

An abstract painting with a textured surface. The background is a deep, vibrant blue. Scattered across the canvas are several soft, out-of-focus shapes in bright yellow and hints of red. The overall effect is one of depth and movement, with the colors blending into each other in some areas while remaining distinct in others.

# JUSTICE, EQUITY + SUSTAINABILITY

PROJECTIONS *volume 8*  
MIT JOURNAL OF PLANNING

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PROJECTIONS *volume 8*

# JUSTICE, EQUITY + SUSTAINABILITY

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# **EDITORIAL**

Justice, Equity, and Sustainability are values and goals that planners and urbanists hold in high esteem. History has shown, however, that achieving those goals is incredibly complicated and that unjust, inequitable, and unsustainable policies and plans are implemented at every scale of government and citizen action. Similarly, history continues to show that achieving justice, equity, and sustainability requires coming to terms with varying and competing definitions of these terms, making their achievement all the more complex. For instance, civil society organizations have questioned unjust policies and development models and advocated for programs and projects based on ideas of justice, equity and sustainability that directly benefit local communities. In the 1990s, for example, environmental advocates in the United States began to redefine, re-envision, and reclaim open spaces as community spaces, sites of empowerment for local communities. Several community and environmental groups embraced community gardens, farmers' markets in low-income communities, landscaping projects, and park and recreational opportunities in high-density areas. In Los Angeles, the local organization Friends of the L.A. River, together with other Asian and Latino neighborhood activists, environmental groups, and public interest lawyers launched a battle against a powerful developer over a plan to develop warehouses and light industry in a large undeveloped lot adjacent to the river.<sup>1</sup> Their mobilization eventually saved the site, known as the Cornfield, and the developer sold it to the state of California to establish a new park. More broadly, this struggle exhibits the emblematic power of community-environment alliances to renew and reinvent nature in the city; to allow marginalized groups to have access to public spaces and greater environmental goods; and to create a higher quality of life for migrant and minority communities.

This case is one among many of failures of planners and decision-makers, who often celebrate economic development and macro-economic growth models over projects that will directly benefit local communities. Furthermore, this project exhibits the failure to understand and address the tensions between justice, equity and sustainability and the tradeoffs that it will take to reach these commendable goals. Across different planning contexts, we continue to see urban policies fail to benefit the underprivileged because they do not address underlying reasons for citizens' distrust; because they fail to unearth deeper issues of inequity and exclusion; and because they fail to question how institutional barriers maintain inequity or prohibit sustainable practices. Both in academic training programs and in planning practice, we see the repetition of proposals that ignore the nuance and history of communities and their environments; the micro and macro forces at work to establish patterns of inequity, injustice, and unsustainable practices. In many ways, we are hinged to our ideals of justice, equity, and sustainability without understanding how we undermine these ideals; we are locked in our thinking about growth models, participatory planning, and design.

However, emerging research and work, and recent conversations among and between students, researchers, and practitioners have raised critical questions about these ideals, both in practice and theory. These conversations encourage us to engage in multidisciplinary scholarship and contribute to the development of theories that are based, for instance, on the intersection of social movement theories, natural resource management research, and city planning scholarship. Similarly, we are challenged to conceive of the tensions between and the complexity of achieving the underlying values we embrace as academics and practitioners.

This volume of Projections attempts to reflect these recent conversations and offer emerging scholarship on the nexus between environmental sustainability, social equity, and justice. Our assumptions and beliefs are that sustainable communities need to be built on a foundation of justice and equity. In theory and in practice, this means that environmental and social degradation are closely coupled to

power inequities, thus compelling academics, researchers, and practitioners to conceptualize and build sustainable communities and places with these essential elements in mind. Within and between rural and urban communities and places, in developed and developing nations, we believe that achieving sustainability demands putting equity rights at the center of planning and implementation. However, the intersection of these values does not provide an easy road map for thought or for action. There are real tensions between sustainability, justice, and equity and at times, tradeoffs between them.

