said the industrial zone is a proper use, but decisions were made to make this an industrial zone before we could vote, when people were still excluded from becoming educated because there were no schools in the community: . . . and this cuts across class; middle-class

African American communities couldn't vote any more than the poor . . . my mother and my aunt were college-educated, and even went to graduate school, and yet they couldn't pass the literacy test . . . in Louisiana and Mississippi people couldn't vote in the '30s, '40s and '50s, when these decisions were made the KKK made sure you couldn't vote.²⁶

By the time African Americans gained the right to the vote, the stage had already been set. Their communities, zoned for industrial use, had become the industrial capitals of the country, sacrifice zones, which government continued to neglect for years. Near Robinson's home was a toxic waste site so dangerous that it was ultimately declared a Superfund site. As Robinson recounted,

The Baton Rouge Health Department sent a memo to the State Department of Health in 1965 saying there was a potential health threat at a site. This site was so dangerous that it was ultimately declared a Superfund site, but no one told the families that deadly chemicals were dumped in their neighborhood, the family's children used the pit as a convenient swimming hole . . . It wasn't until the mid 80s that fish near the site were found to contain such high levels of toxic chemicals that they were declared unfit for human consumption, but nothing was done to educate the residents about the danger, a few signs were posted, the area is now a superfund site, but many people who live there now have cancer, or have already died of cancer.²⁷

As in Cancer Alley, communities throughout the South shared experiences of discovering that they lived on top of, or next to, a toxic waste dump. This was the result of a political alliance between government and industry that excluded these communities from the decision making process, a process that zoned them for industrial use. Decades later, they lived with the results: their communities had become toxic sacrifice zones. It is commonplace to hear about the disenfranchisement of communities in the United States on behalf of the growth-driven needs of a capitalist economy; not surprisingly, the environment is often sacrificed. However the disenfranchisement of African Americans in the communities of the South took a particular form. As Robinson put it so succinctly, "we were not allowed to vote." In an era of Jim Crow and apartheid housing conditions, the disenfranchisement of African American communities was institutionalized. It was backed up by formal institutions that made voting impossible (the literacy test) and informally by the real or threatened

violence of the KKK. Even after they won the right to vote, the political process continued to exclude their participation in land use and zoning decisions. One consequence of this injustice was clear to these women activists. These policies had resulted in the environmental ruin of their communities and the threat to their health and life. Women recognized the specificity of this process. They believed their experience to be unique and it needed to be named. They understood that this process was one form of institutional racism and they called it “environmental racism.”

Throughout the South, African American communities began this process of discovery as they learned that they lived on top of or next to a toxic waste dump.²⁸ In Triana, Alabama for example, a community where residents had the highest blood levels of DDT in the United States, residents found out in the 1970s that the federal government had been testing “black birds,” but not “black folks.”

Patsy Oliver, who led the fight to relocate her community from Carver Terrace, Texarkana, initially did not know that her community had been built in a one-hundred-year floodplain, on top of an old wood-treating site. Nor did she know that her neighborhood had been studied by the Environmental Protection Administration for years and declared a Superfund site. Oliver and her neighbors learned of this only when told by a citywide environmental group:

I moved into the neighborhood in 1968, little did I know that I was living on a toxic time bomb. . . . Carver Terrace was a nice neighborhood where African Americans could buy nice homes and enjoy the fruits of their hard work . . . it was one of the few places in Texarkana where upwardly mobile and middle-income African Americans could own homes. . . . Life in Texarkana was ruled by Jim Crow. Segregation was the common practice in housing, education, employment, and other areas. We were just thrilled to be able to buy such nice homes in a city long noted for its dismal race relations.²⁹

Carver Terrace was a community of upwardly mobile African Americans, for whom home ownership represented the realization of the American Dream.³⁰ Patsy Oliver, like many other women, discovered that the use of their community as a toxic dumping ground was the “political” price for buying a home in the segregated South. As Laura Westra also wrote of Birmingham, Alabama, African American middle-income homeowners found themselves living in areas where the price of homeownership “without fear of reprisal” was that “heavy industrial zoning was imposed on an area that held captive Black citizens.”³¹

Janice Dickerson, who in 1988 led one of the first fights to have her community relocated from Reveilletown, Louisiana, discussed the price they paid. The environmental threats to their communities destroyed not only residents' health but also "the integrity of a particular African American culture, a way of life."³² Some won relocation settlements, but Dickerson comments that "even though we won, we lost." She and others mourned the cultural destruction of their once tightly knit communities, founded by freed slaves. Community destruction now comes from more subtle forms of racism, says Dickerson: "Again we are the most victimized . . . before it was the KKK, now it's the petrochemical industry."³³

Women's narratives of their discovery of the environmental devastation to their communities in the 1980s led to their grassroots activism and the shaping of the movement against environmental racism. They told of the underside of "legitimate" policies, the illegitimate disasters, and the victimization of their communities in a democratic society that claims to act on behalf of the "public interest." Government-supported zoning and land use decisions, made without community input, led to the industrial exploitation of their land by chemical companies, without regard for environmental and health consequences, without regard for their families. From the standpoint of African American women, environmental racism, in this instance, involved the political disenfranchisement of their people, the exploitation of their property, and the decimation of their culture.

"Income Does Not Protect Us"

Vernice Miller and Peggy Shepard, nationally recognized for their work on environmental justice, first became active in the 1980s around problems that emanated from a sewage treatment plant in their community in West Harlem. Initially sited for the affluent Upper West Side of Manhattan, the sewage treatment plant was moved to West Harlem when a planning agency decided that West Harlem was a more suitable location. But what made West Harlem a better choice? West Harlem is also an affluent community in New York City, which, like the Upper West Side, overlooks the Hudson River. As Vernice Miller put it, "It has one of the largest cultural legacies of African Americans. The Hamilton Heights Historic District, a federally designated historic district, is home to African American professionals and black bourgeoisie. Yet, as Miller said, "Income does not protect us."

West Harlem is an urban dumping ground. It is home to two of New York City's municipal bus depots (seven of the eight municipal bus depots of New York City are in Harlem) . . . the major route of goods and services in and out of New York comes right through the West Harlem community. There is also a solid waste marine transfer station and hazardous waste transfer routes. Now it is also home to a sewage treatment plant. The sewage treatment plant was supposed to be built on the more affluent Upper West Side of Manhattan, but a decision was made that this was not the best land use.³⁴

Like Florence Robinson, Vernice Miller viewed environmental racism as institutionally structured and not reducible to intentional "attitudes" alone. She focused on the ways in which racism was structured into land use patterns, which resulted in urban environmental discrimination and made affluent African American communities such as hers in West Harlem more vulnerable,

The problem is rooted in institutional racism—whether housing policies, provision of social services, or siting of public disamenities, Harlem has been regarded as a low-value area since West Harlem is zoned for mixed use—industry, commercial, and residential. These longstanding zoning policies have set the stage for an unyielding process of disinvestment and environmental racism, which ultimately permitted the construction of the North River Sewage Treatment Plant in this historic community.³⁵

Women knew that there was no exit from these toxic sacrifice zones, except for the very few. Indeed, relations of power and racial discrimination structure land use patterns lock women and their families into segregated communities despite their income level. Where class difference distinguishes white residential communities, the same is not true for African American communities. Income has traditionally been the route out of neighborhoods under assault, "if you are white."³⁶ Writes Robert Bullard, "Residential segregation decreases, for most racial and ethnic groups, with additional education, income, and occupational status. However, this pattern does not hold true for African Americans. African Americans remain the most racially segregated community in the United States regardless of social class."³⁷

Women in the movement frequently talked about the segregated patterns of their communities. Said Dollie Burwell of her rural town in North Carolina,

The majority of African Americans who are middle class live on the same side of town, they may live up the road, but just one or two live on the other side of town. We go to church together, from welfare mothers, doctors, and lawyers . . . my doctor goes to my church, he has more money in his house, but he's in my community . . . in the South that's the way it is.³⁸

A woman from Birmingham, Mississippi, added,

People don't understand the ways in which our communities grow: in the South we were always on the wrong side of the tracks. Because of Jim Crow we merely added on working class or middle class African American neighborhoods to the poor one that already existed.³⁹

These women's experiences of racial segregation challenged attempts by waste companies to reframe the toxic waste debate by claiming that what appeared to be about racial discrimination was really about issues of social class and poverty. According to this view, African American communities were inundated with noxious facilities because they just *happened* to live in poor communities where the land was cheaper. Siting in these communities was economically efficient and therefore a *rational choice*. Women rejected what they saw as a false dichotomy between class and race, a notion of class that erases experiences of racial injustice. For example, a leading organizer in the South said,

Folks don't want to see the race part. It's not either/or. The effect is race *and* class. The only way to move out of being environmentally impacted by toxics is to move into a middle-income *white* community. This is not a possibility for most African Americans. Our communities are mixed income with people who earn between \$70,000 and \$100,000. Race is primary. . . . People of color are disproportionately impacted—and yes it may be more poor people . . . but it's both. Racial injustice has its own force.⁴⁰

The reduction of the deep structures of racism to issues of class, the economy, and rational choice, was rejected by women who saw this as one more attempt to render invisible their experience and the reality of racial injustice. Florence Robinson, for one, wondered if a focus on class was safer and less costly than race, since “there are no anti-discrimination laws for poor people. It's okay to be poor and working-class in this country . . . but there are anti-discrimination laws based on sex, race, and ethnicity . . . and we can challenge them

on these laws.” Women viewed such industry-based studies as a counter assault designed to delegitimize their movement, whose victories had been costly to the waste industry. Government and corporations had to revamp environmental policies, stop building new facilities, and pay enormous financial settlements for community relocation.

Racial discrimination is the common experience and shared standpoint of African American women and their families. Toxic waste, as metaphor, makes visible the broader relations of power that dump injustice into their communities. Focusing on institutional racism makes visible the ways in which these patterns of land use and economic growth do not just happen inadvertently. The environmental devastation of the communities of African American women was the product of economic growth policies that benefit a particular public, shifting the cost of growth disproportionately into African American communities. Not surprisingly, the victims of this growth—those suffering from its health problems and those suffering from the loss of community settled by freed slaves—challenged the objectification of their neighborhoods and its residents and the erasure of their dignity. Women responded to the concrete realities, the not so abstract cost, with their environmental labor and protest in the third shift. Their environmental protests challenged and confronted social relations of inequality and informed their construction of a new environmental critique.

RECONSTRUCTING THE MEANING OF THE ENVIRONMENT

African American women’s grassroots toxic waste protests of the 1980s and 1990s were ultimately about far more than the single issue of toxic wastes. African American women reconstructed the meaning of the environment through their own experiences and grassroots struggles. Women’s mothering work came to include their environmental labor in the third shift, their challenge to unjust governmental and economic actions that produced environmental threats, and their critique of a structure of institutional racism that further exacerbated environmental destruction in their communities through racial segregation and political disenfranchisement. Women’s narratives, as reflections on their own lived experience, protest, and issues raised by the broader movement, underscored the unequal power relations that shape environmental problems and their need to challenge the social relations of power and powerlessness that produced them. They describe the

process by which they constructed the meaning of the environment anew, creating a different angle on the truth, reflecting the ways in which “the environment” was mediated by issues of racial, gender and economic injustice.

The process of shaping an environmental consciousness, however, was not a simple one. Initially women were unable to see the environmental issue as one that related to their own lives and the issue of toxic wastes. As a first step, they needed to reframe the meaning of the environment for themselves. “It was hard,” said Sheila Cannon, “because this was something we had never dealt with in our community—we didn’t know how to get the message across. And then we talked about race.” “For us it was also about the land left us by the slavemaster, the little property we had and not the environment,” said Dolly Burwell. From the start, the issue of toxic wastes was viewed as part of women’s community mothering, their ongoing labor in the third shift. For them, the community was a necessary reference point. As Gwynn Smalls explained, in describing her initial difficulty in relating to her fight against a medical waste incinerator in the South Bronx as an environmental struggle,

I was always involved in my community. . . . From 1985–1990 I worked in the community rebuilding the neighborhood I lived in . . . housing advocacy, crime, and lead, which has always been an issue because of how it affects our children and their learning; but it was never defined as an environmental issue. When we started work on the incinerator I realized how much of what I had done was called environmental activism, and I said “wow, that is what I have been doing—it’s social justice.”⁴¹

Most of the women involved in antitoxic waste protest campaigns had spent their lives concerned with community issues around racial and economic injustice such as education, housing, poverty, and lead poisoning and many had come out of history of prior involvement in civil rights and urban activism. They drew strength and knowledge from these experiences, as well as the wisdom of older women in the neighborhood who held the memories of past injustices. Robin Cannon described her initial response to learning about plans to site a garbage incinerator in her community in South Central, Los Angeles, which she later opposed:

I had seen the way government worked for many years. We had a lot of negative experiences in our communities with government in the first place, we had a lot of experience to gather from, you know. The seniors

in the group would say things like . . . this is just like things were back in the '40s, back in the '50s, when this happened, and this is similar to that. It was the same thing just duplicating itself again. We also learned from previous involvement in redlining and community development issues about inequities in resources and decision-making, and brought that to this protest. . . . This informed our analysis.⁴²

These women connected their protests to the historical legacy of the community work of African American women. This perspective was reflected in Dollie Burwell's address to the historic First People of Color Environmental Leadership Summit held in Washington, DC in 1991, an important marker of the expansion of a people of color movement. Of the women-led protest against the PCB dump in Warren County, she said the women protested "in the same spirit and in the same tradition of thousands of other strong Black women who cooked, fed their families, washed the clothes, went to their jobs and still had the time and commitment to go to jail." So important was this theme that women at Warren County went to jail to call attention to their protest as a "mother's" issue, a focus that they believed was not portrayed in media accounts of their struggle. Their invisibility reflected the general invisibility of the mothering of African American women in a society that historically denied black women the rights, protections, and privileges accorded to white women as mothers.

African American women brought to their toxic waste campaigns, and to the mainstream environmental movement, a standpoint located in a historical legacy of black women's mothering in the third shift, and a commitment to fighting issues of racial and economic injustice. Not surprisingly, the discourse of the mainstream environmental movement and its control over the movement's agenda and resources could not be accepted unproblematically. Under these conditions, the meaning of the environment itself became a contested terrain, reflecting, in part, the ways in which experiences of race, class and gender mediated their different environmental interpretations. Women's narratives reflected their questioning of the power of the mainstream movement to decide which issues should have priority, and their resentment that these organizations assumed that "Blacks weren't interested in the environment," and excluded them from a planning process. Cora Tucker commented that "it was hard for environmentalists to understand . . . it wasn't that the river and lakes and trees, all of the environment was not important to us, but many of the white organizations go after saving the river instead of going after saving our kids . . . they just

don't know . . . it's hard for them to understand. . . . The issue isn't cut in a way that appeals to us." Linking the concept of the environment to that of racial injustice, and later to economic injustice, was an important turning point in the development of the movement. The discourse of environmental racism and environmental justice offered a new language and ideology that became a source of empowerment and resistance in the public arena. It catalyzed the agency of women and men who had not necessarily seen *their* struggles included in the perspective advanced by mainstream environmentalism, reflecting, as George Rudé once wrote, the ways in which oppositional movements appropriate and reshape ideologies that are "in the air" so to speak, and make them their own.⁴³

The development of the ideologies of environmental racism and environmental justice did something else. It opened the movement up to a whole new way of thinking about issues that the mainstream movement had not considered its purview. In the "free space" of this new movement, the meaning of the environment was constructed and reconstructed, and African American women found an arena for their own concerns. In addition, the strong commitment to maintaining a decentralized movement structure composed of regional networks of grassroots groups, frequently led by women, assured the ongoing participation and influence of African American women, and women of color generally, in the ever changing and growing movement structure. In 1991, Cora Tucker anticipated the expanded direction the movement would soon take. Drawing on her past experience in civil rights and community activism she said, "I think we're gonna redefine the environment. We don't work on nothing but the trees; we don't work on nothing but the river. The environment cannot be defined in that sense. So I think that one of the things that we're gonna do is redefine the environment into a multitude of issues like education, civil rights, and so on."

The 1990s witnessed the shift that Cora Tucker anticipated, from a narrow environmental focus to a broader focus on community sustainability. Speaking later in the decade, Robert Bullard explained this new direction, "When a community defeats a facility they still have poor schools and no jobs; we need a broader issue, sustainable communities, jobs, housing, transportation, health, and medical services. . . . Now we want the total community dealt with." Bullard articulated a people of color environmental justice perspective, which was compatible with the concerns and history of African American women laboring in the third shift. The movement for environmental racism and

environmental justice provided a forum that the mainstream environmental movement, even the mainstream women's movement, could not provide; a place where the concerns of African American women on issues such as children, racism, education, and poverty took center stage. Reflecting on her subsequent involvement in community issues around economic justice in the fifteen years after the PCB dump was sited in Warren County, Dollie Burwell commented, "It all intersects. . . . One thing I've learned over the past five years is how inter-related environment, society, and economic justice are. You can't have one without the other. We have to understand, like Dr. King said, your destiny is intertwined with mine."

Environmental racism, and later environmental justice, became for women at the grassroots a legitimating ideology, a moral claim, to hold accountable a "democratic" government to its promise to protect "all" the people from harm, including African Americans and their families. In the 1990s, African American women joined with men and women of color throughout the United States to shape a broad-based multiracial, multiethnic movement for environmental and economic justice, which continues to reflect and support their concerns and standpoint. This movement, in turn, created new ideological and material resources, and a wide range of environmental justice professionals—centers, organizers, lawyers, scientists, planners, doctors, policy makers, and so on—emerged to assist women in their environmental justice struggle for the survival of their children and communities. Rejecting a society that exploits their communities in "the public interest" and the growth needs of a healthy economy, women, through their grassroots protest activities and their subsequent involvement in the broader movement, challenged the underside of a growth-driven economy that victimized them and their families. In the context of a society that rendered invisible the labor of African American mothers in the third shift, and exploits this invisibility; in a moment of history where there were drastic government cutbacks, including the evisceration of public funds and support for their communities; and at a time when the concerns of African American women were marginalized by the ideological and financial agenda and resources of the mainstream environmental and women's movements, African American women helped shape a new movement, bringing into their neighborhoods new resources with which to resist, challenge, and set real limits to the conditions of their labor as mothers, the making of toxic sacrifice zones, and the environmental devastation of their communities.

NOTES

1. Author's interview with Dollie Burwell by phone August. 3, 1997
2. Bryant & Mohai, 1992; Bullard, 1993, 1995, 2005; Timmons, Roberts, & Toffolon-Weiss, 2002.
3. Bullard, 2005; Hamilton, 1991; Kaalund, 2004; Krauss, 1994; Miller, Hallstein, & Quass, 1996.
4. Gilkes, 1994, 2001.
5. Hill-Collins, 1994; Naples, 1999.
6. Gilkes, 1994, 2001.
7. Feminist standpoint methodologies identify subjective experience as a critical source of social knowledge. The subjective experience and knowledge of oppressed groups rests on the assumption that they have subjugated knowledge and perspectives, which are not reflected in the conceptual schemes of dominant groups (Harding, 1987, 1998; Hill-Collins, 2000). Feminist research in social movement theory has also focused on the subjective processes that underlie collective action, examining the important role of subjective beliefs, grievances, and identity in social change (Ferre, 1992; Krauss, 1998).
8. I began interviewing African American women community activists at the First National People of Color Environmental Leadership Summit, held in Washington, DC, in 1991. Over the next six years, I attended national and regional environmental justice activist conferences, interviewed women activists, listened to their conference presentations, and read their newsletters and articles.
9. Giddings, 1984; Gilkes, 1994, 2001; Hill-Collins, 1990, 1994, 2000.
10. Gilkes, 1988.
11. Author's interview with anonymous activist at the *Healthy and Sustainable Communities Conference*, Environmental Justice Resource Center, Clark-Atlanta University, March 21, 1997.
12. Rocheleau, Thomas-Slayter, & Wangari, 1996.
13. Krauss, 1994.
14. Hill-Collins, 1994, p. 77.
15. Hill-Collins, 1994; Mullings, 1997.
16. Gilkes, 1994, p. 229.
17. Author's interview with Cora Tucker at The First National People of Color Environmental Leadership Summit, Washington, D.C. October, 26, 1991.
18. Hill-Collins, 1990.
19. Hill-Collins, 1990, p. 311.
20. Gilkes, 1994, 2001.
21. Author's interview with Hazel Johnson at the *Healthy and Sustainable Communities Conference*, Environmental Justice Resource Center, Clark-Atlanta, University, March 21, 1997.

22. Author's interview with Hazel Johnson at the The First National People of Color Environmental Leadership Summit, Washington, D.C. October 10, 1991.
23. Hill-Collins, 2000.
24. Dollie Burwell.
25. Author's interview with Ann Parker at the New Jersey GREO convention May 15, 1993.
26. Author's interview with Florence Robinson by phone June 9, 1997.
27. Robinson.
28. Wright, 2005.
29. Oliver, 1994.
30. Capek, 1993.
31. Westra, 1995, p. 128.
32. Dickerson, cited in Bryant and Mohai, 1992, 48.
33. Cited in Di Chiro, 1992, p. 115.
34. Author's interview with Vernice Miller in New York City on September 1, 1995. First discussed this issue with Peggy Shepard by phone March, 1991.
35. Vernice Miller.
36. Feagin, 1994, p. 25.
37. Bullard, 1995, p. 79.
38. Dollie Burwell.
39. anonymous activist, Atlanta.
40. anonymous activist, Atlanta.
41. Author's interview with Gwynn Smalls at the New Jersey GREO Convention in New Jersey, 1994.
42. Author's interview with Robin Cannon at the 1993 CHHW Center for Health, Environment and Justice Convention in Arlington, Virginia.
43. Rudé, 1980.

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PART II



CASE STUDIES

BRAZIL, JAMAICA, NIGERIA, GUINEA, SOUTH AFRICA,
INDIA, AND THE UNITED KINGDOM

CHAPTER 4



STRATEGIES OF CONFINEMENT

ENVIRONMENTAL INJUSTICE AND POLICE VIOLENCE IN BRAZIL

Christen A. Smith

Brazil is notorious for its racial paradox: the friction between the nation's alleged racial harmony and the complex realities of racism throughout society. Mediating this tension, as anthropologists João Costa Vargas and Robin Sheriff have argued, is a prevailing silence that cloaks issues of race in popular discourse.¹ This silence constitutes what Vargas calls the *hyperconsciousness/negation of race dialectic*: the tension between the pervasive belief that race should neither be talked about nor addressed and the presence of racial discrimination throughout the country.² Given this paradox, it comes as no surprise that there has been little formal discussion of environmental racism in Brazil (at least within academic circles) until recently.

In 2005 activists and researchers held the First Brazilian Seminar Against Environmental Racism in the city of Niterói in the state of Rio de Janeiro.³ The conference, which highlighted the intersections between the antiracism movement and the quest for environmental justice, featured the voices of black and indigenous activists from across the country whose struggles for self-determination and against racial discrimination have everything to do with the quest to live in a toxin-free environment. Not surprisingly, the testimonies disclosed the intersectionality of racism, violence, and the quest for environmental justice. Activists recounted stories of the multiple forms of violence black and indigenous communities face in the quest for the right to a healthy and clean environment, many of which challenged traditional notions of environmental health threats. For example, at

the Niterói conference, Débora Tanhuare, representing the Coordination of Indigenous Organizations, spoke of the “contamination” of Cintas Largas women who have contracted STDs and HIV. Evaldo Marques Laranjeira, a Kaiowá from the indigenous region of Tey’ikue, denounced the physical violence drug traffickers inflict on community residents on his reservation.⁴As activists of color from around the world have found, issues of environmental justice inevitably tie to a lattice of structural inequities and threats to the right to life, including racism and classism. These inequalities are violently maintained in physical, structural and symbolic ways.⁵ The purpose of this chapter is to contribute theoretically to the growing debate around environmental racism in Brazil by presenting a conceptual sketch of the possible relationship between environmental toxicity, violence, and racism in the nation. This preliminary investigation, based on my research in Brazil, proposes a framework for future inquiry.

In many of Brazil’s black and indigenous communities, the fight for the right to a clean environment entails physical confrontation against those who want unmitigated access to the land, like big agribusinesses and loggers. These individuals and companies use physical force to intimidate those who challenge their authority. The assassinations of organizer Chico Mendes in 1988 and U.S. nun Dorothy Stang in 2005, both environmental activists in the Amazon region, are evidence of this violent terror. However, in addition to the threat of physical violence in the direct conflict around environmental preservation and land rights, there are also other forms of violence these communities face that, while not necessarily explicitly tied to the formal environmental justice struggle, cannot and should not be separated from the question of environmental racism. Environmental toxicity is part of a matrix of racialized violence that afflicts black and indigenous communities in Brazil. It is this interconnectedness that permits environmental injustices to occur. The epistemology of race in Brazil and the matrix of racialized violence marks black and indigenous communities (and black and indigenous bodies) as literal and figurative toxic dumping grounds in the social imagination.

While much recent literature on environmental justice has focused on rural spaces, this chapter takes a theoretical look at the urban landscape. Specifically, I would like to suggest that the urgent threat of urban violence in Brazil’s major cities, the racial discourses that contextualize this urban violence, and the phenomenon of environmental racism are all interwoven questions of survival, and interlocking components of the socio-political landscape.⁶ As a case study, this chapter

investigates police violence (specifically death squad murders) in the city of Salvador, Bahia, as not only an environmental toxin but also a tacit strategy of spatially marking black bodies and neighborhoods as expendable. The enactment of police violence perpetuates the mythical link between crime, marginality, the periphery and blackness in the social imaginary. Consequently, by extension, these acts, even when they are not in direct response to environmental concerns, make environmental injustices socially permissible. Police violence denotes black spaces (like black bodies and majority black neighborhoods) as potential toxic dumping grounds, creating an epistemological regime of truth that dictates the right to life. While there may not always be an explicit connection between the enactment of police violence and the fight for environmental justice across time and space, epistemologically the two are inseparable and should be examined in connection with one another.

In order to situate this chapter's discussion it is important to outline what I define as the racialized toxicity of police violence in the lived environment in Salvador's peripheral communities. In January 2008, military police⁷ officers in Salvador killed four young black men between the ages of sixteen and twenty-one in twelve days. None of these young men were suspected of a crime, but the officers justified their actions by either claiming that the young men were resisting arrest, or by making no justification at all. In response to these incidents and the impunity with which the police routinely kill in the periphery—neighborhoods pockmarked across the literal and figurative margins of Salvador primarily populated by working-class people of African descent—residents from around the city protested in outrage.⁸ The protesters were frustrated by the egregious disregard for human rights black residents (*negros*)⁹ suffer at the hands of the police, particularly within the periphery.¹⁰ This is not the only kind of violence that tinges these communities however. Like other racialized and poverty-stricken neighborhoods around the world, Brazil's peripheries are disproportionately plagued by environmental pollution as well. In places like the *Subúrbio Ferroviário* (Railroad Suburbs), the widest expanse of peripheral communities in metropolitan Salvador, environmental degradation has paralleled the escalation of criminal and police terror.¹¹ The very state apparatus that produces the police forces that often kill young black people in Salvador with impunity also fails to provide adequate water, sewage, trash, and energy services for the neighborhoods on the outskirts, leaving peripheral communities littered with threats to residents' health. It is the peculiar irony of

this phenomenon—the hyperpresence of the state coupled with its egregious absence—that is the focus of this chapter.

This text emerges from my ongoing research on the politics of racial formation, violence and performance in Brazil. I came to the topic of environmental racism and the spatial toxicity of police violence from an unlikely entrée: the theater. From 2003 to 2005, I conducted field research in Salvador with a black activist theater troupe called Choque Cultural. Founded in 1994, the troupe emerged in response to what they considered the racially motivated epidemic of police aggression in Salvador's peripheral neighborhoods. The group uses theater to speak out against various forms of antiblack racial violence. In addition to producing plays and teaching in the periphery, actors also engage in other forms of activism offstage. One of their interests is environmental injustice. For them, there is a seamless link between denouncing police violence and denouncing environmental racism. It is this link, which they articulate, that inspired this chapter.

ENVIRONMENTAL JUSTICE IN BRAZIL

In June 2008 the Indigenous Council of Roraima (CIR) released a video showing armed, hired gunmen firing upon and attacking a Makuxi indigenous settlement in Raposa Serra do Sol in the Amazon region of Brazil.¹² The gunmen were allegedly hired by local farmers hoping to force the Makuxi off of their land, which had already been designated as a reserve by the federal government. The struggles of the Makuxi illustrate why we must talk about strategies of confinement and the multifold politics of violence when thinking about environmental justice and racism in Brazil. Both black and indigenous communities are segregated and isolated by strategies of confinement—like the division of land into reservations, scorch and burn policies, and violent raids by farmers and vigilantes in the Amazon region. Powerful landowners use diverse tactics, either directly or indirectly, to intimidate and segregate black and indigenous communities in order to force them off their land and deny their rights to live in safe and toxin free surroundings. Although the state is charged with protecting these rights, state policies often facilitate abuse, through either neglect or the enactment of parallel forms of violence. The topographical and social marginalization of rural black and indigenous areas facilitate contamination by industrial builders and agribusinesses, as well as the state's neglect of the population's health rights and the impunity of violent criminals. The geographical isolation of these communities

is one excuse used to justify state neglect, but the complex layers of neglect these populations face suggests an isolation motivated by not only location but also racism.

The oldest fight against environmental poisoning and inequality within the territory of Brazil is that of the indigenous population. To this day, environmental toxins disproportionately affect indigenous Brazilians living both on and off reservations. The environmental racism that indigenous communities face parallels the struggles of the *quilombo* community—contemporary maroon societies comprised of the descendants of runaway enslaved Africans.¹³ Fights against agribusiness corporations like Aracruz and the soy plantations that threaten the Amazon, the dumping of pollutants, and the destruction of natural resources by overdevelopment and environmentally irresponsible industrialization, are merely a few of the violations that adversely affect *quilombos* and indigenous people.

While environmental justice scholars from around the world have researched the relationship between race, poverty, and exposure to environmental health threats in places like the United States, few scholars have investigated the association between being black, living in poverty, and environmental injustice in Brazil, particularly within urban environments. However, this is beginning to change. As mentioned at the beginning of this chapter, the First Brazilian Seminar Against Environmental Racism was held in Niterói, Rio de Janeiro on November 28–30, 2005. This national seminar was sponsored by the Sustainable and Democratic Brazil Project (Brasil Sustentável e Democrático [BSD]),¹⁴ and various Black Movement and Indigenous Movement entities.¹⁵ The seminar, whose primary objective was to try to bring the environmental justice movement into conversation with the antiracism movement, united activists and academics from all over the country, and some international representatives like Dr. Robert Bullard.¹⁶ Over three days, seminar participants heard testimonies, presented research, and discussed a comprehensive plan for making the question of environmental racism a priority in Brazil. As a result, coordinators Selene Herculano and Tania Pacheco edited the publication, *Racismo Ambiental* (Environmental Racism, 2006), incorporating the voices of the seminar's participants. The gathering also initiated an effort to map environmental racism across Brazil.¹⁷

On November 26, 2005, Bahia held a state seminar on environmental racism spearheaded by Black Movement activists. Once again, Dr. Robert Bullard was invited, representing the transnational resonance of this topic. In 2006, another seminar was held where the

Mapping of Environmental Racism in the State of Bahia project was launched. Led by the Federal University of Bahia (UFBA), the Bahia mapping project is already underway. This endeavor seeks to chart environmental racism across the state in urban and rural areas. The advent of this project marks an expansion of the discourse on environmental racism in Brazil to incorporate an analysis of urban as well as rural land struggles.

Recent ventures sponsored and backed by the state and the academic community are now institutionalizing the environmental activism black community organizers have done for many years. In 2007, journalist Jamile Menezes Santos of the newspaper *Irohín* interviewed professor, lawyer, and Black Movement integrant Samuel Vida, who helped build the environmental racism mapping project.¹⁸ Dr. Vida noted that despite the recent attention the topic has received, environmental racism has consistently been a platform of Brazil's Black Movement. This tradition is exemplified by the Afro-Brazilian religious community. Religious adherents invest heavily in the conservation of nature and are some of the most passionate environmental justice advocates. The primary spiritual tenets of *candomblé*, a religion of African origin practiced across Brazil since the time of slavery but particularly tied to Bahia, require the maintenance and edification of rivers, streams, trees, forests, the ocean, and other spiritual places. The close connection between the natural habitat and the spiritual realm within this religion elevates the environmental crime of pollution beyond health risk and harm, to spiritual threat. Afro-Brazilian religious followers are not the only black community members that have engaged in this fight however. Quilombos and fishing communities have historically organized around environmental issues as well and have linked their organizing to the battle against racism. These struggles have been entangled with efforts to gain land rights and articulate autonomy. Environmental racism is a long-standing grassroots concern for the black community. What marks the new phase in this fight is the elevation of this concern to the national level, the state and the academy's recognition of environmental racism as a pressing issue, and the integration of the discussion of race into the environmental justice movement in Brazil.

RACE, SPACE, AND POLICE VIOLENCE IN BRAZIL

Although today racism in Brazil is a hotbed issue that is drawing national and international attention, for decades both Brazilians and

the international community alluded to Brazil as a racial democracy.¹⁹ The concept of a *racial democracy* is best defined as a society that is thought to have a spectrum of racial classifications where tolerance and a lack of discrimination prevail. This notion shuns the idea of a rigid binary classification system (black or white).²⁰ However, after decades of scholarship debunking the myth of racial democracy, Brazil now admits racism is a problem and the term *negro* is now widely used in the news media and in popular discourse to refer to Brazilians of African descent who would be classified by the census as either *preto* (dark-skinned or black) or *pardo* (light-skinned or brown).²¹

Brazil's Black Movement—a loose conglomeration of activist organizations united around a shared identity of African heritage and the fight against racism in Brazil—has made significant strides toward highlighting the widespread racial discrimination embedded in Brazilian society and its impact on all Brazilians of African descent (*negros*).²² However, despite scholarship, activism, and a shift in national discourse around the question of race, racial democracy is still a cultural tenet of Brazilian society to which many citizens, including academic and nonacademic scholars, devotedly cling.²³ They make the claim that class, not race, dictates the structure of inequality in Brazil and suggest that any apparent racial inequalities in the country reflect class, not race distinction. Racism tends to be defined as an attitude or ideology rather than a structural problem.²⁴ However, the landscape of inequality reflects structurally embedded racism, informed by a hegemonic racial epistemology that marks black Brazilians as disposable, inconsequential, marginal members of society. Racism directly affects both quality of life and life expectancy for black Brazilians and this racial social hierarchy is inscribed onto the landscape.

To understand the link between the built environment, the urban landscape, racism, and structural violence, we first must understand the map of inequality. The topography of Brazil's urban cities adheres to a racialized class hierarchy that is spatially stratified. Brazil's peripheries are the embodiment of inequality within this geosocial topography. Unlike the United States, Brazil's inner cities have traditionally been the space of the upper class, while outlying areas have been geographically, socially, economically, and racially marginalized. The geographic breakdown of most major cities, such as Rio de Janeiro, São Paulo, and Salvador, from center to periphery, typically reflects wealth distribution from richest to poorest, and race distribution from "whitest" to "blackest."²⁵ This is still generally the case despite recent upsurges in the creation of closed condominiums for the middle- and

upper-middle classes on the outskirts, and the uneven gentrification of urban centers, reflecting a more heterogeneous panorama.²⁶ Considering this complexity, the periphery is much more a geosocial connotation than a sociospatial denotation. Nevertheless, the intricate connection between race, class, and neighborhood has a direct affect on the relative living conditions of working class black Brazilians.²⁷ Not only does class determine Brazilians' quality of living, but race does as well, and all of this is plotted geographically.

Spatial segregation across Brazil also delimits the landscape of violence.²⁸ For example, many of Brazil's peripheral communities experience disproportionate levels of homicide and violent crime. This phenomenon intersects with race, class and gender. In Salvador, the Subúrbio Ferroviário region typifies the demography of the periphery and the crisis of violence.²⁹ It is situated in the western half of the city and expands along the coast of the Bay of All Saints (*Baía de Todos os Santos*) from the neighborhood of Calçada just north of Cidade Baixa to the neighborhood of Paripe to the far north. An estimated 500,000 people live here most of whom, not surprisingly, are working class and black.³⁰

The demographic reality is that the region has one of the highest homicide indices in the city, a factor that contributes to the toxicity of the lived environment.³¹ Sociologist Gey Espinheira and his research team at the Federal University of Bahia have defined physical violence as the "habitus of the peripheral population."³² Those most likely to be the victims of this violence are not surprisingly young black men aged sixteen to twenty-nine.³³

National statistics reveal that young black men are the most likely victims of homicide throughout the nation. The overall homicide rate for black Brazilians is 87 percent higher than that of white Brazilians.³⁴ Black women are much less likely to be the victims of homicide than black men, but they are still more likely to die this way than white women. Black men are thirteen times more likely to die of homicide than black women, and white men are ten times more likely to die of homicide than white women. The overall homicide index for black men is 56.7 per 100,000. For white men, it is 36.7 per 100,000. For black women, it is 4.4 per 100,000, and for white women, it is 3.4 per 100,000.³⁵ All of these statistics underscore the need to factor gender and race into any discussion of violence in Brazil, and emphasize the relationship between the racialized, gendered class hierarchy of the nation and life expectancy.

The interconnectedness of race and class in Brazil is one of the reasons blackness is almost synonymous with poverty in the popular imagination.³⁶ This stereotypical understanding of blackness emerges from the popular epistemology of blackness that circulates widely in national discourse. This epistemology is a hidden racial transcript that associates blackness with poverty, the periphery, criminality, dirtiness, ugliness, and so on. Political scientist Michael Hanchard has noted that in Brazil there exist “*meanings* [Hanchard’s emphasis] attached to purported racial groups [that] are markers that convey the alleged disparities in intellect, industriousness, wealth, beauty, and aesthetics.”³⁷ These “meanings” are hegemonic, and the epistemology of race cannot be dissociated from the criminalization of the periphery in the popular imagination. Anthropologist Teresa Caldeira has noted in her ethnographic work on criminality and the culture of fear in São Paulo that many Brazilians popularly conceptualize the periphery as “dirty,” “criminal,” and “marginal.”³⁸ The notion that race, social hierarchy, criminality, marginality, and space go hand in hand influences the way people imagine the periphery and greatly defines the police’s treatment of this region and the people who live there.

