

Environment Justice for all Sri Lankans

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An important and growing area of environmental activism is known as environmental equity, Environmental Justice, or environmental racism. The basic premise of this facet of environmentalism is that certain elements of the population face greater risks from exposure to environmental hazards than others.

The air, the water, the biological diversity, the forests or the aesthetic values of the landscape, are basic goods of the not alone survival of humans but of the biosphere that are bases of the collective life. The rules of access to the environmental services and benefits of the environmental offering should guarantee equity of distribution.

However, the individualistic tradition of the Right in the West has privileged the private appropriation of public goods to satisfy private interests, many times in detriment to the public or collective. The private appropriation of natural goods is being widely involved in present privatization programs of the recent regimes. Water, forest, coast, rivers are some common goods which are going under this threat.

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

Fair treatment means that no group of persons, including a racial, ethnic, or a socio-economic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial,

governmental, and commercial operations or the execution of local or national programs and policies.

Environmental Justice is the goal to be achieved for all communities and persons across Sri Lanka. Environmental Justice is achieved when everyone, regardless of race, culture, or income, enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Environmental Justice operates in the collective rights recognition space and fulfillment of rules for the fair distribution of the environmental benefits. But Environmental Justice goes beyond legal security in rights and the exercise of distributive rules, beyond the Positive Right, aiming toward a reinvention of the social pact as new alliance nature culture against the secular association of the Right and the violence, toward a reinvention of politics.

Environmental injustices and iniquity

The unfair distribution of water resources in Sri Lanka is enough to understand what environmental classism is. While millions of people in Hambantota, Anuradhapura, Polonnaruwa areas suffer from the lack of water for their basic needs, people in urban areas use chlorinated water for washing cars, flowering and even for swimming pools. Thousands of profit making industries use free surface water, while many poor have no access. Those same industries pollute public rivers and streams and even fresh water aquifers blocking the access to thousands of people to have safe river and aquifer waters.

Over extraction of river sand, mining of clay and other miner-

al resources, shrimp cultivation around lagoons, establishment of industrial estates in the residential areas are few examples of which negative impacts badly affect the poor disadvantaged groups living around.

This environmental classism is also visible in Sri Lanka in so-called development. The development of infrastructure such as expressway networks, expansion of the international airport, power generation projects, clearly shows how the majority of society asks the minority affected families to vacate their native lands to allow the construction of these facilities.

Injustice

The results of the process by which implementation of environmental policy creates intended or unintended consequences have disproportionate impacts (adverse or beneficial) on lower income persons, populations, or communities.

These disparate effects occur through various decision-making processes, program administration (e.g. Super fund clean-up schedules) and the issuance regulatory actions, such as compliance inspections and other enforcement measures such as fines and penalties, and administrative and judicial orders. Flawed policy formation processes coupled with agency norms, priorities, traditions, and professional biases often make implementation subject to these disproportionate consequences.

The information related to these issues in English which majority Sinhala and Tamil people cannot understand. Therefore in most cases, lower income persons or the under educated persons cannot participate in the administrative decision making, such as EIA process, which creates an injustice. For example majority of the Sinhala and Tamil people could



not participate in the upper Kotmale decision, which was controversial among certain groups.

Justice for nature is a missing element in most Environmental Justice programs. The animals, trees, forests, ecosystems, nature and the natural resources/heritage are alarmingly affected by the human.

Forest cover is going down rapidly, habitat destruction contributes to the destruction of animal population. The ecosystems and land have come under the prime control of man. Unless humanity represents them to achieve, the Environmental Justice and equity, those components of the globe will not have their fair share.

To uplift disadvantaged people, communities or victims we need to address following major issues:

* All should have the correct information about the environmental status around them.

* Any change in their surrounding environment should be done through the proper consultative process.

* No matter what the subject is, Environmental Justice means that people have a right to participate, regardless of their level of education.

* Justice in Decision-making and Public Participation is vital.

All groups underscore the notion that Environmental Justice and social equity begins by including citizens in the planning process from the very beginning before any of the decisions have been made. Some of the obstacles to attaining justice in public participation include the lack of resources, paternalism, institutionalized racism, and the lack of attention paid to the impact of policies and investments on communities.

People must be viewed as full partners during every stage of policy development, and there should be mutual trust between Government and the community.

Too often, officials believe they know what would be best for a community and the community feels that officials have the correct solution. The two groups end up never jointly identifying the problem, and then address two different issues with two different sets of resources.

Decisions should be made from the bottom-up rather than from the top-down. Giving more power to public decision-making bodies (citizens' advisory

committees, civil society organisations etc.) so long as those bodies accurately represent the communities they are serving is vital. To avoid disproportionate exposure, communities, elected officials and agency representatives should consider many factors as they site any facility.

Those include; what will be the impacts in the community regarding health, aesthetics, mobility, noise? Will the system provide access to members of the community? Has there been meaningful involvement of the community? What other facilities are straining the community? What would be the aggregate pollution impact?

Compliance

One of the largest demands is for agencies to evaluate the aggregate burden to the community from all the polluting facilities, before they even consider sitting new facilities. There is an overwhelming feeling that to end this sort of persistent racism and classism, communities must be given some power of self-determination.

A key factor to providing environmental protection is assuring compliance by the regulated community with environmental laws/regulations through effective monitoring and compliance assessment.

Unless there is compliance with the requirements that are designed to provide the necessary environmental protection, the promulgation of laws and regulations have little impact. Compliance monitoring consists of actions to:

* Determine compliance with applicable laws, regulations, permit conditions, orders and settlement agreements:

* Review and evaluate the activities of the regulated community; and

* Determine whether or not conditions presenting imminent and substantial endangering may exist.

This action lies with the regulating agencies as well as with the communities. Therefore everybody should involve themselves in such monitoring.

There is no question that activists, community leaders will motivate the people to redress environmental inequities and injustices as in the past. But history has shown that the initiative of the public is not fair enough to get justice and equity. Therefore you need to fight for Environmental Justice for all.