In Volume 8 of *Projections*, MIT's Journal of Planning, we are excited to bring together articles from academics and practitioners, who theorize, critically reflect on past experiences, and examine the intersection of justice, equity, and sustainability as a framework for planning and action. In this volume, we have welcomed a variety of papers, including critical analyses, theoretical critiques, plans, observations, photo essays and other forms of reflection to encourage a broad approach to how we might understand the complexities and possibilities of achieving sustainability, justice, and equity. This volume includes detailed analyses and what we have found to be thought provoking work focused on rights and community development in the Philippines; urban sustainability and the just and equitable allocation of parks in Louisville, KY; cases of environmental (in)justice and racism in the United States and in Sweden; rights-based planning and development in Cambodia; the role and contribution of arts to sustainability; the relation between urban sprawl, sewage delivery, and waste water treatment in poor communities in Atlanta; oil and gas extraction as related to land management practices in Canada; social and cultural constructions of natural disasters in Guatemala; and the potential for sustainable community rebuilding after Hurricane Katrina in New Orleans. We are honored to have these papers introduced by Professor Julian Agyeman in a piece entitled, "Equity? That's not an issue for us. We're here to save the world." And we are equally honored to present a concluding reflection by Professor Gianpaolo Baiocchi in "Can Justice be Planned? Exploring the Intersections of Policy, Politics, and Planning." We have also included in this volume two additional papers from Professor Susan Holcombe and Professor Marcel Burzstyn who participated in a seminar and film series at MIT in the Spring of 2008. This series was crafted around the theme of the journal, justice, equity, and sustainability, and we were privileged to have such speakers as the above mentioned Professors Burzstyn and Holcombe, as well as Professor Nancy Jacobs and Professor John Forester. In this volume, Professors Burzstyn and Holcombe present their own research as related to the theme of justice, equity, and sustainability.

We hope you will enjoy this wealth of innovative and cross-boundary work and research. It has been quite an honor to work with all of our authors and we are grateful to the professors who agreed to deepen the discussion in our seminar series. We would also like to thank our editorial board for their support and time. And finally, our deepest gratitude is to our faculty advisor, Professor Larry Vale, and also to Ezra Glenn and past *Projections* editors for their guidance and much needed help.

Isabelle Anguelovski  
Anna Livia Brand  
Rachel Healy  
Summer, 2008

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1 See Gottlieb, Robert. 2005. *Forcing the spring: The transformation of the American environmental movement*. Washington, DC: Island Press. Introduction.

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**EQUITY?**

**“THAT’S NOT FOR US. WE’RE HERE  
TO SAVE THE WORLD.”**



People often ask me “why should race, class, culture, justice and equity play a role in sustainability; isn’t sustainability about ‘green’ things, you know, ‘the environment’?” My response is usually along the lines that irrespective of whether we take a global, statewide or more local focus, a moral or practical approach, inequity and injustice resulting from, among other things, racism and classism are bad for the environment and bad for sustainability. What is more, the *environmental or green* sustainability discourse, which includes most of the social movement and institutional discourses that dominate the sustainability and sustainable development discourse today, does not have an analysis or theory of change with strategies for dealing with current or *intra-generational* (in)equity and (in)justice issues. While researching a BBC TV program in the early 1990s, I asked a Greenpeace U.K. staffer if she felt that her organization’s employees reflected multicultural Britain. She replied calmly, “No, but that’s not an issue for us. We’re here to save the world”.

Yet, research has shown how, globally, nations with a greater commitment to equity and a correspondingly more equitable society tend to also have a greater commitment to environmental quality (Torras and Boyce, 1998). Good examples here are the Nordic countries of Sweden, Denmark, Norway and Finland. Similarly, in a survey of the fifty U.S. states, Boyce et al. (1999) found that those with greater inequalities in power distribution (measured by voter participation, tax fairness, Medicaid access and educational attainment levels) had less stringent environmental policies, greater levels of environmental stress and higher rates of infant mortality and premature deaths. At a more local level, a study by Morello-Frosch (1997) of counties in California showed that highly segregated counties, in terms of income, class and race, had higher levels of hazardous air pollutants. The message? From global to local, human inequity is bad for environmental quality and if sustainability is to become a process with the power to *transform*, as opposed to its current *environmental, stewardship or reform* focus, justice and equity issues need to be incorporated to its very core.