The racial epistemology of blackness in Brazil has a history, particularly when talking about the association between blackness and criminality. Nineteenth-century Brazilian scientist Raimundo Nina Rodrigues, known as the “founder of the new scientific anthropology in Brazil,” wrote extensively on the social biology of race, linking race and criminality.³⁹ According to some, Rodrigues’s ideas on blackness and criminality have continued to influence state policy up to today.⁴⁰ The results of this epistemological link are palpable. In 1988, Michael Mitchell and Charles Wood conducted a study on the link between race and color classification and police violence in Brazil. They found that *pretos*, men of African descent with the darkest skin, are 2.4 times more likely to be victims of police abuse than any other subset of the population across the country even when controlling for socioeconomic factors.⁴¹ Ignácio Cano’s more recent study of São Paulo and Rio de Janeiro echoes Mitchell and Wood’s previous findings.⁴²

The hegemonic racial epistemology that links the periphery to blackness and blackness to criminality, violence and degeneracy fuels police aggression in Brazil. This negative stereotyping, aside from being antithetical to the actual holism of peripheral communities, directly affects how society treats residents in these areas. Fine-tooth comb operations in which the police sweep neighborhoods looking for suspected criminals inevitably target residents with no criminal history,

as well as the “criminals” they seek to root out.⁴³ For example, in 2005, off-duty police officers invaded the Baixada Fluminense region in Rio de Janeiro randomly shooting at passersby. Most of the victims of this crime were shopkeepers, children, and residents sitting in their doorsteps.⁴⁴ More recently, on June 27, 2007, thirteen hundred and fifty Batalhão de Operações Policiais Especiais (BOPE; Special Police Operations Battalion) police officers in Rio de Janeiro invaded the Complexo Alemão, a region of five peripheral neighborhoods in the North Zone of the city.⁴⁵ Police snipers positioned on rooftops killed nineteen people, systematically picking them off from the crowd, while wounding thirteen others.⁴⁶ Snipers came with a hit list in an operation designed to target alleged criminals and drug traffickers. At least one of the victims of the shootings was as young as fourteen years.⁴⁷ Of the nineteen who were killed, Brazilian Bar Association (OAB) representative João Tancredo stated that only eight were associated with drug trafficking.⁴⁸ Police terror subjugates and denigrates peripheral communities not only by targeting these communities with violence but also by stigmatizing them as violent, criminal spaces.

STRATEGIES OF CONFINEMENT

Death squad murders are one of the many manifestations of police-related violence in Bahia’s peripheries. Death squad murders are vigilante-style killings in which suspected “criminals” are rounded up and killed execution style, mostly by off-duty police officers.⁴⁹ Death squad murders represent the quintessential link between police violence and the racialized territorialization of the periphery. Ritualistically, executioners display the bodies of their victims in clear view within the community as a broadcast statement. The meaning of these acts speaks beyond a mere warning against potential criminals. They also demarcate the boundaries of race, class, gender, and inequality along the urban landscape. As such, these acts conceptually inscribe the topography of the city with meaning, mapping certain territories and certain spaces as marginal, criminal, and by extension disposable. In this section, I would like to suggest that death squad murders are one of the many manifestations of violence that racialize space in Salvador. As such, these acts delineate potential toxic dumping grounds epistemologically if not explicitly. Consequently, by understanding how this violence functions, we can begin to think critically about why the periphery can be at once a site of state neglect and a site of state preoccupation.

Death squads are one of the most egregious examples of police-related violence in Brazil. They represent a raced and gendered act of violence that spatializes race and class. For example, according to an article in Bahia's statewide newspaper, *A Tarde*, on July 18, 2001, in the early morning hours of July 17, 2001, residents along the Estrada Velha do Cabrito in the Subúrbio Ferroviário stumbled on the corpses of three young black men. Their shirts had been pulled up over their faces, their hands tied behind their backs with a thick rope, and each had been shot multiple times in the head. The fifth precinct civil police investigators who went to the scene were unable to identify the bodies. *A Tarde* immediately identified this scene as a death squad murder. Most of the physical victims of death squads are young black men, but this does not mean that this violence is only inflicted on male bodies. As sociologist Vilma Reis has noted in her work, the mothers, wives, girlfriends, and children of these young men are also the victims of this violence that compounds both race and gender.⁵⁰ This violence is, in every way, a kind of environmental racism that contributes to the toxicity and deadliness of being poor, black, and living in the periphery.

Not only are young black men most likely to be the victims of homicide, but the most likely to be the victims of death squad murders.⁵¹ Considering this, death squad murders are much more than just spectacular acts against alleged criminals. In the case of Estrada Velho do Cabrito, the victims were placed along a neighborhood road in plain sight. The placement of their bodies said everything about the symbolism of this display. The killers did not dump them arbitrarily. From the picture accompanying the newspaper article, it appears that the murderers placed the bodies on the grass on the side of the road, face up, purposefully in full public view. Espinheira refers to the ways death squads display their victims as "the dead without sepulture," invoking the story of Antigone and the shame and destitution associated with not being able to bury the dead in ancient Greek culture.⁵² He calls death squad executions (and the subsequent display of the bodies in the community) "a public announcement and affirmation, in the communication sense, from death squads that symbolically signifies the public exposition of that person that was made an example [the dead person]."⁵³ He goes on to compare the ritualistic symbolism of death squad killings to similar executions of revolutionaries who protested Portuguese rule, like Tiradentes and Zumbi, whose bodies were dismembered and displayed in public squares as examples to warn others against similar action. However, understanding the frequency with which young black men find themselves to be the victims of police

violence in Brazil, the message of this spectacle is not only a caution against crime but also an act of imbuing bodies and neighborhoods with social meaning.

When the police, either on-duty or off-duty, kill young black people in Brazil and place their corpses back into their communities in plain view, this is an act of separating the body from the whole of the community and reinscribing it with racial and social meaning. In the process of invading peripheral neighborhoods and homes and killing peripheral residents indiscriminately, the police inscribe racial inequality onto the periphery, marking this space as expendable. The fracturing of the body through extrajudicial killing and invasion is a kind of dismemberment that de-individualizes the body and produces a symbolic connection between the body and the space of the community. In other words, not only is this violence enacted upon bodies and communities, but the very act of killing and the spectacle of murder are in turn what partly define these bodies and spaces within the social hierarchy.

A recent article in *A Tarde* reported that Bahia has the third highest rate of death squad murders in the country, preceded only by São Paulo and Rio de Janeiro. According to the United Nations, the number of death squad murders in Bahia has increased 212 percent over the past ten years. This is compared to an increase of 41 percent in Rio de Janeiro and 39 percent in São Paulo for the same period.⁵⁴ The epidemic proportions of this violence indicate their impact, particularly considering the very public nature of the crimes. All police aggression and, particularly, death squad assassinations, through dismemberment, torture, and spectacle, mark the bodies of assassination victims and the communities where they are found. This act of demarcation is also an act of racialization, given the verifiable ties between being black and being a victim of this aggression. Moreover, the ritualistic display of assassinated bodies in death squad murders serves as a tangible link between the structural demarcation of peripheral communities by police violence and the physical demarcation of the boundaries of peripheral communities. When death squads murder young black people and place their bodies back on display in plain view of their neighbors, they reify the divisions between the periphery and center, black and white, poor and rich, citizen and noncitizen, elite and nonelite. These symbolic acts then in part become what allow the state and society to distinguish the periphery and the people who live there, segregating them, isolating them, and dismissing their right to a nontoxic existence.

PARALLELS: STUCK IN THE MUD

To understand why the epidemic of death squad murders might be epistemologically and conceptually relevant to a discussion of environmental injustice, we must first think through the territorialization of inequality in the periphery and its direct connection to environmental toxicity. In working with Choque Cultural in Salvador, from 2003 to 2005, I became acquainted with some of the peripheral neighborhoods of Salvador, including the one where Choque Cultural was founded, Fonte do Capim. Fonte do Capim is a vibrant place where children run and play in the streets and adults hustle along roads going to and from work. However, the upbeat spirit of a sunny day is rarely the kind of scene that makes the news media. The violence of the community is typically what nonresidents hear about. This violence feeds an external image of the neighborhood as dangerous, drug-infested, and criminal. In the eyes of the police, this justifies the use of indiscriminate force. Sixteen-year-old Lucas, one of the young black men killed by police in Salvador in January 2008, was shot in Largo do Tanque, just up the street from Fonte do Capim.

The community's name reflects its ties to the environment. The name, Fonte do Capim, which means "grassy springs," comes from the underground spring that used to provide fresh water and lush grass for the entire neighborhood. Today, however, the underground water is polluted, and the only signs of the connection between the spring and the community are an old, rusted stagnant well, buried under a concrete slab tucked between clustered houses. Only the older residents recall the days when the community relied on the fresh water. Now the name is an ironic contraposition to the poor sewage and water service in the neighborhood. In 2004 when Choque Cultural and I did a video project on the neighborhood, we recorded some of the visible signs of environmental neglect in the community. One was a two-foot-wide gaping hole that extended for several hundred yards along the middle of one of the primary streets that the city had left there for months. When it rained, the hole, which exposed a sewer line, flooded and left the streets filled with puddles of murky water mixed with trickles of sewer waste creating a dangerous blend of potentially disease-filled sludge. It was not until election season that the hole was fixed. In regions like the Subúrbio Ferroviário, the same area where the death squad murder on July 17, 2001, occurred, residents have to contend with polluted rivers and creeks, open sewer lines, flooding streets, inconsistent trash collection, and other environmental

hazards.⁵⁵ These toxicities, police-related violence and pollution, amalgamate.

As many researchers have noted, urban segregation in Salvador, Bahia, not only reflects racial class stratification, but also maps public health and access to resources.⁵⁶ Environmental pollution compounds economic problems. On International Theater Day in March 2004, Choque Cultural participated in a parade hosted by the Popular Theater Movement of the Suburbs (PTMS). The parade was a commemoration and a protest against the lack of infrastructural resources in the Subúrbio Ferroviário. Choque Cultural invited me to join the parade and film the group's participation. As we marched through various neighborhoods, the actors talked with me about the area's environmental conditions. One actor, who is a long-term environmental activist, pointed out the ways the environment had been neglected and polluted over the years. Pollution and neglect had taken a measurable toll. He called me over to a bridge to watch two young boys fishing in a murky swamp. "You see," he said, "even though they know the river is polluted, they fish anyway to try to find food to take home to their families." The two young boys, who seemed about ten and thirteen, had put together fishing materials using plastic line and a piece of cardboard. It was clear to me that the river, or swamp, was polluted, not only because it seemed that the raw sewage from the neighborhood was running into the water, but also because of the plastic bags and other trash floating and sitting on the water's banks. This scene presented a snapshot of the urgency of environmental pollution and its race and class dimensions. Both of the young boys were phenotypically dark-skinned, which I and the people with me interpolated as their being black. Their choice to try to fish there and the conditions of the houses in close proximity said everything about the boys' economic position. Pollution is a constant health threat in the periphery.

The environmental tour of the periphery Choque Cultural gave me was neither the first time nor the last time I would see similar evidence of environmental degradation. I vividly remember the first time I ventured out to visit someone in the community of Terezinha, another neighborhood in the *Suburbio Ferroviario*. It took over an hour to travel by bus from the downtown bus station, Lapa to Terezinha. Along the way I could see patches of the intense vegetation that used to cover this area. Many of the people I know from peripheral communities across Salvador still remember when these neighborhoods were primarily forests. Now, patches of greenery are situated

next to polluted creeks and rivers and neglected trash collection. As mentioned earlier, the periphery suffers continuous neglect by the state. The scene of the hole in Fonte do Capim repeats itself throughout Salvador's peripheral neighborhoods each winter, which is also the rainy season. Each year, the news media feature stories of one or more cases of leptospirosis, a disease that one contracts from physical contact with water contaminated by rat (or other animal) urine. When streets fill with sewage-tainted water, this is one of the unfortunate side effects. The fact that many of these communities do not have health clinics or, if they do, have inadequate health services, exacerbates the environmental health risks posed by this lack of city services. This neglect stands in stark contrast to the hyperpresence of the violence of the state in other forms, like police-related violence. The irony of this neglect becomes tangible when these two seemingly unrelated phenomena are put into conversation with one another, highlighting the need for them to be analyzed in dialogue. What paralleling these two realities (police-related violence and environmental injustice) does is give us the tools to be able to talk about the conditions of racial inequality and violence as interrelated phenomena, thus allowing us to map the ways violence functions according to race, even when an explicit racial discourse may not be present.

CONCLUSIONS

The link between race, space, violence, and the politics of environmental justice in Brazil represents a complex interlay of racialized, gendered, and class violence that compounds the toxicity of the lived environment and impacts the right to life in Brazil's urban peripheries, specifically in the city of Salvador, Bahia. Violence, in all of its forms, is toxic. However, police-related violence is a kind of toxin that plays a unique role in perpetuating the toxicity of the lived environment. In contrast to waste or toxic chemicals, police violence contributes to environmental pollution in the abstract sense by impacting the right to life, territorializing inequality, and inscribing it onto the landscape. The result is that this violence acts as a tacit strategy of confinement that plays a structural role in demarcating the contours of environmental racism. When the police, on-duty or off-duty, kill with impunity or raid peripheral communities, they inscribe race, gender, and class onto bodies and landscapes, labeling these bodies and spaces as disposable and facilitating environmental pollution and neglect.

What is the matrix of violence that permits communities of color to become toxic dumping grounds? Environmental justice activists have proven repeatedly that toxins, pollutants, and substandard living conditions disproportionately affect quality of life and life expectancy for people of color around the world.⁵⁷ Yet, social conditions are only one aspect of the system of subjugation that permits certain bodies and certain spaces to be polluted. In addition to the traditional toxic threats to health and the environment caused by the selective state abandonment of marginalized communities—like little or no access to running water, precarious roads, and health-threatening waste and pollution—state and criminal violence endanger residents who live in these neighborhoods and stigmatize them. However, police violence carries particular relevance to any discussion of environmental justice. It is a tactic of segregation that inscribes certain spaces as danger zones. This exaggerated stereotyping is not simply an act of racialization or class discrimination (although it most certainly incorporates each of these elements); it is also an action that facilitates the poisoning of marginalized peoples within the nation-state. This is particularly the case in Brazil. Like environmental pollution, police violence is spatialized and has everything to do with the process by which the dominant society isolates and controls those it deems “undesirable.” Thus, environmental pollution and police terror are symbiotic and self-perpetuating. We cannot consider the broader social implications of issues of environmental justice anywhere without understanding how classed and racialized matrixes of violence function and produce inequality. None of these elements has been developed and sanctioned in isolation.

Those who work on the politics of environmental justice around the world have increasingly paid attention to the indisputable tie between human rights issues and this global struggle. The untimely violent deaths of environmental activists Ken Saro Wiwa in Nigeria, and Chico Mendes and Sister Dorothy Stang in Brazil, are three striking examples that demonstrate the life-and-death consequences of environmental activism that exceed the boundaries of the after-effects of pollution.⁵⁸ What these murders have taught us is what many environmental justice activists have known for quite some time: we cannot separate the issue of environmental justice from discussions of inequality, marginalization, subjugation, and state control. We need only remember former Harvard University president and chief economist of the World Bank, Lawrence Summers’ now infamous 1991 suggestion to reroute toxic waste to the poorest nations,

to understand how the dynamics of toxic dumping and environmental neglect relate unequivocally to the transnational politics of race and class.⁵⁹ Although those who have examined the global dimensions of environmental justice have tended to concentrate on the racist, classist, and colonialist overtones of the uneven relationship between Western and non-Western nation-states, examining the ways environmental racism reproduces itself at multiple sites within nation-states outside of the United States also speaks to this phenomenon. Understanding what these politics of inequality have to do with transnational epistemologies of race allows us to situate the environmental justice debate within the discourse of global racial politics. The global racial epistemology that allows people of color around the world, particularly in the Global South, to become toxic waste sites, is built on the tenets of white supremacy. This logic suggests that places like the Niger Delta and the coast of Bahia are acceptable trashcans for hazardous waste, because the people who inhabit these spaces are of no import within the global social hierarchy and pose a criminal threat to the tenets of “modern Western civilization.” The construction of communities of color as toxic dumping grounds extends from colonial and imperialist projects that marry racial repression with the struggle for land control. These projects signal what scholars like Francis Adeola have called practices of environmental colonialism.⁶⁰ Understanding how this colonialism functions *within* various societies like Brazil through violent acts like police terror, that reify hegemonic racial epistemologies, segregate spaces and criminalize racial and ethnic minorities, is therefore critical to articulating what we might be able to do to fight this global injustice.

NOTES

1. Sheriff, 2001; Vargas, 2004.
2. Vargas, 2004.
3. Although this was the first national conference held specifically to address the question of environmental *racism*, many of the same activists and researchers that organized the 2005 conference gathered in Niteroi in 2001 for the first conference on environmental justice, at which the relationship between environmental toxicity and inequality was discussed and debated (Pacheco, 2006).
4. Ibid.
5. See, for example, Adeola (2000), and Westra and Lawson (2001).
6. For a comprehensive look at the global politics of genocide and black struggles, see, for example, Vargas (2008).

7. There are three primary branches of police in Brazil: military, civil, and federal police. The military police are typically charged with street patrol and arrests; the civil police are in charge of investigating crimes and the federal police deal with issues pertaining to national security (drug trafficking, foreigners, etcetera). For a more in-depth discussion of the differentiation between the three, see, for example, Caldeira (2000). Throughout this chapter, my use of the term “police” refers primarily to the military police and their interactions with peripheral communities.
8. I prefer the term “periphery” (which translates directly to *periferia* in Portuguese) over “favela” (the popular term used to refer to peripheral neighborhoods). The term “favela” carries negative connotations. It translates into “slum” in English and reifies the negative stereotypes that people often associate with these neighborhoods. Within Brazil, the two terms are often used interchangeably, and “periferia,” even with its own shortcomings, does not carry the same negative weight.
9. Here and throughout this chapter, the term “black Brazilians” will refer to the term *negro* in Portuguese. The term “negro,” has been used by Brazil’s Black Movement to refer to all Brazilians of African descent who carry the phenotypical markings of this heritage, and are discriminated against because of it (see, for example, Fontaine [1985] and Sheriff [2001]). This classification, which evolves out of a pan-Africanist understanding of blackness, is currently widely used and circulated within Brazil.
10. Telles, 1999; Leeds, 1996; Caldeira 2000; Pinho, 1999; Fontaine, 1985; Telles, 2004; Hanchard, 1999; Minority Rights Group, 1995; Hasenbalg & Silva, 1988.
11. See, for example, Khalip and Fonseca (2007).
12. Valle, 2008.
13. Pacheco, 2006.
14. Brasil Sustentável e Democrático (BSD) is a subsidiary of Federação de Órgãos para Assistência Social e Educacional (FASE).
15. Pacheco, 2006.
16. Pacheco & Herculano, 2006.
17. Pacheco & Herculano, 2006.
18. Santos, 2008.
19. Fontaine, 1985; Telles, 2004; Skidmore, 1999; Pierson, 1947.
20. Hasenbalg & Silva, 1988.
21. Sheriff, 2001; Telles, 1999.
22. See, for example, Fontaine, 1985.
23. Vargas, 2004; Turra, Venturi, & Datafolha, 1995.
24. For a more complete discussion of the distinction between an interpretation of racism as ideology and individual attitude versus a structural challenge, see, for example, Omi and Winant (1994).

25. Here I use the terms “whitest” and “blackest” instead of “white” and “black” intentionally to reflect some of the complexity of racial classification in Brazil.
26. Caldeira, 2000.
27. For a more detailed discussion of the connections between race, class, neighborhood, and social hierarchy in Brazil, see, for example, Telles (2004).
28. Soares & Borges, 2004; Espinheira, 2004.
29. Espinheira, 2004.
30. Espinheira, 2004.
31. Paim, Costa, Mascarenhas, & da Silva, 1999.
32. Espinheira, 2004.
33. Espinheira, 2004.
34. Soares & Borges, 2004.
35. Soares & Borges, 2004, p. 29.
36. Michael Hanchard theorizes this connection in his essay “Black Cinderella?” also discussed in this chapter.
37. Hanchard, 1999.
38. Caldeira, 2000.
39. Stepan, 1991.
40. Silva, 1998.
41. Mitchell & Wood, 1999.
42. See, for example, Cano (2000).
43. Cavallaro, Manuel, & Human Rights Watch/Americas, 1997.
44. Amnesty International, 2005.
45. Costa et al., 2007a.
46. Costa et al., 2007a.
47. Costa et al., 2007b.
48. O Globo Online, 2007.
49. Cavallaro, Manel, & Human Rights Watch/Americas, 1997.
50. Reis, 2007.
51. Reis, 2007, p. 3.
52. Reis, 2007, p. 46.
53. Reis, 2007, p. 46.
54. Cirino, 2007.
55. Khalip & Fonseca, 2007.
56. Khalip & Fonseca, 2007.
57. See, for example, Adeola (2000), Westra and Lawson (2001), and Bullard (1993).
58. Adeola, 2000.
59. Westra & Lawson, 2001.
60. Adeola, 2000.

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CHAPTER 5



THE GENDERED DIMENSIONS OF ENVIRONMENTAL JUSTICE

CARIBBEAN PERSPECTIVES

Leith L. Dunn

INTRODUCTION: THE CARIBBEAN GENDER ENVIRONMENT

The chapter has three main objectives: (1) to highlight the importance of gender analysis to the debate on environmental justice; (2) to encourage more academic research and activism on gender and the environment in the Caribbean; and (3) to influence policy makers, practitioners, and advocates to mainstream gender in environmental policies and programs.¹

The term *gender* is often confused with sex but is in reality a social construct that explains the socially defined roles and responsibilities given to women and men in a given culture, location, and society, and these may change over time. Gender roles and responsibilities are influenced by factors such as age, education, social class, income levels, religion, and ethnicity. Gender and development theories argue that the social, economic, and political inequalities faced by women are systemic and increase their risks, vulnerabilities, and development outcomes. These include the risks associated with climate change and natural disasters, such as hurricanes and floods, as well as economic policies. Gender analysis helps to identify gender inequalities that are deeply rooted in the gender system, which is perpetuated by agents of socialization, such as the family, school, church, peers, the media, and public institutions.

The gender system is patriarchal. This results in gender inequality as women have unequal access to power and decision making in the household and community, in the economy and labor market, as well as at the highest levels of decision making in most countries. While men face some forms of discrimination and inequality, overwhelmingly women face disproportionately more forms of discrimination in social, economic, and political life.

Gender Socialization, Gender Roles, and Responsibilities

Socialization ascribes gender roles for males and females that are mediated by class, race or ethnicity, and geography. In the Caribbean, females are ascribed *reproductive gender roles*. This assigns them major responsibility in the family to care for the young, the sick, the elderly, and the disabled. As homemakers, they do the majority of unwaged *work*—that is, work that is essential to sustain the family and the economy but is often not valued as part of national income statistics and is not remunerated. A high proportion of women in the Caribbean also have *productive gender roles*, which enables them to participate in paid employment.²

Women in the Caribbean have a high rate of labor force participation, which, in the case of Jamaica, is approximately 46 percent. This is part of the legacy of slavery where both women and men worked. The reality of a high proportion of working women means that many females have to combine their reproductive and productive gender roles. As a result, they tend to be concentrated in low-wage, low-skilled jobs, experience higher rates of unemployment (currently twice the rate for males in Jamaica), higher rates of underemployment, and seasonal work. The main reason is that these jobs provide the flexibility to combine reproductive and productive work. As an example of the gender disparities in unemployment rates, data from the Statistical Institute of Jamaica (STATIN)³ notes that in April 2007, the number of men in the unemployed labor force was 44,000, or 6.2 percent, while the number of women was 76,300, resulting in a female unemployment rate of 13.6 percent.

The dominant role ascribed to males is that of breadwinner, provider, leader, and protector for the family. As a result of this role, female wages are seen as supplemental to the income of a “male breadwinner” rather than equal to the wages of a male, for work of equal value. However, the Caribbean has a high level of single female-headed households in which the woman’s earnings are the main

source of family income. Even though women are taking advantage of educational opportunities, there continues to be a gender wage and income gap between males and females. Gender roles and gender inequalities contribute to the “feminization of poverty,” which means that, as a group, poor women in the Caribbean are likely to be less well-equipped economically to prepare for and to recover from disasters. The intensity of their gender-related responsibilities also increases with the effects of climate change. For example, rising temperatures, more intense hurricanes, and floods mean that in the wake of a disaster, there is increased risk of malaria and diarrhea from contaminated drinking water, which would increase the workload for women. As an example, for the first time in over fifty years, Jamaica experienced an outbreak of malaria in 2005 and 186 cases were reported. As a result of quick and effective interventions by the health authorities, the outbreak was contained.

ENVIRONMENTAL JUSTICE AND SUSTAINABLE DEVELOPMENT

The term environmental justice embodies the principles of fairness and equality in managing the environment and promoting environmental sustainability as well as sustainable development.⁴ It implies using natural resources rationally, to ensure that successive generations can enjoy their environmental heritage. The Environmental Justice Movement in the United States has focused on building awareness of forms of exploitation and discrimination against people of color and minorities in relation to the environment. These groups tend to be exploited because they have unequal access to power and decision making in managing the environment, as well as matters that affect their environmental health. Environmental justice is therefore aimed at analysis and activism to promote fairness, protection, and the sustainable use of natural, physical, and human resources. This chapter argues that as the majority of people in the Caribbean are of African descent, it means justice for people who are most vulnerable, disadvantaged, and powerless.

CARIBBEAN HISTORY: ITS IMPACT ON ENVIRONMENTAL JUSTICE

The timing of the conference in 2007 coincided with the historically significant commemoration of the two-hundredth anniversary of

the Abolition of the Transatlantic Trade in Enslaved Africans. The region's history of slavery, colonialism, indentureship, independence, and globalization has had a significant impact on environmental justice in many ways and has posed a challenge to environmental sustainability and development.

Commemoration activities in 2007 also focused on the original inhabitants of the region. In Jamaica the indigenous people who were Arawaks who lived in harmony with nature survived hurricanes but were quickly exterminated by European invaders. Commemoration activities in 2007 mainly focused on the abolition of the slave trade, which contributed to the brutal enslavement of African men, women, and children for over three hundred years. There was also focus on the wealth generated from sugar plantations and an unjust system that justified the enslavement of African people by white Europeans to produce sugar for export. The wealth from sugar enabled colonial governments and planters in Europe to create a global trade system, an industrial revolution, and the economic development of Europe. With the abolition of slavery in 1838, indentured laborers were imported from India and China to work on plantations, and this migration has contributed to the region's rich racial and cultural diversity.

Reflections during 2007 also focused on new forms of slavery in the Caribbean, such as human trafficking for sexual exploitation and forced labor.⁵ Human trafficking has its roots in the social, economic, and political inequalities that have persisted over generations that have made thousands of impoverished people desperate for a better way of life. Research studies show that human trafficking is gendered: women and female children are more vulnerable to human trafficking for sexual exploitation while boys and men are more vulnerable to trafficking for forced labor. Human trafficking is also linked to environmental injustice that increases poverty and makes desperate individuals vulnerable to exploitation as they search for solutions to survive.

HUMAN RIGHTS

Environmental justice in the Caribbean must be based on human rights principles outlined in several international conventions ratified by Caribbean governments. These provide a global framework for dialogue on the concept and practice of development as well as the rights of individuals. These conventions also guide programs of action that have emerged from various development conferences in the last few decades. They also promote a rights-based approach to development

adopted by the United Nations, which indicates that state parties (governments) are *duty bearers* and are obliged to ensure an enabling environment in which *rights holders* (citizens) can access their human rights. Some of the relevant conventions include the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which has been ratified by all Commonwealth Caribbean countries. The Convention on the Rights of the Child has also been similarly ratified. Other United Nations Conventions and Plans of Action of importance to gender dimensions of environmental justice include Agenda 21, The Program of Action from the Rio Earth Summit, and its follow-up World Summit on Social Development, as well as the Millennium Development Goals. The human rights framework to promote gender-sensitive and environmentally sustainable development was further strengthened by the Commonwealth Plan of Action for Gender Equality 2005–2015.

GLOBALIZATION: ENVIRONMENTAL IMPACT

The Caribbean is part of the global economy and competes in the unequal global trading system that includes the Global North represented by industrialized countries and the Global South, which includes developing countries like most of those in the Caribbean Basin. The global neoliberal development paradigm, globalization, and trade liberalization all contribute to environmental injustice. The development of countries like Jamaica is hampered in part by high debt burdens and debt servicing, which reduce resources available for development and the promotion of environmentally sustainable practices. Poverty and gender inequality also increase the risk of environmental injustice.

Globalization and Trade Liberalization

Changes in the global trade environment have impacted the lives of people in the Caribbean and have threatened the sustainability and viability of a number of local industries. Environmental sustainability and environmental justice impact on the survival and development of Caribbean people. As people lose their source of income from imports, they are more likely to explore legal and illegal migration and other activities as survival strategies. Many are economic migrants who leave to “greener pastures” in search of better economic and educational opportunities. The changing trade environment also impacts on national, regional, and global security.

Economic Partnership Agreements (EPA)⁶ between Europe and African, Caribbean, and Pacific countries (ACP), present new opportunities and challenges for countries like Jamaica. The EPA is a follow-up to the Lomé and Cotonou Agreements and establishes a framework for trade between ACP countries and the European market. However, the policy of trade liberalization prescribed by the World Trade Organization means that local producers and service providers will have to compete in an unequal “playing field” with international competitors who are more experienced and price competitive because they benefit from economies of scale. Cheaper prices for imported goods in Caribbean markets reduce the viability of local businesses. This new global trade environment severely threatens the survival of local economies and producers. It is also likely to have a negative impact on the environment and on people’s lives. In relation to the latter, the economic fallout and loss of employment or income from the changing trade rules, combined with the effects of frequent hurricanes, means that some men and women are likely to use crime, violence, and illegal drug trafficking as survival strategies.

ENVIRONMENTAL CHALLENGES

Natural Disasters

Environmental justice in the Caribbean context is also linked to what we can refer to as “the other side of paradise.” This phrase describes the challenges associated with climate change. With an increase in the intensity and frequency of natural disasters, such as hurricanes and floods, there are threats to agriculture, food security, health, infrastructure (e.g., roads and bridges), as well as access to basic services (e.g., water and sanitation). Among the environmental challenges are outdated legislation and poor monitoring practices that undermine targets and goals to preserve the environment. High levels of debt servicing also mean fewer resources are available for environmental management to maintain standards. The problem is further exacerbated as few economic and social sectors have mainstreamed gender and therefore most have neither sex disaggregated data nor the relevant analytical skills to interpret the data and plan accordingly.

In Jamaica the most recent major hurricanes affecting the island have been Gilbert (1988), Dennis, Emily, and Ivan (2004), and Dean (2007). When Hurricane Dean struck Jamaica in 2007, there was loss of life, property, and damage to economic and physical infrastructure, such as airports, roads, bridges, buildings, and utilities (telephone,

electricity, water, and sanitation). The disasters also caused major setbacks in education and social sectors.

Vulnerabilities of Small Island Developing States (SIDS)

These natural disasters are common features of countries in the region that are classified as Small Island Developing States (SIDS). The region's geographic location that creates the idyllic climatic conditions that support its globally renowned tourism industry also pose environmental threats, challenges, and vulnerabilities. As previously noted, these take the form of hurricanes, floods, volcanic eruptions, and earthquakes. The annual tropical hurricane season lasts between June and October/November. The region feels the impact of climate change, which is evident in changing weather patterns, such as the increased frequency and intensity of hurricanes (especially in 2004). Flooding is also more frequent. There is also evidence that sea levels are rising as flooding has increased in coastal zones that did not occur previously. Temperatures are also rising, creating fear of earthquakes, which are also part of the vulnerability of SIDS in the Caribbean. While not all earthquakes are as intense as the one that devastated the capital of Montserrat in 1997, there is frequent seismic activity in the region with varying levels of intensity. Rainfall patterns are also more unpredictable with cycles of long droughts and devastating floods that have a negative impact on people's lives.

These changing climatic conditions affect the survival and development of ordinary people and threaten the viability of economic industries, such as tourism, bauxite, and agriculture. The current cycle of hurricanes, floods, increased rainfalls, and droughts impacts the lives of Caribbean residents and visitors to the region. The cycle also impacts members of the Caribbean Diaspora who are dependent on a number of agricultural and other cultural products to sustain their cultural identity while overseas.

GENDER IMPACT OF CLIMATE CHANGE AND NATURAL DISASTERS

The unequal position of women in the Caribbean labor market makes them vulnerable and reduces their capacity to manage disaster-related risks. As previously noted, lower incomes reduce their capacity to prepare and recover from hurricanes. For disaster preparation, they may have less disposable income to purchase emergency supplies of food,

water, wood, and nails to secure their homes or the cost of transportation to relocate to a shelter.

During a disaster, the loss of power supplies and limited water supplies place differential responsibilities as men and women have different needs. Pregnant women close to delivering their child will need to have access to emergency delivery services to ensure safe delivery of the baby and their own health care. Women and girls having their monthly reproductive period will need dignity kits, pads, and water to maintain hygiene. Females in many societies are responsible for providing water to their households and ensuring good supplies of potable water. This is especially important for mothers with young babies and children who are more vulnerable. Females are also more likely to be responsible for the care of the elderly, many of whom require special medication and disposable adult garments if they are incontinent. As the main caregivers for the young, the sick, the elderly, and the disabled, women would perhaps focus more than men on ensuring adequate supplies of food, medicine, water, and access to sanitation. Men's roles as protectors and providers, on the other hand, would be focused on securing the safety of the house, farms, and property against the battering from strong hurricane winds and rising flood waters, being prepared to lift and relocate people, and making emergency repairs when possible.

Women in single female-headed households would therefore be vulnerable without support from neighbors and others. With the feminization of poverty, there may be many female-headed households with poor quality of housing. These households may have to relocate to temporary shelters that are often designated in communities across Jamaica, for example. However, these shelters also come with the associated risk of gender-based violence. Poor, unemployed women may also have limited capacity to relocate, repair, rebuild, and replace their houses as well as material items and rebuild their lives. Single female heads of household in disaster risk situations as those described above, also face the dual responsibility of providing for their family financially in difficult circumstances with limited income.

The gender impact of climate change and natural disasters can mean increased health risks, which implies an increased workload for women who are the main caregivers and home-based nurses. Diseases such as malaria, Dengue fever, and leptospirosis are water-borne. Two are infections from mosquitoes breeding in stagnant water caused by flooding. The other is from water contaminated by broken sewerage systems and rotting materials. Cuts and bruises may have to be

treated at home as roads are impassible, thus increasing the care that women are required to give as part of their gender roles. Disasters also increase the level of stress and tension, which can increase the level of violence, including gender-based violence. Prolonged periods of electrical power cuts may result in reduced supplies of water, inability to use ATM machines and banks to access money, lack of access to petrol, and risks of attack for people using lonely roads after dark.

All risks of gender-based violence are exacerbated during a disaster. Children can become separated from parents or guardians during a disaster and are at risk. Depression may affect men and women in different ways. Men and women who are predisposed to alcohol and drug abuse may overindulge or be irritable or violent if they are unable to access the substance that they need. The exhaustion associated with responding to and recovering from a disaster or coping with the crisis can create conflicts in personal relationships that can increase violence in the home. Women are the main victims of gender-based violence, and the likelihood is that they may be more at risk of abuse during a crisis. This may not only include those who have to relocate to shelters but also those who remain in their houses or communities.

In addition to the losses and dislocation previously described, hurricanes in the Caribbean also contribute to loss of income, employment, crops, and livestock. Hurricanes may also mean longer commutes due to damaged roads and bridges, fallen trees blocking roads, flying objects, or damage to the public transportation.

Examining the gender dimensions of a disaster places issues of environmental justice and injustice sharply into focus. The analysis also challenges mainstream approaches to disaster management, which tend to treat affected persons as a homogenous group rather than groups of women and men of different ages and socio-economic backgrounds, with differential needs and resources. The examples cited above clearly demonstrate that climate change and natural disasters have a differential impact on men and women because of their varied social, economic, and political roles and status. As a result, a gender-sensitive response is essential, to ensure the most effective strategies are used to meet the unique needs of both males and females. A differential wage for males and females also means that a poor female who is single and is head of her household may have less capacity than a male breadwinner who is head of household to cope with a disaster. Depending on their specific social status, they would have varying levels of capacity to purchase hurricane supplies and rebuild their lives after the disaster. Similarly, older males who are outside a family

structure and are living on their own, would need special protection, especially if they have infirmities. Older women are more likely to be living within a household with other members and have access to care so they may be less vulnerable than their male age cohorts and counterparts.

OTHER ENVIRONMENTAL HAZARDS

The environmental justice agenda in the Caribbean also includes the problem of *waste disposal and water pollution* from unsanitary disposal of garbage and other forms of solid waste. Globalization, weak monitoring of environmental laws and the poor disposal of garbage, also result in the uncontrolled use and disposal of plastic bags for shopping, as well as increased waste from popular North American fast foods. Inadequate sanitation infrastructure and poor consumer behavior also result in various forms of environmental injustice. Packaging that uses non-biodegradable materials also poses major health, sanitation, and environmental risks.

Air Pollution

Environmental justice is also linked to air pollution. There are increased health risks that include asthma and other respiratory problems in children, the elderly, and the sick. This pollution increases the burden of care and the workload for women and girls because of gender roles.

Tourism: Gender and Environmental Justice

The Caribbean is a region that evokes many environmentally rich images. Clear blue skies, turquoise beaches, and vegetation with various shades of green create powerful images of a tropical paradise that have been globalized and popularized by the convergence of computer technology and telecommunications. This technological convergence has allowed citizens in diverse regions of the world to view Caribbean tourism advertisements and visualize their ideal escape from the stresses of life. Dunn, in *Globalization, Communications and Caribbean Identity*,⁷ describes the impact of this convergence, noting that “[the] combined development of communications and information technologies” have “brought remote regions of the world into

on-going daily contact, in effect dramatically contracting old concepts of time and distance” (Dunn, 1995, p. xi).