With this in mind, it is my great pleasure to write this introduction to Volume 8 of MIT Projections focusing on *Justice and Sustainability as a Framework for Planning and Action* because, as a long time researcher in the fields of environmental justice and sustainability in both the UK and US, I’m always struck by the ability of many, such as the Greenpeace UK staffer, to dissociate what I believe are two inextricably linked concepts. And this reductionism, or silo-based thinking and policy making/ planning is not limited to social movement organizations. For example, Warner (2002, p. 37), in an internet-based survey, found that “more than 40 percent of the largest cities (33 of 77) in the U.S. had sustainability projects on the web, but only five of these dealt with environmental justice on their web pages.” He argued that: “few communities were building environmental justice into local definitions of sustainability. Only five local sustainability projects made these connections: Albuquerque, New Mexico; Austin, Texas; Cleveland, Ohio; San Francisco, California and Seattle, Washington.”

This clearly illustrates the pervasiveness of what I call the *equity deficit* in much current U.S. (and global) sustainability discourse and consequent policy and planning practice. Only one of Warner’s case study cities, San Francisco, appeared to fully integrate the two concepts in its Sustainability Plan, which was adopted in 1997. It has five environmental justice goals and its suite of sustainability indicators includes three environmental justice indicators. This integration is what the Europeans call ‘*joined-up thinking*’. Indeed, the European Union trend is to talk of sustainable development policy making and planning as ‘*joined up*’ or ‘*connected*’ policy making and planning: that is, policy making and planning in specific areas, e.g., housing, economic development, environmental justice or ‘green’ issues, with an eye to its effect on policy and planning outputs, outcomes and frameworks as a whole. Warner’s conclusion was that “while environmental justice seemed to be having an impact on

mainstream environmental organizations and on government agencies, this did not apparently extend to groups working on sustainability projects" (38). Backing up Warner's research, Portney (2003, p.57) argues that "most [U.S.] cities that have sustainability indicators do not explicitly use social or environmental equity."

Maybe they just 'get it' in the Bay Area? For example Urban Ecology, a local not-for-profit from Oakland says on its website that:

*"Urban Ecology has not focused on the traditional environmental priorities of preserving land, air and water. Neither have we had a traditional community development focus aimed at, for example, generating affordable housing. Rather, our work has integrated elements of these disciplines and others, with healthy "human habitats" as the common denominator. We have sought to advance sustainability in the Bay Area using three main strategies -- alternative visioning, education and policy advocacy, with all of our work grounded in the three E's of environment, economy and social equity." (<http://www.urbanecology.org>).*

Healthy "human habitats" I would argue, can only be achieved through what I call '*just sustainability*': "the need to ensure a better quality of life for all, now and into the future, in a just and equitable manner, whilst living within the limits of supporting ecosystems" (Agyeman et al., 2003, p.5). Just sustainability prioritizes justice and equity in the development of sustainable communities, but, and fundamentally, does *not* downplay the environment, our life support system. Our present '*green*' or '*environmental*' orientation of sustainability is basically '*green washing*': tweaking our existing policies and plans but not altering the capitalist economic mode of production. This orientation fits squarely within the heavily critiqued *ecological modernization* thesis (Hajer, 1995; Fisher and Freudenberg, 2001). On the other hand, *transformative sustainability* or *just sustainability* implies a paradigm shift which in turn requires that sustainability takes on a redistributive function, as Baxamusa argues in his paper in this volume. To do this, justice and equity must move to the center stage in sustainability discourses, if we are to have any chance of a more just and sustainable, as opposed to environmentally sustainable future.

Let me offer an example. Most cities in the global North emphasize firstly the *environmentally* friendly nature of their urban public transit schemes--their ability to get car drivers off the road and their ability to cut pollution loads -- with equity issues being a lower priority. For example, in Germany, Mayor Beate Weber's '*Heidelberg City Development Plan 2010*' has the following key objectives: to reduce environmental burdens, create and preserve liberties, grant the same mobility opportunities to everyone and account for the special situation of persons with mobility handicaps, and reduce dangers and impairments. Equity issues are there, but unlike environmental issues, they are not listed first. By contrast, most mayors in cities in the global South, who have developed innovative bus rapid transit (BRT) schemes, such as former mayors Enrique Peñalosa of Bogotá, Colombia with its *Transmilenio*, or Jaime Lerner of Curitiba, Brazil, with its *Rede Integrada de Transporte*, emphasize the *equity* of such schemes. They note that car ownership and use in their cities is generally the preserve of the rich and exemplar BRT schemes such as theirs allow *access* to facilities and services irrespective of car ownership. As Peñalosa said, "Do you know what you can achieve when you cut the roads budget in your city and spend it on other, better things"? (Peñalosa pers. comm.) Peñalosa's point, like Baxamusa's, is one of redistribution. Indeed, I would argue that the reason why Bogota and Curitiba have become poster children for sustainable city development is precisely because they have focused on *redistributive/transformative* or *just*, as opposed to purely *environmental* sustainability.

So, how do the articles in this volume address facets of the paradigm of just sustainability as I've briefly described it above? Clearly I can't fully describe all the papers, but I'd like to raise three key and interrelated issues foregrounded by many of the authors, in addition to my points above about the redistributive nature of just sustainability, a point made by Baxamusa in this volume.

The first facet is the critical issue of spatial justice. Lasley argues that:

*"urban parks serve as community backyards, business catalysts and tools for a healthy population while adding nature to unnaturally paved environments. A just city should consider equal access to such municipal benefits as integral to policy. Louisville, Ky., is expanding park acreage and promoting healthy living under its City of Parks expansion policy. This study examines access to parkland by race and evaluates the expansion policy to determine if it improves access or exacerbates inequity".*

Although Lasley argues that this access/accessibility issue is about *environmental* justice, I see this in wider context, as a case study in *spatial* (in)justice because, as British Member of Parliament (MP) David Lammy (2004) has argued "just as social justice requires that life chances are not distributed along class lines, spatial justice requires that they are not distributed geographically". As Lasley argues:

*"Louisville could set an example for other cities by expanding the park system in a manner that improves the lives of all residents..... The City of Parks plan, in its current form does little to improve accessibility to parks for minority residents."*

I also think that the concept of spatial justice offers politicians, policy makers and planners a more robust, joined-up concept, one that, unlike environmental justice, they cannot ignore so easily. The second facet is the issue of 'rights'. I am hearing all kinds of rights-based discourses associated with just sustainability: the '*Right to the City*' movement and discourse (Mitchell, 2003); the '*per capita environmental rights*' discourse surrounding the resource allocation concept of '*environmental space*' (Spangenberg, 1995; Carley and Spapens, 1997; McLaren, 2003; Buhrs, 2004); and the '*Greenhouse Development Rights Framework*' (Baer, Athanasiou and Kartha, 2007) to name but a few. In this volume, Osborne-Jelks evaluates the impact of urban sprawl on the right to city services, namely sewage delivery and wastewater treatment in poor communities in Atlanta while Lint looks at *Addressing Needs as Rights*. She examines a rights-based approach to development, through a case study of communities and dams in Cambodia and the struggle between development and community rights. She argues that:

*"The rights-based approach gives development practitioners opportunity for sustainable change by facing the difficult question of power. Development organizations need commitment to change, beginning from the very place they work everyday by supporting the voices of the poor and refraining from reproducing inequalities and social hierarchies. Development practitioners and their respective agencies must be accountable and transparent to network partners and communities to the extent they demand of the others. A rights-based approach enables this kind of accountability by encouraging partnerships with multidirectional communication, and sharing in decision making, planning and evaluation efforts of strategies"*

The third facet is the role of art, or more broadly the role of 'creative industries' and 'creative cities' in helping us toward a just sustainability. Foster's paper cities Miles (1997, p.164) who argues that the role of art is:

*"... to initiate a continuing process of social criticism, and to engage defined publics on issues from homelessness to the survival of the rain forests, domestic violence and AIDS, whilst its purpose is not to fill museums... but to resist the structures of power and money which have caused abjection, and in so doing create imaginative spaces in which to construct, or enable others to construct, diverse possible futures"*

While I'm not certain of any empirical work on the linkages, I think there are probably great commonalities between those cities that take their creative industries seriously and those that, to paraphrase my colleague Kent Portney (2003) are "taking sustainability seriously." One only has to think of overlapping creativity and sustainability initiatives in cities like London, San Francisco, Sydney, Vancouver, Seattle or Curitiba to see the point.