Jamaica’s tourism advertisements on many U.S. cable networks and Internet Web sites, made accessible through this technological convergence, transpose viewers around the world to the tranquility of pristine white sand beaches, which entice viewers to come and enjoy the sun, sea, and subliminal sexual attraction displayed in scantily clad persons relaxing and having a good time. The message is that the Caribbean can restore health, rejuvenate the body, and energize the individual who can enjoy swimming or other water sports in clear blue turquoise waters, rafting on rivers, and climbing cascading waterfalls or blue-green mountains. The environmental images abound with videos of lush tropical green landscapes and a wide variety of fruits and flowers. Other advertisements accompanied by local music introduce viewers to the rich cultural diversity on the Caribbean getaway, its people, food, festivals, folklore, and music forms.

Jamaican hotelier and former president of the Jamaica Hotel and Tourist Association, James Samuels, notes that “Within the Caribbean, tourism is our biggest earner, accounting for a third of total output and a quarter of all jobs”⁸ and that “globalization is driving the tourism industry” (Samuels, 2002, p. xvi). Across the Caribbean, the pattern is similar though to varying degrees; tourism has increasingly become a very important economic sector because of its contribution to revenue generation and employment. The men and women directly and indirectly employed in the industry regard it as an important resource to feed their families and achieve their life goals. The tourism industry thrives on the country’s people as well as the country’s historical, cultural, and environmental heritage. Environmental justice must therefore be seen as a necessary condition to ensure that the tourism industry supports sustainable human and economic development.

Dunn and Dunn (2002), in *People & Tourism*, address issues of environmental injustice and argue for a more harmonious and equitable distribution of resources between locals and visitors. The concept of “community tourism” is promoted. They note the opportunities for cultural exchanges but underscore the increased risks related to sex tourism, as well as the implications for HIV/AIDS. The majority of sex workers are females although there are also men who are involved in transactional sex for survival. This includes the phenomenon of “rent a dread”—dreadlocked men who meet the physical and social needs of female tourists while on holiday. Some form relationships that provide access to overseas visits, marriage, and emigration.

Among the negative effects of this inequality in the living standards of locals in and around tourist resorts and the hotels, are the problems of visitor harassment and crime. Studies on visitor harassment in *People & Tourism* make a link between squatter settlements near resorts that result from unplanned migration to tourism centers. They emerge because of inadequate urban planning for housing, water, sanitation, social, and recreational services for locals, some of whom work in the industry. Instead, the focus is mainly on the development of infrastructure for visitors. This inequality creates resentment and exacerbates the gap between the haves (visitors) and the have-nots (poor locals). These environmental injustices must be addressed to ensure a sustainable tourism product and industry. Employment opportunities, housing, and other infrastructure must be expanded for local women and men in addition to building hotels.

CRUISE SHIPS

Similar to the issues of environmental justice in tourism cited above in relation to long-stay visitors in hotels, there are environmental resources that need to be available to supply the needs of visiting cruise ships and cruise ship passengers who are not overnight visitors. Tourism planners would need to ensure that water resources are adequate to serve the needs of both local residents and visitors. Hotels and facilities providing services to long- and short-stay visitors will need to adopt environmental conservation policies and practices to ensure an adequate supply of resources for both groups. While the concept of “green” or eco- tourism is not new, not enough businesses in the sector have embraced this environmentally friendly policy. Until this best practice becomes more institutionalized, the inequality in access to and use of resources between locals and visitors will continue, as natural resources are finite. The hotel accommodation sector has few *green* hotels that recycle and use natural resources in a sustainable manner.

Another type of challenge that has emerged in Jamaica in recent years has been associated with an increased number of Spanish hotel investments. While these help to expand the number of rooms to accommodate an anticipated increase in tourist arrivals and create employment as well as revenue, the construction of some of these hotels has been fraught with environmental controversies as developers have been accused of breaching regulations. These have evoked strong protests by local environmental groups and other members of the public. Environmental agencies have raised concerns about inadequate consultations with local groups as part of the required

Environmental Impact Assessments (EIAs) conducted by the National Environmental Protection Agency (NEPA).

PEAR TREE BOTTOM

The St. Ann Environmental Protection Agency (STEPA), one of the many local environmental groups across Jamaica, took the Natural Resources Conservation Authority (NRCA) and NEPA to court for environmental violations in the case of Pear Tree Bottom, a community in the tourist parish of St. Ann that is the site of one of the new Spanish hotels.⁹ The lawsuit was brought against the government because of its approval of hotel construction that threatens to destroy coral reefs, which protect the coastline, ecosystems, and fish breeding grounds. This lobby was led mainly by women in the environmental movement. STEPA had raised concerns about the environmental and social impact of the development of the area as early as 1993 before the “Spanish Invasion.” Among the issues raised were concerns about deforestation, threats to natural species of flora and fauna, the impact of clearing the sea floor, and the construction of groynes to endangered species and capacity to manage sewerage, waste water, and solid waste. The social impact concerns related to lack of consultation with the communities affected, exclusion of locals from recreational facilities, the displacement of fishermen, and the absence of housing for hotel workers, as well as a designated space for craft vendors.

GENDER-SENSITIVE, PEOPLE-CENTERED TOURISM

Jamaica has embarked on a long-term planning process, and the main outcome will be a national strategic plan called “Vision 2030 Jamaica: National Development Plan”. Included in the Plan is a program that is gender-sensitive and argues for a safe, secure, sustainable, managed natural environment. The Plan also notes the need for policies and programs to control sex tourism to reduce risk of HIV/AIDS. It promotes “Green” tourism and advocates that priority be given to attractions that are nature-based and linked to culture, heritage, and history.

ENVIRONMENT IMPACT ON KEY ECONOMIC SECTORS

In addition to tourism, environmental justice is also relevant to other economic sectors across the Caribbean. The case study on the bauxite

mining industry in Jamaica makes the point. The rich red ore is surface-mined by a predominantly male workforce using heavy equipment. The ore is processed to produce alumina, then exported to Canada where it is further refined to produce aluminum, a light but strong metal used to build aircraft and vehicles among many other uses.

Environmental justice is equally important to agriculture and agro-processing in the region. The state of the natural physical environment affects domestic food security and agricultural crops produced for export. The latter, for example, includes Jamaica's world-famous Blue Mountain Coffee, which is grown at high altitudes, which accounts for its distinctive and popular flavor and, no doubt, its high cost. The case study on bauxite mining presented below underscores the issues related to the gender dimensions of environmental justice.

CASE STUDY ON BAUXITE MINING IN JAMAICA

Bauxite is one of Jamaica's largest and most lucrative industries. But mining the ore has had disastrous effects on the environment and, more specifically, in those communities where mining is done. Families and communities are affected by the side effects of mineral extraction and processing. These include exposure to caustic soda, contamination of the water supplies, corrosive dust which gives rise to respiratory illnesses, damage to real and personal property, and destruction of livelihood by causing damage to crops and animals.

In recent years, a government proposal was made to mine bauxite in the mountainous Cockpit County. This area includes ancestral lands, and this evoked widespread outrage especially among environmental conservationists who focused their advocacy and public education campaigns on the need to preserve this area of forests with a natural watershed, and one which is an important source for water.

Benefits of Bauxite

Bauxite is Jamaica's main mineral resource and is vital to the country's economy as it makes a significant contribution to the country's economic development. Revenues from a bauxite production levy have reportedly contributed more economically in about ten years than agricultural exports have contributed over three centuries.¹⁰ Bauxite mining contributes approximately 60 percent of the country's foreign exchange earnings. Between 2002 and 2006, bauxite exports also increased from 13,141.8 thousand tons to 14,716.3 thousand tons,

according to the Economic and Social Survey of Jamaica (2006). In addition, bauxite mining accounted for approximately 5.4 to 5.8 percent of total real Gross Domestic Product (GDP) between 2001 and 2006. The total value of exports and foreign exchange earnings from crude bauxite and alumina was US\$1,153.3 million in 2006. In addition, the foreign exchange inflows from the Bauxite Levy, Royalty and other factors were US\$634.3 million.¹¹ In Jamaica, the mining sector (which includes bauxite) accounted for an annual average of 6 percent of the employed labor force (see ESSJ 2006, 21.5).

Despite these economic benefits, there have been concerns that the mining process has several adverse effects on the environment as well as on people's rights, health, and survival. There have been concerns that despite the considerable financial gains from bauxite, relatively little is reinvested in bauxite communities. Ingrid Brown, in an article in the Jamaica Information Service's news bulletin of March 22, 2005, shares information on steps taken to redress this injustice. She notes that the Jamaican Parliament instituted a landmark Cabinet decision in 1996 that established the Bauxite Community Development Program (BCDP), and designated the Jamaica Bauxite Institute (JBI) as the agency responsible for management of the industry. The main goals of the BCDP are the following:

1. Reinvest earnings from the bauxite/alumina industry in the communities located close to mining operations.
2. Implement long-term sustainable projects to generate income and employment.
3. Improve the social and physical infrastructure in mining communities.
4. Improve standards of living and ensure that there is life after mining.

Since 1996, the BCDP has funded several projects: small business enterprises, crop and livestock production projects, agro-processing initiatives, the extension of amenities, such as water and electricity to communities, road repairs and improvements, and skills training courses. While these initiatives seek to address environmental injustices, there remains a lot to be done.

Challenges of Bauxite Mining

Development specialists like myself remain concerned that the economic advantages of mining bauxite outweigh the environmental and health risks to the country, communities, and people affected. They

also pose specific risks for both women and men living and working in these communities. Among the concerns is that Jamaica's limited land mass cannot facilitate the disposal of high volumes of waste material because for every ton of aluminum produced, there is approximately one ton of red mud waste. Mining also results in the destruction of flora and fauna and loss of natural habitat. It also disrupts family and community life because of the necessity to dislocate and relocate communities although mining companies have provided alternative housing, farms, and schools in new locations. These changes increase the financial burden on families who lose income through the destruction of plants and animals.

Mining also causes environmental pollution as caustic soda escapes into the ground water supply and significantly increases the sodium concentration of domestic well water in the rural areas. Sodium is associated with a higher incidence of hypertension, and many Jamaicans are predisposed to this chronic disease. Mining has a noise and dust nuisance and the stench is unbearable, toxic, and increases the risk of respiratory illnesses. Mining also reduces the water retention capabilities of soil. Chemicals in the air corrode and rust corrugated zinc roofs. While both males and females can clean dirty floors caused by leaking roofs, women are more likely to be the ones "assigned" to pursue the clean up operations. Storage bunkers situated close to shorelines run the risk of spillage leading to contamination and destruction of coral reefs and sea creatures.

While these are general factors that impact people in the communities affected, using gender as an analytical tool enables us to identify the differential impact of these factors on females and males. An already burdened female head of household in a poor community would face an increased workload because she has major responsibility for housekeeping, washing, and drying of clothes, and cleaning, as well as the health and nutrition of family members. As previously noted, family illnesses are more likely to be addressed by females than by males, as women have major responsibility for caregiving. The dislocation of community and family life also means dismantling support systems that women use for survival.

CONCLUSION

The Caribbean's rich natural resources support and sustain the region's culturally and racially diverse populations. This case study on gender and environmental justice in Jamaica has provided insight

into the benefits as well as the challenges of living in a tropical paradise that is home to over 2.6 million people, the majority of whom are descendants of enslaved Africans. Jamaica's image of a desired holiday destination for millions of visitors makes it obligatory to protect the environment and promote environmental justice equally for men and women. The country's rich natural vegetation, oceans, and mineral resources coexist with environmental challenges, such as natural disasters, and negative environmental factors associated with the tourism and bauxite industries, as well as disposal of solid waste.

This chapter, on the gender dimensions of environmental justice in Jamaica has tried to provide insights into the gender system, characterized by a patriarchal society in which women have unequal access to power and decision making in social, economic, and political life. Gender inequalities in the household and the labor market increase the vulnerability of poor working-class black women, many of whom live in poverty and are the main breadwinners for their families. Their lived realities limit their capacity to manage environmental hazards and risks.

A necessary condition for environmental justice is an ideological paradigm shift from a neoliberal model of development being pursued by Jamaica and other Caribbean countries to one that is people-centered, participatory, and environmentally sustainable.

As a result of the evidence presented to highlight the importance of gender analysis to the promotion of environmental justice, there is a need for countries like Jamaica to mainstream gender in all development policies, programs, and institutions. The data presented demonstrated the need to mainstream gender particularly in disaster risk management programs as well as in key sectors such as bauxite mining and tourism. This will ensure that the human rights of women are equally respected. The data also show that justice requires equality and fairness for locals, visitors, and investors. Scarce natural resources should not be skewed to benefit one privileged group (visitors) from outside to the disadvantage of locals.

The gender dimensions of environmental justice also underscore the need to ensure more equitable channels for the participation of communities, including both men and women in the decision-making process to ensure that the felt needs and concerns of every citizen are factored into development policies and programs. Partnerships promote empowerment generally but specifically the empowerment of women who face a major gap in representation at the highest levels of the society. Partnerships between civil society groups, academics,

the private sector, and governmental and international agencies can also be built or strengthened around common development objectives. This will ensure a more multifaceted approach to building awareness and advocacy for change and the promotion of environmental justice. Public education and advocacy campaigns to build awareness of issues related to gender and the environment must therefore be culturally appropriate and will have maximum benefit if effective use is made of the wide range of information and communications technologies available. These include music, film, the visual and performing arts, and multimedia technologies available through cable and the World Wide Web.

There is also need for increased political will to ensure that relevant environmental and human rights conventions are ratified and that they are supported by appropriate legislation, and effective institutional mechanisms that monitor progress to achieve key goals and indicators. Finally, policy coherence must also be promoted to ensure that local laws and practices are consistent with human rights conventions ratified and that potential policy conflicts are identified and addressed. These are some of the factors that will ensure that gender inequalities are reduced and eliminated in the campaigns for environmental justice.

NOTES

1. I wish to thank and acknowledge the research assistance provided by Ms. Melanie Gilchrist, a student at the Norman Manley Law School at the University of the West Indies, Mona, in Jamaica.
2. Bailey & Leo-Rhynie, 2005.
3. STATIN, 2007.
4. Sustainable development must be people-centered, participatory, rights-based, gender-sensitive, equitable, and environmentally sound.
5. Ricketts & Dunn, 2007; see also Dunn, 2001.
6. Economic Partnership Agreement, 2008.
7. Dunn, 1995.
8. Samuels, 1995, p. xv.
9. See Lee, 2005.
10. Brown, 2005.
11. ESSJ, 2006, p. 1.

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CHAPTER 6



FROM COLONIALISM TO INTERNAL COLONIALISM AND CRUDE SOCIOENVIRONMENTAL INJUSTICE

ANATOMY OF VIOLENT CONFLICTS
IN THE NIGER DELTA OF NIGERIA

Francis O. Adeola

INTRODUCTION

The Niger Delta of Nigeria has been described as economic powerhouse endowed with abundant crude oil and natural gas reserves systematically being fed to the national and global economies.¹ Paradoxically, the region has not benefited much from its own resource endowment and remains the most impoverished oil-bearing communities in the world. In most part, the Niger Delta has been a volatile environment plagued by violent resource-induced conflicts between various factions over several decades. Conflicts of various intensities ranging from separatist or secessionist movement, the Biafra war (1967–70), intermittent interethnic and intra-ethnic clashes, the struggle for state creation, agitation for local autonomy and resource control, the Ogoni uprising of the 1990s for socioenvironmental justice and self-determination, civil litigation, and the recent growth and proliferation of armed militant groups of various identities, ideologies, and motives, have been well documented.²

Appropriation 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 claims. In most recent years (2005–8), high intensity conflicts have erupted over oil mineral rights, political marginalization, relative and absolute deprivation, and ecological injustice between oil-bearing communities (OBCs) and the multinational oil companies (MNOCs) and the federal government of Nigeria (FGN). Escalation of violence in the region exacerbates human and ecological insecurity. It represents a serious threat to national security, which poses a significant challenge to Nigerian government. How do we account for the unprecedented level of environmental injustice, violence, and social and ecological insecurity in the Niger Delta? Several scholars have grappled with this question offering divergent perspectives.

One school of thought suggests that the contemporary problems in the Niger Delta are deeply rooted in classical colonialism, internal colonialism, and neocolonialism, which are incongruent with the fundamental principles of environmental justice. This chapter explores the intersection of neocolonialism and internal colonialism as products of classical colonialism and how these have engendered chronic and crude environmental injustice, poverty, underdevelopment, and social and ecological insecurity in the Niger Delta. Following this introduction, a background sketch of the shift in the mode of sustenance of Nigerian economy from agriculture to oil dependency is offered. Also, the physical and human ecology of the Niger Delta, the significance of the region, and the dire reality of oil extraction negative externalities for the oil-bearing communities are discussed. Subsequently, the nature, sources of conflict, and theoretical analysis of the Niger Delta problems are discussed, followed by some concluding remarks.

BACKGROUND

From Agricultural Dependency to Oil Dependent Economy

For much of its history, agriculture was the mainstay of the Nigerian economy. During the colonial period and until the first decade after its independence in 1960, Nigeria was the world's second-leading producer and exporter of cocoa and the world's number one producer and exporter of palm oil.³ Other major agricultural commodities produced in large quantities for export included natural rubber, groundnuts (peanuts), cotton, and hides. Cocoa, palm oil, natural rubber, and coffee were the cash crops mostly grown by farmers in the Southern region including the remote, rural Niger Delta area, while groundnuts, cotton, and hides were produced by farmers in the

middle belt and northern region of the country. As noted by Walker,⁴ in 1974 cocoa alone accounted for about 50 percent of total foreign exchange earnings from agricultural commodity exports. Since the discovery of crude oil, however, agriculture has been neglected and relegated to the status of insignificance in its contribution to the economy. Today, agricultural production has declined precipitously as oil industry became the key source of revenue for the country.⁵ In the Niger Delta, the once booming palm oil industry has been totally eclipsed by crude oil industry.

The history of oil and gas industry in Nigeria is relatively young (approximately fifty-one years old). Oil exploration, marketing, and distribution can be traced back to a German company, the Nigerian Bitumen Corporation in 1907 and 1908. The Royal Dutch Shell Consortium (then known as Shell D'Arcy Petroleum) was the first to find crude oil in substantial quantity in the Niger Delta.⁶ A more serious discovery was not made until 1938, and a major discovery of crude oil in commercial quantities occurred in 1956 at Oloibiri, a small village in Bayelsa state in the Niger Delta.⁷ The first commercial oil extraction installation took place in Oloibiri, and subsequent installations were erected in other rural communities of Bomu, Ebubu, and Afam, all in the Niger Delta. Production of high quality crude oil (known as Bonny Light Sweet Crude due to its low sulfur content for easy refinery) followed in 1958 with about 1.88 million barrels produced. In exponential fashion, production increased to about 10 million barrels in 1965 and to 559 million barrels in 1971. By 1979 to 1980, production was at about 845 million barrels.⁸ Between the mid-1950s and 2005, about 5,284 oil wells have been drilled in more than 1,500 communities in the Niger Delta. In addition to Shell Petroleum Development Corporation (SPDC), other multinational oil companies operating in the Niger Delta include ExxonMobil, ChevronTexaco, Agip, Total, and Elf.

Replacing agriculture, crude oil has become the mainstay of the Nigerian economy. The country has become an oil dependent mono-economy with the government relying mostly on revenues from oil production and exports. This development has led to what some scholars called the "Dutch Disease." Coined after the experience of The Netherlands in the 1960s, Dutch Disease (DD) is defined as the paradoxical deleterious consequence of a natural resource boom on other sectors of the economy of a nation.⁹ Increased exports of natural resources cause an appreciation of a country's real exchange rate, thereby moving its productive resources away from tradables such as

manufactured goods.¹⁰ With the oil and gas industry crowding out investment in other sectors of the economy, especially in agriculture (the original mainstay of the economy), Olusi and Olagunju confirm the existence of DD in Nigeria.¹¹ The oil and gas industry now accounts for about 85 percent of the GDP, over 80 percent of government revenue, 95 percent of export receipts, and more than 90 percent of foreign exchange earnings.¹²

The Physical and Human Ecology of the Niger Delta

A brief overview of the physical and human ecology of the Niger Delta is useful for understanding the nature of this fragile ecosystem that represents one of the bedrocks of global capitalism. It is located within latitude 4°N to 6°N of the Equator and longitude 4°E to 8°E of the Greenwich meridian, which corresponds with the southern delta tip of Nigeria (see Figure 6.1). The Niger Delta is considered one of the largest wetlands in the world, encompassing over 14,000 square miles (or 36,000 square kilometers) of marshland, floodplain, creeks, tributaries, and lagoons that drain the Niger and Benue Rivers into the Atlantic Ocean. Sedimentary deposits from the flow of the two rivers, over the years, have created a vast floodplain. Four ecological zones can be recognized within the Niger Delta—coastal barrier islands, fresh swamp forests, mangroves, and lowland rainforests—all high in biodiversity and rich in crude oil deposits.¹³ The region is home to exotic plant and animal species, many of which are now endangered by crude oil extraction operations. Given the topography and geomorphology of the area and high precipitation, the Niger Delta is prone to annual flooding with about 80 percent of the area flooded every year. The balance of nature of this fragile ecosystem has been negatively impacted by different phases of petroleum exploration, production, refining, and transportation activities.

Currently, crude oil is produced in nine states within the Niger Delta: Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, and Rivers (see Figure 6.1). However, Bayelsa, Delta, and Rivers are regarded as the original core Niger Delta states where anti-oil protests and violent conflicts are more rampant. The total land area of the region is estimated at 75,000 square kilometers with 185 local government areas.¹⁴ However, the nine states that make up the Niger Delta politically span about 112,111 square kilometers. The region is diverse culturally, ecologically, ethnographically, and linguistically. The Niger Delta is home to more than ten million people of diverse



Figure 6.1. Map of Nigeria showing the thirty-six states, including the Federal Capital and the Niger Delta. The oil-bearing states include Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, and Rivers.

ethnicities including those now considered ethnic minorities, such as the Ogonis, Itsekiris, Urhobos, Isokos, and Ikwere among the communities of the Ijaw. Beside significant oil reserves, the region is rich in biodiversity and contains the world's largest wetland, with extensive freshwater swamp forests.¹⁵ The remoteness of the region coupled with rough topography limited people to small rural community settlements. The United Nations Development Program (UNDP) has estimated 13,329 settlements in the area with about 94 percent of the settlements having populations of less than 5,000 inhabitants.¹⁶

While violent conflict has been ubiquitous in the Niger Delta since the European penetration in the 1400s, the characteristics and intensity of contemporary conflicts connected to oil production in the area are different. Almost twenty-five years of unrest in the Niger Delta region have escalated into different factions of armed insurgency vying for local control of the oil wealth. Today, there are scores of heavily

armed insurgents against the oil industry in the Niger Delta, including radical youth organizations such as the Pan-Niger Delta Revolutionary Militia, Federated Niger Delta Ijaw Communities, Movement for the Survival of Ijaw Communities (MOSIEN), the Niger Delta Oil Producing Communities, and ethnic militias including the Egbesu Boys of Africa (EBA), the Niger Delta Volunteer Force (NDPVF), and the Movement for the Emancipation of the Niger Delta (MEND). Some of these groups take on the character of traditional religious cults with strong primordial ties to local communities. Kemedi (2006) has attempted a typology of actors involved in the enterprise of violence in the region as he distinguished between youth gangs, militia groups, and cults. Gangs are at the lowest level of hierarchy, while militias and cults are at the top of pecking order in terms of grassroots legitimacy, weaponry, sophistication, leadership, and organization. Cult groups are described as secretive, brutal, and the fastest growing in terms of membership recruitment, taking over whole communities and major institutions.

As pointed out by Ikelegbe,¹⁷ there has evolved an economy of violent conflict, characterized by bloody struggles over oil resources, creating conditions of anarchy, illegal appropriations, and use of coercive force and the consequent insecurity. The numbers and level of sophistication of criminal gangs have grown phenomenally, and are increasingly fed by rackets of illegal oil bunkering and gun running. Unemployed youths are often recruited by gang leaders and equipped with lethal weapons to carry out attacks against oil structures, expatriate personnel of MNOCs, and other targets.

The Significance of the Niger Delta

The bulk of the Nigeria's vast oil resources are concentrated in the Niger Delta where about 90 percent of oil fields are located. Undoubtedly, the Niger Delta is increasing in strategic importance as a source of crude oil outside the conflict-riddled Gulf region in the Middle East. With oil discovery and its associated problems, the Niger Delta has been changed, from a relatively remote, rural region to one of strategic geopolitical and economic prominence at the national and international levels. However, compared to other oil producing nations (OPNs) and other members of the Organization of Petroleum Exporting Countries (OPEC), oil wealth has failed to translate into improving the standard of living and material well-being of most Nigerians and especially the citizens of the OBCs.

As shown in Table 6.1, Nigeria is currently ranked number eight among the top ten OPNs in the world, and as the sixth largest producer of crude oil among OPEC members. The country is at present the largest oil producer in Africa and one of the leading oil producers in the world, with significant oil and gas reserves for future production and export. Furthermore, it is currently the fourth largest oil supplier to the United States.¹⁸

As shown in Figure 6.2, the United States accounts for about 40 percent of Nigeria's crude oil exports in 2006. Other countries that received significant oil supply from Nigeria during the period include India accounting for 13 percent, Brazil and France each with 6 percent, Spain and Italy with 5 percent and 4 percent, respectively, of the share of total oil exports. Few other countries (shown in Figure 6.2) received 3 percent or less of the total exports in 2006. Therefore, a calm and peaceful environment in the Niger Delta is in the best interests of the United States and the world. The presence and long-term commitment of several MNOCs in the country is another reason why the developments in the Niger Delta and Nigeria are of strategic interest to many Western nations including the United States. From Nigeria's standpoint, the Niger Delta represents the powerhouse of the Nigerian economy, in light of the fact that oil resources account for more than 90 percent of the foreign exchange earnings, about 80 percent of government revenues, and approximately 40 percent of the gross domestic product (GDP).¹⁹

Table 6.1. Selected social indicators of top 10 oil exporting countries in the world, 2006

Country	Oil exports (thou. barrels/day)	Per capita GNI	Poverty rate (in U.S. dollars)	Life exp.	CLI rate
1. Saudi Arabia	8,651	11,770	n.a.	72	7
2. Russia	6,565	4,460	30.9	65	5
3. Norway	2,542	59,590	6.4	79	1
4. Iran	2,519	2,770	7.3	69	6
5. UAE	2,515	17,870	15.9	78	5
6. Venezuela	2,146	3,490	31.3	74	5
7. Kuwait	2,150	24,040	n.a.	77	5
8. Nigeria	2,146	560	43.0	45	5
9. Algeria	1,847	2,730	12.2	71	5
10. Mexico	1,676	7,310	37.1	75	3

Note: CLI = Civil Liberty Index (measured on a scale of 1 = most free to 7 = least free).

Sources: EIA: International Energy Annual, International Petroleum Monthly (2005–2006); http://www.eia.doe.gov/emeu/cabs/topworldtables1_2_files/sheet-001.htm; The World Bank, World Development Report, 2007; UNDP, Human Development Report, 2006.

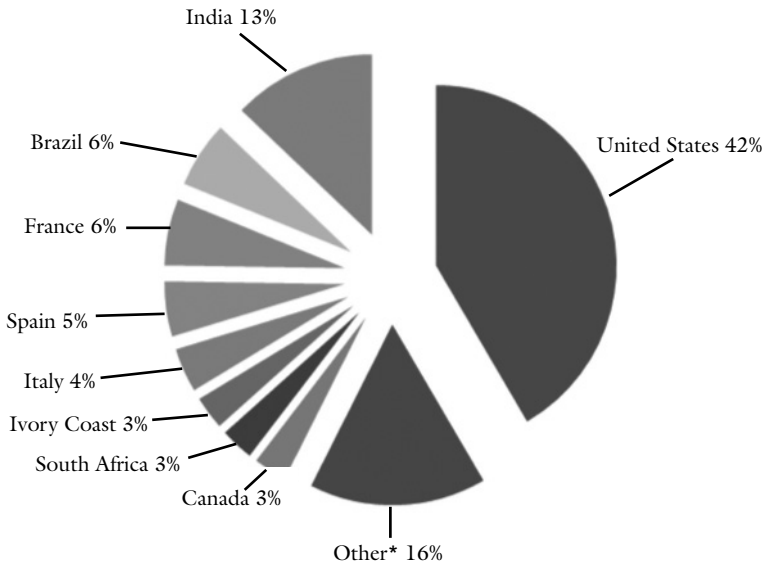


Figure 6.2. Distribution of Nigeria's crude oil exports by country, 2006.

* Includes Netherlands, American Virgin Islands, Japan, Ghana, Chile, China, Germany, Cameroon, South Korea, Portugal. *Source:* EIA.

Poverty in the Midst of Oil Wealth: Resource Curse or Blessing?

Despite its position within OPEC and among the top ten major oil exporting countries in the world, Nigeria remains the most impoverished among OPEC members and high-ranking OPNs. Available social indicators, displayed in Table 6.1 for OPEC members and high-ranking OPNs, show that Nigeria has the lowest per capita income, shortest life expectancy, and highest poverty rate. Thus, empirical evidence reveals that the masses have not benefited much from the revenues accruing from oil production and exports over the past fifty years. Welch notes²⁰ that while Nigeria has received billions of dollars from crude oil—most of which has vanished into the national and international economies or private accounts without benefiting most Nigerians, very little oil revenues have trickled down to the areas of extraction in OBCs of Niger Delta. Furthermore, the indigenous cultures, including their customs and traditions, have been destroyed. In some instances sacred lands were breached or violated by reckless

oil exploration and production activities.²¹ While poverty is endemic in Nigeria in general, the people of the Niger Delta in particular exhibit higher incidence of poverty and conditions of deprivation attributed to MNOCs oil and gas activities, and to the corresponding treadmill of reckless oil spill, gas flaring, destruction of agricultural lands, fish kills, decimation of priceless totemic species, water pollution, deforestation, and misappropriation of communal lands by the oil industry. People originally subsisting as hunters and gatherers, horticulturists, and fishermen or women have all been displaced and impoverished by Shell and other MNOCs operating in the Niger Delta.

Table 6.2 shows the poverty rates among the nine oil-bearing states within the Niger Delta in 1996 and 2004 (the two years for which data were available at the time this chapter was written). Two different measures of poverty are shown for 2004—the percent in poverty and the percent of people living on less than 2,900 calories a day. The latter seems more reliable, and the table shows clearly that the majority of Niger Delta states are above the national average in this particular measure of poverty. However, the existence of poverty remains paradoxical among the OBCs, where more than 340 billion petro-dollars have been earned. As noted by Aaron,²² no region has ever been so rich in resources, but yet so poor (by not benefiting from its resource endowment) than the Niger Delta. Despite its enormous contribution to national and international wealth, the region remains the poorest among key oil producing countries in the world.

In the OBCs of Oloibiri, Ebubu (an Ogoni village), and Iko (in Bayelsa, Rivers, and Akwa Ibom states respectively), mud-and-thatched huts, “mud houses”—constructed of wood, bamboo, and mud with

Table 6.2. Poverty rates in the Niger Delta oil-bearing states (1996, 2004)

State	Percent in poverty		Percent on < 2,900 calories
	1996	2004	2004
Abia	58.6	30.0	32.4
Akwa Ibom	72.3	39.9	50.8
Bayelsa	44.3	25.6	33.3
Cross River	66.9	41.6	55.0
Delta	56.1	45.4	64.5
Edo	56.1	33.1	47.0
Imo	56.2	27.4	28.1
Ondo	71.6	42.1	47.3
Rivers	44.3	29.1	46.4
Niger Delta	57.9	42.9	28.8

Source: National Bureau of Statistics (2005, pp. 69, 70).

raffia palm frond roofs—are the most common, which are symbolic of the extent of poverty in these communities where several billion dollars of petroleum have been extracted. Streams and the open creeks remain as the primary sources of drinking water in some parts, while poorly constructed boreholes are the main sources of water supply in others. Poor roads, lack of modern infrastructure, and abandoned derelict structures by oil companies are common in these communities, especially in Oloibiri and Ebubu, where oil wells have been drained or exhausted. The lack of economic development in many OBCs of the Niger Delta is emblematic of the “resource curse”—the notion that mineral-dependent states tend to fail to capitalize on it to achieve economic development, with resource-dependency ultimately causing more harm than good. As pointed out by several analysts, oil and other mineral dependency becomes a curse, not only in terms of creating economic underdevelopment, but also in terms of precipitating the risks of violent conflict, increased inequality, more corruption, repression, ecological destruction, and human rights abuse.²³ The fact that oil-dependency, rent-seeking, and oil-induced political conflict often lead to fractionalization of interests at the local, regional, and national levels leading to overproduction, rapid exhaustion of the mineral, and destruction of the oilfield has been pointed out by Shaxton.²⁴ The concept of “the tragedy of the commons”—the destruction of potentially renewable resources jointly owned such as forests, arable lands, fresh water, marine species, etc., in the course of production of nonrenewable crude oil, is quite applicable to the Niger Delta situation. When all the effects of ecological destruction, human misery, DD, violence, and acute and chronic health problems associated with oil exploration and production in the Niger Delta are taken into account, the net effect suggests that oil endowment has been a curse rather than a blessing for the OBCs.²⁵

THE ENVIRONMENTAL IMPACTS OF OIL AND GAS EXPLOITATION

Crude oil production is basically a dirty business that generates and releases environmental hazards at different phases from cradle to grave. The entire oil-bearing areas in the Niger Delta are socially constructed as “a minefield” by MNOCs and the government.²⁶ Therefore, negative externalities in the forms of oil spills, toxic waste dumping, and emissions of noxious gases into the environment are considered “normal hazards” to be expected in the course of petroleum production.

The major environmental impacts of oil and gas activities on the Niger Delta environment from exploration to extraction, refinery, and transportation can be summarized as follows:

- Deforestation—Forests are cleared during oil exploration, and access roads, navigable canals, pipelines, and oil wells are constructed without regard to environmental protection; SO₂ (sulfur dioxide) and NO₂ (nitrogen dioxide) released into the atmosphere contribute to acid rain and deforestation.
- Toxic waste dumping—Oil residues and other wastes are dumped into the rivers, wetlands, and the sea or in open oil wells that kill or contaminate fish and other marine species. Consumption of fish high in mercury and other heavy metals has been linked to serious health problems in humans.²⁷
- Destruction of soil and water—In the process of laying seismic lines for oil exploration and construction of access roads and canals, hydrological equilibrium is disturbed and the soil is damaged beyond regenerative capacity.
- Frequent oil spills and leakages—Major oil spills occur on a regular basis in the Niger Delta without due accountability and cleanup. Also, oil leaks from improperly maintained rusty pipelines into agricultural lands, wetlands, and rivers rendering them barren. Available data show that between 1976 and 1999, approximately three thousand oil spill events were reported by the oil companies operating in Nigeria, which translate into more than two million barrels of oil spilled into the environment without a comprehensive clean-up efforts. Since the majority of people in OBCs depend on agriculture and fishing, their livelihood is often destroyed and that fuels the anger against the MNOCs. High-pressure oil pipelines laid across Niger Delta villages and towns transporting crude oil, motor spirits, diesel and gas, rupture quite frequently either by defect or vandalism, causing oil spills and forest fires that destroy arable lands, crops, forests, aquifers, human lives, and wildlife.²⁸
- Gas flaring—More than 76 percent of the gas released during oil extraction in Nigeria is flared (i.e., burned), making the country number one for gas flaring in the world. Gas flaring plants are in close proximity to people's residences, and the flaring is carried out day and night with continuous lighting in certain areas. The emissions of SO₂ and NO₂ into the environment have been linked to adverse health effects among the residents of the OBCs. The emissions of CO₂ (carbon dioxide) and CH₄ (methane) contribute

- significantly to global warming and the greenhouse effect, and the emissions of SO₂ and NO₂ significantly contribute to acid rain.
- Health problems—Gaseous pollutants, oil spills, and dumping of toxic wastes have adverse health effects on resident population of human and nonhuman species. Among the health effects of gaseous pollutants and persistent organic pollutants released in the course of oil production, processing, storage, and transportation are headaches, eye and skin irritation, dizziness, liver disease, cancer of various sites, birth defects, embryo toxicity, and reproductive disorders.²⁹ People who live in the immediate vicinity of gas flaring and oil production facilities are now registering in growing numbers health problems previously unknown to their communities.

THE NATURE AND SOURCES OF CONFLICT IN THE NIGER DELTA

Figure 6.3 illustrates the three axes of violent conflicts in the Niger Delta. The unholy alliance between the Federal government and MNOCs (in the form of 60/40 joint ownership of oil ventures) is directly linked to gross environmental degradation and disregard for environmental laws and human rights by the MNOCs. The perceived

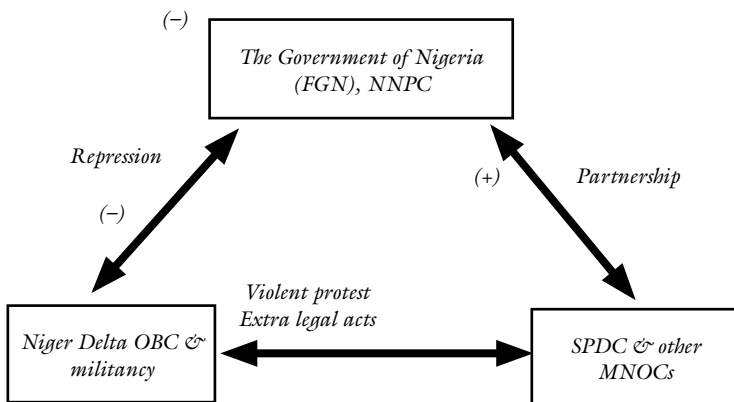


Figure 6.3. The Axis of Violent Conflict in the Niger Delta of Nigeria

Key: OBCs = Oil bearing communities; SPDC = Shell Petroleum Development Corporation; MNOCs = Multinational Oil Companies; NNPC = Nigerian National Petroleum Corporation; FGN = Federal Government of Nigeria.

lack of corporate social responsibility by the MNOCs and the entire oil industry, the extent of environmental destruction including oil spills, gas flaring, and the decimation of farmlands and fishing waters—the basic modes of subsistence of the indigenous population of the Niger Delta—and the lack of adequate compensation, have caused anger, frustration, and violent conflicts between the oil-bearing communities (OBCs) and the MNOCs and the state. Instead of acting as a neutral body, mediating the disputes between the OBCs and MNOCs, by the virtue of its joint venture with the latter, the state has become part of the problem rather than part of the solution. Thus, the state uses excessive military force to suppress public protests against activities of the MNOCs. Furthermore, given the extent of marginalization, military repression, and other tales of human rights violation by the state, many members of OBCs now have less confidence or trust in the government as an impartial mediator of the conflict.