Again, it is my pleasure to introduce such a wealth of engaging scholarship. I hope you enjoy these papers as much as I did.

Julian Agyeman, Ph.D.

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**Dr. Murtaza H. Baxamusa**

# **THE THIRD E : EQUITY AS A CONDITION OF SUSTAINABILITY**



**ABSTRACT**

Although the linkage between redistributive justice and sustainability is debatable, a significant contribution of the sustainable development paradigm is to elevate social equity as a normative value of growth. This article posits that this paradigm comes into direct conflict with the value-free development promoted by powerful urban growth coalitions. Challenging these entrenched forces makes redistribution of power a primary condition for sustainability. This article presents a conceptual framework linking empowerment, engagement, and equity in sustainability.

## INTRODUCTION

This paper identifies and argues for the theoretical relationship between sustainability and equity. Although textbook definitions of sustainability (Wheeler 2004; Portney 2003) have placed equity on the same plane as the environment and the economy, there is tension related to the dominance of any one E over the others. Despite the theoretical link between sustainability and justice being weak, recent scholarly work in the field of environmental justice is attempting to strengthen this. This paper argues that, in the seesaw between economy and the environment, distributional justice is a primary condition of sustainability. This is because redistribution creates a stable state of sustainability by impacting the primary causes of the imbalance. A deliberative process that engages the community can shift power, which leads to long-term social change. On the other hand, “sustainability” without the Third E is easily co-opted by entrenched power forces promoting value-free growth.

### I. Plural Dimensions Of Development

One of the main contributions of the sustainability movement is the formal embracement of social equity as a pillar of development.<sup>1</sup> Equity has its own apex in many depictions of the sustainability triangle along with the environment and the economy (Campbell, 1996; Serageldin, 1993; Wheeler, 2004), often referred to as the Three Es of sustainability. Toman (1994, p. 405) concludes that “sustainability ultimately is intimately wrapped up with human values and institutions, not just ecological functions” and underscores the importance of “balance” between all views on sustainability {Toman, 1994 #45}. Clark (1995, p. 242) agrees that “an argument that rejects equity must be considered as morally reprehensible as an argument that rejects ecological sustainability”. Even though the economy and the ecology have been the dominant players in the crucial “contest” on solving global problems, social welfare is a key component of environmental health because of access to health or welfare services {Clark, 1995 #137}.

Nevertheless, the term “sustainable development” has been a contentious one in theoretical debates on what constitutes sustainability (Giddings, Hopwood & O’Brien, 2002). Goodland and Daly (1996, p. 1002) staked their ground over environmental sustainability, stating: “Sustainability must not become a landfill dump for everyone’s environmental and social wishes”. They sought to clearly demarcate the differences between environmental, economic and social sustainability. Economic and social sustainability were critical to sustainable development as a means of reaching the goal of environmental sustainability.

But the claim of dominance of any one E over the others falls prey to the same singularity in the paradigm of growth that sustainability is attempting to overcome (Gunder, 2006). The ontology of sustainability is predicated upon reconciliation of these essential conflicts. For example, the holistic intersection (Levins & Lewontin, 1994) or Kuhnian tensions (Verma, 1996) inherent in development paradigms define the emergence of sustainability that is beyond just one or two dimensions. The emerging functional form of sustainability (see Barbier, 1987; Berke, 2002; Healey & Shaw, 1993) thus relies on “simultaneous achievement” of all the Three Es of sustainability (Jepson, 2001). The Third E, equity, is a social dimension of sustainability, often connected with community empowerment and civic engagement.