Frequent violent attacks on oil installations and personnel of MNOCs and clashes between militant groups and the Nigerian Army have been reported in the media.³⁰ For instance, between December 2005 and April 2007, episodes of violence occurred in the Niger Delta. These included frequent oil pipeline vandalism, kidnappings, and militant takeover of oil installations. Among the demands of militant insurgents were greater revenue sharing of the oil wealth, increased control of oil property at the local level, the release of militant prisoners, and transparency of the government budgets. The country has suffered an estimated loss of sixteen billion dollars in export earnings due to shut-downs in crude oil production. The escalation of violence in the Niger Delta has been a major concern among the citizens, government, nongovernmental organizations (NGOs), and the world community. It has attracted the attention of scholars, human rights and environmental justice activists, and social development advocates.³¹ The U.S. Department of State has recognized the Niger Delta as a breeding ground for various acts of terrorism. A culture of state repression, marginalization, and corporate violence has precipitated popular resistance, anomie, criminal violence, smuggling, illegal trading of crude oil, and proliferation of sophisticated assault weapons.³² More than 1,500 deaths and thousands of casualties, caused by oil-related violence in the Niger Delta, are reported annually. The United States is particularly concerned about the escalation of violence in the area because it poses a major threat to the supply of much needed crude oil from Nigeria. Several transnational human rights and environmental organizations, such as Amnesty International, Greenpeace,

the Geneva-based Unrepresented Nations and Peoples Organization, Rainforest Action Group, and the United Nations, have also recognized the Niger Delta as a place where the worst kinds of ecological destruction, oil spill, gas flaring, and egregious violation of human rights occur with impunity. The Royal Dutch Shell Corporation and other MNOCs have been directly implicated in the worst form of environmental injustice since they began oil production in the fragile ecosystem of the Niger Delta. Thus, a complex of neocolonial imperialism and rent-seeking behavior of the state through internal colonialism and the use of the military as an instrument of force to resolve oil extraction disputes in the OBCs are directly linked to the volatile situation in the entire Niger Delta region.

Crude Environmental Injustice

The term “environmental injustice” implies any undue or undeserved imposition of environmental harm on innocent bystanders who are not directly involved in the industry or market operation generating such harm. It also involves the failure to include minority communities in decisions concerning undesirable environmental outcomes of industrial activities posing potential threats to their livelihood, health, and well-being. Relaxation of environmental laws or lack of environmental regulation enforcement in marginalized community and the treatment of such community as a national sacrifice zone that could be appropriated for the purpose of ecological withdrawal or as the sinks to accommodate wastes and other industrial effluents constitute environmental injustice. In a previous study,³³ I have indicated the need to go beyond local and regional studies of environmental injustice. Many cases of environmental injustice, in a developing country such as Nigeria, directly involve a coalition of national, transnational or global actors. The case of the Niger Delta is not an exception. See the case study of Flammable, Argentina, contaminated by Shell’s petrochemical operations.³⁴

The term “crude and chronic environmental injustice” is more appropriate for describing the ongoing ecological despoliation in the Niger Delta. Chronic environmental injustice involves shifting environmental risks associated with crude oil production to innocent powerless groups who are not directly involved in the industry generating such risks on a continuous, long-term basis. Furthermore, coercive takeover of the natural resources including land, water, and minerals of the indigenous population over a long period without

adequate compensation constitutes the essence of chronic environmental injustice.

At present, the Niger Delta represents a place where chronic environmental injustice is symptomatic of the curse of oil and gas resource endowment.³⁵ That is, rather than progress and development, crude oil has brought misery, ecological devastation, political marginalization, human rights violation, morbidity, deaths, and destruction to the people of the Niger Delta.³⁶ Instead of peace and stability, crude oil has brought a state of insecurity, social disequilibrium or disorganization, chaos, and nightmares to the OBCs who are constantly besieged by twenty-four-hour gas flaring, oil spills, high-pressure pipelines, military occupation, and terrorism by militant gangs and the consequent high rates of morbidity and mortality.

Land and Mineral Resources Control

At the center of the violent conflicts in the Niger Delta are the issues of land tenure and ownership of mineral resources. Historically, lands in many parts of Nigeria, especially in the Southeast and Southwest regions, were communal properties of entire communities, clans, and lineages. This system was recognized during the colonial administration along with a statutory land tenure system. The Northern region has a different land tenure in which ownership of land was vested in the state governor—tantamount to public ownership of land. In the Niger Delta as well as other Southern parts of Nigeria, land and its contents customarily belong to the clans or communities with traditional claim to the land. However, as far back as 1914, legislations had been in place defining who has claims to mineral resources. For instance, the Colonial Mineral Oils Ordinance of 1914, amended in 1916, 1925, 1945, and 1959, vested ownership and control of mineral resources in the British Crown. Section 3 of this Act states that “The entire property in and control of all minerals in, under or upon any land in Nigeria, and of rivers, streams, and water that coursed throughout Nigeria, is and shall be vested in the crown [state], save in so far as such rights may in any case have been limited by any express grant made before the commencement of this Act.”

Thus, by design, this legislation directly gave the absolute right and control over the colonial state’s mineral resources, both onshore and offshore, to the Crown without regard to indigenous owners of the land and its contents. The roots of social and environmental injustice

and the subsequent discontent and violence were propagated by the colonial common laws.

Instead of repealing these unjust colonial laws at independence in 1960, Nigeria inherited and drafted them into its post-independence constitution, replacing the crown with the state. Hence, Article 40(3) of the 1979 constitution and Article 47(3) of the 1995 constitution provide that “all minerals, mineral oils, natural gas are the property of the Federal Government”; and Section 44(3) of the 1999 constitution states that “The entire property in and control of all mineral oils and natural gas in, under, or upon the territorial water and the exclusive economic zone of Nigeria shall vest in the government of the federation of Nigeria.”

To further complicate matters, the Land Use Act was passed in 1978 as Decree No. 6 by the military government. This act vests ownership of the land in the state, thereby expropriating the land rights of indigenous communities throughout the country including the Niger Delta OBCs.³⁷ The implications of these developments are that the indigenous oil-bearing communities are no longer entitled to rents and royalties from oil production, and the MNOCs now deal directly with the government to secure lease of land for oil exploration purposes. Another colonial legacy is the tendency of the state to use instruments of force—such as the military and mobile police to suppress opposition and dissensions in resource dispute matters.

The Derivation Formula

Another legacy of colonialism is the concept of derivation principle set up by the Colonial Administrator in 1946 as a basis for allocating revenue in Nigeria. The original intention was to share revenue in proportion to the contribution each region made to the central government. Between 1946 and 1960, the derivation formula was set at 50 percent—that is 50 percent of revenues from cash crops, such as cocoa, rubber, palm oil, cotton, hides and skin, etc., accrued to the producing region, and 50 percent went into the Federation Account. Also, as provided for by the constitution, 50 percent of proceeds from minerals and crude oil accrued to the region or state where they were extracted; 30 percent went into a pool for distribution to all regions; and 20% went to the federal government.

Table 6.3 presents the derivation formula for allocating natural resource revenues since independence in 1960 to the present. While retaining the essential principle of cross-subsidization for fiscal

Table 6.3. Derivation formulas for state and federal shares of oil revenue, 1960–2007

Years	Derivation formula in percentages	
	Oil-bearing state Share (%)	Federal government Share (%)
1960–67	50	50
1968–69	50	50
1969–71	45 (less offshore proceeds)	55 (+ offshore)
1975–79	20 (less offshore proceeds)	80 (+ offshore)
1979–81	0	100
1982–92	1.5	98.5
1992–99	3	97
1999–Present	13	87

Source: Adapted from UNDP (2006, p. 15).

federalism, the derivation formula has changed under different military regimes since the Biafra War. Between 1969 and 1971, 5 percent was expropriated from the original 50 percent, and, subsequently, it went down to 20 percent during the administration of Obasanjo, and zero percent in 1979 to 1981. From 1982 to 1992, derivation was merely 1.5 percent and was increased to 3 percent under the Abacha regime from 1992 to 1998. With the transition to a democratic regime in 1999, derivation was increased to 13 percent where it has remained.

Clearly, the derivation formula, Land Use Act, and unjust expropriation of mineral oil rights are among the grievances of the people of Niger Delta. Among the crystallizing issues as aforementioned are political marginalization, lack of economic development, unjust appropriation of natural resources, lack of equity and adequate compensation for ecological despoliation and loss of livelihood, cultural genocide, lack of basic infrastructure, double standards and perceived insensitivity of MNOCs, and unsympathetic repressive government.

THEORETICAL ANALYSIS

There are several competing theoretical explanations of the current problems in the Niger Delta. Among the macrosociological theories in the extant literature are the external and internal colonialism and globalization perspectives that focus on patterns of global and intranational movement of capital, inequality, oppression, and exploitation. From a sociopsychological standpoint, relative deprivation, frustration and aggression perspectives shed some light on why marginalized and exploited minority groups in society may embrace violence as a strategy of

change.³⁸ These theoretical approaches are briefly summarized below as applicable to the Niger Delta situation.

FROM COLONIALISM TO INTERNAL COLONIALISM

Classical colonialism, as a process of economic and political domination and exploitation of nations by other more powerful nations, has a long standing in human history and in sociological discourse. Nigeria was a product of the classical colonialism that amalgamated different societies or cultures of the North, South, East, and West of the Niger and Benue Rivers in 1914. The legacy of classical colonialism endures despite the fact that the country has gained independence since 1960. To a significant extent, internal colonialism replaced the classical colonialism in the postindependence era.

In contrast to classical colonialism, internal colonialism represents a condition in which both the dominant and subordinate groups coexist as natives of the same society.³⁹ The concept of internal colonialism was first used by Marxists, such as V. I. Lenin and A. Gramsci, to describe political and economic disparities between regions within a particular society. It characterizes the uneven outcome of state development on a regional basis—the development and maintenance of core and periphery relations in which resources are tapped and withdrawn from the periphery to develop and sustain the core. In Nigeria, as in several postcolonial societies, a legacy of classical colonialism persists in the form of internal colonialism, especially in the areas of resource exploitation, material allocation, and distribution of power and prestige among various ethnonational groups. Following the world system and classic colonial model, the core-periphery statuses are reproduced within a country or state. Typically, the core exploits the resources of the periphery and maintains economic and political control.⁴⁰

The theory of internal colonialism asserts that national development is conditioned, in part, by strengthening or consolidating the initial spatially unequal distributions of power and privilege thereby creating politically dominant society core and its peripheral “colony.”⁴¹ The elites of the core institutions maintain their power and privilege by incorporating peripheral regions into national economy and polity. Furthermore, the dominant group represents a numerical majority as is the case in Nigeria with the dominant ethnic groups of Hausa, Yoruba, and Ibo (or Igbo) as the majority and the oil-bearing communities of Ogoni and Ijaw as the ethnic minorities.

Blauner⁴² explains the basic elements of the colonization process as (a) colonization being set in motion with a forced, involuntary entry; (b) the colonizing power implements a policy that constrains, transforms, or destroys indigenous culture (i.e., its values, orientations, beliefs, *language*, tradition, ways of life, and modes of subsistence); (c) the members of the subordinate or colonized group are typically governed or ruled by representatives of the dominant power; and (d) the colonized have the experience of being controlled and manipulated by outsiders who employ either a supremacist or a paternalistic ideology to maintain the system of dominant-subordinate relations.⁴³ One additional element to be added to Blauner's 1972 list is the use of the military force to suppress subordinate groups. Resistance against this process was among the factors that precipitated the Biafra War in 1967 to 1970. However, the process of internal colonialism has intensified since the end of the civil war leaving many natives of oil-bearing communities in the Niger Delta more marginalized, displaced, and alienated by the Nigerian government MNOCs who are in control of oil and gas activities in the area.

A modified version of the internal colonialism framework as originally formulated by Blauner,⁴⁴ in conjunction with globalization and relative deprivation perspectives, would aid in understanding the relationship between the state, MNOCs, dominant "core" ethnic groups, and peripheral indigenous tribes, such as the Ogonis and Ijaws, in the Niger Delta. The origin of internal colonialism in a country such as Nigeria involved the skillful, strategic pursuit of political dominance by the numerical majority following the independence in the 1960s. As explained by Naanen,⁴⁵ the political power gained by the numerical majority ethnic groups in Nigeria (including the Hausa-Fulani, Yoruba, and Ibo), has been used to appropriate and transfer resources from the periphery to develop core areas especially in the North, while creating immiseration, increased inequality, underdevelopment, wanton ecological destruction, among the subordinated resource-dependent ethnic minorities in the OBCs periphery.

Focusing on the case of Nigeria, the three critical elements of internal colonialism in the country include the following: (1) an ethnic-centered political dominance, tactically employed to control and exploit the natural resource (wealth) of minority communities for the benefit of the dominant ethnic groups; (2) the alliance of the core ethnic groups, multinational oil companies, political elites, the military, and the government, which generally represses the opportunity structures for the minorities; and (3) massive ecological disruptions and

the subsequent destruction of the basic modes of subsistence—that is, fishing, agriculture, and hunting and gathering of the resource-dependent communities of indigenous minority groups.

Globalization and Violent Resistance

Globalization is accentuating the power of MNOCs while diminishing the power of states' control of international movements of resources and capital. Ethnic fragmentation, primordial allegiance, and new resistance movements are among the products of this process of social transformation. As Amin suggests,⁴⁶ the new world order under a globalization regime is maintained by the core's technological monopoly, domination, and control of global financial markets, monopolistic access to the planet's natural resources—(in which the risks of reckless exploitation and degradation have become worldwide), media and communication monopolies, and monopolies over weapons of mass destruction. Thus, globalization seems to have produced a new hierarchy in the world system, more unequal than ever before and further subordinating the peripheries and creating conditions of violent resistance.

Paradoxically, the forces of globalization have also contributed to increased terrorism and armed insurrection both in the Niger Delta and other regions of the world. Manuals on terrorist violent strategies and tactics are easily obtainable on the Internet even by people in remote areas, such as the Niger Delta. In cookbook fashion, they provide detailed guidelines on techniques of raids, street operations, sabotage, vandalism, ambushes, bomb making and use, executions, how to obtain weapons, kidnappings, and negotiating for hostages.⁴⁷

Relative Deprivation and Frustration-Aggression Perspectives

Both relative deprivation and frustration-aggression theories have been used in sociological literature to explain collective behavior and why people may resort to using violence as a strategy of planned change. Relative deprivation connotes people's perception of a discrepancy between the material resources and quality of life they think they deserve and the actual resources and conditions of life they are actually getting. With oil discovery and increased crude oil production in the Niger Delta came rising expectations among the OBCs. The perception of relative deprivation increased with the perception that non-oil-bearing states in Nigeria are enriched at the expense of

OBCs. The standards articulated by Ken Saro-Wiwa and other leaders became the point of reference. As hypothesized by Gurr,⁴⁸ the potential for collective violence varies strongly with the intensity and scope of relative deprivation among members of a collectivity. For him, the frustration-aggression and the associated threat-aggression mechanisms offer the fundamental motivational link between relative deprivation and the potential for collective violence. One must understand, however, that frustration does not necessarily lead to violence; for some people, violence may be motivated by expected gains.

In his monograph entitled *The Conditions of Civil Violence: First Test of a Causal Model*, Gurr identifies the principal strategic steps employed to bring about violent social transformation.⁴⁹ First, the perception of relative deprivation must be increased among the potentially violent group, either by raising awareness of the discrepancy between the marginalized group and other segments of society or by downplaying the benefits of status quo. Increased perception of relative deprivation would intensify the feelings of frustration and anger. The second step involves the maximization of the intensity of anger in which the leader or change agent emphasizes that (a) the ultimate goal of a violent social change is both achievable and desirable, (b) the deprivation to which the community or group is subjected is illegitimate and severe, and (c) by highlighting the occurrence of continuous and unjust deprivation. In the third and final step, social facilitation variables are emphasized while social control variables are minimized.

Militancy in the Niger Delta

Social change induced by political protest, demonstration, civil disobedience, and rebellion by communal minority groups has attracted scholarly interest in recent years.⁵⁰ Pervasive conflicts characterize several resource-dependent communities.⁵¹ Lane and Rickson suggest that an enduring dilemma in locality where development is dependent on resource extraction is that powerless indigenous communities tend to suffer most of the social, economic, and environmental costs while enjoying little or no benefits.⁵² The Niger Delta has historically been the site of major conflicts between the native population, multinational corporations, and the Nigerian government military and police forces, often resulting in serious human rights violations including bloody killings and massive destruction of human habitats and the environment.

Four major phases of resistance against MNOCs and the state have been identified by Owugah.⁵³ These correspond with the stages of evolution of social resistance against oil exploitation in the region. These phases are presented in chronological order in the following paragraphs.

The First Phase, Mid-1970s to Mid-1980s

This period is characterized by post-Biafra War recovery and oil boom with the OPEC quadrupling oil prices. During this period, the OBCs of the Niger Delta directed their demands at the oil companies seeking more compensation and corporate social responsibility. Other strategies used include appealing to the state, writing petition, mass media opinion and editorials, and legal recourse. Most of these strategies were ineffective and perhaps counterproductive, especially with the enactment of the Land Use Act through which most people felt disinherited.

The Second Phase, 1985 to Mid-1990

This stage was characterized by strong organization and mobilization of resources at the grassroots level. The Movement for the Survival of the Ogoni People (MOSOP) became prominent under the leadership of Ken Saro-Wiwa. Action-oriented strategies including peaceful protests, demonstrations, civil disobedience, and the occupation of oil facilities were used, which were often met with severe response by the security apparatus of the MNOCs and the state.⁵⁴ The federal government response was characterized as a blend of appeasement and intimidation through Decree No. 23 of 1992, the establishment of the Oil Minerals Producing Development Commission (OMPADEC) and River Task Force on Internal Security.

The Third Phase, Mid-1990s to 2000s.

The resort to the strategy of violence is among the distinguishing features of this period. Like any other transitory social changes, the hanging of the leader and eight other members of the MOSOP and the subsequent internal conflicts and fragmentation led to sudden implosion and demise of the movement. Nevertheless, MOSOP and its militant branch, the National Youth Council of Ogoni People (NYCOP) has energized other ethnic minority groups across the Niger Delta to use any means necessary to get their grievances across—including kidnappings, occupation and shutting down of oil installations, destruction of pipelines, and oil bunkering (oil theft). Copycat syndromes

and rapid contagion of violent conflicts in oil-bearing communities of the Niger Delta are now common among radical youths described as “Saro-Wiwa’s Children” by Okonta and Douglas⁵⁵ and many of the cults previously mentioned. Thus, as noted by Ibeanu,⁵⁶ it appears the MOSOP has passed the mantle of championing the struggle of the indigenous people of the Niger Delta to the Ijaw youths who are more ruthless and violent than their predecessor. The adoption of the Kaiama Declaration in December of 1998 marked a major shift in paradigm from the earlier demand for economic development to control of land and mineral resources.

SUMMARY AND CONCLUSIONS

The anatomy (or structure) of the Niger Delta problems remains complex and requires a holistic analysis combining theoretical explanations with concrete empirical data. A heuristic model and secondary data have been used to explain the axis of crude oil-induced violent conflicts in the Niger Delta of Nigeria. The basic question concerning how to address the ongoing threats to life, ecological integrity, human rights, and national security posed by increased mineral oil-induced violence in the region has been addressed in this chapter. The enduring legacy of colonialism compounded by neocolonialism, internal colonialism, and ethnoregional politics is pertinent to understanding the grievances of many OBCs.

At the center of the problem are the issues of Dutch Disease, social inequity, environmental injustice, relative deprivation, and alienation by both the MNOCs and the government of Nigeria. Identifying and understanding the root causes of a problem are important steps toward meaningful solutions. Given the magnitude of oil and natural gas reserves in the Niger Delta, reversing the curse of oil and embarking on a sustainable path to economic development would be in the best interest of all Nigerians. Revitalization of the agriculture sector and development of manufacturing segment of the economy are salient policy options to pursue. As Idemudia and Ite have suggested,⁵⁷ conflict resolution, management and sustainable development in the Niger Delta demands a collective response and acceptance of responsibility by the stakeholders—including the OBCs, MNOCs, and the Nigerian government.

Coordinated efforts at local, regional, and global levels would be required to pacify and disarm the criminal element of the militant gangs. Other policy options to bring stability, peace, and prosperity

to the region include equitable distribution of the oil wealth, repeal of the Land Use Act, a shift from crude injustice to environmental justice, corporate and government accountability, and social responsibility to all OBCs. Poverty alleviation programs, employment opportunities, and equitable compensation for polluted arable lands and fishing waters are necessary to change the perceptions of the people about the MNOCs and the Nigerian government. Furthermore, it is imperative for the government at every level to implement and enforce existing environmental protection laws, especially in the Niger Delta. SPDC and other MNOCs should practice the same stringent environmental standards applicable in their respective countries of origin in the oil-bearing host communities. The practice of gas flaring and excessive releases of toxic effluents should be discontinued. The Niger Delta OBCs remain as a very risky environment, even for social scientists interested in collecting primary data. Nevertheless, the issues associated with resource-induced conflicts in the region remain very important and as such, future studies along this line of inquiry are strongly encouraged.

NOTES

1. UNDP, 2006.
2. See Adeola, 2001; Ibeanu, 2000; Ikelegbe, 2005; Jike, 2004; Okonta and Douglas, 2001; Omotola, 2007; Omoweh, 2005; Osaghae, 1995; Welch, 1995.
3. Omoweh, 2005; Walker, 2000.
4. Walker, 2000, p. 72.
5. Okonta and Douglas, 2001; Omoweh, 2005; Omotola, 2006; Walker, 2000.
6. Ibeanu, 2000; Okonta & Douglas, 2001.
7. Aaron, 2005; Idemudia and Ite, 2006; Ogri, 2001; Omotola, 2006; Omoweh, 2005.
8. Frynas, 2001; Ogri, 2004, p. 15.
9. Budina, Pang, & Van Wijnbergen, 2007; Gylfason, 2001; Olusi & Olagunju, 2005.
10. World Bank, 2005.
11. Olusi & Olagunju, 2005.
12. Aaron, 2005; Douglas, Okonta, Kemchi, & Watts, 2004; Frynas, 2001; Omoweh, 2005.
13. Ibeanu, 2000; Moffat & Linden, 1995.
14. UNDP, 2006.
15. See Moffat & Linden, 1995; Okonta & Douglas, 2001.
16. UNDP, 2006.

17. Ikelegbe, 2005, p. 209.
18. EIA, 2008.
19. EIA, 2007, 2008.
20. Welch, 1995, p. 636.
21. Omoweh, 2005.
22. Aaron, 2005, p. 128.
23. See Broad & Cavanah, 1993; Omotola, 2006; O'Neil, 2007; World Bank, 2005.
24. Shaxton, 2007, p. 1128.
25. See Omotola, 2006; O'Neil, 2007; UNDP, 2006.
26. Omoweh, 2005.
27. Adeola, 2002.
28. Ibeanu, 2001, p. 23.
29. Adeola, 2002, 2004.
30. EIA, 2007, 2008.
31. See Aaron, 2005; Amnesty International, 2005; Ikelegbe, 2001, 2005; Jike, 2004; UNDP, 2006; Welch, 1995; World Bank, 2005.
32. See Idemudia & Ite, 2006; Ikelegbe, 2005; Omotola, 2006, 2007.
33. Adeola, 2001.
34. Auyero & Swistun, 2008.
35. O'Neill, 2007.
36. Also see Okonta & Douglas, 2001; Omotola, 2006; Omoweh, 2005.
37. Aaron, 2005; Ebeku, 2001.
38. Gurr, 1970, 1993.
39. See Blauner, 1969.
40. Blauner 1972.
41. Buttel & Flinn, 1977, p. 262.
42. Blauner, 1972, p. 84.
43. Blauner, 1972, p. 84.
44. Blauner, 1969.
45. Naanen, 1995, p. 49.
46. Amin, 1997, pp. 4–5.
47. See Marighella, 1985; Vago, 2004, p. 373.
48. Gurr, 1970, p. 24.
49. Gurr, 1967.
50. Gurr 1993; Harff & Gurr, 1989; Homer-Dixon, 1994; Lindstrom & Moore, 1995.
51. Homer-Dixon, 1994; Renner, 1996.
52. Lane & Rickson, 1997.
53. Owugah, 1999, pp. 5–6.
54. Okonta & Douglas, 2001; Omoweh, 2005.
55. Okonta & Douglas, 2001, p. 142.
56. Ibeanu, 2000.
57. Idemudia & Ite, 2006, p. 403.

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CHAPTER 7



WRITING ON WATER

ENVIRONMENTAL JUSTICE, COMMON PROPERTY INSTITUTIONS, AND THE STATE IN GUINEA

David Tabachnick

An environmentally, democratically just society accommodates claims to resources that compete, that overlap—a diversity of claims to a biologically diverse world. An ancient solution to this need to accommodate has been to organize societies into some form of common property system. In a common property system, a community has the power to regulate land not only because of its general sovereign power to govern but also because the community possesses a common property right in land that overlaps individual rights to land. Members of a common property community have a limited right to access and to use of land even if they do not, in some sense, “own” individual title to the land. As a consequence, the property claims of the individual must accommodate the property claims of the community and vice versa. Individuals cannot prevent the community from managing its property interests through appropriate regulation. If individuals could do so, they would “take” from the community without compensating it. They would also undermine community democracy that arises to govern community property rights.

Rural Guinea is dominated by common property systems although state laws from the French colonial era to the immediate postcolonial era of Sékou Touré to the regime of Lansana Conté have mostly ignored or pretended to abolish these common property systems.¹ The common property reality of rural Guinea peeked briefly through in a 1985 *ordonnance* adopted shortly after the death of Sékou Touré in

1984.² According to the *ordonnance*, a council of four elders selected by the population of a district

symbolizes the permanence of the local community. It maintains respect for traditions and for local culture and for the maintenance of the cohesion of the community. . . . [The council of elders'] responsibilities are those exercised habitually by the elders of the village, and notably:

- The resolution of conflicts within and between families.
- The distribution of lands of the community, taking care that the patrimonial domain of the district not be sold to strangers or mortgaged.

The West African country of Guinea is a case that illuminates and is illuminated by a larger geographic and historical context that includes England, France, and the United States. I will sketch the interplay between Guinea's rural common property system and the state and then show how Guinea is enacting a developmental drama that began in England and France and was central to the United States' relations with American Indians.

Guinea represents a test of two possible paths to development of a market society: the English path, in which common property systems (group property rights overlap and limit individual rights) are seen as an obstacle to be destroyed, and the French path, in which common property is defended by local communities who want to participate in the market and yet preserve the role of common property as a social welfare system and democratic check on elites. Guinea appears to be following England's example but, in fact, is drawn to the French path of accommodating common property systems that protect rural peoples' access to land and participation in local democratic governance.

AN IDEAL TYPICAL PICTURE OF AFRICAN FAMILY COMMON PROPERTY

The reality of African customary land tenure is complex and dynamic, but nonetheless one can usefully imagine a stereotype or an ideal typical picture consisting of a few likely traits (particularly from the point of view of the Guinean context). "Customary" land tenure is a system of locally generated rules that are not codified by the state and that are not the same everywhere.

African family common property is based in the African extended family that wields not only economic control but also a form of sovereignty over its territory (whether or not that sovereignty is formally

recognized by some higher chiefly or state authority). Family land can be ceded or rented but cannot be sold as a purely individual commodity without regard to overlapping family governance and property rights. Creditors may not seize and permanently alienate land for non-payment of debts. Extended families regulate their land according to moral, ecological, religious, and political principles, as well as purely economic principles. Extended families possess a governing institution such as a council of elders. Every member of the family has the right to participate in governance based on their shared right to access to land—this includes women and men. When land is scarce and economically valuable, the family landholding group becomes increasingly tightly knit with well-defined individual rights.³

The essential thread is that land is to be managed as a common property trust for present family members and for future generations. Exercise of this trust is watched over and disciplined by the family ancestors who are buried in the land. Dr. Kargbo, a Sierra Leonean clinical physician working in rural Sierra Leone, described this trust: “Individuals are never dispossessed entirely of all right to land, as this would necessarily mean their whole extended family had been dispossessed, as well as their future descendants.”⁴ A Nigerian chief put it like this: “I conceive that land belongs to a vast family of which many are dead, few are living and countless numbers are unborn.”⁵ Successful use of land, whether by family members or strangers, involves religious and also political and economic accommodation to spiritual, as well as secular forces.

Women always have rights to access to land through their membership in extended families. In patrilineal societies, men are usually expected to seek land from the paternal side of their family, and when women marry, they are expected to obtain land through their husband’s family. The principle of family common property depends on preventing land from leaving the family. Since women, in patrilineal societies, are viewed as marrying out of their natal families and into their husbands’ families, women are not permitted to take land with them from their natal families into the marriage, as that would change control over the land from their natal families to their husbands’ families. Similarly, women cannot take their husbands’ family land with them should they divorce their husbands and formally leave their husbands’ families and return to their natal families, as that would change control over the land from the husband’s family to the woman’s natal family. If a woman leaves her husband’s family, she must seek land from her natal family. Under the family common property rules, neither

daughters nor sons can inherit land as their own property exclusive of overlapping family rights. Neither daughters nor sons can take family land out of the family, either by marrying into another family or by selling the land to an outsider to the family. In a matrilineal society, the gender roles are reversed, but the underlying principle of family common property in land remains the same: a man may be expected to seek land through the woman's family and may have to leave the woman's family land in the event of divorce.

A married woman may have differing rights to plots of land that she farms. Her garden plot may be available to her to use as she likes, including for commercial crops, and she may control any revenue earned. Other plots may be designated family plots and revenue is likely to be controlled by the husband. A woman who is widowed and has children may be permitted by her husband's family to continue to use land she gained access to through her husband.

COMMON PROPERTY INSTITUTIONS VERSUS STATE LAW IN GUINEA

Since the colonial era, Guinea's state land laws have failed to effectively recognize or create a formal legal bridge between Guinea's common property institutions and state authorities.⁶ Under Sékou Touré, the state claimed ownership of all land and only recognized use rights.⁷ On paper, this legal posture concentrated power over land in the state. Individuals were expected to relate directly to the state, bypassing any intermediate role of local common property institutions such as extended families. In reality, local common property systems dominated governance of land.

After Sékou Touré's death in 1984 and Lansana Conté's rise to power, Guinea, with the encouragement of Western countries and institutions such as the World Bank, and drafting assistance from French legal experts, adopted a new constitution and, in 1992, a new land code designed to move Guinea from a state with collective socialist aspirations to a market-oriented regime based on legal protection of individual private property. The constitution sets forth the general rule that private property may not be seized by the state without compensation.⁸ The 1992 land code declares that private owners of land will be identified and awarded titles to their land.⁹ If the 1992 land code is applied in rural areas, the first step will be the identification of informal "owners" of land under the customary regime and awarding of formal land title to these "owners" in accord with Article 39 of the

land code. According to Article 39, formal title under the land code will be awarded to the natural person or legal entity that can show peaceful, personal, continuous and good faith occupation of land and has the status of owner. Under Article 2 of the land code, a holder of a formal land title has the right, familiar from the French civil code, to “freely enjoy and dispose of such real property in the most absolute manner” (within limits imposed by law or the public interest). Land, once titled, becomes a commodity that can be bought and sold and mortgaged by owners, and seized for nonpayment of debts by creditors. State officials, and state courts in the event of dispute, will decide which persons are entitled to titles to rural land under Article 39.¹⁰

In theory, the 1992 land code should help limit excessive state power by protecting the rights of private property owners, and thus the code promotes democracy. Ironically, the 1992 land code does not reverse excessive state power and promote democracy but rather does the opposite. The land code concentrates in the state the power to say who owns what land, and the code defines ownership in a manner that undermines common property institutions that provide a democratic check on elite power. If land titles are awarded to individuals, concentrating property rights in individuals and eliminating overlapping common property rights, common property institutions based in extended families will, on paper at least, be eliminated along with their ability to govern land. If the state does eliminate overlapping common property rights in land when awarding Article 39 titles, the state, according to the constitution, should compensate the losers of those common property rights. However, the land code seems unaware that a problem of compensation could arise. Parker Shipton’s observations about problems caused by state registration of exclusively individual land titles in Kenya are applicable to Guinea: “The adjudication and registration processes themselves require converting multiple, situational, and overlapping rights to individual, absolute, and exclusive rights. The process can never be free of disagreement, deceit, and difficult compromise, and it can sometimes tear families apart.”¹¹

UNDERSTANDING THE HISTORICAL CONTEXT TO THE 1992 LAND CODE: ENGLAND, FRANCE, AND THE UNITED STATES

How is it that Western experts apparently failed to anticipate or be concerned with financial compensation for loss of common property rights and the threat to local community governing voices that would

occur should the state systematically award individuals land titles under the land code?¹² The answer to this question is in the historical context to the mainstream assumptions of Western law and economics concerning land. While common property systems do survive in Western countries, the dominant view in Western law and economics is set out in Guinea's land code: individuals own marketable title to land and have the "absolute" right to use their property as they wish, although in fact that right is always constrained by public regulation. This dominant view came about in Western countries through a process in which formerly dominant common property systems were systematically destroyed and property rights were concentrated in exclusively individual ownership rights unconstrained by overlapping common rights. Western experts have been trained to think in terms of a law and economics that was designed to be hostile to common property systems.

England

England led the way, over a period from the sixteenth through the nineteenth century, in producing legal and economic concepts that justified the destruction of its common property system. England carried out a dictatorial version of the process that is envisaged in Guinea's land code. After 1688, landed gentry controlled the state and did not permit most people to vote.¹³ The gentry were able to force the enclosure of common property lands. The state awarded exclusively individual land titles to selected members of what had been common property communities, taking away common property rights without compensation and without possibility of legal appeal from the rest of the community.¹⁴

In the English common property communities, community common rights overlapped individual rights to land. These common rights empowered communities to manage the use of land, even individually owned land, in a manner that benefited the whole community. All residents of a common property community had access to some common rights, even those who merely rented cottages and owned no land, and thus everyone had a property interest in the management of the community.¹⁵ A landless cottager frequently had access to essential subsistence rights such as the right to go on land after the harvest and glean and the right to place a cow or sheep with the community herd that grazed not just community owned land but also individually owned land made available after the harvest.

Enclosure deprived the poor of the ability to subsist with a degree of independence and to have a voice in community affairs. Those without access to land became dependent on agricultural wage labor, or went into poor houses or went to the cities. Sometimes local landowners, after enclosure, complained of the vacuum in community management of land. When town meetings occurred, they might degenerate into open hostility between the landless deprived of common property rights and the fortunate farmers in whom property rights had been concentrated.¹⁶ The poet John Clare, who lived through the enclosure of his community in the early 1800s, attacked enclosure for its ecological as well as social regimentation, declaring that with enclosure landowning farmers exploited their fields as they did the rural poor. “Inclosure like a Buonaparte let not a thing remain / It leveled every bush and tree and leveled every hill / And hung the moles for traitors—though the brook is running still / It runs a naked brook cold and chill.”¹⁷ The English elite paid lawyers and economists and philosophers like John Locke to justify the process of enclosure. Their justifications are still current: concentrating property rights in individuals liberates individuals to efficiently develop their property based on secure property rights. The poor ultimately benefit when the increased wealth of the nation trickles down to them. Even critics like Karl Marx and R. H. Tawney saw enclosure as a necessary stage in the development of a modern, commercial economy. Critics and celebrators of market economies generally agreed on a story of the development of commercially productive market economies: common property systems are medieval, feudal, premodern, precapitalist, or at any rate a harmful constraint on productive rural development.¹⁸

UNITED STATES POLICY TOWARD AMERICAN INDIAN COMMON PROPERTY

The English approach to common property influenced U.S. government policy toward American Indian common property systems. The United States imposed a devastating policy of allotment of individual land titles to Indians on reservations that broke up Indian self government based in common property and caused the massive loss of Indian owned land on reservations.¹⁹ The United States forced Indians to accept individual allotments in order, supposedly, to “modernize” Indians, to teach them to become self-reliant, productive farmers unconstrained or protected by the group. The United States justified allotment not only on economic but also political and cultural grounds:

individualizing land tenure would help put an end to Indian political and social organization. President Theodore Roosevelt described the policy of allotment as “a mighty pulverizing engine to break up the tribal mass.”²⁰ The ecological consequences of allotment are clear when one compares the Menominee reservation in Wisconsin to the White Earth reservation in Minnesota. The White Earth reservation has never been able to effectively govern itself and manage its forests since White Earth common property was broken up by allotment. The Menominee reservation, which preserved its common property system and governance based on that system, has created one of the most ecologically diverse and effectively managed forests in the world.

The Menominee Reservation

American Indian common property, like African and European common property, features group rights that overlap and limit individual property rights. The Menominee Indians, for example, currently hold their forest land in common with homesites allocated to individuals. Individual Menominee Indians may not sell their land to non-Indians without permission from the Menominee Indian Nation and the U.S. government.

In 1857, the U. S. government forced the Menominees to cede most of their land in northeastern Wisconsin and live on a reservation of 235,000 acres of wooded land. Menominee political and cultural leaders decided that survival of the Menominee people depended on careful sustainable logging of the forest that would permit the trees, and thus the Menominees themselves, to “last forever.” The Menominees now possess a world-class example of a sustainably managed forest: “When it was established by treaty with the U.S. government in the mid-nineteenth century, the reservation held an estimated 1.2 billion feet of timber, predominantly northern hardwoods. After 125 years of logging, it has produced 2 billion feet of timber, yet 1.5 billion feet are standing now and the quality of the trees and diversity of species is improving.”²¹ The single most important factor in the success of the Menominees was their dogged resistance to dividing up their forest into individual allotments. Stephen Cornell and Joseph Kalt, after years of research and efforts to promote economic development of Indian reservations, stress that successful Indian reservations have strong, cohesive cultures and tribal governance institutions that reflect that culture.²² By avoiding allotment, the Menominees avoided destruction of culturally legitimate governing institutions. Preserving

forest land forestland in common forced the Menominees to manage the forest through group decisions that took into account the diversity of uses and claims by all tribal members. Outside interests that threatened the forest always encountered Menominee group decision making through institutions such as the General Tribal Council that gave a vote to all adult Menominees.

The White Earth Reservation

Where common property survives, along with the sovereign ability to control local taxation and regulation of natural resources, American Indians retain the maximum potential for real, effective self-determination. Where common property has largely vanished, taking with it ownership of most of the reserved Indian land, Indian communities, though “sovereign,” are severely weakened in their ability to govern themselves. The traumatic history of the White Earth reservation illustrates this principle. The 1867 treaty that established the White Earth reservation also established an allotment procedure that granted individuals up to 160 acres depending on the amount of land an Anishinaabe individual cultivated.²³ (The Anishinaabeg are also known as the Chippewa or the Ojibway.) These allotted lands could not be taxed or seized for nonpayment of debt. Only with permission of the U.S. Secretary of the Interior could allotted lands be sold from one Anishinaabe immigrant to another. Americans expected that these legal restrictions would protect immigrants from loss of land while they learned the skills necessary to survive in an individualistic market economy.

By 1920, most of the land at White Earth, forest and farmland, had passed from Anishinaabe to non-Indian ownership. In 1867, the Anishinaabeg had controlled 837,000 acres of land at White Earth; presently, only 7 percent remains in Anishinaabe control. A complicated legal process made possible this loss of land. The goal of the legal process was to eliminate group property rights and group decision making based on those property rights so that individual landowning Indians could be exploited. A key stage in the loss of land was the division of the forest into individual allotments. Other key legal changes permitted individual allottees to sell their land to non-Indians.

Despite the legal changes that made lawful sale of land possible, many allottees claimed that they had been victims of fraud. For example, allottees said that brokers of land sales misrepresented or did not inform allottees of what they were signing; brokers promised large payments that were never made; brokers defrauded minors of their

allotments. Allottees not only lost their land by outright land sales but also to mortgage foreclosures and tax forfeitures.

The allotment and related policies and subsequent loss of land led to loss of Anishinaabe control over natural resources on the reservation. Non-Indian lumber companies controlled logging and logged for short-term gain through clear cutting, rather than selective cutting appropriate to a policy of sustainable yield, as on the Menominee reservation. The breakup of common property into saleable allotments aided the dispossession not just of Anishinaabe landowners but also of Anishinaabe community control of reservation resources. "Contract" ceased to be a relational problem that had to be worked out among larger Anishinaabe groups; contracts became tools for the defrauding of Anishinaabe individuals.

France

France, considering the role of French experts in drafting Guinea's land code, provides an ironic counterhistory to the attacks by England and the United States on common property. While eighteenth-century French physiocrats and many landowners would have liked to see France follow the example of England and force an end to common property systems, the French government, after the French revolution, was only able to democratically invite rural communities, with broad franchise for both men and women, to end their common property systems.²⁴ The revolutionary Assembly enacted a law in 1791 that proclaimed the physiocratic principle that land may be freely used by owners "in the most absolute manner," a phrase repeated in Guinea's 1992 land law. On the other hand, the Assembly and French law bowed to peasant demands and formally recognized the common property system consisting of group rights that overlapped and limited "absolute" individual land ownership. The law protected the community's right to access to individually owned land for fallow grazing and grazing after the harvest by the village herd, for transhumance, and for gleaning. In addition, group rights to land not individually owned but held in common by communities were protected.²⁵ Periodically during the nineteenth century, French governments passed laws offering rural communities the option of withdrawing land from the common property system, of ending key components of the system such as fallow grazing and the institution of the village herd, but rural communities generally refused these invitations. Communities preferred to maintain the rural safety net and environmental management

institutions of common property during France's nineteenth-century industrial and commercial development. According to the historian Fernand Braudel, "*vaine pature* [fallow grazing] was not suppressed by law until 21 November 1889, whereupon over 8,000 *communes* raised an outcry against a decision they considered catastrophic. I remember seeing with my own eyes, in 1914 and even later, in our village of eastern France, the animals belonging to all the farmers setting off for the meadows in a single herd, as soon as the second haycrop had been cut."²⁶ Actually, Braudel is not quite correct: the law of 1889 abolished fallow grazing in principle, but the law authorized municipal councils to maintain fallow grazing rights where these rights were considered necessary to provide food for the animals of the poorest, landless peasants.²⁷ During the nineteenth century, the French common property system acted as safety net for the rural poor until opportunities for better paying factory jobs became available.²⁸ Even today, rural common property systems govern about 10 percent of the land in France, and the ancient right to go on privately owned land and glean after the harvest is still protected and used by the French.²⁹ Unfortunately, the French experts who advised Guinea were unaware of or unsympathetic to France's own accommodation to rural common property systems that permitted France to develop its industry and agriculture while maintaining a rural safety net and rural democracy embedded in France's common property systems. Guinea's 1992 land law is written as if the physiocrats, rather than the peasants, won the political battle of the French revolution.

GUINEA'S OFFICIALS DISCUSS THE 1992 LAND CODE, DRAFT PASTORAL CODE, AND FOREST CODE

The ignorance or hostility of Western experts and institutions to Guinea's common property systems is understandable, since the dominant stereotype in Western law and economics, that of the individual market actor unconstrained by social bonds, developed out of the suppression of common property systems. But what sense did Guinea's government officials make of the new land code? Did they perceive a threat to local democratic governance of land and to access to land by groups such as ex-slaves, women, and pastoralists? Did they believe that they had to convert Guinea's family common property system to a system of freely marketable exclusively individual land titles as a precondition for Guinea to develop a modern economy? If so, how

did officials think they could accomplish such a conversion—by force, by persuasion, by slow change over time? The debate of these issues by government officials is revealed in interviews, collected in 1993, of key government officials from the ministries that were most involved with applying the new land code.³⁰ Despite their different views, officials acknowledged and struggled in insightful ways with the implications of the land code.

In the years since these interviews, the land code has not been widely applied in Guinea.³¹ The 1993 debate between officials helps us understand ongoing problems with Guinea's interaction with its common property systems. A selection from the 1993 interviews which follows lays out the debate between officials and the diversity of their views.

A Magistrate's View

A senior magistrate and technical counselor in the Ministry of Justice was warmly cooperative in an interview that continued over several visits. He noted that French colonialists first introduced land titles to Guinea, but they were used mostly by colonial owners of banana plantations, not by rural Guineans.

The magistrate saw a clash between the land code's assumption of an impersonal individualized land market in Guinea and customary common property systems in which access to land is primarily a political and social process based in control over land by extended families. "For peasants, the issue is more one of management of land. If someone wishes to cultivate new land, one must ask permission of the first occupants who as owners of the land manage the land for the community. The first occupants cannot refuse, in a global manner, to loan land to those asking permission to cultivate new land. Ninety percent of the population of Guinea is rural. One cannot sweep away the reality of the countryside to fall into modern law." He believed the government should preside over a gentle evolution from "the reality of the countryside" rather than attempt to overthrow rural institutions. Every government official interviewed agreed that the government could not force change on rural people. Guinean officials adopted the view of French officials in the nineteenth century: realistically, the government could only invite local people to cooperate with application of the land code. Rural Guineans ultimately possess the power to decide whether to maintain or dismantle their common property

systems as the economy develops. In this respect, rural Guineans are similar to nineteenth century French peasants.

African common property based in extended families is attacked not only for constraining the operation of a land market but also for discriminating against women and subordinating them to families controlled by men. Some advocates for women argue that rural African women are unfairly prevented from owning and inheriting land and from controlling the revenues from the crops they plant. Widowed, divorced, and unmarried women are especially vulnerable. These advocates say that women will achieve economic, social, and political independence if they can own land exclusive of overlapping common property claims of families.³² The magistrate acknowledged these views and agreed that women are entitled to equal treatment under the law: "Nothing in Guinean law, which proclaims equality between sexes, forbids women from inheriting land." He argued that under customary practices women do get access to land, do control the revenues from at least their garden crops, and some women own commercial plantations in the Forest region of Guinea. Again he is in favor of gentle evolution.

One can argue that African family-based common property systems discriminate against women, particularly if inheritance in the family is patrilineal rather than matrilineal, but one can also argue that women benefit from the protections of the common property system and that women would be better helped by improving the system rather than destroying it. Government policies could recognize and strengthen women's property rights and rights to revenues from crops within common property systems. Guinea could follow the example of Kenya and legally protect the rights of widows to stay on land they obtained through their husbands' families.³³ In Africa, men rather than women have tended to acquire land titles when common property systems have been destroyed and replaced with exclusively individual title to land. Women may become worse off as they do not own land and they lose customary rights to revenues from crops they plant.³⁴ In addition, common property systems protect both poor women and poor men from losing access to land due to excessive accumulation of land by a few exclusively individual owners.

Alice Armstrong and her colleagues offer a nuanced discussion of these issues from the perspective of rural women in southern Africa. Armstrong and her research group initially assumed that a key problem for women was their inability to inherit land, but the rural women they spoke to saw the issue in more complex terms: traditionally, "the

transfer of rights must be considered in terms of *access to* and *control over* property, and when this is done it is clear that women had rights to inherit property. . . . The value behind all customary institutions surrounding inheritance was that the family must be supported and preserved. New customs which are based on this value can be considered customary and those which tear the family apart, or leave members unsupported, cannot.”³⁵ Armstrong argues in favor of policies that promote women’s access to and control over property in a way that does not destroy protective aspects of the family common property system.

The Ministry of Land Management’s Arguments in Favor of the Land Law

After the interview with the magistrate, a senior official of the Ministry of Land Management offered his views in support of the new land code. The Ministry of Land Management (hereafter, “Land Management”), had originally pushed for the adoption of the 1992 land code, along with the World Bank. The Ministry of Agriculture and Animal Resources (hereafter, “Agriculture”), in concert with the United Nations Food and Agriculture Organization (FAO), had fought against adoption of the 1992 land code.³⁶ How can the government apply the land code’s definition of ownership that conflicts with customary definitions of ownership? The Land Management official aspired to a “unique” or single and uniform land law that eliminates the existing diversity of local customs, including undesirable customs, such as distinctions between ex-slaves and ex-nobles. However, the official acknowledged that in Guinea one should not impose the new law of exclusively individual ownership and eliminate contrary customs in too brutal a manner as Guinea has already suffered too much from coercive government.

He told a story of a bureaucrat who purchased land from a Soussou family in a manner designed to convert the land from family common property to the exclusively individual property of the bureaucrat. The official emphasized that women as well as men family members were consulted and agreed to the sale and the purchase money was distributed among the family members. In his story, contrary to the starting assumption of the 1992 land code, the land was not owned exclusively by individuals. The family had overlapping common rights, and the family group, including women family members, must somehow be

seen validly to agree to the sale and the money must go to the whole group.

The most extended series of interviews were with a young head of a division in the Ministry of Land Management who was a law professor as well as a bureaucrat. On the one hand, he believed the government of Guinea was engaged in a struggle against customary rules that conflicted with a state-created westernized property system, preferably an exclusively individual property system that he thought liberated initiative and promoted development. On the other hand, he wanted land to go to the tiller, if possible. He wanted to avoid widespread loss of access to land by the poor and speculation in land by the rich: "The drafters of the 1992 land code had two concerns: 1) the drafters were concerned that a small group of rich should not acquire all the most fertile land. 2) the drafters feared that foreigners from neighboring countries would buy up land and deprive Guineans. Thus, for example, the ex-slaves of the Fouta Djallon should be protected from being reduced to landless farmers analogous to the poor farmers of Brazil."

He told the story of a legal case from the Fouta Djallon that had dragged on for twenty years. An ex-slave and ex-noble family disputed ownership of land the ex-slaves had worked on for generations. Finally, Guinea's Supreme Court decided the last appeal and divided the land between the ex-slave and ex-noble families. Violence then broke out as the ex-slave family hurried to clear and plant the land. The government referred the families to the local Islamic League for mediation. He believed this showed the necessity of involving local authorities in awarding title and deciding land disputes—the government cannot make these decisions alone.

The ultimate goal of the transition, according to the law professor, is to bring people into the "regime of individual private property." State law and state courts will educate by forcing people to adopt an institutionalized discourse of real property, as set out in the land code, when interacting with the state. A colleague said, "This will liberate initiative and promote development." Liberate by disconnecting customary rules from state rules. Liberate by suppressing local terms of discourse in state forums. And yet, all the officials seemed to recognize that the land code could only be applied with the cooperation of customary authorities that, of course, relied on local terms of customary rhetoric.

Currently, in Guinea, one can find some use of written contracts between individual "owners" and land users to establish long-term borrowing rights, or even contracts for sale. These are legal documents

created at the grass roots, outside of the land code, and designed first of all to resolve land disputes at the customary level. For example, a lease agreement may protect the long-term use rights of a stranger who invests money and labor in improving a swamp into a fertile rice field. However, resort in some cases to written agreements that protect individual rights should not be interpreted as a major change in the direction of a Western-style real property system. Rural family structure and local political authority are still firmly a function of customary land tenure.³⁷ In addition to local people inventing and adopting contracts, international donors and Guinean officials have fostered land leases or contracts between “owners” and users of land or between “owners” and communities that for environmental purposes limit cutting of trees on land. Courts have upheld the validity of these contracts.³⁸ The legal “bricolage” of locally invented contracts such as these may lead to constructive communication between the state legal system and the local common property system.

The Ministry of Agriculture and Animal Resources’ Criticisms of the Land Law

Like visiting two fighters in opposing corners, after the interview with the senior Land Management official I interviewed a senior Agriculture official. Since the process of titling land under the 1992 land code will be slow and, in reality, most rural land will continue to be held under customary rules, should the state formally recognize customary rules? The Agriculture official said, “You should pose that question to the Ministry of Land Management. In the Ministry of Agriculture and Animal Resources’ opinion, customary rights should be recognized. Perhaps in the drafting of the implementing decrees [*textes d’application*] to the 1992 land code, an opportunity will arise for taking into account customary rights. Yet customary rights should be recognized in such a way that they can evolve towards modern law.”

Agriculture and Land Management had submitted opposing plans for reform of Guinea’s land code and Land Management’s proposal won. Agriculture had pushed for the adoption of a law according to which all village land would be inalienable and all members of a village, male and female, rich and poor, would have equitable access to land. Neither of the two proposals codified customary law, and both seemed inspired by western institutions: Land Management’s by the institution of land markets unconstrained by common property,

Agriculture's by a socialist egalitarian ideal of common property. Land Management's proposed reform, which became the 1992 land code, was backed by the World Bank and drafted with the aid of French legal experts. Agriculture's proposed reform was backed by and drafted with the help of the FAO. Both Land Management and Agriculture officials stressed the need to make land and profits available to those who actually work the land. None of the officials advocated American-style agribusiness: concentration of land in the hands of large landowners, subsidization of large landowners at the expense of small family farmers. None of the officials engaged in rhetoric that equates larger enterprises with greater efficiency, productivity, and public welfare (despite dispossession of the small). Land Management officials seemed to be in sympathy with France's stress, during much of its postrevolutionary history, on maintaining a rural agriculture of small family farms, but not with France's tradition and continuing reality of common property. Both Land Management and Agriculture officials seemed unaware that common property has been part of "modern" France and its "modern" law since the French revolution (if one dates France's modernity back to the revolution).

The senior official of the Ministry of Agriculture and Animal Resources said that "customary rights should be recognized in such a way that they can evolve towards modern law." He, like the Land Management officials, labeled customary law premodern and held out the ideal of evolution in a "modern" direction, in his case a socialist and egalitarian direction. He did not want to recognize the full diversity of customary rights any more than did Land Management officials: "The customary rights which should be recognized are the customary collective rights to land at the village level. This should be done in a manner to protect the poor, or women from discrimination in gaining access to community land. Customary rights of the *village* to control land should be recognized, rather than the right of some notable or powerful member of the community. We need a process which protects those who work the land and ensures that they have access to the land." He did not describe common property as customarily based in the extended African family, an approach to common property that is widespread in Guinea.³⁹

Pastoralist Common Property Rights to Fallow Graze

Pastoralists in a number of African countries have struggled to obtain recognition of their common rights to grazing, leading to conflicts

with farmers and governments.⁴⁰ Ministry of Agriculture and Animal Resources officials have developed a draft pastoral code (dpc) that is unique in its serious engagement with customary pastoral rights and institutions of local authority including heads of extended families and councils of elders. An Agriculture legislative expert on pastoralist issues said, “Traditional pastoral use rights are recognized and protected as real legal property rights in the draft pastoral code. They cannot be restricted or denied except in the general interest and upon compensation, preferably in kind through making available alternative resources [Articles 78–82 dpc].”⁴¹ The draft pastoral code evokes a world reminiscent of French commoners. The French wording of the pastoral code even uses the French legal term with ancient antecedents “*vaine pâture*” for customary African grazing rights on land to which others have primary rights to farm. The legislative expert was anxious about the physiocratic rhetoric of “absolute use rights” celebrated by the land code, just as French commoners were—does that rhetoric override overlapping property rights of pastoralists? Guinea could follow the French example and legally accommodate “absolute use rights” to common property rights. The draft pastoral code, unlike the land code, connects the state to the local customary world of common property rights and local authorities that in fact manage these rights. Local governance and common property rights are made visible rather than effaced.

The Forestry Code versus the Land Code

Guinean forestry has been influenced by the state-centric legacy of French colonial forestry. However, Guinean forestry officials in the Ministry of Agriculture and Animal Resources, like their colleagues that work on pastoral issues, were convinced that the only effective approach is to work with local customary authorities. This perspective fits with Guinea’s broad emphasis on decentralization of state power and its stress on local community management of resources. Guinea adopted a new forest code and implementing decrees in 1989. These laws were designed to reform excessive forest regulation by a repressive central state agency by transferring management of forests to local communities that have developed plans approved by the forest service.⁴²

A legislative expert with the forest service agreed with the Ministry of Justice magistrate in seeing a conflict between customary institutions and the land code:

The land commissions that will award title to private owners, under Article 39 of the land code, must involve everyone. Bureaucrats do not know local issues, nor do they have legitimacy in the eyes of local people. Representatives of the CRDs [*communauté rurales de développements*], of the district councils (*conseils de districts*), notables representing traditional power respected in the community, such as members of the council of elders [*conseils des sages*], and local religious chiefs, must be placed on land commissions. Traditional power is respected more than the administrative power of the state. If all of the above local representatives are not involved in the process of awarding land titles under Article 39, then the process will be no more than writing on water.

He then qualified this view: “The rural mentality needs to evolve. Rural people are too conservative. As population increases, little by little, people will accept the principles of individual private property.”

CONCLUSION

Common property systems support democratic institutions because they require local participation in governance over land. All members of a common property community, including vulnerable members such as poorer family members, women, and pastoralists possess common rights and a voice based on those rights. Common property institutions that reflect a diversity of voices and claims to resources have traditionally been protective of environmentally sound, sustainable, and relatively fair land use, as exemplified by the successful management of the Menominee Indian reservation forest in the United States. Common property rights protect to some degree every family or community member’s access to land and therefore provide a safety net for the poorest and most vulnerable members of a community, including women. Common property governance provides a check against elite exploitation. When governments forcibly dismantle common property institutions and replace them with exclusively individual property rights, the consequences can be disastrous, as was the case for English commoners and American Indians such as those living on the White Earth reservation.

In Guinea, as was the case in nineteenth-century France, rural people have generally refused to cooperate with state policy (encouraged by the World Bank) that would dismantle the common property system by concentrating property rights in exclusively individual owners. Guinea’s officials are expected to apply a land law inspired by the historic English approach that sees common property systems as an

obstacle to modern market society, yet the officials interviewed pragmatically preferred to invite change rather than coercively mandate it. In effect they were pulled toward the historically French approach in which the state accommodates common property systems that serve as social welfare for the rural poor until better opportunities appear with the development of an industrial market economy. The issue is not a simple dichotomy between promarket and procommon property policies. In most common property systems, individual and group property rights overlap or coexist. In Guinea, local people sometimes invent their own contracts outside the state land law to protect the rights of individual farmers who invest money and labor in land. Guinea could, and ultimately may, follow France's historic example and create a system of land law and land use that formally recognizes the strengths of both individual and group land use, that protects the safety net and local, democratic participation inherent in common rights while protecting individual property rights that do not undermine the positive aspects of Guinea's common property systems.

NOTES

1. Lansana Conté died in December, 2008 and a military junta seized power, dissolving the government and suspending the constitution.
2. Ordonnance 093/PRG/85.
3. Tabachnick, 2001, pp. 111–167.
4. Tabachnick, 1974, p. 6.
5. Marcus-Jones, 1988, p. 61.
6. Fischer, 2000, pp. 567–77.
7. *Décret* [Decree] no. 237/PRG/2C/83 (1983). (Guinea).
8. *Loi Fondamentale*. [*Constitutional Law*] art. 13 (1992) (Guinea).
9. *Code foncier et domanial*. [Land Code] no. 0/92/019 (1992) (Guinea).
10. Fischer, 1999, p. 11.
11. Shipton, 1988, pp. 91–135.
12. A number of West African countries with English and French colonial histories do recognize in state law local common property institutions. Two such countries with French colonial histories are Mali and Burkina Faso. See Fischer (2000, p. 572).
13. Jones, 1988, p. 174.
14. Young, 1971 [1808], p. 61; Thompson, 1991, pp. 149–162.
15. Neeson, 1993, p. 10.
16. Neeson, 1993, p. 257.
17. Clare, 1986, p. 150.

18. Marx, 1976 [1867], pp. 905–907; Tawney, 1965 [1912], pp. 350–351; Gonner, 1966[1912], p. 184.
19. Clinton, 1993, p. 123.
20. Getches, 1998, p. 191.
21. Nesper & Pecore, 1993, p. 28.
22. Cornell & Kalt, 1998, pp. 8–9.
23. The discussion of White Earth is based on Meyer (1994).
24. Jones, 1988, pp. 20–21, 128–148.
25. Soboul, 1976, pp. 203–204.
26. Braudel, 1990, p. 282.
27. Garaud, 1958, p. 284.
28. Sée, 1942, pp. 333, 349.
29. Carré, 1998, pp. 708–719; Varda, 2002.
30. Sixteen government officials from five ministries were interviewed. Interviewees included a magistrate and technical counselor with particular responsibility for land law issues in the Ministry of Justice; the most senior civil servants in the Ministry of Land Management, (name later changed to Urbanism and Habitat), and the Ministry of Agriculture and Animal Resources; the heads of departments in the Ministry of Land Management and the Ministry of Agriculture and Animal Resources most directly concerned with applying the land law. In addition, all Guinean laws relevant to management of land and the environment, including Guinea's Civil Code and Constitutional laws dating from Guinea's independence to 1993, were collected and reviewed for this research. All quotations that follow are from interviews unless otherwise cited.
31. Thomas, Van Dusen Lewis, & Dorsey, 2004. Thomas, Van Dusen Lewis, & Dorsey, 2004.
32. See, for example, Coquery-Vidrovitch (1994) and Fortmann (1998).
33. Otieno, 1998.
34. Shipton, 1988, pp. 118–122; Netherlands Development Assistance, in collaboration with Gerti Hesseling, 1997.
35. Women and Law in Southern Africa Research Project, 1995, pp. 156, 158.
36. Tabachnick, 1998, p. 3.
37. Fairhead & Leach, in collaboration with Millimouno & Kamano, 1996.
38. Thomas et al., 2004, p. 30.
39. See Fairhead & Leach, in collaboration with Millimouno & Kamano, 1996, pp. 116–129.
40. Mortimore, 1998, pp. 625–627.
41. Ouedraogo & Diallo, 1992.
42. *Code forestier* [Forest Code] no. 081/PRG/SGG/89 (1989) (Guinea). *Décret* [Decree] no. 237/PRG/2C/83 (1983). Guinea.

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CHAPTER 8



NUCLEAR ENERGY, HAZARDOUS WASTE, HEALTH, AND ENVIRONMENTAL JUSTICE IN SOUTH AFRICA

THE CONTINUING LEGACY OF APARTHEID*

Mashile F. Phalane and Filomina C. Steady

The apartheid system in South Africa, which was dismantled in *de jure* terms in 1994, represents one of the worst examples of violations of human rights and environmental injustice in human history. Apartheid continues in *de facto* terms, since whites, who represent 9 percent of the population, still own 80 percent of the land acquired primarily through coercive, brutal, and illegitimate imperialistic means. Africans, who constitute 80 percent of the population and own 13 percent of the land, are often targeted for environmental injustices. Residential segregation, manifested in racial and economic disparities and massive environmental problems, is the observable norm.¹

Ironically, environmental concerns have meant that land was also used for conservation and wild game preservation in racially segregated game reserves that displaced Africans from their lands and prohibited them from visiting these reserves by law. Most urban Africans live in hazardous environmental conditions in shantytowns, under substandard housing conditions with inadequate sanitation, water, energy, and other facilities that are highly visible, even to a casual visitor. The legacy of apartheid included the Bantustans policy, which

* Mashile F. Phalane made a PowerPoint presentation on nuclear energy in South Africa at the Wellesley Symposium on Environmental Justice. Half of the chapter is from this presentation, and the other half is on hazardous waste dumping.

forced Africans to live in rural homelands that were barren and lacking in facilities and resources as well as jobs with living wages that can sustain life. Most of the old, sick, and very young, whose labor could not be effectively exploited by the apartheid economic system, were banished to these lands that could barely sustain life.²

Environmental organizations in South Africa, as in the United States, are diverse; but unlike the United States, where environmental justice activists have shown more unity of purpose, those in South Africa reflect different priorities along lines of race, class, gender, and other concerns.³ Those that challenge the negative environmental impacts resulting in social inequalities and the legacy of apartheid have taken on environmental justice violations, such as the dumping of nuclear energy and the global dumping of hazardous waste.

THE ENVIRONMENTAL, HUMAN, AND ECONOMIC COST OF NUCLEAR ENERGY

A few of these organizations are concerned with issues of environmental racism that include the differential impact of nuclear energy projects on people of color. Earthlife Africa is an environmental justice organization that challenges the development of nuclear energy in South Africa on the basis of the dangers it poses to human and animal health, the environment, and the economy. It lobbied against the shipment of hazardous mercury waste to South Africa. It was established in 1988 to promote environmental laws and help implement the National Environmental Management Act (NEMA).⁴

Environmental issues appear not to take center stage in terms of policy priorities, and the Ministry of the Environment does not have the same high profile as other ministries concerned with economic growth and development. As a result, nongovernmental organizations (NGOs) have had to intensify their lobbying and monitoring roles against environmental degradation, often in the face of lukewarm interest of the government. Despite these challenges, new environmental groups are being formed, such as Groundwork, which focuses on air pollution, and Coalition Against Nuclear Energy (CANE), which like Earthlife Africa is lobbying against and tackling problems of nuclear development in South Africa.⁵

The history of nuclear energy use in South Africa goes back to the pre-World War II era. The country has always had substantial uranium reserves, which attracted the attention of Western nations around the time of World War II. Fear of Hitler developing the atomic

bomb caused the United States and Britain to consider using the uranium from South Africa for the highly secretive Manhattan Project designed with the intention of making the atomic bomb. During the two decades after World War II, South African uranium was sold to the Combined Development Agency, a purchasing organization set up by Washington and London to secure adequate uranium supplies for their nuclear weapons programs.⁶

In 1948, the Atomic Energy Board was founded to sell, regulate, control, and produce uranium. This triggered the development of nuclear energy capabilities in the 1950s, primarily for peaceful purposes. By 1969 the government set up a pilot uranium-enrichment plant, named the Y Plant, at Valindaba, outside Pretoria. Although designed primarily to test the technology on an industrial scale and to open new commercial opportunities, it also made possible the manufacture of material for nuclear weapons. In 1971 the Minister of Mines approved preliminary nuclear explosives research.⁷

South Africa's Atomic Energy Corporation (AEC) has estimated the maximum cost of the nuclear deterrent as seventy million Rand a year, which includes the capital cost of the Y Plant. The total cost of South Africa's nuclear deterrent program was approximately 750 million Rand, or less than 0.5 percent of the country's defense budget at the time. About four hundred people were involved in the program, with a total of approximately one thousand employees overall. The plan was to conduct the testing on a site in the Kalahari Desert, a site that was discovered by a Soviet satellite in August 1977, with later confirmation from U.S. reconnaissance. This sparked a worldwide protest, the political pressure of which led Pretoria to abandon the plan for testing. After the discovery of the Kalahari testing site, the South Africa's nuclear program shifted toward acquiring a nuclear deterrent, primarily from the Soviet Union.⁸

In the mid-1970s, the South African government believed that the Soviet Union was planning to build up Cuban forces in Angola. This was compounded by the threat of the nationalist and guerilla movements from Zimbabwe that openly opposed the apartheid regime and the increasing isolation of South Africa by the international community. At the time, even with its uranium and nuclear energy program, South Africa was denied a designated seat on the International Atomic Energy Agency (IAEA) Board of Governors because of its apartheid policy.⁹

From the end of the 1980s, several changes led South Africa to reconsider its deterrent strategy as unnecessary. These included the

collapse of the Soviet Union, the independence of Namibia, the cessation of hostilities in Angola, and the withdrawal of 50,000 Cuban troops from Angola. Furthermore, one study has argued that the government increasingly realized that accession to the Nuclear Proliferation Treaty would have distinct advantages for South Africa's African neighbors and for its negative international image. Pretoria also began to see that the solution to South Africa's problems lay in the political rather than the military arena and that the nuclear deterrent, along with strategic ambiguity, was becoming a burden rather than a benefit.¹⁰

The election of F. W. de Klerk as president in September 1989 precipitated this change in strategy. De Klerk embarked on a program of political reform to normalize South Africa's international relations. Shortly after assuming office, he appointed an expert committee to consider the benefits and liabilities of maintaining the nuclear deterrent and of joining the Nuclear Proliferation Treaty. In November 1989 the committee recommended terminating and completely dismantling the nuclear weapons program, and the Y Plant was closed on February 1, 1990.¹¹

South Africa joined the Nuclear Non-Proliferation Treaty in 1991. Two months later it also concluded an agreement on safeguards with the IAEA. This allowed the country to take its seat in the General Conference of the IAEA. Despite these apparent changes, the apartheid era was also fraught with the structural violence of the government and its military, on the one hand, and resistance to the violence and brutality of apartheid through armed conflict by Africans, on the other. This created suspicions and concerns about the possibility of the apartheid regime continuing its nuclear weapons program in secret with the help of Western governments.¹²

The Nuclear Energy Corporation of South Africa (NECSA) is a state-owned corporation, established as a public company following the Nuclear Act of 1999. Its main function is to promote research and development in the field of nuclear energy and radiation science and technology; to process source material, special nuclear material, and restricted material; and to promote cooperation with similar agencies. Apart from its main operations at Palindaba, NESCA also operates the Vaalputs radioactive nuclear waste facility. NESCA develops and utilizes nuclear technology as part of the National System of Innovation. The corporation also serves the states' nuclear institutional obligations. Its growth strategy, "Vision 2010," is aimed at contributing

to national and regional socioeconomic development in line with the New Partnership for African Development (NEPAD).¹³

Due to the dwindling of its huge coal reserves and the lack of oil and gas, South Africa has been stressing the need for nuclear energy for some time, to increase energy diversity and security of supply and to reduce energy emissions from fossil fuels because it is a cleaner burning fuel. Consequently, it has established several initiatives in that direction, which is likely to involve extensive financial investments. Two such initiatives include a demonstrator nuclear plant at Koeberg, outside Cape Town, and a fuel plant at Pelindaba in Gauteng. These plants were largely funded by private investors such as British Nuclear Fuels, which has since pulled out, and Exelon of the United States, which faces financial challenges. France and Russia are among the interested international partners and investors.

The nuclear program in South Africa has been challenged by environmental lobbyists such as Earthlife Africa, arguing for more sustainable alternatives to nuclear energy because of the dangers of accidents and disposal of nuclear waste and on the basis of its health risks. The organization claims that the safety guidelines provided by the IAEA is misleading for African people. According to IAEA, radiation dose was calculated by defining MAN as a reference along the following lines: “20–30 years of age, 70 kg weight, 170 cm in height, lives in a average climate of 10–20 degrees Celsius, Caucasian and is Western European or Northern American in habitat and custom.” This meant that African or non-Caucasian people were neglected. Pregnant women as well as children and teenagers were not considered. This exposed a large number of people to radiation, a fact that was never challenged by the South African government.¹⁴

According to Earthlife Africa, the South African Nuclear Industry operated in complete secrecy in its forty years, resulting in a legacy of self-regulatory institutions that damaged human life and the dignity of the workers and their families. Radioactivity from high exposure to uranium can result in blood cancers, gastrointestinal disorders, bacterial infections, hemorrhaging and anemia, loss of body fluids, electrolyte imbalance, leukemia, birth defects, reproductive damage, and death. The death of Victor Motha, a chemical engineer, caused a lot of outrage. *The Star* first reported the incident as follows:

For four years, Clive Motha has wanted to know why his son Victor collapsed in the dining room of their Mamelodi house. Now there is an inquiry into Victor's death. But more than a month after the investigation

was announced, Motha hasn't even heard from the investigators. In fact, he learnt about the investigation only from an article in *The Star*. "I haven't heard from these people as yet," he said.

On June 30, the SA Nuclear Energy Corporation (NECSA) announced the launch of an independent investigation into the allegations—by the environmental watchdog organization Earthlife Africa—that several former employees at the Pelindaba nuclear facility, near Tshwane, were suffering from illnesses caused by radiation and other chemical exposure. Mogwera Khoathane, the consultant leading the investigation, stressed that the inquest would review both the previous internal and external investigations into Victor's death. This week, Khoathane announced the team he had chosen to conduct the investigation. It includes five members: Annanda How, Shaun Guy, Mokgothu Brian Nkonoane, Dr Monde Ntwasa and Professor Barney de Villiers. While this could finally mean closure for Motha and his family, he does not hold much hope for the investigation. "It is just going to be a repeat. They [NECSA] didn't return calls. Those people ignore you. I tried a lawyer for help, and still nothing," said Motha. In fact, Motha is in debt, and he owes his lawyer money.

Victor was fresh out of Pretoria Technikon when he landed a job at Pelindaba. He had a diploma in chemical engineering and was given a contract to work at the nuclear facility. "He was always a brilliant boy. He used to help others in their studies," Motha said. On the day of his death, Victor arrived home from work as usual. He did not tell his father that something out of the ordinary had happened to him that day. He was eating his dinner when he suddenly started vomiting. "We rushed him to hospital, and there he died," Motha said. Victor's death certificate, which his father keeps together with a few of his other belongings, states that his death is under investigation. What Motha has been able to glean over the years about his son's death was that Victor was exposed to fluorine, a highly toxic gas used to refine uranium. Apparently 11 other workers who had been on shift with Victor were hospitalized and later discharged. Shortly after Victor's death, the Motha family received a letter from then-minister of minerals and energy, Phumzile Mlambo-Ngcuka. In it, she promised the family "that no stone will be left unturned in this investigation." However, Motha says that is where the correspondence with the department.

More than 500 workers in these nuclear facilities are requesting their medical records, and more than 200 have undergone medical tests. Fifty-six workers need specialized medical tests to examine their lung functions, blood counts and so forth. There have been work-related deaths of two workers and eleven have been diagnosed with illness from radiation. Other examples include Victor Motha, a young university graduate died as a result of inhaling fluorgas in 2001. H. R. Daniels, a security guard died of cancer. On August 7, 1986, two people died

and two others were injured at NECSA's Pelindaba Z plant as a result of fire caused by flammable waxpolish. (Reported by Argonne National Laboratory)¹⁵

The nuclear industry has a history of controversy and suppression of evidence on the health effects of nuclear development. In addition, the records on emissions and workers' health are usually not very good, complete, or reliable.¹⁶ Nonetheless, the government is still pursuing its plan for nuclear energy development and use. It has endorsed a ten-year plan, and a corporation was formed to coordinate the program to be financed by local and foreign funds. It established the Pebble Bed Modular Reactor (PBMR) in 1990 in collaboration with Stellenbosch University to conduct research and development on nuclear energy and develop and market small-scale, high-temperature reactors both locally and internationally.¹⁷ South Africa has two nuclear reactors generating 6 percent of its electricity and the first commercial nuclear power reactor started in 1984.

The government commitment has been undiminished since 2004 when it approved a budget for nuclear energy development and use.¹⁸ While promoting nuclear energy, the Ministry of Minerals and Energy is reputedly also cautious, realizing the risks and huge costs of nuclear energy for South Africa, despite its international appeal to Western and other nations. It also has to face the reality of the heavy financial burden and dependence of the South African nuclear program on external sources and debt to be paid by children yet unborn.

Although the government faces major opposition from antinuclear groups, not everyone is against nuclear energy and especially not workers in the industry, including women. In 2003, the organization Women in Nuclear in South Africa was formed. Its objectives are to create a national forum and network for women in the nuclear field; to promote broad-based understanding of the technology, safety, and nonproliferation; and also to advance the empowerment of women in the relevant fields of the nuclear industry.¹⁹

GLOBAL DUMPING OF HAZARDOUS WASTE AND TOXIC CHEMICALS

Hazardous waste dumping on lands inhabited by Africans is one of the many ways in which environmental racism manifests itself in South Africa. An international scandal broke out in the late 1980s when it was discovered that Thor Chemicals, located in Great Britain with

a subsidiary in South Africa, was regularly shipping mercury waste products under the guise of recycling to the Eastern province of Kwa Zulu Natal at a plant in Cato Ridge. The company could no longer operate in Britain because of casualties from mercury poisoning and stricter environmental laws. The only method of mercury disposal was incineration, which had been abandoned since 1980 because of the release of PCBs, dioxins, and air contamination. Thor closed the plant in 1987 and relocated to South Africa, where environmental rules were not as strict.²⁰ This led to mercury poisoning of the workers, not only putting the surrounding communities at risk of mercury poisoning, but also endangering their survival.²¹

In 1989, a group of journalists from the United States discovered the shipment, which was disguised as part of a recycling program. Water samples from the Mngeweni River, which flows through heavily populated areas, were found to contain 1.5 million parts per billion (ppb), 1,500 times higher than the limit for sediments to be declared toxic in the United States. The investigation was confirmed by mercury poisoning of several workers. The plant manager of Thor, Steven Van der Yer, denied the accusation of mercury poisoning and instead blamed it on the Zulu workers, claiming it was due to their improper handling of mercury.²²

Protests against Thor were held in South Africa and in many parts of the world. In South Africa, Earthlife Africa, an environmental organization, worked in conjunction with Greenpeace to exert pressure on Thor Chemicals and on the South African government to end the shipment and operation as well as the secrecy with which Thor Chemicals and the South African government functioned. In the United States protests were held against American companies, especially Borden Chemicals and Plastics and the American Cyanamid Company that were also shipping hazardous waste to South Africa, resulting in federal investigations of these companies. Both companies together were shipping nearly 190 tons of mercury-related waste to Cato Ridge. Yet in 1990 the U.S. Congress was arguing in a House Energy and Commerce Subcommittee whether or not a country is responsible for its waste once it leaves the country and whether there was a distinction between toxic waste and raw material. Borden Chemical and Plastics was later fined and banned from shipping hazardous waste to South Africa.²³

The European Community agreed to ban the shipment of hazardous waste to eighty countries, and the *Basel Convention* banning the global shipment of hazardous waste came into effect in 1994 and

was signed by all industrialized countries, with the exception of the United States and New Zealand. In 1995, the *Bamako Convention* was launched by African countries to reinforce the prevention and ban on the dumping of hazardous wastes and toxic chemicals in Africa, since Africa had always been a target for such acts of Environmental Injustice.²⁴ As recently as 2007, the *Trafigura*, a Danish shipping company vessel, was caught secretly dumping hazardous waste and toxic chemicals in the Ivory Coast.²⁵

The actions by the apartheid government with regard to Thor Chemicals were first to deny the mercury poisoning by the company and later to ask it to close for four months while the investigation was in progress. In the end, despite the findings, which included water contamination and the ongoing investigation, a secret memo from the Department of Environmental Affairs was discovered, absolving Thor of any wrongdoing and praising their sensible operations and sound work. As a result of activist pressure from environmental organizations, a number of legal actions were taken.

In 1992, following the death of three workers and an extensive investigation, Thor Chemicals was criminally charged with culpable homicide and violation of the Machinery and Occupational Safety Act on behalf of the victims in the High Court of London. The transfer of defective technology from Britain to South Africa and the failure to protect the lives of the workers were cited as criminal acts. Thor Chemicals pleaded guilty and was fined a mere \$3,000 because the charge was reduced from homicide to negligence. With regard to the civil suit, Thor settled with the twenty victims out of court for \$2.1 million. An additional claim resulted in Thor Chemical transferring its holdings to a newly formed company, Tato Holdings, thereby reducing its visible assets.²⁶

Thor Chemicals effectively closed in 1996 after which it announced that it would cease shipping mercury waste to South Africa. However, an inspection by the Department of Environmental Affairs not only found 10,000 drums of mercury waste but also discovered that the company was dangerously stockpiling the waste and had no intention of recycling it. This was confirmed by a visit by experts from the U.S. Environmental Protection Agency (EPA) in 2000.²⁷ The Environmental Impact Reports that followed revealed that lethal mercury waste was still leaching into the water table and a nearby stream used by the neighboring communities. The mercury wastes are still stockpiled at Cato Ridge. Recycling and processing are not options, since the former is too expensive and the latter will increase the health and other

risks. The U.S. EPA and the Department of Environmental Affairs in South Africa are apparently working on a coherent hazardous waste cleanup program.

CONCLUSION

The Environmental Justice Network Forum serves as an umbrella organization for environmental justice NGOs. Environmental justice in South Africa is a struggling movement because of financial and other resource constraints and the objection by the government to their activism. These organizations face many challenges, among which are limited financial and other resource constraints that can threaten their survival. Like other environmental movements, they tend to be dismissed by the government as being “white” and “Greenish,” and environmental justice activists in particular tend to be dismissed as being “scaremongers.”²⁸ Nonetheless, environmental lobbyists continue to protest, including threats and use of legal action, against the dumping of hazardous waste and the development and use of nuclear energy in South Africa. Many of these environmental movements and lobbyists need extensive and sustained international support.

According to Lea Foushe, of the Prairie Island Coalition of North America, “The nuclear chain starts and ends with environmental racism.” Foushe adds that the nuclear chain begins with buying uranium found on aboriginal land in the United States, Canada and in the poorest black sections of South Africa, and that uranium was transported to an impoverished African American community in Louisiana to make into pellets. She also emphasized the problems and potential dangers of nuclear waste by noting that nuclear waste dumps are usually found in disadvantaged communities. In addition, the problem of storage and disposal of nuclear waste is one that even the United States, with its 103 nuclear plants and enormous resources, has not been able to solve, let alone South Africa.²⁹

NOTES

1. Kunnie, 2000; Magubane, 1970; Thompson, 2000.
2. Cock & Fig, 2002; Khan, 2002; Kunnie, 2000; Magubane, 1970; Thompson, 2000.
3. McDonald, 2002.
4. Phalane, 2007.
5. Phalane, 2007.

6. Albright, 2001; FAS, 2000; Harris & Hatang, 2003; Steyn, Van Loggerenberg, & Van Der Walt, 2007.
7. FAS, 2000.
8. FAS, 2000.
9. FAS, 2000.
10. See Steyn, Van Loggerenberg, & Van Der Walt, among others. See also FAS, 2000.
11. FAS, 2000.
12. FAS, 2000.
13. Nuclear Energy Corporation of South Africa, 2008. <http://www.necsa.co.za>
14. Phalane, 2007.
15. Phalane, 2007.
16. Phalane, 2007.
17. Pebble Bed Modular Reactor, <http://www.pbmr.com>
18. World Nuclear Association, 2008.
19. Department of Minerals and Energy, 2003. EnergyWomen in Nuclear-South Africa www.dme.gov.za/winsa/index.stm (Retrieved January 13, 2009).
20. Lambrecht, 1992, May 10.
21. Lambrecht, 1989, December 3; 1990, January 25. See also *The Daily Telegraph* and *The St. Louis Post Dispatch*, both of which covered the story from 1992 onward.
22. Lambrecht, 1989, December 3.
23. Lambrecht, 1989, December 3.
24. Gbadegesin, 2001.
25. Environment News Service, February 15, 2007. <http://www.ens-newswire.com/>
26. Lambrecht, 1992.
27. University of Michigan (2004).
28. Phalane, 2007.
29. See Richardson, 2007.

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CHAPTER 9



ENVIRONMENTAL INJUSTICE

AFRICAN INDIAN RESPONSE

Pashington Obeng

INTRODUCTION

Since the 1970s, individuals, organizations, and some governments have been raising awareness about environmental preservation and conservation. From that time to the present, environmentalists have broadened their focus to include the intersection between social justice (race, gender, class)¹ how the rich and powerful expropriate and degrade the environment for profit, while disadvantaging low socio-economic people on local and global levels. The expanded scope of environmentalism has also generated multifaceted disciplines that examine different aspects of the environment. Martinez-Alier argues that given the “value pluralism” that surrounds people’s views of natural resources, we can understand environmental injustice as being the result of unequal power, access, and distribution of natural resources.² By the 1990s, the field of environmental studies included political ecology, ecological economics, legal ecology, and feminist ecology.³ For instance, in Karnataka of South India, there are local politicians, rich farmers, and municipal government officials that tend to dispossess Siddi peasants and other citizens of villages and towns of their lands.

According to environmentalists, the unchecked and unaccountable commodification of land, water, and forest produce combine to create unequal access to land and other resources.⁴ Most environmentalists tend to look at the sociopolitical, economic, and legal impacts on low socioeconomic classes with reference to their lack of access to land, how they are dispossessed of their property, and ways in which they

are denied their right to the natural resources in their habitat. Such environmentalists also further tend to focus on the impact of injustices against minorities and attempts that some local governments, non-governmental organizations (NGOs), and social activists are making to prevent and redress instances of environmental injustice. In the early 1990s, environmental activism focused on the interrelatedness of social justice and colonial concerns. Such a focus further promoted community-based or grassroots protests against environmental injustices that had national and international importance. As scholars and activists addressed issues of social justice and environmental matters, they expanded and deepened their focus to embrace international, public health, resource allocation, land use, and community empowerment.⁵ The movements that emerged from environmental activism also addressed strategies for reversing and preventing environmental degradation that affects people of color around the world. Recently, some scholars have also addressed the rights and interests and displacement of minorities and ways in which such injustices have come about as a result of development projects. Other scholars also have examined the importance of migration of people in search of better living conditions, which leads to displacement of such people and therefore the urgent need for their resettlement at places where they can claim to be their own. Some of the injustices that have been called biopiracy are the result of individuals and companies acquiring lands from marginalized groups without compensating those who lose property.

ILLUSTRATIVE CASES

This chapter examines four cases from Uttara Kannada (North Karnataka) to illustrate examples of environmental injustice committed against Siddis, and their strategic response for self-empowerment and how they seek to redress of their exploitation. Siddis, or African Indians, are descendants of Africans who voluntarily or forcibly migrated to South Asia between the tenth and twentieth centuries.⁶ Present-day Siddis are found in Gujarat, Karnataka, Andhra Pradesh, and Maharashtra.⁷ The roadblocks (*rasta rokos*) involve a number of people sitting on roads to block traffic in order to bring attention to injustice that has been committed against them or others. *Upavasa satyagraha* is another protest mechanism through which protestors use persistence at truth by fasting for strength in order to expose injustice in the society.

The chapter goes beyond commenting on how nongovernmental organizations and the Indian government attempt to prevent or correct the injustices committed against Siddis to focus on the importance of Siddi activism, their identity formation, and the implications of such political mobilization response for local and global ecological concerns. Siddis, like other low socioeconomic people in rural India, live and work on lands. Thus, their natural resources are linked to their identity. Landscapes are therefore more than physical dwellings and workspaces; they are scripts and stories of their lives. African Indians live in the caste-based state of Karnataka where the social ordering of their daily interactions is shaped by caste logic and other forces that marginalize them. The ordering of their daily interactions translates in socioeconomic class-based terms.

The Siddis through roadblocks, street theater, and hunger strikes are performing their counterhegemonic positions as they redefine their identity and express their agency regarding their habitat. In 1987, the Karnataka state passed a law to protect the rights of its citizens to their lands. It was not until 1994 that the central government of India endorsed that law. However, while people may have the right to live and own land and use land in any way of their choice, such rights are not guaranteed because there are rich and powerful people and companies that trample on the rights of the poor.⁸ Ponds, rivers, and water supplies are controlled by the state of Karnataka. Thus, it is the state that regulates activities related to fisheries; drinking water; water for domestic use, irrigation, and for livestock; and, in some cases, such resources come under jurisdiction of the state municipal government as well as panchayats. Though there are laws that govern such resources, including the people's right to fish, draw and use water in lands they own, there are many cases where such rights have been denied the owners of the lands. Though marginalized communities appear to have no political mobilization clout to redress environmental injustice, this chapter will examine cases in which some Siddis as a minority group have fashioned their own protest strategies against exploitation. The exploitation sometimes involves dispossession of their lands, the destruction of land and other property when factories are built on such lands, limitations placed on the use of forest produce, and land use in general. The protests aim at seeking social justice and self-empowerment. Through such protests the people call attention to the siting of unwanted facilities, such as liquor stores in their neighborhoods.

Though most of the Siddis do not have documents to support their claim of ownership of some of their lands, they often attest to their ownership with reference to the fact that their forebears passed the property on to them. So it is their individual and social memory that they reference to support their claim and to underscore their rights to such property. Since land is intertwined with their well-being, access, or lack of access to natural resources touches on who they are. Lack of enforcement of the laws, which guarantee their rights to land, therefore affects their livelihood, their culture, and spiritual life. Hence, acts of biopiracy on Siddi natural resources have dire consequences on the health, lives, culture, and religions of individuals and communities. That is why when they fight for their land, they do so to protect their well-being, their livelihood, and their culture.⁹ On paper, Siddis are supposed to have advocacy groups, but in reality they tend not to have any formal advocates in the courts of the rich and the powerful.

Ecological terrorism is not committed with conventional weapons, but by power, greed, profit, and ruthless depersonalization of minorities and the powerless. The importance of land and Siddi identity is highlighted by the following statement made by Rajendra Shetti Bustin Laxmi Siddi:

As a birth attendant, I remember when we buried the placenta and the umbilical cord in secret places in the bush after we performed a family ritual. When my husband died the Hindu family for whom my husband and I were working gave me 1,000 rupees and sent my four children and me away. When we left the Brahmin's village in Manchikeri, we went to Yellapur before we moved to Mainalli. We therefore left behind the places where I buried the umbilical cords of my children. Today, most of the lands Siddis occupy are called "encroached lands" and so we bury the placenta and umbilical cords anywhere we find. Long time ago, we would perform special rites before we hid the umbilical cord and the placenta. Some Siddis do not perform the rites because they are Christians, the woman may have the baby at the hospital, or that if they buried such organs in somebody else's land they could not lay claim to the land later. Also, we buried the umbilical cord and placenta because we believed that if someone who had the evil eye saw where we hid them, he or she could cast a spell on the mother and the child.¹⁰

It is in light of Laxmi Siddi's sentiment that when six Siddi family members were robbed of their inherited land, the biopiracy was also violence against the six people of Nandinavi village of Utra Kannada (North Karnataka) as the first case. According to Mohan Siddi, the

eldest among the six siblings, their grandfather took a loan to the tune of 7,000 rupees to purchase land on which they currently live and farm. The grandfather was able to pay back about 4,000 rupees. The non-Siddi Brahmin confiscated the whole land of six acres and only gave one-and-a-half acres to the grandchildren (personal communication, January 10, 2003). So, at present, the six children have access to only one-and-a-half acres of land. Since the grandchildren, like most Siddis, do not have any documents, such as a deed to the land, from their grandfather, the non-Siddi claims that the four-and-a-half acres belong to him, and he chose the most fertile part of the land space where he grows crops.

In the village of Savane, which is about ten kilometers away from Nadinavi, there is the second case in which another non-Siddi swindled Ananth Siddi's father into signing off a piece of land about twenty years ago (personal communication, January 16, 2004). Now, Ananth and his family cannot farm on the land that surrounds their house. And so the non-Siddi who lives about twenty kilometers away travels to Savane to farm. Ananth Siddi and his family are now landless.

The third case happened in Mavin Koppa, also in North Karnataka. In Mavin Koppa, the Siddis who have lived there for over fifty years and owned the lands and bodies of water cannot fish in their village. They have lost their right to the lake because the fish in it had been bargained away by someone who claims to have put a bid on the fish and paid for the fish. So, at the moment, the citizens of Mavin Koppa can only use the water for domestic purposes, such as washing their clothes and for drinking. "It is only when the owner of the fish in our lake sells us some of his fish that we eat fish," says Abdulai Muhammad Siddi (personal communication, June 14, 2006).

Francis Siddi, a thirty-year-old man in Mainalli, was fighting for a piece of land that he inherited from his father. This last example involves Ashok Ganapati, a non-Siddi who also lived in Mainalli. Ashok had brought forth a false debt charge against Francis Siddi, claiming that the land behind Francis's house belonged to him (Ashok), because Francis's father borrowed money some time ago for the land but never paid back the loan (personal communication with Francis Siddi, August 2, 2004). Ashok Ganapati and his brothers, who are Havig Brahmins, have been using such deception to expand their own property as a way of exploiting the Siddis.

In light of the above biopiracy, the Siddis feel like roaches in the chicken's court. Their rights to land cannot be easily asserted because state and national legislations demand legal proof of ownership. Most

Siddis do not have such legal documents regarding their property. Communal and family custodial ethos for centuries has governed their lives. Such ethos therefore was not legitimized by paper documents. Thus Siddi men and women, like other activists, are putting up resistance to bring about their notion of justice.¹¹ It is in such situations that some scholars from the U.S. government, NGOs, and philanthropists try to rescue the oppressed. As they advocate such a position, some of them end up treating marginalized people as helpless. They are therefore using self-determined ways to seek justice. By creating opportunities for resources for their own development, they are therefore agents of change using their imagination in the larger context of the effectiveness of South Asian social movement. They are reworking their identity to address their well-being, and therefore not just committed to poverty reduction. Siddi political action to seek justice is thus more than simply about material resources. Their response embraces material, spiritual resources, notions of identity, and concepts of their well-being.

Siddi grassroots activism parallels the Karnataka Rajya Ryoth Sangha movement (KRRS) of resistive methods employed by the people of South India in an attempt to stop the India Institute of Science from collaborating with outside research institutions, such as Monsanto. The KRRS local political action demonstrates their power to influence international policy to protect the right of Indian farmers to their local seed sale.¹² The KRRS power is born out of the following quotation: "In Karnataka, the somewhat grandly named 'seed satyagraha' of the Karnataka Rajya Ryoth Sangha became well known in the early 1990s. On 30 November 1999, the first day of the WTO conference in Seattle, several thousand farmers gathered in Bangalore at the Mahatma Gandhi statue in the park, they issued a 'Quit India' notice to Monsanto, and they warned the prestigious Indian Institute of Science not to collaborate with Monsanto in research."¹³ Their political action enables them to control and manage resources that private companies and state institutions threaten to take away from them.

In October 2007, Siddi women and men from Savane and Dalits (lower-caste people) from neighboring villages joined forces and went to Yellapur subdistrict offices to protest against how Siddis and non-Siddis, who are in the low socioeconomic class, had their land expropriated by some government officials and rich and powerful private farmers. The protesters used sit-in strategy at the Talluk (subdistrict offices), fasting, and singing for about three days. This protest strategy

is what they call *upavasa satyagraha*. At the end of the third day, state government officials from Bangalore, the capital of Karnataka, came to Yellapur to persuade the protesters to end the *upavasa satyagraha*. It was through the intervention that Jairam Siddi and his family got back their land without harassment from the local Brahmins (personal communication, January 20, 2008).

When Ashok Ganapati invited police officers to assist him to dispossess Francis Siddi and Gowli from Sidrighundi land in Mainalli, the Siddi women of Mainalli staged a *rasta roko* (roadblock protest) for almost one week. Since the road through Mainalli was blocked for that time, neither passenger nor private vehicles could travel through the village. The inconvenience brought on both passenger and private vehicle owners and their passengers caused Mundgod municipal government officials and police officers to step in and resolve the land dispute between Francis Siddi and Ashok. Francis Siddi eventually got his land back (personal communication, June 20, 2007).

Another deployment of *rasta roko* was on October 22, 2007, when Siddi women from Gunjavatti, Mainalli, and Kendelgari blocked roads leading to all these villages so that liquor owners could not open liquor stores in their villages. As they resisted the siting of liquor stores, they were demonstrating their noninstitutionalized power to challenge some of the influential upper-caste people in India. Through *rasta roko*, they were also reconstructing their social identities as underclass people who could not be taken for granted. By subverting and preventing the economic ventures of liquor store owners, Siddis have expressed their local understanding of political power and agency.

CONCLUSION

Though Siddis live in a highly stratified caste society, through roadblocks and sit-in hunger strikes they creatively weave their personal and collective stories as victims of environmental injustices to resist their exploiters. As they put up counterhegemonic struggles, they expose the unequal power structures in Karnataka and the importance of self-cleavage formations across religions and ethnicities to redress environmental injustice. The analysis thus helps us to situate Siddi social movement strategies of *upavasa satyagraha* and *rasta roko*, as well as comment on global environmental justice movements. Further, I have shown that, unlike other parts of the world that have highly organized institutions aimed at preventing and reversing environmental injustices, the Siddi examples are spontaneous, noninstitutionalized

activism, deployed to achieve environmental justice. Since Siddis see their identities as tied and shaped by their natural resources as farmers, fisher folk, honey harvesters, and so on, the degradation of their environment, robbery of their lands, and their rights to fish in their own lakes and rivers is an attack on their well-being and identity. When they have no guaranteed access to natural resources in their own habitat, the Siddis suffer ecological terrorism or biopiracy. The Siddis draw on their notions of symbolic power within protest movements that reflect defiance and interrogative stance in the face of inequity.

NOTES

1. Bullard, 1993.
2. Martinez-Alier, 2000.
3. Martinez-Alier, 2000.
4. Matsuoka, 2003, p. 1.
5. Bullard, 1993.
6. Ali, 1996, pp. 17–21.
7. Obeng, 2007, p. 1.
8. Ramesh & Guntipilly, 1997.
9. Tauli-Corpuz & Roy, 2006.
10. Obeng, 2007, p. 24.
11. Ganesan, 1984, p. 181.
12. Martinez-Alier, 2000, p. 23.
13. Martinez-Alier, 2000, p. 22.

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CHAPTER 10



THE ENVIRONMENT BELONGS TO ALL OF US

A VISION OF ETHNIC ENVIRONMENTAL
PARTICIPATION IN THE UNITED KINGDOM

Judy Ling Wong

ABOUT BLACK ENVIRONMENT NETWORK (BEN)

The Black Environment Network (BEN) is an organization positioned as an agent for social change. Its mission is to enable full ethnic participation in the natural and built environment. We use the word “Black” symbolically recognizing that black communities are the most visible of ethnic minority communities. We work with Black, White, and other ethnic minority communities.

Like all nongovernmental organizations (NGOs), we were set up by a group of friends with a common concern, sitting around a table one night, saying to themselves, “We never see any ethnic minorities participating in the environmental movement. Why don’t we do something about it?” A founding steering group was formed. From the outset, the tone and vision of BEN was marked by a mix of creative, environmental, and community development professionals. When I joined the group as a community artist, among the committee were a black photographer Ingrid Pollard, an environmental education officer Julian Agyeman, Tony Hare a television producer, and Amanda Benett who worked at the Inner Cities Unit of the National Council for Voluntary Organizations.

The BEN vision grew through the years, creating innovative and imaginative solutions to environmental participation through

focusing on the key concerns of ethnic minorities, underpinned by a philosophical and ethical context. We had to start somewhere; so we started with working within the environmental sector but always linking into every other sector. This approach meant we were ahead of the times. Within the era of narrow nature conservation, we were working in the context of the contemporary sustainable development—linking everything. We now work across the environmental, heritage, health, community development, and arts sectors.

There is no such thing as a pure environmental or heritage project. A so-called pure environmental or heritage project is one that has neglected its social, cultural, and economic context.

—Judy Ling Wong

As its founding worker and director, a substantial aspect of the BEN vision is marked by my Chinese cultural background, within which the search for a dynamic and philosophical overview on how one manages life is central. This in itself demonstrates the contribution diverse cultures have to make within a multicultural society.

Working with traditionally neglected ethnic minority communities takes us into cross-sector work. The keywords above show the enormous range of issues and themes that connect with effective engagement with ethnic communities. The important thing is to identify an appropriate starting point that drives developments. BEN aspires to work imaginatively, in partnership with others to open up access and participation by ethnic minorities to mainstream provision. We believe that everything involving ethnic minorities must be integrated within mainstream organizations. Fundamentally, we recognize that, although there is racism, people of goodwill far outnumber racists. But, dormant goodwill is not enough. Many people of goodwill do not have the skills, confidence, or contacts to make working effectively with ethnic minorities a reality. It is well recognized that many members of ethnic minorities are vulnerable or need relevant introduction and support to enter a new area of endeavor, but most of the time the needs of mainstream professional personnel are not recognized. Our proactive offer of support to mainstream organizations grows out of a unique interpretation of the scenario—the importance of working to enable the release of the power of goodwill. This has led to the extraordinarily successful BEN methodology of supporting both sides. As the two sides grow to work together with confidence, BEN exits. Our success is in doing ourselves out of a job.

Over the years, people have asked us, “Oh, you used to have a project in Nottingham and it is no longer there. What happened?” Our answer: “We were successful in setting ethnic environmental participation within the mainstream there, so we moved to other areas that need us.” As we leave a project behind, all those we work with join our network that is now eight hundred members strong. Many members are themselves networks, so the numbers multiply into a web of thousands, including professional environmental organizations, ethnic community groups and individuals, academics, universities, researchers, schools, and local authorities—anyone who wants to work together for change. BEN promotes an integrated approach, encouraging layers of work that consistently bring together social, cultural, environmental, and economic elements. A framework of developmental opportunities is built up by working at policy, organizational, and community levels.

WORKING AT THE COMMUNITY LEVEL

We pride ourselves in shaping our work with communities through an awareness of fundamental human processes that shape values and actions.

We all love what we enjoy, and we protect and take care of what we love.

—Judy Ling Wong

One of the common excuses for not reaching out to involve ethnic minority groups is the assertion that “they are not interested.” When BEN started, many environmental organizations thought that what we proposed was not necessary. They said, “Our organizations are here and open to everyone. If ethnic minorities do not come, it means they are not interested.”

Observing the scenario, all of us can see that the environmental movement was started by and dominated by the White middle class. I am very grateful to the White middle class for having created the very necessary and important environmental movement, and congratulate them for it. But time has moved on, and the need to include everyone and have diverse representation has now arrived.

Why did the middle class do this? Do they have a special gene for loving nature? If so, we need do nothing else but race for genetic modification! But if we observe their lives, we can see that most of them have grown up in houses with gardens. Even before they can

walk, they are in contact with nature—rolling on the grass or, like my dear friend Jane, eating all the roses! At weekends, they go in their cars to the countryside. Young children, taken by the hand, discover the beauty and wonder of nature within layers of familial emotions. The enjoyment of nature soon develops into the love of nature. This is a normal human process. When someone says that what you love is threatened, as a human being one comes out fighting for nature. This is the basis of the attachment to nature and the formation of the environmental movement. Educated, organized, with their lives in order and time to spare for volunteer work, the middle class was destined to create the environmental movement. We have much to thank them for. But, the other normal part of this is that we all create frameworks and organizations that reflect our motivations, wishes, and needs. Social needs featured rarely within the middle-class scenario. But, with the new agenda of social cohesion and inclusion comes the need to extend the agenda of the environmental movement, and realize the missing benefits as well as the vast missing contribution of those beyond the middle class. This is the challenge of our times.

The first and most fundamental challenge is connection to the pleasures of nature. Like the middle classes, the disadvantaged respond in the same way; contact and enjoyment leads to love for nature, and that love leads to action. But working for access to nature includes a wide range of themes to be addressed. The papers within the BEN publication “Ethnic Communities and Green Spaces—Guidance for Green Space Managers” were produced in 2005, with the support of the Office of the Deputy Prime Minister, as the key guidance document for local authorities throughout England. The papers cover key themes around what can be achieved through the provision of nearby green spaces in the inner city areas where most ethnic minorities live in the UK:

- A sense of belonging
- Organizational capacity to work effectively with ethnic groups
- Consultation
- Green spaces and education for biodiversity
- Increasing physical activity and promoting health and well-being
- Issues of conflict, safety, and antisocial behavior
- A wide-ranging and relevant program of activities and events
- Supporting representation within decision-making structures
- Terminology matters
- Considering translation

- Working with the media and ethnic groups
- Informal learning and pathways to employment

These papers are linked to thirty-six project examples from across the United Kingdom, illustrating the themes in action. This publication is downloadable free, alongside all other BEN resources on the BEN Web site, <http://www.ben-network.org.uk>. Another key publication “Informal learning partnerships for engaging with ethnic communities—Guidance for the environmental and heritage sectors” is the latest in-depth study of developing a methodology to put in place informal partnerships among ethnic groups, local authorities, and environmental organizations, through focusing on key themes of social concern, such as health and heritage, set in a semirural context.

WORKING WITH PROFESSIONAL ORGANIZATIONS

Alongside published guidance, we believe that live, practical assistance to address local situations accelerates the process of connecting with ethnic communities and can very quickly give professional environmental staff key skills. Therefore, we work practically, through funded projects or consultancy, with mainstream environmental, heritage, and other organizations to

- familiarize urban groups with the built and natural environment through enjoyable activities;
- support ethnic minorities to connect with organizations and communities in the rural setting;
- enable knowledge and experience that lead to the motivation to protect the built and natural environment;
- highlight shared heritage;
- link groups to recreational, learning, volunteering, and employment opportunities;
- link activities to life concerns, for example, health, social isolation, improving knowledge and skills, and employment.

We support mainstream organizations through

- building commitment through imaginatively enabling intercultural understanding;
- facilitating connections with ethnic minorities;

- providing training for mainstream personnel to gain the knowledge and skills to work with awareness and effectively with ethnic minority groups;
- influencing policy and practice to underpin organizational culture change;
- mentoring and supporting staff to develop and adapt their programs of activities so that they are culturally and socially appropriate;
- working in partnership across different sectors and themes with particular attention to linking into the life concerns of ethnic minorities.

EXAMPLES ILLUSTRATING OUR MULTIFACETED APPROACH TO COMMUNITY INVOLVEMENT

The process of engaging ethnic communities includes empowering them to participate in decision making, giving them access to choice, facilitating connection with key staff as a basis for joint working, the integration of positive action in policy and operational frameworks, the consistent nurturing of an interest in returning to take part in further activities so that the basis for deepening experience is laid down, and supporting vulnerable groups to negotiate for the cultural adaptation of activities or the creation of new types of activities. Ultimately, meaningful engagement enables ethnic minorities to gain the knowledge, skills and confidence to represent their concerns, to contribute in a way that enriches the environmental experience for everyone, and to lead. The release of their missing contribution means the enrichment and extension of the programs of activities within the environmental sector. In time to come, effective engagement will result in the presence of volunteer leaders and employed key ethnic minority personnel within the environmental sector.

PROJECT EXAMPLES

These project examples illustrate the significance of different types of projects in terms of the benefits they bring to the lives of ethnic minorities, opening up their environmental contribution, as well as their impact on changing the atmosphere of social inclusion within mainstream society. Working with ethnic minorities is an enormously exciting journey of discovery. BTCV, a major environmental organisation, found in their staff survey that staff working with disadvantaged and ethnic minority groups had more job satisfaction than other staff.

Discovering the Countryside

Programs of rural activities such as dowsing, fishing or birdwatching allows ethnic minorities to be introduced to the countryside. At the same time, these visits allow countryside people to see ethnic minorities and be in contact with them. The building up of mutual familiarity results in social acceptance and cohesion. Schools are important organizations that can spark off positive integrational activities. For example, one school arranged a visit to a village where the village children showed the visiting minority children around, and then they played football (soccer) together. Such experiences in early life can be very significant. Prejudice and exclusion is based on the fear of the unknown. The repeated presence of ethnic minorities in places where they are not usually seen normalises the experience for local people and for environmental organisations.

In designing programs of activities, we need to take notice that a program that is about relaxing and spending time doing nothing much in some of the most beautiful landscapes in the world in our National Parks is as important as a program full of themed or educational activities. There is nothing like providing pure enjoyment to allow people to connect with nature and heritage through bringing them together in a social context. Walking, conversation and picnicking give time and personal space to enable fundamental emotional associations with natural surroundings.

Right Fit Project in the Brecon Beacons National Park

This project took addressed the issue of children unable to take up offers of outdoor activities at school and community programmes due to the fact that immigrant parents had never experienced such activities. It sought to reassure immigrant parents by giving them an opportunity to experience the activities with their children. It was very hard work to identify pairs of parent and child from a reluctant community. But, once they were there, there was enormous excitement and pleasure. Most of all, the health and safety provision really impressed the parents and they were completely won over. They returned to their communities committed to pass on the positive message to their peers, enthusiastic for their children to participate. The health benefit resulting from increasing physical activity and the exposure to dramatic outdoor setting are also important to ethnic minority groups living in very deprived urban areas.

Introduction to Horse Riding

There is often a misconception that ethnic groups do not take part in particular activities because they are not interested. It is then explained away by labelling it as a cultural thing. The simple reality is that they have not had the opportunity to be introduced to these activities. Mike, one of our workers in South Wales, has worked very successfully with MEWN Cymru (Minority Ethnic Women's Network, Wales) so that there is now an ethnic minority group that regularly goes riding. Consistent contact by ethnic minority groups with mainstream organisations, sustained through an enduring interest in a particular activity, also enables cultural exchange. For example, members of the mainstream population may come to learn the interesting ways in which many minority religions and cultures encourage the protection of nature.

Tree Planting to Mark the Birth of Khalsa

The Sikh community planted three hundred trees, creating a new community woodland (Khalsa Wood, Nottingham), to mark the three-hundredth anniversary of the birth of Khalsa, the Sikh scriptures. Places can be culturally marked not only by ethnically obvious things like pagodas but also through memory. This woodland is now simply a community woodland of native British trees that everyone can enjoy; but for the Sikh community in Nottingham, the woods will always echo with the memories of the celebrations and the planting experience. This example illustrates what I have coined as the process of "marking a place with memory." It is very important for neglected communities and new arrivals to have the opportunity to begin to root themselves into the landscape and establish a sense of belonging in their local environment in a culturally relevant and meaningful way.

Building Aspiration for Environmental Jobs

Enjoyment opens the door to education and understanding. In our EQUAL project in Scotland, we did something very simple to introduce the range of jobs to ethnic groups. Whenever there was a visit, we negotiated with the destination organization to bring out a member staff to talk about a job, for example, a nature warden. At exhibitions, we have had people who hang the pictures, talk about how they deal with customs and so on. On one occasion, the young people did a project taking photos in a nature reserve with disposable



Figure 10.1. Khalsa Wood, Nottingham—Tree Planting to Mark the Three-Hundredth Anniversary of the Birth of Guru Nanak.



Figure 10.2. Discovering Wildlife and Gaining Knowledge of Environmental Jobs in the Countryside.

cameras, followed by an exhibition. The museum made a point of giving them a prestigious venue. The exhibition then went on to two other community venues. The parents and grandparents were very impressed with the effort the museum made in opening up opportunities to their young people. The goodwill and positive image created is really important in terms of encouraging interest in volunteering and employment.

Nature, Culture, and Celebration

The arts and cultural activities play a vital role in getting people to form emotional connections with wildlife, provide a focus for learning and expression, and enable people to share experiences in a very rich way. Nature, Culture and Celebration was an event in parkland in the middle of Birmingham, connecting people with themes of nature through arts activities, Art activities bring people together to share feelings and ideas, and reveal cultural visions of nature. It also leaves behind concrete artworks which can be exhibited in various locations. There is also money in creativity. A BEN project in Scotland has helped a group to get £30,000 (US\$60,000) to begin a social enterprise, making greeting cards in different languages out of recycled paper.

Revelation of Hidden Skills and Knowledge

Many minorities have artistic traditional skills, such as silk painting, batik, great drawing skills, dressmaking or embroidery, and pottery. At a visit to Castell Henllyth, an Iron Age site in Wales, with basket weaving as an activity, some members of the group had such good traditional skills that they ended up teaching the workshop leaders a thing or two. Some members of ethnic groups should really think about using some of their skills to earn a living. As the group went around the site and saw the roundhouses, one of them also said, "My uncle has three of these!" He was able to comment as an expert on the thatching and the selection of clay for the walls. Many minority people have skills in carpentry and building, because they built what they lived in, in their environment. One Vietnamese young woman said that because of the war, before she was twenty, their village was burnt down and rebuilt six times. They did everything from planning the village to getting the materials out of the jungle and building everything and making all the items they needed inside their homes.

The revelation of hidden skills and knowledge give prestige to ethnic minority groups and can lead to new opportunities for them.

Bringing People Together through Making Bird Boxes

BEN worked with the RSPB (Royal Society for the Protection of Birds) to organise opportunities for people to make birdboxes together and take them away. Besides enabling a shared experience between ethnic minorities and members of the mainstream community, putting birdboxes in their garden will bring them the pleasure of seeing wild birds for a long time to come.

Cultural Gardens and Growing Plants

Burgess is an inner-city park that has worked hard to find space for people to grow things in and bring living things right into their homes. Chumleigh Gardens is a range of culturally themed small gardens in the park, with raised beds for people to come and plant things in. Having somewhere to grow things often reveals the fact that many members of ethnic groups have knowledge about plants and how to grow and use them. This includes the use of plants as food, medicine, building materials, implements, and cosmetics. There is a group called



Figure 10.3. Growing Plants for Vegetable Beds, Window Boxes, and Gardens—Chumleigh Garden, London.

Roots and Shoots that grows bedding plants and earns over £10,000 a year over the summer for their project in the inner city. Their plants green the entire local area as well.

Linking Cultural Traditions and Nature— Storytelling at Gelli Hir, Wales

Reawakening different cultural visions of nature and linking common themes in heritage and nature is really interesting. Many BEN programmes of activities feature professional storytellers, drawing from the wisdom and inspiration of stories from around the world.

Coastline, People, and Ways of Life

We have a lot of coastline in the United Kingdom, so taking an interest in marine life is important. Raising issues about food and how we are eating certain fish to extinction can contribute support for the protection of nature. At the same time, many minority communities have histories linked to the sea, such as the Vietnamese boat people. Themes such as similar wildlife, ways of making a living, and landscape features will often get people to share their experiences in their countries of origin.



Figure 10.4. Linking Cultural Traditions and Nature. Storytelling at Gelli Hir, Wales.

Cycling trip for Asylum Seekers and Refugees in Peak District National Park

Mountain biking in the National Park was wonderful for these young asylum seekers and refugees who lead very bleak city-bound lives. Those who come from arid countries cannot get over the greenness of Britain and the waterfalls. Some kept saying, “This is what is described as paradise in Islam!” Recognizing the need for free transport, the BEN Reused Bike Project in Swansea collects unwanted bicycles for reuse, refurbishes them to a good standard, and gives them away for free. People from low-income White communities also benefit. They come in to help and receive free bikes, too. This integrated approach is very important in potential trouble spots where social cohesion is fragile.

A Cool Introduction to Surfing

Being cool is really important for young people! Getting into all the gear and posing for photographs was just as important as the surfing. The money for this program of activities for Displaced People in Action in Gower, Wales, came from the Home Office. Funding for activities in the heritage and natural environment can come from sources that want social outcomes rather than environmental outcomes. A positive experience of welcome is crucial for the first immigrant generation in terms of encouraging integration.



Figure 10.5. Asylum Seekers/Refugees. Cycling in Peak District National Park.

Building Social Cohesion Through Environmental Adventure

This Forest School project at Rhossili in Wales shows how what we assume as an environmentally focused activity can have social cohesion at its heart through how it is designed and how we listen carefully to what members of the community say. The parents of asylum seeker children told us that their youngsters feel they are always seen as takers and never as givers. Their project idea gave the children an opportunity to turn the tables by having the opportunity to invite a white Welsh friend for a day out at a Forest School, doing wacky and sometimes dangerous-feeling activities. It included building make shift shelters connecting the children to how many people across the world still live and survive.

Fun Day at Culzean Castle in Scotland

Our experience from taking people out to historic places found that they enjoy both British history and finding out about the multicultural history of Britain. Many of the privately owned historic houses have attractions and activities within their huge grounds, from bouncy castles to gun dog demonstrations, ponds or lakes to fish in, animal encounters, or areas with themes such as fairies or monsters. Having minority visitors also encourages heritage properties to make aspects of multicultural history visible to everyone.

BEN Promoting Heritage and Environment at Traditional Festivals

Mainstream organizations that work in the rural setting in the main have much to gain by going to urban ethnic festivals and events and taking up stalls to show what they have to offer. BEN has supported various organizations by being present at these stalls. Being present at these venues open up opportunities to make connections or run consultations on the spot.

WHO WE ARE

Who we are and what we can achieve depends on how we see ourselves against the enormous pressure of how others see us.

—Judy Ling Wong

This is true for everyone but, in particular, for minorities of any kind. It is also true for organizations. The public image of any organization, for example, can limit what they can achieve. Attention to how organisations are perceived and how they perceive the communities they should be working with is fundamental to community engagement.

Working Imaginatively and Influencing Policy

Working imaginatively is very important in any new area of endeavor that involves new participants. New situations need innovative and new solutions. Working imaginatively allows us to be open and ready to adapt or create new aspects of work, thereby enriching the spectrum of possible activities and outcomes for everyone. Working to impose existing organizational frameworks and set activities to new participants may not always be appropriate. It can also give an image of lack of interest in the needs, diversity, interests, and potential of what groups can bring as a contribution. Policy needs to be seen as an exciting focus for change.

Working imaginatively in partnership with mainstream organizations, we are able to influence policy and practical work simultaneously by:

- enabling ethnic minorities to be visible and familiar in environmental participation;
- stimulating values that release their vast missing contribution to the care and protection of the environment;
- creating positive images of ethnic minorities, asylum seekers, and refugees, for example, they are seen to be volunteering to benefit everyone;
- giving an opportunity for people and organizations to come into contact with ethnic minorities and enjoy activities together;
- enabling firsthand cultural exchange that debunks fantasies about different cultures.

The challenge for environmental and heritage organizations is the creation of a welcoming in the countryside. In order to achieve this, they need to

- acquire the knowledge and skills to work effectively with mainly urban-based ethnic minorities;
- provide resources and activities that are socially and culturally relevant;

- put in place policy, strategy, and working practice that reflect the wishes and needs of ethnic groups;
- address issues of governance and representation;
- address their organizational image;
- work in partnership with others to acquire resources to address barriers like the cost of equipment and transport;
- open up opportunities for the care and protection of the countryside to release the vast missing contribution of ethnic minorities.

Change is the coming together of thinking, feeling, and action.

—Judy Ling Wong

SUCCESSFULLY ESTABLISHING FULL ETHNIC PARTICIPATION

Sustainable development depends on the relationship of people to nature; set within the relationship of people to people at all levels, from work on the ground to policy, structures for representation, organizational culture, and frameworks of operation. In summary, the key underpinning elements that enable success in establishing full ethnic participation are the following:

- Inspiration
- Revelation
- Commitment
- Action

The environmental sector is a complex and many-faceted creature with expertise and resources of the highest quality. The success of reaching out and including excluded and disadvantaged social groups is a process of community development and capacity building on both sides, resulting in social relationships, representation, and effective partnerships. This, in turn, switches on the vast missing contribution and talent of ethnic minorities as a contribution to the environmental movement. We look forward to a lot of new successes.

NOTES AND FURTHER READING

BEN publications and resources are all downloadable free from the Web site <http://www.ben-network.org.uk>. For more information

about BEN, including training, consultancy, and advice, send an e-mail to ukoffice@ben-network.org.uk.

There is a huge range of BEN publications and lists of other relevant publications, from across the environmental and other sectors, on the Resource and Download sections of the BEN Web site. For a first approach to the subject of ethnic environmental participation, we recommend the following publications.

Publications Directed at Professionals

- Black Environment Network (BEN). (2004). *Ethnic environmental participation, key articles, Volume 1–5*. Llanberis, Wales: Author.
- BEN. (2005). *Promoting employment opportunities to ethnic communities—guidance for the environmental and heritage sectors*. Llanberis, Wales: Author.
- Wong, J. L., Antoine, K., & Auckland, R. (2005). *Ethnic communities and green spaces—guidance for green space managers*. Llanberis, Wales: BEN.
- Wong, J. L., & Evison, S. (2007). *Informal learning partnerships for engaging with ethnic communities—Guidance for the environmental and heritage sectors*. Llanberis, Wales: BEN.
- Wong, J. L., Sidhu, T., & Green, P. (Eds.). (2007). *Engaging ethnic communities in natural and built heritage—guidance for the environmental and heritage sectors*. Llanberis, Wales: BEN.

Publications Directed at Ethnic Communities

- BEN. (2004). *Visits to national parks—A guide for ethnic communities*. Llanberis, Wales: Author.
- BEN. (2007). *Love the countryside, work for the countryside—a guide to job opportunities in the environment and heritage sectors*. Llanberis, Wales: Author.
- BEN. (2007). *Working together to increase employment—routes to jobs in the environment and heritage sectors*. Llanberis, Wales: Black Environment Network.
- BEN. (2007). *Fun and learning in the environment and heritage sectors—what environment and heritage organizations offer*. Llanberis, Wales: Black Environment Network.

PART III



HURRICANE KATRINA

IMPLICATIONS FOR HUMAN RIGHTS AND CIVIL
RIGHTS

CHAPTER 11



RACE, CLASS, AND KATRINA

HUMAN RIGHTS AND (UN)NATURAL DISASTER

*Hope Lewis**

Addressing the newly formed Organization of Afro-American Unity, Malcolm X called for African-Americans to “internationalize our problem.”¹ He hoped to take racism and its progeny—discrimination, poverty, unemployment, lack of access to quality education, housing, health care, and attempted cultural genocide—to the United Nations.²

More than four decades later, after Katrina revealed the continuing impact of race and poverty in the United States,³ is it time to try again? I pose this question from the perspective of a Katrina “outsider”; I do not live in the Gulf Coast. However, I have friends who were and are directly affected, and, like millions across the country and around the world, I watched in horror and disgust as the administration of

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This chapter is dedicated to those who lost their lives as a result of the Gulf Coast catastrophe; to the survivors who still struggle to resist, rebuild, and remember; and to the volunteer and professional rescue workers. I appreciate the research assistance of Kaleema Al-Nur, Constance Utada, and Stephanie Woldenberg, as well as that of research librarian Kyle Courtney. I also thank Dr. Filomina C. Steady and my mother, Blossom Stephenson, for their help and encouragement.

An earlier version of this chapter was presented at a symposium on “Environmental Justice Cross-Culturally: Theory and Praxis in the African Diaspora and in Africa” (Wellesley College, November 9–10, 2007). It also draws on talks delivered at the Society of American Law Teachers (Suffolk University Law School, September 9, 2006) and at the Program for Sustainable International Development, Heller School for Social Policy and Management (Brandeis University, March 16, 2007).

President George W. Bush, and many state and local officials, abandoned and mistreated thousands of poor people of color. This chapter therefore raises three related questions in an attempt to “internationalize” the many problems of Katrina from a human rights perspective:

First, where was the “embarrassment effect” most human rights advocates rely on in combating human rights violations? It seemed to be missing in the immediate aftermath of the disaster and still appears to be far too mild years later. Second, where do human rights belong in the activist and legal responses to the catastrophe? Finally, which human rights are implicated by these events?

If we needed reminding, Spike Lee’s 2006 documentary *When the Levees Broke*⁴ showed us the unforgettable once again. We watched in horror and disbelief as our people (any people!) were abandoned to suffer or die in overcrowded and poorly supplied arenas, nursing homes, hospitals, and attics, treated with fear and brutality, shot at, condemned as “looters” in the midst of a disaster of unprecedented proportions, and (too late) herded onto buses and planes toward unknown destinations.⁵ A large percentage of those who died were elderly;⁶ estimates of the number of people displaced ranged from 600,000 to more than one million.

More than two years later, many are still separated from family, friends, community, and culture; they lack access to physical and mental health care,⁷ education, and the ability to effectively participate in rebuilding and development plans.⁸ Suicide and depression rates are high.⁹ Access to jobs is constrained by the lack of affordable housing, the rebuilding of tourist-attractions takes precedence over the right of individuals and families to return.¹⁰ They still experience the environmental effects of the toxic waste that flooded the region (or the fumes given off by toxic Federal Emergency Management Agency [FEMA] trailers).¹¹

Although the hurricane and flooding affected people of all races in the region—African American, white, Latino, Native American, and Asian American—the combined effects of racism, classism, nativism, and the neglect of the elderly and people with disabilities had a disproportionately negative impact on poor people of color.¹²

Nevertheless, those who looked for it also saw many of those same poor people of color demonstrate the strength, resilience, resistance, organizing skills, and cultural solidarity necessary to combat these continuing abuses.¹³ They were not merely victims. Television cameras documented ordinary men and women lifting the elderly and children onto their backs to avoid the standing water, hacking through attic

roofs to save neighbors, or navigating fishing boats to rescue those otherwise unable to escape. The fact that more did not die is due not only to the bravery of the helicopter pilots and professional rescue workers and volunteers from around the country who risked their lives to help (some without official sanction) but also to the individual and collective acts of bravery and humanity demonstrated to each other by the survivors themselves.

A HUMAN RIGHTS CRISIS?

For those of us in the human rights movement, it seemed natural to see Katrina and its aftermath as both a massive international humanitarian disaster and a human rights crisis.¹⁴ This was not just the awful result of a huge storm having hit a densely populated area necessitating the marshaling of public and private humanitarian aid. It also revealed governmental inaction and affirmatively abusive actions before, during, and after the storm hit that implicate international human rights standards.

Shortly after the storm, grassroots activists and lawyers in the region organized hearings at which survivors testified to United Nations and other international officials about their experiences, while other organizers submitted a complaint to the Inter-American Commission on Human Rights.¹⁵ Jeanne Woods,¹⁶ a professor at the Loyola University (New Orleans) School of Law, and I submitted a statement¹⁷ on Katrina to Dr. Arjun Sengupta, the UN official responsible for reporting on poverty and its related human rights violations. He visited the Gulf region as part of his mission to the United States and later issued reports elaborating U.S. failures.¹⁸

Observing the second anniversary of the disaster, grassroots groups organized an “International Tribunal on Hurricanes Katrina and Rita.” They charged governmental authorities with human rights and humanitarian violations, alleging police brutality, environmental racism, misappropriation of relief, and the destruction of public housing and poor neighborhoods in favor of gentrification. They demanded the right to return, compensation for victims, truly participatory approaches to the rebuilding effort, and the housing, health, and educational services necessary to restore their communities.¹⁹

By late 2007 and early 2008, U.S.-based nongovernmental organizations (NGOs) used the opportunity created by an official UN review of U.S. law and practices on racial discrimination to draw international and domestic attention to the abuses surrounding Katrina.

They issued “shadow reports” criticizing the United States’ failure to meet its obligations under the UN Convention on the Elimination of All Forms of Racial Discrimination.²⁰ That effort prompted the UN Committee responsible for reviewing U.S. compliance to issue several strong criticisms and to request that the administration of then-President George W. Bush immediately respond to the needs of people in and from the affected region.²¹

Despite such encouraging efforts to seek international legal and political attention for abuses and problems within the United States, the international implications of the storm were not self-evident to most Americans at the time of the storm or even much later.

SUPERPOWER TO THE RESCUE?

The realization that the economically and technologically powerful U.S. government had the capacity to prevent or ameliorate much of the devastation and human suffering intensified the sense of alienation many survivors experienced. As the world’s remaining superpower (for now), the United States has the economic, military, and technological resources necessary to minimize the human impact of natural and man-made disasters almost anywhere within its borders and even outside them. At least that’s the story.

In the angry outcry following Katrina, some activists questioned why the United States’ response to foreign disasters seemed to have been more quickly and efficiently accomplished. Still, perceptions that U.S. official (as opposed to private charitable) foreign disaster aid is evidence of a particular generosity of spirit by our government are misleading.²² Political, economic, and military alliances, strategic concerns over access to resources and trade routes, our declining reputation in the international community, the threat of popular uprisings or terrorism in “failed states,” and the presence of Western tourists and journalists (and their video cameras) in a region all influence the rapidity and amount of U.S. international relief efforts. We saw this demonstrated in the December 2004 South Asian tsunami, a disaster of global proportions.²³ The tsunami was a massive disaster, the likes of which had not been seen in modern times, but I dare say it might well have received less attention in the west if European and American tourists and video cameras had not been present.

Nevertheless, the fact that foreign aid may be motivated by political or other nonaltruistic considerations should never serve as a smoke-screen for governmental callousness or incompetence in the face of

emergencies, as illustrated by the Burma/Myanmar catastrophe of early May 2008.²⁴ The world watched for weeks as the military junta in control of Burma (which they call “Myanmar”) played with the lives of hundreds of thousands of its own people by refusing to accept the human and other assistance necessary to address the disaster.

WHERE WAS THE EARLY “POLITICAL RESPONSE” TO KATRINA?

The international human rights legal system was created with deliberately weak enforcement and implementation mechanisms on the international level. There is no “global government” that will hold state violators fully accountable. The human rights system depends, instead, on national governments to give meaning to the broad rights elaborated in international legal documents and declarations. Such a system is akin to asking the fox to guard the chicken coop, but it is the best we have so far. It reflects deep-seated tensions and conflicting interests that continue today among UN member states. The need for international cooperation to address cross-border or global issues, such as environmental hazards, the sharing of natural resources, transnational violence, global poverty, and pandemics,²⁵ operates in contrast with each national government’s desire to retain as much sovereignty as possible over its country’s affairs.²⁶

Still, the human rights movement has deployed at least one significant source of pressure that makes some governments act on human rights priorities—naming, shaming, and the public outrage and “interest convergence”²⁷ resulting from an “embarrassment effect.” Depending on the political circumstances, NGO and UN reports, accompanied by press releases, media attention, protests, and other direct public actions, occasionally make politicians sit up and take notice or risk the political cost. Yet, even this “embarrassment effect” was, and still is, delayed in the response to Katrina. The scope of the physical and social devastation, the race and class implications, and even the economic and cultural impact on the entire country, should have been obvious early in the crisis. News media covered the events around the clock, op-eds appeared in every mainstream and alternative outlet, and outraged e-mails and blog posts appeared with firsthand accounts of the abuses and chaotic or nonexistent official response. The legendary musicians, artists, and dancers of the New Orleans cultural Mecca had fled or were caught up in the flood.

It was only after several days had passed, when New Orleans Mayor Nagin was literally cursing and shouting for help on the radio,²⁸ CNN reporters stood crying on air as bodies floated past,²⁹ and angry survivors were asking whether they were truly going to be left to die in the Superdome and Convention Center, that the Bush administration began to wake up to the political cost.³⁰

Years later, that administration still was not sufficiently “embarrassed.” It revved up the spin machine in the form of presidential visits to the region, feel-good photo-ops, and promises of billions of dollars in aid that were supposed to trickle down smoothly from the disaster rebuilding industry.³¹ Despite this, local activists, recent media reports, and several participants in this symposium let us know that the emergency continues in a very real way for the hundreds of thousands affected. Such Bush administration spinning, accompanied by what Harry Belafonte called “the arrogance of power,”³² was not to be sustained. The American people finally gathered the political will to end it by electing President Barack Obama in late 2008.

WHERE DO HUMAN RIGHTS BELONG?

On the international level, the Hyogo Declaration on Disaster Reduction, issued shortly after the South Asian Tsunami, provides that “states have the primary responsibility to protect the people and property on their territory from hazards and . . . to give high priority to disaster risk reduction in national policy, consistent with their capacities and resources available to them.”³³

There was no question, here in the land of plenty, that the United States had the “capacity” and “resources available” to respond to Katrina. Even if that had not been the case, countries from both Global North and Global South, whether allies or enemies, offered help in the form of cash, supplies, medical personnel, and other assistance to the U.S. government; a significant amount was refused.³⁴

Similarly, morally and politically authoritative “Guiding Principles” on internal displacement include state obligations to protect people from disaster and to provide for their needs, as well as for the right of return and other human rights.³⁵ Governments bear the primary responsibility for protection of inhabitants, amelioration of a disaster’s effects, and for ensuring that human rights are respected. Those rights include the fundamental panoply of civil, political, economic, social, and cultural rights. Groups that may be particularly vulnerable to discrimination or exploitation, such as women, children, minority

groups, persons with disabilities, and the elderly are to be provided special protections. Displaced persons have the right to participate in the rebuilding process and the right to return to their lands.

Some questioned the relevance of international standards to an American disaster. This is, after all, the United States, is it not? Do not human rights and other international standards belong outside our borders? How could the United States be embarrassed on the international stage as a human rights violator?

Black and poor Americans were struck in the face again with the fact that their “American-ness” was not as solid as might have been expected by the rhetoric of equality. They were called “refugees” and treated as outsiders in their own home.³⁶ For most African Americans, the long and continuing history of racial discrimination and economic disparity facing people of color in the United States was not new. Still, for a public grown accustomed to reading daily about individual killings of young African-American people, or dry statistics about economic, educational, and health disparities, the stark videos of post-Katrina misery on a mass scale could not be denied.

Those Latinos and other immigrants in the region who did not have formal U.S. “citizenship” status were once again reminded that not even their basic human rights to food, water, a living wage, housing, and health care could be depended on.³⁷

Unscrupulous contractors in the tourism and construction industries recruited undocumented workers from Latin America, deliberately overlooking local African Americans and Native Americans from the region who were ready and willing to work so that they could try to avoid wage and labor protections.³⁸ Many Latino workers were underpaid or not paid at all, exposed to hazardous chemicals and waste without protective gear, and made to live in outdoor camps.³⁹

We lawyers and legal academics are trained to see Katrina through specific legal lenses—racial discrimination, elder and disability discrimination and neglect, civil rights, poverty law, property law, labor and employment law, public health, environmental law, juvenile and education law, prisoners’ rights, or immigrants’ rights.

But what went on in the Gulf Coast of the United States, as should now be clear, was also a wholesale and multidimensional failure to respect, protect, and fulfill any number of internationally recognized human rights and protections for internally displaced persons (IDPs). When everything is at stake, a multidimensional approach is not just natural, it is crucial. Each discipline must bring whatever it has to offer to the table. Critical race theorists and other Third World scholars

have argued for such a complex, textured intervention to global issues facing people of color.⁴⁰

International human rights legal activism is one more tool among other social justice efforts. The advantage of this particular tool is that it is broad enough to take in the amazing variety of complex abuses that occurred, as well as to set them in global context. Is applying human rights strategies to Katrina just a “pie in the sky” exercise? Although I am a wholehearted advocate for human rights, the truth is that the ultimate answer will depend on whether the people of the region, wherever they now are, will embrace such an approach. They must be in the lead in deciding where to go from here.

There is reason for hope that international human rights strategies might make a difference. Organizations like the Mississippi Workers’ Center for Human Rights⁴¹ had already been working in the Deep South against racial discrimination and violent abuses in the workplace using a human rights framework. As previously noted, coalitions of NGOs and grassroots groups have documented the stories of survivors on video or in testimony to panels and tribunals such as those held at the U.S. Social Forum in Atlanta⁴² or at the International Tribunal on Hurricanes Katrina and Rita in New Orleans in 2007.⁴³ The U.S. Human Rights Network, representatives of indigenous peoples, and other NGOs have taken the issues to UN bodies in Geneva. Rather than staid recitations of bloodless human rights violations, these events have involved dramatic, survivor-driven, expressions of lived personal experience, outrage, and healing.⁴⁴

In early 2007, the United States submitted a report on its legal and policy responses to racial discrimination to the UN Committee on the Elimination of Racial Discrimination.⁴⁵ The official U.S. report made very little mention of Katrina.⁴⁶ An NGO coalition shadow report therefore detailed the discriminatory impact of the post-Katrina response among other abuses; their work resulted in promising official reactions by the UN Committee.⁴⁷

WHICH HUMAN RIGHTS ARE IMPLICATED BY THE KATRINA CATASTROPHE?

Americans are used to hearing about civil and political rights violations in the domestic context: racial and gender discrimination, voting rights violations, abuses that imprison disproportionate numbers of African-American and Latino men and women, and racially motivated violence. Since the founding of the United Nations, officials under

most U.S. administrations were more comfortable talking about (if not protecting) such civil and political rights.⁴⁸

Because international human rights documents that address civil and political rights, such as the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, could fit more comfortably with American legal traditions, it was said, the United States ratified them after much hand-wringing and decades of resistance.⁴⁹ Historians situate this initial resistance squarely in post-cold war fears that African Americans and Native Americans would be provided the legal support to charge the U.S. government with attempted genocide, given its bloody treatment of racial minorities.

For many human rights activists in the United States, therefore, it seemed natural to focus first on the many and outrageous civil and political violations associated with Katrina. Freedom of movement was implicated when survivors were forcibly stopped from attempting to reach safety outside New Orleans. The basic rights to life and the prohibition against torture and cruel treatment were involved when prisoners were left in flooding jails. The broken criminal justice system allowed others to languish in jails without due process. The voting rights of displaced survivors were threatened. And the racial discrimination that infected many aspects of the response remains the subject of civil rights analysis.

But it is those “other,” even more threatening, human rights—clean water, food, physical and mental health care, a safe place to sleep, a living wage, education, the enjoyment of our cultures in community with one another—that the United States has the most trouble accepting.⁵⁰ It is not a party to the International Covenant on Economic, Social, and Cultural Rights,⁵¹ which explicitly protects those rights. Some human rights activists also failed to directly articulate the need for such rights.

Even many countries that have ratified the Economic and Social Covenant treat these socioeconomic and cultural rights as the stepchildren of the human rights movement. Courts can not adjudicate such rights, they say.⁵² Domestic and regional courts from South Africa to Europe to Latin America are proving the naysayers wrong.⁵³ For those rights to be fully realized, however, more than court decisions are necessary. People at the grass roots must see these basics as fundamental rights that should be protected for all. It is ultimately those same people who must then hold governments and other actors accountable.

Some such economic, social, and cultural rights also appear in the Race Convention,⁵⁴ but U.S. administrations have so far taken the position that even ratified international human rights treaties should not be interpreted as directly actionable in U.S. courts without domestic implementing legislation. Some argue that we already provide for these things to all who need them in the United States. Even though such social and economic needs are not generally provided in the U.S. as a matter of affirmative “right” that can be enforced in the private sphere, it is said that they are adequately addressed through our social welfare system.⁵⁵ Katrina gave the lie to that notion as well.

CONCLUSION: THE EYES OF THE WORLD?

Katrina has been placed on the international agenda, and we are only beginning to see formal reactions in international legal and political bodies. But formal international petitions, reports, and concluding observations can have no real impact on the ground unless the spotlight is kept bright and pressure is maintained.

United Nations bodies such as the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Independent Expert on Human Rights and Extreme Poverty, the Special Rapporteur on Housing, and the Independent Expert on Minorities⁵⁶ have issued reports and statements unmasking the shameful racial and class implications of U.S. action and inaction before, during, and after Katrina as what they are—human rights violations on par with many of those we condemn elsewhere in the world. The organizers of the International Tribunal on Hurricanes Katrina and Rita were aware of the internal and external functions of the human rights strategy when they stated the following goals:

1. To fully expose to the world the human rights abuses committed by the U.S. government and its agencies and operatives in the aftermath of Hurricanes Katrina and Rita
2. To attain national and international recognition as IDPs for all the survivors of Hurricanes Katrina and Rita
3. To attain comprehensive reparations for all Gulf Coast IDPs (including migrant workers and communities)
4. To strengthen the Gulf Coast Reconstruction Movement and build a broad national and international movement in support of its aims and demands

5. To hold the rogue U.S. government accountable for its human rights abuses and crimes against Gulf Coast IDPs⁵⁷

Lawyers, activists, and ordinary people must continue to use such international platforms wherever they can—in courtrooms, in the media, in state and federal agencies, and in the classroom. Ultimately, even if they did not shame a Bush administration that did not appear to be easily embarrassed, they do empower us to recognize and demand the respect and services that are the rights of every human being.

We know that Katrina was not the last disaster of such devastating proportions.⁵⁸ The impact of global climate change, industrial pollution in urban centers, illegal dumping of toxic waste in poor neighborhoods and in the Global South,⁵⁹ inequitable agricultural production and high food prices, distribution, and trade policies, the privatization of water, and inadequate building standards⁶⁰ all play roles in causing natural and man-made disasters. As this chapter was going to press, the new U.S. administration under President Obama was also facing an economic crisis of global proportions. Still, such events also teach us that such disasters need not be accompanied by the unnatural disaster of abuse, neglect, and racial injustice.

NOTES

1. “We have to make the world see that the problem that we’re confronted with is a problem for humanity. It’s not a Negro problem; it’s not an American problem. You’ve got to make it a world problem, make the world aware that there’ll be no peace on this earth as long as our human rights are being violated in America” (Malcolm X, 1970[1964], p. 86).
2. Malcolm X followed in the footsteps of activists such as W.E.B. Du Bois, William Patterson, and Paul Robeson who submitted petitions to the United Nations alleging violations of the human rights of African-Americans. NAACP, 1947; CRC, 1951; Anderson, 2003, pp. 191–194; Dudziak, 2002, p. 63; Plummer, 1996, pp. 181–182, 202–203.
3. Troutt, 2006.
4. Lee, 2006.
5. U.S. Department of Health and Human Services, 2009, reported 1,800 deaths in the region that were directly related to the storm, but that number does not include subsequent deaths from related illnesses, injuries, or suicides from mental health problems; *ACLU*, 2007; Muñoz, 2006.
6. Brunkard et al., 2009; “Katrina’s elderly experiencing health decline,” 2009.
7. *American Psychological Association*, 2006.
8. *ACLU*, 2007.

9. Quigley, 2007.
10. Inniss, 2007.
11. Commission for Racial Justice, 1987; Bullard, Mohai, Saha, & Wright, 2007.
12. Edwards, 2006; United Nations Department of Public Information, 2007 (press release on statement by UN Independent Expert on Minorities Gay McDougall and Special Rapporteur on Adequate Housing Miloon Kothari).
13. M, 2005; Ms. Foundation for Women, 2007.
14. Lewis & Gassama, 2005; Lewis, 2006a; Lewis, 2006b; Lewis 2006c; Lewis, 2008.
15. Letter to Mr. Santiago A. Canton, 2006.
16. We had recently completed a textbook on the use of international economic, social, and cultural rights strategies for addressing poverty and racial discrimination in the United States and globally. Woods & Lewis, 2005a.
17. Woods & Lewis, 2005b.
18. Sengupta, 2007.
19. *International Tribunal on Hurricanes Katrina and Rita* (2007).
20. USHRN, 2008.
21. United Nations Committee on the Elimination of Racial Discrimination (CERD), 2008; Lewis, 2008.
22. "U.S. officials: 'We're Not Stingy:' Comments on tsunami aid hit a Bush administration nerve, (2004).
23. Lewis, 2006a.
24. Estimates are that 84,000 people died, 53,000 are missing, and millions were displaced or injured as a result of Cyclone Nargis and the military junta's callous response to the emergency. Human Rights Watch, 2009.
25. Charter of the United Nations, 1945, article 1(3) (purposes of the organization).
26. Charter of the United Nations, 1945, article 2(7) (principle of nonintervention in internal affairs of sovereign states). Compare the United Nations Security Council Resolution 1674, (2006; international responsibility to intervene to protect civilians under certain circumstances, including mass violence); Williams, 2008 (France's argument that Security Council Resolution 1674 should be invoked to override the Burmese junta's rejection of foreign assistance).
27. Bell, 1995, pp. 20, 22.
28. "Mayor fed up with slow response," 2005.
29. Shafer, 2005.
30. "Poll: Katrina response inadequate," 2005.
31. Phee, 2008. Even during the closing days of his administration, then President George W. Bush caused a public and media furor over his final efforts to defend federal failures in the response to Katrina.
32. Lee, 2006.

33. Hyogo Declaration, 2005.
34. CREW, 2007.
35. Deng, 1998 (report of the UN Secretary-General's Independent Expert on Internal Displacement to the Commission on Human Rights).
36. Lewis, 2006c.
37. Murguía, 2006.
38. National Immigration Law Center, 2007.
39. Murguía, 2006.
40. Woods & Lewis, 2005a, pp. 107–110.
41. Mississippi Workers' Center for Human Rights, n.d.
42. United States Social Forum, 2007; Peoples' Hurricane Katrina Relief Fund and Oversight Committee, 2007.
43. *International Tribunal on Hurricanes Katrina and Rita*, 2007; Peoples' Hurricane Relief Fund and Oversight Committee, 2007.
44. Peoples' Hurricane Katrina Relief Fund and Oversight Committee, *A Katrina Reader* (n.d.).
45. U.S. Government, 2007.
46. U.S. Government, 2007, pp. 85–86.
47. United Nations Committee on the Elimination of Racial Discrimination, 2008.
48. McDougall, 2004, p. A22.
49. Lewis, 2007.
50. Sunstein, 2004.
51. ICERD, 1965.
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CHAPTER 12



ENVIRONMENTAL RACISM

BLACK LANDOWNERS, KATRINA, AND THE MAKING OF A NEW HILTON HEAD— AN EMMETT TILL CONTINUUM

Clenora Hudson-Weems

Until the lions have their history, tales of hunting will always glorify the hunter.

—African proverb

The above quotation speaks volumes about the need for creating authentic paradigms or tools of analyses relative to the various cultures, particularly in assessing societal occurrences and acts resulting from a racially hostile environment. In a positive response to “The Challenge of Environmental Justice” by ecologists George Middendorf and Bruce Grant, Charles Nilon (2003), as did the other two ecologists, echoed the message of the above quoted African proverb, concluding that “to conduct relevant research there, ecologists must develop true collaborations with low-income communities and people of color.”²¹ More to the point, he acknowledged social scientists working on conservation issues—McAvoy, Winter, Outley, McDonald, and Chavez in their “Conducting Research with Communities of Color,” in which they “recognized the importance of allowing researchers to ‘experience reality as residents do,’ and recommended that researchers should incorporate the oral tradition found in many African American communities into their work.”²²

In the *Bulletin of the Ecological Society of America*, Middendorf and Nilon gave a summation of the overview for the 2006 Ecological

Society of America (ESA) Annual Meeting held in Memphis, Tennessee.³ In defining environmental justice and the role of ecology, they first presented the historical parameters for this growing trend of expansion that speaks to the critical need for accurate alignment and inclusion for workable solutions to correcting disparities constituting our racially hostile environment:

In the early 1980s, EJ [Environmental Justice] activist efforts focused on the disproportionate siting of waste dumps in minority communities. Increased recognition of environmental disparities led to the development of EJ from the civil rights movement . . . EJ is defined by its recognition that

- 1) disparate and disproportionate environmental impacts occur among different communities across racial and socio-economic lines,
- 2) affected communities should be appraised of environmental issues affecting them, and
- 3) these communities should be incorporated in any decision-making process.

Of the three components, the first and third, recognition and inclusion are probably best addressed through political and social venues, and it was to that end that President Clinton mandated in Executive Order 12898.⁴

Clinton's mandate that environmental justice be a top priority, particularly in the case of federal agencies that handle public health issues, including environmental concerns, placed emphasis on minorities and the underclass relative to bringing about equity and security for all. Be that as it may, according to Middendorf and Nilonn, "the effectiveness and success of this order remains problematic—and a topic for discussion in another venue."

Also during the 2007 annual meeting in Memphis, a toxic tour of the city was conducted. Nilon referenced the concerns of two other ecologists in that area—Rita Harris, organizer of the Sierra Club's Memphis Environmental Justice Program, and Stanley Abell, professor at LeMoyne-Owen College. The linkage between agricultural chemical factories and the black communities is apparent: "Memphis has a long history of the production of agricultural chemicals. Facilities to produce these chemicals, transport them, and dispose of them ring the historically black neighborhoods of Memphis. Harris and Abell explained the historical context of the environmental injustice in Memphis: black residents were historically excluded from jobs that

produced agricultural chemicals, while black neighborhoods were heavily impacted by emissions and waste from these industries. Concerns about chemical spills and accidents at factories led to the Sierra Club's initial involvement in the environmental justice project."⁵

Traditionally, the term environmental justice has been used as the rule of thumb for addressing issues related to problems of environmental concern. However, *Wikipedia* makes a clear distinction between environmental justice and environmental injustice:

A condition of environmental justice exists when environmental risks and hazards and investments and benefits are equally distributed with a lack of discrimination, whether direct or indirect, at any jurisdictional level; and when access to environmental investments, benefits, and natural resources are equally distributed; and when access to information, participation in decision making and access to justice in environment—related matters are enjoyed by all. . . .

An environmental injustice exists when members of disadvantaged, ethnic, minority or other groups suffer disproportionately at the local, regional (sub-national), or national levels from environmental risks or hazards, and/or suffer disproportionately from violations of fundamental human rights as a result of environmental factors, and/or denied access to information; and/or participation in decision making and/or access to justice in environment-related matters.⁶

Thus, with this distinction, I have chosen to embrace the term environmental racism, connoted and characterized in the term environmental injustice.

A humongous global problem today, it can be said that there is absolutely no environmental justice anywhere. How can it exist when we have so many unaddressed forms of toxins (both physical and attitudinal) in our society at large today?

1. There is no economic justice. Less than 2 percent of the world population has money or wealth.
2. There are no universal health care insurances for all, that is; Congress killed that bill. In fact, if anything, we should certainly have free health care, since so many of our illnesses come from artificial toxins in one form or another, including mental and physical circumstances erupting into the decline of health for many. According to Bullard, "the creation of jobs resulted in health risks to workers and residents of the surrounding [black] communities."⁷

3. There is no food assurance for our children. See the starving children every day, on television and in the streets, with no guarantee of food supply for them.
4. There is no real freedom. Last year, based on the fear of terrorism, our *habeas corpus* was taken away from us as a means of ensuring our security. Now we are ruthlessly searched without due process and our telephones and homes are bugged. All the freedoms people have fought for over the centuries have been taken back by both the administration and Congress, under the Patriot Act. How does patriotism fit into this picture? We are loyal to our country, and in return, we are denied our human rights to privacy.
5. There is a covert sanctioning of torture in this country, while there is an overt denial of it by chief officials, like the attorney general who denies that waterboarding is torture. Please be advised that unless we change our direction, we may be heading toward martial law.
6. There are unfair and unlawful mortgage contracts, which have left millions of people without homes. They have been evicted and forced into foreclosures, indeed, a tragic state of affairs today.
7. There is the absence of our national guards for our protection, unavailable, for example, in the case of Hurricane Katrina of 2005 and to some extent in the case of the recent fire in California. Our national guards were or are in Iraq, and thus, we have no real security in the protection against such disasters. As a result, New Orleans will become homogenized like almost all of the rest of the country, with virtually no character. The whole city will become another Disneyland. For sure, it will lose its character and flavor forever.
8. Last, but not least, there is the raping of Mother Nature herself, regarding the alteration of the natural water flow, which affects the overall flow of water as a natural cleansing process. This is due to the massive increase in the number of major dams constructed, more than 75,000 in the twentieth century.⁸ This makes it impossible for water to flow back into the ocean, indeed toxic to Mother Nature, as she is no longer able to generously give up her life-saving water supply to her children.

What could the motivation possibly be for the above crises? Most likely, they could be attributed to greed and power, which have now truly taken over. For example, President Chavez in Venezuela started out with good intentions, but the power and greed bug got him, as it does with so very many of our leaders. This power and greed bug

is the worst virus we have, worse than what we experience with our computers, if you can imagine that. To be sure, the powers that be do not really want justice. What they most desire is power and money, pure and simple. They are the haves who wallow in wealth, while the have-nots suffer daily from lack of funds for basic survival. Indeed, the miracle of capitalism is the money, “the almighty dollar,” and as long as this is our top priority—“where is the money?”—then we can never expect to have a genuine desire and concern for our fellow beings, ensuring economic equity for all.

To be sure, toxicity in the mind is manifested in various ways in our everyday physical environment. It is the very fabric of our thinking. It demonstrates that our crisis is more than global warming. Granted, global warming is extremely critical today. But massive toxins or pollutants in our minds are certainly a big problem as well. We must clean up our selfish acts. We must change our self-serving attitudes. We must clean up and change our hearts if we truly hope to survive on this planet. How urgent is this mission? It is as urgent as life and death itself. The symbolism of the noose has returned. Remember the Jena Six in Louisiana—Mychal Bell, Robert Bailly, Jr., Theo Shaw, Carwin Jones, Bryant Purvis, and Jesse Beard?

That said, let me now particularize with specific reference to the infamous 1955 Emmett Till murder case and the unnecessary Katrina disaster of 2005, which, by the way, became a “disaster” after the fact, after the unfortunate hurricane itself. And it is appropriate that we bring these two incidents together, as both served or could serve as igniters for very important human rights movements of their times: “Dialogue on the dynamics of the Katrina Disaster evidencing the victimization of the oppressed as a Till continuum will illuminate today’s discrimination of oppressed people, a picture as ugly as the bloated face of Emmett symbolizing the true ugliness of American racism 50 years ago. Will the current disastrous events that have taken a toll on Bush’s approval ratings be the catalyst for the birth of a new social change movement?” The above is a direct quotation from my second book in the Emmett Till trilogy, *The Definitive Emmett Till: Passion and Battle of a Woman for Truth and Intellectual Justice* (2006), twelve years after the release of the first Till book in the trilogy, *Emmett Till: The Sacrificial Lamb of the Civil Rights Movement* (1994), and eighteen years after the Ford doctoral dissertation, “Emmett Till: The Impetus of the Modern Civil Rights Movement” (University of Iowa, 1988). The reference appeared in the proceedings of the October 11, 2005, Emmett Till symposium at Northern Illinois University, about a

month and a half after Hurricane Katrina hit the shores of the United States. The theme of the symposium, "Physical, Spiritual and Intellectual Lynchings 50 Years Later," graphically anticipates the theme of this International Justice Symposium here at Wellesley, "Environmental Justice Cross-Culturally." The very fact that Katrina ushered into the New Orleans territory on the eve of the fiftieth anniversary of Emmett's brutal lynching, August 28, 1955, mystically suggests the possible "rage" of the spirit of the fourteen-year-old black Chicago youth whose naïveté alone warrants his revenge. He, like Christ, was blameless.

As the victimization and gruesome experiences of the Katrina victims evoke the victimization of Emmett in an uncanny way, much like his senseless brutal murder igniting the Civil Rights Movement of the 1950s and the 1960s, with blacks vowing "no more," what happened to the Katrina victims, the racist response to those victims, should then serve as "Another Wake-Up Call, Another Catalyst: [with the subtext being] The Plight of Black Farmers and Our Land Legacy in the Wake of the Katrina Disaster, A Till Continuum."¹⁰ This could be yet another linkage—Till, Katrina, and land owners. More specifically, let us consider the plight of black farmers and Katrina as a Till Continuum in the making of a new Hilton Head in reference to New Orleans. This focus could clearly bring out objectives or end results of the unfortunate predicament of the victims in each case—greed in the denial of life and our human rights in the case of Till, and greed in the theft of life and our constitutional human rights to our land legacy in the case of landowners and the Katrina victims. To be sure, the callous delay and refusal of assistance for the black New Orleans victims, the mass evacuation of the victims after much death and devastation, the selfish denial of the restoration and replacement of their property, thereby denying them their birthright to return home and rebuild their neighborhoods, and sadly the immediate purchase of the land in the area in large numbers by outsiders for future land development, echo the theft of land by profiteers during the take over of land in the coastal area of South Carolina—Hilton Head. Original black land owners at Hilton Head, who were forced off their land through strategic taxation, gentrification, assessment, and predatory lending practices, were symbolically exiled forever, prohibited from being able to return home and to retain ownership of their property due to lack of funds. By extension, not only profiteers from the private sector, but the government as well have been taking land from many blacks, and even some whites. According to Sandra Phillips, finance

professor at Syracuse University, in a paper delivered at the Academy of Accounting, Finance, and Economics Conference in New Orleans, December 2007, “Each of these infractions—taxation, gentrification, assessment and predatory lending, and even eminent domain—in isolation is problematic. But in combination, which is often the case, they result in a ‘mammoth transfer of wealth from middle and lower class families to the purveyors,’ and serve to ‘permanently eliminate the wealth-building capacity of Blacks.’”¹¹ The impacts are injurious, not just to the current victims, but also for future generations. The loss in equity can never be recaptured and is certainly not available to be passed on to heirs.”¹² That land became Hilton Head, an affluent resort haven for the whites, the haves. It is my conjecture that within a very few years, New Orleans, which was predominantly black before the Katrina disaster—much like Hilton Head before its development—will ultimately become another Hilton Head, as the lower class and working class black New Orleanians will be replaced by the white affluent in this new Hilton Head.

Nearly five months after the Katrina disaster, January 26–28, 2006, in Memphis, Tennessee, the First National Conference on African American Farmers and Our Land Legacy, which I organized, was held. It

issued forth an urgent call to stop the on-going theft of life, dignity, and land legacy of African Americans. The Constitutional Rights advocate [Hudson-Weems] says, “This on-going struggle evokes the legacy of Till, the 14-year-old lynching victim, multiplied by thousands of Black farm victims. Yesterday it was Till, the child and catalyst for the Movement. Today it is the Black Farmer and the Katrina victims, evidencing the on-going oppression of Black people—[indeed an Emmett] Till Continuum.”¹³

In a television interview with Anchorman Ben Watson, *Action News 5* [Memphis, Tennessee], I reiterated this alarming fact about the devastation of Black farmers and land owners who continue on a daily basis to lose their land legacy, thereby prohibiting them from being able to pass their land legacy on to their children, indeed, our future generations. Thus, our children find themselves in a deplorable predicament of having to start all over again at zero, generation, after generation, after generation.

“We’re losing 9,000 acres [of land] per week; that’s a lot of land. [That’s a lot of land.]”

My question then, which is obviously rhetorical, is simple, though poignant: Is this justice? Our minds and our attitudes are toxin with

callous greed, as toxin as polluted dumping grounds throughout the world.

At the outset of the Till murder case, Till, for whistling at a twenty-one-year-old white woman, Carolyn Bryant, of Money, Mississippi, was deemed a potential rapist and murderer, like his twenty-three-year-old father, Private Louis Till, who was falsely labeled a rapist and a murderer for allegedly raping two white women and killing another during his tour of duty in Italy in 1945.¹⁴ The soldier's hanging "was made public for the first time [just before the trial commenced] by Senator James Eastland of Mississippi, who probed into Louis Till's records, revealing that General Dwight D. Eisenhower, the commanding officer at that time, had signed authorization papers permitting this execution."¹⁵ False accusations were evident, as one of the "former non-commissioned officers and men of the Jim Crow 397th Port Battalion, composed mostly of Chicago draftees, contended that he was 'railroaded' to his death in a 'strange hush-hush atmosphere' in Italy."¹⁶

Similarly, the Katrina victims, too, were mislabeled. They were called "refugees," both denoting and connoting displaced citizenship, as they were clearly evacuees as U.S. citizens within U.S. territory. Moreover, when they sought basic needs for survival from department stores, like Wal-Mart, for example, they were called "looters," while whites committing the same acts were called strong and creative "survivors." Do not these racist attitudes represent toxin in our minds? When Larry King interviewed one of the Wal-Mart officials on *Larry King Live*, the latter refused to condemn those blacks, labeling them "looters," as did King. Clearly the so-called "stolen" merchandise by black New Orleanians would only become garbage, more waste to be disposed of at a later date. When challenged, the labels were quickly changed or removed; however, the treatment or mistreatment of these American citizens remained the same. Thus, while they, like any other citizen on their own land, warrant immediate governmental assistance for their safety and protection, they were denied everything, including the very basic needs in life—food, water, and shelter. Interestingly, their helplessness was televised daily in the recounting of the progress of the hurricane and its aftermath. Ironically, we helplessly witnessed the futile, painful, verbal, and visual pleas of these victims of all ages. The racial demographics in Southern California radically contrast with the predominantly black populace in New Orleans, and thus, the immediate response to the fire victims in the California area was very different from that in New Orleans. Clearly this is a question

of mind and attitude toxification that must be addressed if societal corrections are to ensue.

In continuing the parallels between the Katrina victims and the victimization of Emmett, it may be useful to recount the story for those who do not know or know little about the Emmett Till story, including Rayfield Mooty and his seminal role in this murder case as the adviser for the mother, Mamie Till, and the historical preserver and strategist who exposed and politicized the child lynching, thus making it a cause célèbre at that time. Mooty summarizes the gruesome incident as follows:

No one who was old enough to be aware could forget that quiet Sunday morning, August 28, 1955, when the flame of the Civil Rights Movement that was burning low suddenly blazed following the reports of every newscaster on TV and radio and of telephone calls from friend to friend that Emmett Louis Till, fourteen, had been dragged from Mose Wright's (his uncle's) house in Money, Mississippi, by two white men in the middle of the night at gunpoint. One kidnapper's wife had accused Till of "wolf-whistling" at her in a grocery store. Four days passed, as blacks hoped that what seemed all too familiar and true, would prove to have been a nightmare. But on that fourth day, grim reality surfaced—Southern style. In an area where it suddenly runs 30 feet deep, the Tallahatchie River had become sick of something it was forced to swallow and heave up—the mutilated body of Emmett Till. A seventeen-year-old white fisherman, Robert Hodges, saw the feet sticking up. He got a motor boat, rode to the corpse and pulled it out. Till had been lynched, shot through the head and tossed, naked, into the river with a seventy-pound cotton gin fan tied around his neck with barbed wire.¹⁷

Our hearts are heartened against the oppressed! Again I ask the rhetorical question—Is this justice?

In the last of the Till trilogy, *Plagiarism—Physical and Intellectual Lynchings: An Emmett Till Continuum*, emphasis is placed on the theft of my twenty-year Till research, a question of the violation of one's intellectual property. It should be noted that "while the crime of the theft of mind is certainly not as horrific as the theft of life, which Till suffers, it is, nonetheless, deserving of public attention."¹⁸ This, too, comments on a level of toxin in our minds and acts, that one would callously and selfishly steal another's intellectual property for personal gain in fame and money. In the preface to that book by James Stewart, professor of labor law studies and industrial relations, African American studies, and management and organization at Pennsylvania

State University, he stated that “there is absolutely no excuse for the position taken by many from our older generation, who are so obsessed with getting their moments of glory in the spot lights that they sacrifice truth needed for the salvation of our children and our future generations. They pose as authoritative consultants, jumping at the opportunity to ride the waves to fame, fortune, and glory. And so it is with today’s young and old Till ‘experts’ alike whose primary concern, unfortunately, is too frequently simply to promote themselves.”¹⁹ This cruel crime, plagiarism, a terrible act resulting from toxins in one’s mind, must be addressed and stopped if we expect to rid ourselves of yet another form of toxins in our environment. Be that as it may, as painful as this experience has been for me, ironically it has also generated some benefits, as the “modern day pirates,” as Barry Morrow, Oscar Award-winning cowriter of the movie *Rain Man* and my producer, calls them. In an interesting twist, they have assisted me in getting the word out to the public via the media (such as television, docu-films, and newspapers) about the true role that Till played in igniting the Modern Civil Rights Movement of the 1950s and the 1960s. Today the child martyr is almost a household name. In fact, the 2007 Till Bill, which was named after him, “mandated that the Federal Bureau of Investigation (FBI) intervene in all violations of Civil Rights statutes prior to 1970.”²⁰ According to Attorney Alvin O. Chambliss, Jr., in his chapter for my Till book on plagiarism, he asserts that the twenty-year Till research “has led directly to public policy.”²¹

On that note, perhaps it is just possible that another bill can emerge, one coming out of Clinton’s initial executive order to address the nuances of environmental justice and environmental racism on all fronts. Such a prospective bill could firmly protect all victims from not only theft of life (lynchings) but also theft of one’s land and mental and physical well-being, as well. To be sure, these varied forms of toxins have unquestionably resulted from international unjust toxins of the mind, as well as the commonplace toxins of our physical environment. But the existing solutions to these problems are ineffective, and thus, the need for new solutions is essential. Admittedly, waste dumps in neighborhoods of blacks, other minorities, and the underclass, remain the same, as the inevitable downside of twentieth- and twenty-first-century modernity is the unfortunate excess of toxin waste, too frequently dumped in our communities. My point is that just as improvements are made for all to enjoy, likewise all should equally share in their downside, thereby making possible for the burden of

advancement to be the lot for all as opposed to being assigned to the oppressed alone. As Bullard observes, “The burden, or negative side, of industrial development has not been equally distributed across all segments of the population. Living conditions in many communities have not improved very much with new growth. Black communities became the dumping grounds for various types of unpopular facilities, including toxic wastes, dangerous chemicals, paper mills, and other polluting industries.”²² Bullard concludes that “Black communities still suffer from institutionalized discrimination. Discriminatory practices occur at various levels of government and affect the location of polling places, municipal landfills, and toxic-waste dumps. . . . [Thus,] until these policy-setting institutions are made more inclusive, we are likely to find an intensification of locational conflicts and charges of racial discrimination.”²³ Sociologist Beverly Wright of the Katrina Survivors’ Project headquartered at Dillard University in New Orleans, Louisiana, adds to that sentiment: “The survival of the earth will require an environmentally conscious citizenry.”²⁴ Without question, we have much to do in acquiring total survival, and the ultimate starting point is here and now!

NOTES

1. Nilon, 2007.
2. Nilon, 2007.
3. Middendorf & Nilon, 2007.
4. Middendorf & Nilon, 2007, p. 161.
5. Nilon, 2007.
6. *Wikipedia* Online, “Environmental Justice in California,” retrieved April 24, 2007, at http://en.wikipedia.org/wiki/Environmental_justice.
7. Bullard, 1990, p. 32.
8. Poff, Olden, Merritt, & Pepin, 2007.
9. Hudson-Weems, 2006, p. 197.
10. Hudson-Weems, 2006, p. 204.
11. Reuart, 2004.
12. Phillips, 2007.
13. Hudson-Weems, 2006, p. 204.
14. Hudson-Weems, 1994.
15. Hudson-Weems, 1994, p. 36.
16. Hudson-Weems, 1994, p. 36.
17. Mooty, quoted in Hudson-Weems, 1994, pp. 131–132.
18. Hudson-Weems, 2006, pp. 154.
19. Stewart, quoted in Hudson-Weems, 2006, p. xxx.
20. Woodard, quoted in Hudson-Weems, 2007, p. 75.

21. Chambliss, quoted in Hudson-Weems, 2007, p. 94.
22. Bullard, 1990, p. 43.
23. Bullard, 1990, pp. 29, 31.
24. Wright, 2006, quoted in the *Deep South Center for Environmental Justice*.

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INDEX

- Aaron, K. K., 143
Abell, Stanley, 254
Abolition of slavery, 118
Aboriginal land, 198
ACLU, 23
activism; grassroots, 68, 78;
 noninstitutionalized, 209
activists; of color, 94; grassroots,
 21, 37, 235
administrative power of the
 state, 183
advocacy groups, 206
AEC, Atomic Energy
 Corporation, 191
African American/Black farmers,
 258, 259
African Americans, 241
African customary land tenure,
 167–69, 178, 184
African Diaspora, 49, 52, 59
African governments, 55
African immigrants in Europe,
 52
African Indians/Siddis, 9, 53,
 204–10
Afro-Brazilian (black Brazilian),
 98, 99–100
Agency for Toxic Substances and
 Disease Registry (ATSDR)
 Conference, 21
agricultural chemicals, 254, 255
agriculture, 136–38
air pollution, 124
Alexander v. Sandoval case, 36
Ali, Shanti S., 210
Altgeld Gardens, Chicago, 70
Amazon, 94–97
American citizens, 260
American Cyanamid Company,
 196
American Indians, 166, 183;
 common property, 171,
 172; individual allotment,
 173–75
Amin, S., 154
animal habitats, 53
annual flooding, 138
antiblack racial violence, 96
antiglobalization movements, 60
antinuclear groups, 195
antipoverty movements, 60
antiracism movement, 93, 97
antitoxic waste protest, 82
Apartheid, 6, 49, 54, 76,
 189–91, 197
apartheid economic system, 190
Argonne National Laboratory,
 194
Armstrong, Alice, 177–78
“arrogance of power,” 238
ATSDR, Agency for Toxic
 Substances and Disease
 Registry Conference, 21
atomic bomb, 190
Axis of Violence, 146, 157

- Bahia, 97–98, 100, 102–4,
106–7, 109
- Bamako Convention, 197
- Banaji, D. R., 210
- Bantustans, 189
- Basel Convention, 196
- bauxite mining, 52, 127–30
- BCDP, Bauxite Community
Development Program, 129
- Bean v. Southwestern Waste
Management Inc.*, 18
- Belafonte, Harry, 238
- BEN website, 217, 228
- BEN, Black Environmental
Network, 213, 214
- biopiracy, 204, 206, 207
- bird boxes, 223
- Birmingham, Alabama, 77
- “Black,” the word, 213
- “black birds,” 77
- “black folks,” 77
- Black community/communities,
98, 213, 254
- Black farmers, 258, 259
- Black Movement, activists, 97,
98
- Black neighborhoods, 255
- Black New Orleanians, 259
- Black residents, 95
- blackness and poverty, 101
- Blauner, R., 153
- Bonny Light Sweet Crude, 137
- Borden Chemicals and Plastics,
196
- Brahmin, 206, 207
- Braudel, Fernand, 175
- Brazilian Seminar Against
Environmental Racism 93,
97
- breeding ground for terrorism,
147
- Bryant, Carolyn, 260
- BSD, Sustainable and
Democratic Brazilian
Project, 97
- Bullard, Linda McKeever, 18
- Bullard, Robert D., 21, 27, 210,
255, 263
- Burma/Myanmar, 237
- Bush administration, 238, 243
- Bush, President George W., 234,
236, 244
- California, 256, 260
- Cancer Alley, 25, 75, 76
- Candomblé*, 98
- CANE, Coalition Against
Nuclear Energy, 190
- CANT v. LES*, 28
- CANT, Citizens Against Nuclear
Trash, 28–31
- capitalism, 50
- carbon dioxide, 145
- Caribbean Basin, 119
- Caribbean tourism, 124–26
- Caribbean, 115, 117, 118, 124,
127, 128
- Carver Terrace, Texarkana, 77
- caste logic, 205
- CATE, Citizens Against Toxic
Exposure, 25
- Cato Ridge, 196, 197
- caustic soda, 130
- CBC, Congressional Black
Caucus, 34
- Chambliss, Alvin O., 262
- Chavez, President Hugo, 256
- chemical sacrifice zone, 73
- chemicals, 254, 255
- Chicago draftees, 260
- child lynching, 261
- children, 256, 262
- Chinese cultural background,
214

- Chumleigh Gardens, 223
 civil and political rights, 241
 Civil Rights Movement, 2, 11, 258, 261, 262
 Claiborne Parish, Louisiana, 29–31
 Clare, John, 171
 climate change, 53, 121
 Clinton, President Bill and Executive Order 12898, 22, 29, 254, 262
 Clinton, Senator Hillary, hearing on environmental justice, 36–37
 Cockpit County, Jamaica, 52
 Colonial Mineral Oils Ordinance, 149
 colonialism, 136, 152
 colonialism, classical (*see* colonialism)
 colonialism, internal (*see* internal colonialism)
 Commission for Racial Justice, 18
 common property, 165–67, 171–73, 175, 181, 183; African family common property, 167–69, 184; democratic check on elite power, 165, 169, 184; institutions, 168, 169; Menominee reservation, 172–73, 183; rights, 165, 169–71, 183; rules, 167; sovereignty, 173; system(s), 165, 166, 170, 171, 174–77, 183, 184; trust, 167; White Earth reservation, 173–74, 183
 common sense knowledge, 70
 Commonwealth Plan of Action for Gender Equality, 119
 community democracy, 165
 community development professionals, 213
 community involvement, 218
 community mothering, 69, 71, 74, 82
 community-based protests, 204, 205
 Congress, U. S., 255, 256
 Congressional Black Caucus, 34
 Constitutional Rights advocate, 254
 Conté, Lansana, 165, 168, 184
 Cornell, Stephen, 172
 Convent, Louisiana, 31
 corporate globalization, 6, 7, 49–50, 60
 Council of elders, 166, 183
 countryside, 219
 creative “survivors,” 260
 critical race theorists, 239
 crude environmental injustice, 148–49
 crude injustice, 158
 crude oil, 137, 138
 crude oil production, 154
 cultural exchange, 227
 cultural gardens, 223
 cultural traditions, 224
 “customary” land tenure, 166

 DD, “Dutch Disease,” 137–38, 144, 157
 DDT, 77
 Dalits, 208
 De Klerk, President F. W., 192
 death squads, 95, 102–5
 death squad murders, 102–4, 105
 deforestation, 145, 148

- democratic governance of land, 176, 184
- Department of Environmental Affairs, 197, 198
- derivation formula, 150–51
- Dickson County, Tennessee, 30
- Dillard University, 263
- discrimination, institutionalized, 263
- discriminatory practices, 263
- displaced citizenship, 260
- displaced persons, 239
- diversity of local customs, 178
- Draft Pastoral Code, 182
- dumping hazardous waste, 7, 50
- Dumping in Dixie: Race, Class and Environmental Quality*, 18
- Dutch Disease, 137–38, 144, 157
- duty bearers, 119
- Earth Summit, Rio, 7
- Earthlife Africa, 190, 193, 196
- Eastland, Senator James, 260
- ecocide, 57
- ecological destruction, 148
- ecological terrorism, 206, 210
- ecologists, 253, 254
- Economic and Social Survey of Jamaica, 129
- economic development paradigm, 3, 49
- economic injustice, 72, 74
- economic justice, 255
- Economic Partnership Agreements, 120
- economic refugees from Africa, 52
- Eisenhower, General Dwight D., 260
- “embarrassment effect”/embarrassed, 234, 237, 238, 239
- Emmett Till story, 261
- Emmett Till trilogy, 257, 261
- “encroached lands,” 206
- England, 107–72; enclosure, 171; English path to development of market society, 166, 183–84
- environmental activism, 71, 204
- environmental activists, 94, 106, 108
- environmental colonialism, 109
- Environmental Equity: Reducing Risks for All Communities Report, 21
- environmental hazards, 144
- Environmental Impact Assessments, 127
- environmental injustice, 94–97, 105, 107, 124, 126, 148, 149, 189, 203–5, 209, 254, 255
- environmental jobs, 220
- environmental justice activist, 254
- Environmental Justice Movement, 11, 17, 117
- environmental justice movements, 209
- Environmental Justice Network Forum, 198
- environmental justice paradigm, 11
- environmental justice, defined, 20
- environmental labor, 70

- environmental lobbyists, 198
 environmental neglect, 105
 environmental organizations,
 147–48, 190, 198, 215,
 217, 218
 environmental outcomes, 225
 environmental poisoning, 97
 environmental pollution, 107,
 130
 environmental protests, 67
 environmental racism, 2, 47–48,
 50, 59, 65–67, 74, 75,
 77–79, 85, 93–94, 96–98,
 103, 107, 109, 190, 198,
 255, 262
 Environmental Racism in the
 State of Bahia Mapping
 Project, 98
 environmental sector, 228
 environmental toxicity, 94, 105
 environmentally conscious
 citizenry, 263
 environmentally displaced
 people, 53
 EPA, U.S. Environmental
 Protection Agency, 2, 21,
 23–25, 26, 32–33, 35–36,
 51, 77, 197, 198
 equality between sexes, 177
 equity, loss in, 259
 ESA, Ecological Society of
 America, 254
 Escambia Wood Treating
 Superfund Site, 25–26
 ethnic groups, dominant, 152,
 153
 ethnic groups, minority, 152
 ethnic minorities, 213, 214,
 215, 217, 219, 227
 ethnic minority communities,
 213, 214, 216, 219, 228
 ethnic participation, 213, 214,
 228, 229
 Executive Order, 12898,
 “Federal Actions to Address
 Environmental Justice in
 Minority Populations and
 Low-Income Populations,”
 22, 28, 29
 exploitation of Siddis, 207
 extended family, 166, 167, 177

 family land, 167
 family plots, 168
 FAO, United Nations Food and
 Agriculture Organization,
 178, 181
 FBI, Federal Bureau of
 Investigation, 262
 FEIS, Final Environmental
 Impact Statement, 31
 FEMA, Federal Emergency
 Management Agency, 234
 female-headed households, 122
 feminization of poverty, 117,
 122
 First Brazilian Seminar against
 environmental racism, 93
 First National Conference of
 African American Farmers,
 259
 First National Symposium on
 Environmental Justice, 2
 First National People of Color
 Environmental Leadership
 Summit, Summit I, 19
 flood/flooding, 121, 234, 237
 foreclosures, 256
 Forestry Code, 182–83

- formal land title, 169
 "Fortress Europe," 52
 founding worker, 214
 Fouta Djallon, 179
 France, 174–76, 181, 183;
 common property as safety
 net for rural poor, 175–76;
 fallow grazing, 175–76;
 French governments, 174;
 French path to development
 of market society, 166,
 184; French peasants, 177;
 physiocratic principle of
 absolute ownership of land,
 175; right to glean, 175–76;
- game reserves, 189
 Ganesan, S., 210
 gangs, 140
 GAO, 18
 gas flaring, 145
 gender analysis, 115
 gender inequality, 116
 gender injustice, 71
 gender roles, 116, 117
 gender socialization, 116
 gender-based violence, 122, 123
 General Tribal Council, 173
 gentrification, 3, 258
 global dumping, 190
 Global North, 52, 238
 Global South, 49, 238, 243
 global warming, 257
 globalization, 153, 154
 globalization perspective, 151
 governmental authorities, 235
 governmental inaction, 235
 Grant, Bruce, 253
 grassroots activism, 68, 78
 grassroots activists, 21, 37, 235
 grassroots protests, 204, 208
 "Green" tourism, 127
- Greenpeace, 196
 group property rights, 173
 Guinea, 165–84; common
 property, 165–84;
 democratic governance
 of land, 179; ex-slave
 ownership of land, 179;
 excessive state power over
 land, 169; Forest Code,
 175, 183–84; fallow
 grazing rights, 181–82;
 individual title to land,
 168–71, 178–80; Land
 Code, 168–70, 176–84;
 Ministry of Agriculture and
 Animal Resources, 178,
 180–81; Ministry of Land
 Management, 178–80;
 officials, 175–81; Pastoral
 Code, 175, 181–83;
 women's rights to land, 168,
 177–78
- Gujarat, India, 204
 Guntipilly, Francis, 210
 Gulf Coast, 233, 239, 242
 Gurr, T. R., 155
- Hamilton Heights Historic
 District, 78
 Harris, Rita, 254
 hazardous mercury waste, 190
 hazardous waste, 190, 196–98
 health benefit, 219
 health care, universal, 255
 hidden skills, 222–23
 Hilton Head, 258, 259
 hired gunmen, 96
 historic houses, 226
 historical Black neighborhoods,
 254
 Hodges, Robert, 261
 homicide, levels and indices, 100

- horse riding, 220
Houston, Texas, 18
Hudson-Weems, Clenora, 253, 259
human ecology, 138
human rights, 233, 234, 235, 239, 240, 242, 256, 258
human rights abuses/violations, 242
human rights movement, 241
human trafficking, 118
humanitarian violations, 235
hunger strikes (*upavasa satyagraha*), 205
Hurricane Katrina, 10
- IAEA, International Atomic Energy Agency, 192, 193
IDP, internally displaced persons, 239, 242, 243
Ikelegbe, A., 140
India, 203, 205, 208, 209
Indian government, central, 204, 205
Indian reservation, 172
Indigenous, 93–94, 96–97
Indigenous Environmental Council Network Gathering, 34
injustice; economic, 72, 74, 75, 82; environmental, 74, 124, 126, 148, 149, 189, 203–5, 209, 254, 255; gender, 72; global, 109; racial, 72, 74, 75, 82
Institute of Medicine Study, 22
internal colonialism, 109, 136, 151
international agenda/platforms, 242, 243
international cooperation, 237
international human rights, 240, 242
International Symposium, 3
International Tribunal, 235, 240
Islamic League, 179
Ivory Coast, 54, 197
- Jamaica Hotel and Tourist Association, 125
Jamaica, 116–20, 122, 130–31
JBI, Jamaica Bauxite Institute, 129
Jena Six, 257
Jim Crow, 26, 76, 260
- Kaiama Declaration, 157
Kalahari Desert nuclear testing site, 191
Karnataka, South India, 203, 204, 205, 206, 207, 208, 209
Kalt, Joseph, 172
Katrina victims, 258, 260, 261
Katrina, Hurricane/disaster, 233–35, 237, 238, 240–42, 253, 256, 257, 258, 259, 260
Kenya, 169, 177, 179
King, Dr. Martin Luther, 17
King, Larry, 260
Ku Klux Klan (KKK), 75, 76, 77, 78
- labor force participation, 116
Land Code, 169, 178, 183
land legacy, 258, 259
land swindles by non-Siddis, 207
land tenure, 149, 172
Land Use Act, 150–51, 156, 158
landowner(s), 258, 259

- LDEQ, Louisiana Department of Environmental Quality, 32
- lead Poisoning, 23, 24
- Lee, Spike, 234
- LeMoyné-Owen College, 254
- LES, Louisiana Energy Services, 28
- liquor stores, 209
- locally unwanted land uses, 17
- “looters,” 260
- Louisiana, 26–28
- low-income White communities, 225
- LULUs. *See* locally unwanted land uses
- lynching/murder, 11, 258, 260, 262
- Machinery and Occupational Safety Act, 197
- mainstream population, 220
- malaria, 53, 117, 122
- major hurricanes, 120
- maquiladoras*, 35–36
- marginalized groups, 204
- Maroon heritage, 52
- Martinez-Alier, Joan
- Marx, Karl, 171
- Marxists, 152
- matrilineal society, 168
- Matsuoka, Martha, 210
- Matthews v. Coye* lawsuit, 24
- Memphis Environmental Justice Program, 254
- Memphis, Tennessee, 17, 254, 259
- MEND, Movement for the Emancipation of the Niger Delta, 140
- Mendes, Chico, 94, 108
- Menominee people/reservation, 172–73, 183; Sustainable forestry, 172
- men’s roles, 122
- mercury poisoning, 196, 197
- methane, 145
- Middendorf, George, 253, 254
- middle class(es), 215, 216
- militia groups, 140
- Ministry of Agriculture and Land Management, 180–81
- Ministry of Justice, Magistrate, 176–78
- Ministry of Land Management, 178–80
- Mississippi, 260
- Mississippi River, 75
- MNOCs, multinational oil companies/corporations, 48, 136, 141, 143–48, 151, 153–54, 156–58
- Monsanto, 208
- Mooty, Rayfield, 261
- Morrow, Barry, 262
- mortgage contracts, unlawful, 256
- MOSOP, Movement for the Survival of the Ogoni People, 156–57
- mosquitoes and diseases, 122
- Motha, Victor, chemical engineer, 193
- Mother Nature, 256
- “mother wit,” 70
- Mount Dioxin, 25
- multicultural history, 226
- murder. *See* lynching
- NAACP LDF, NAACP Legal Defense Fund, 23, 34
- NAFTA, North American Free Trade Agreement, 36

- Nagin, Mayor Ray, 238
 natal family/families, 167
 National Council for Voluntary Organizations, 213
 National Law Journal Study, 23
 National Symposium on Environmental Justice, 2
 Native American nations/Indian reservations, 34
 Native Americans, 34, 241
 nature, enjoyment of, 216
 nature, fighting for, 216
 NECAG, 18
 NECSA, Nuclear Energy Corporation of South Africa, 192
 NEJAC, National Environmental Advisory Council, 21, 25
 NEMA, National Environmental Management Act, 190
 neocolonialism, 136
 NEPA, National Environmental Policy Act, 22
 NEPA, National Environmental Protection Agency, 127
 NEPAD, New Partnership for African Development, 193
 networks, organizational, 215
 new Hilton Head, 258
 New Orleans, 237, 238, 241, 256, 258, 259, 260, 263
 NGOs, nongovernmental organizations, 147
 NHANES, National Health and Nutrition Examination Survey, 23
 Niger Delta, 8, 54, 135–58
 Nigerian economy, 136
 Nigerian government, 136, 157, 158
 Nigerian women, 55
 Nilon, Charles, 253, 254
 nitrogen dioxide, 145
 NNPC, Nigerian National Petroleum Corporation, 146
 North Carolina, state of, 18
 North Karnataka, 204, 206
 noninstitutionalized activism, 209
 NRC, Nuclear Regulatory Commission, 28
 NRDC, National Resources Defense Council, 23
 Nuclear Non-Proliferation Treaty, 192
 nuclear waste facility, 192
 nuclear waste, 198
 OAAU, Organization of Afro-American Unity, 233
 OBCs, oil-bearing communities, 136, 140, 142–50, 153–58
 Obama, President Barack, 238, 243
 Obasanjo administration, 151
 Obeng, Pashington, 203
 oil bunkering, 140
 oil-related violence, 147
 Oloibiri, Bayelsa state, 137, 143, 144
 OMPADEC, Oil Minerals Producing Development Commission, 156
 OPEC, Organization of Petroleum Exporting Countries, 140–42
 OPNs, oil-producing nations, 140–42
 overlapping common rights, 178
 PCB, polychlorinated biphenyl, 18
 Palakshappa, T. C., 210
 palm oil, 136, 137

- parents and grandparents, 222
 pastoralist property rights, 181
 patrilineal societies, 167
 Patriot Act, 256
 PBMR, Pebble Bed Modular
 Reactor, 195
 Pensacola, Florida, 25
 People of Color Environmental
 Groups Directory (1992,
 1994, 2000), 19
 petrochemical industry, 78
 petroleum production, hazards,
 144
 phases of resistance, 156–67
 Phillips, Sandra, 258–59
 plagiarism, 261, 262
 police brutality, 235
 police officers, 209
 police terror, 95
 police violence, 94–96, 101–2,
 104, 107, 108
 political action, 208
 polluting industries, 26–28
 pollution of oceans and coastal
 regions, 7
 poverty, endemic, 142–44
 poverty rates, 143
 Prairie Island Coalition of North
 America, 198
 predatory lending, 258, 259
 private property, 168
 proverb, 253
 PTMS, Popular Theater
 Movement of the Suburbs,
 106
 PVC, polyvinyl chloride, 31

 Quilombo, 97–98

 race in America, 3
 racial democracy, 99
 racial discrimination, 81, 93
 racial harmony, alleged, 93
 racial inequality, 104, 107
 racial injustice, 71
 racial paradox, 93
 racial segregation, 81
 racism, environmental, 255, 262
 racism, racists, 214
 radical youths, 157
 radioactive colonialism, 34
 Ramesh, M. K., 210
rasta roko, 204, 209
 “refugees,” 260
 relative deprivation, 151,
 154–55
 rent seeking, 144
 Resource Curse, 144
 Reveilletown, Louisiana, 78
 rights holders, 119
 Rio de Janeiro, 93, 97, 99,
 101–2, 104
 Rio Earth Summit, 119
 Rio-plus-ten. *See* World Summit
 on Sustainable Development
 roaches in chicken’s court, 207
 roadblocks (*rasta roko*), traffic,
 204, 205, 209
 Roosevelt, Eleanor, 1
 Roosevelt, President Theodore,
 172
 RSPB, Royal Society for the
 Protection of Birds, 223
 rural Guineans, 176–77, 179
 rural homelands, 190

 sacrifice zone, 26
 Salvador, Bahia, 52, 105, 106,
 107
 sanitation infrastructure, 124
 Saro-Wiwa, Ken, 108, 154, 156
 “Saro-Wiwa’s Children.” *See*
 radical youths
 Scotland, 222

- Second National People of Color
 Environmental Leadership
 Summit (Summit II), 19
 second shift, 69
 seismic activity, 121
 sex workers, 125
 shantytowns, 189
 Shepard, Peggy, 21
 Shipton, Parker, 169
 Siddi activism/political action,
 205, 207
 Siddis, 9, 53, 204–10
 SIDS, Small Island Developing
 States, 121
 Sierra Club, 254, 255
 Sikh community, 220
 social activists, 204
 social cohesion, 226
 social movement strategies, 209
 social outcomes, 225
 social scientists, 253
 South Africa, 241
 South Asia, 204
 South India, 203, 208
 South Carolina, coastal area, 258
 South Central Los Angeles, 82
 Southern California, 260
 SPDC, Shell Petroleum
 Development Corporation,
 137, 146
 Spike Lee's documentary, 234
 St. James Parish, Louisiana, 32
St. James vs. Shintech, 31
 Stang, Sister Dorothy, 94, 108
 STATIN, Statistical Institute of
 Jamaica, 116
 STEPA, St. Ann Environmental
 Protection Agency, 127
 Stewart, James, 261
 strategies of confinement, 96
 structural expendability, 6,
 48–50, 55, 57, 58, 59–60
 structural inequities, 94
 Subúrbio Ferroviário, 95, 100,
 103, 105, 106
 sugar plantations, 118
 suicide and depression, 234
 sulfur dioxide, 145
 Summers, Lawrence, 35, 48,
 108
 Superdome and Convention
 Center, 238
 Supreme Court (U.S.), 36

 Tallahatchie River, 261
 Tawney, R. H., 171
 taxation, strategic, 258
 TCE, trichloroethylene, 33
 theories; Critical Race Theory,
 57–58, 59; critical theories,
 56; Dependency theory,
 55; Feminist theories, 56;
 Modernization theory, 55;
 Post-colonial theories, 55;
 Social Darwinism, 55
 third shift, 69, 71
 Third World scholars, 239
 Thor Chemicals, 195, 196, 197
 Till Bill, 262
 Till Continuum, 253, 257, 258,
 259, 261
 Till Trilogy, 261
 Till, Emmett, 257, 258, 261
 Till, Mamie, 261
 Till, Private Louis, 260
 torture, 256
 Touré, Sékou, 165, 168
 tourism industry, 239
 toxic chemicals, 197
 toxic colonialism, 7, 53
 toxic donut, 71
 toxic dumping ground(s), 77,
 94, 102, 109
 toxic facilities, 54

- Toxic Release Inventory, 51
 Toxic Release Inventory Program, 37
 toxic sacrifice zones, 69, 71
 toxic substances, 70
 toxic terrorism, 54
 toxic tour, 254
 toxic waste, 243
 toxic waste debate, 80
 toxic waste dumping, 145
 toxic waste dumps/sites, 71, 75, 109
 Toxic Waste and Race Report, 2
 Toxic Waste and Race at Twenty, 1987-2007 Report, 3, 18
 toxic wastes, 66, 74, 263
 toxic-related hazards, 68
 toxin(s), 255, 259, 260, 261, 262
 traditional power, 183
 “tragedy of the commons,” 144
 transboundary waste trade, 35
 tree planting, 220
 Triana, Alabama, 77
 tsunami, South Asian, 236, 238
 U.S., “citizenship” status, 239
 U.S. failures, 235
 U.S. government/
 administration, 208, 236, 238, 241, 242, 243
 U.S. official aid, 236
 U.S. General Accounting Office (GAO) study, 18
 U.S. Secretary of the Interior, 173
 UN Convention on the Elimination of all forms of Racial Discrimination, 236, 238, 241–43
 UN member states, 237
 UNDP, United Nations Development Program, 139
 United Church of Christ, 2
 United Nations; General Assembly, 1; Universal Declaration of Human Rights, 1
 United Nations bodies, 242
 United States, 236
 University of Iowa, 257
upavasa satyagraha, 204, 208, 209
 uranium, 190, 191
 uranium exposure, 193
 Uttara Kannada, 204, 206
 value pluralism, 203
 Venezuela, 256
 victims of police abuse/violence, 103, 104
 violation, 261
 violent conflict, 135, 139, 144, 147
 Wal-Mart, 260
 Walker, E. A., 137
 Warren County PCB landfill, 18
 Warren County, North Carolina, 3–4, 65
 waste industry, 50
 waste/garbage disposal/dumps, 124, 260, 263
 water pollution, 124
 waterboarding, 256
 Watson, Ben, 259
 wealth, 255
 West Dallas Neighborhood Committee on Lead Contamination, 24
 West Dallas, Texas, 24–25
 West Harlem, New York, 78

- Westernized property system,
178
- When the Levees Broke*, 234
- White Earth reservation, 172,
173–74
- WINSAs, Women in Nuclear in
South Africa, 195
- women and environmental
justice 65–85
- women’s narratives, 81
- women’s rights to land, 168,
177–78
- World Bank, 35, 48, 108, 168,
177, 178, 181, 183
- World Summit on Sustainable
Development, Rio-plus-ten, 7
- Wright, Beverly, 21, 63
- WTO, World Trade
Organization, 208
- xylene, 36