If sustainability is recognized as a “balance” between irreconcilable ideologies {Verma, 1996 #118} or competing interests (Campbell, 1996), then there is a need for an open debate on development without the presumed “economics imperialism” {Fine, 2002 #94}. Sustainable development is therefore not just a constant-sum compromise between ecologists and economists, but a societal deliberation, partly political and partly scientific {Dasgupta, 2000 #89} that restructures the way

we develop (Carvalho, 2001). In this vein, economic productivity is inextricably linked with social welfare {Arrow, 2003 #90}, and human health with natural capital such as greenery {de Vries, 2003 #92}. There is recognition of feedback loops between the social welfare, natural resource base and economic development {Dasgupta, 2002 #91}.

With sustainability, planners have redefined the reductivist notion of development as growth to include socio-ecological dimensions.<sup>2</sup> This is a paradigm shift from positivist obsessions with technique and technological innovation {Ellul, 1967 #81}; and Lockean conceptions of social exclusion with respect to natural property. Spurred by a global consciousness that was lacking a couple of decades ago, recent writings of Hawken (2007), Shiva (2005), Massey (2007), and Korten (2006) have argued for balancing the social costs of development with the economic gains. In this genre, the conditions of the environment are webbed within social movements inextricably linked with distributional justice. Planning for sustainability has also made a significant impact on development theory by “greening” the agenda of development programs {Mestrum, 2003 #82}, and bringing into its fold as diverse subjects as transport systems {Newman, 1999 #61}, settlement patterns, labor, population, basic needs and human rights {Satterthwaite, 1997 #46; Drakakis-Smith, 1997 #58; Drakakis-Smith, 1996 #59; Drakakis-Smith, 1995 #60}.

## II. Is Sustainable Development Just?

There are weak theoretical links between justice and sustainability. Dobson (1998) found that the objectives between the theories of environmental sustainability and social justice are fundamentally different as the latter is primarily concerned with distributional justice within the current generation of human species, whereas the former transcends both time and species. Cross-sectional theories of distributive justice that range from the Nozickian distribution of liberties to the Marxian distribution of income have rarely addressed issues that span across generations or across species. Even John Rawls’ Theory of Justice, which talks about inter-generational equity, admits that “how the burden of capital accumulation and of raising the standard of civilization is to be shared between generations seems to admit of no definite answer” (Rawls, 1971, p. 284). Furthermore, according to Scott Campbell, justice and the environment are not necessarily compatible:

*...nature is inherently neither equal nor unequal, and at times can be downright brutal...To gain a sense of historical legitimacy, we project our socially constructed sense of equality onto the past, creating revisionist history in which nature is fair and compassionate...The laws of nature are not the same thing however, as natural law, nor does ecological equilibrium necessarily generate normative principles of equity. (Campbell, 1996, p. 303)*

The theoretical hiatus between the two has hurt planning for sustainability. With a few exceptions (e.g. the Endangered Species Act in the United States) the current body of environmental law is based mainly on anthropocentric factors as opposed to ecocentric factors.<sup>3</sup> And in an era of dueling property rights, conservation group’s efforts to buy up land in order to protect them reinforces the need for property-owners to be compensated for providing environmental benefits (Frefogle 2007).

As justice is divorced from sustainability, equity becomes the forgotten child often adopted by the occasional advocacy planner. With some notable exceptions (Agyeman, Bullard & Evans, 2002, 2003), the equity component of sustainability is either omitted (Drakakis-Smith, 1995, Fig. 2, p. 665), or has been relegated to a subsidiary position (Daly & Cobb, 1989) both in planning theory and in practice.

This has resulted in the lackluster economic justice policies in serious sustainability programs (see Portney, 2003, pp. 174-5). Equity indicators are weak, superficial and non-actionable. For example, cities do not typically measure or monitor the varying environmental risks of some groups over others. Thus equity remains the most neglected component of sustainability:

*Equity is the third and by far the least developed of the Three Es. To be sure, it has long been a focus of many community activists, labor unions and social justice organizers. However, these constituencies often have relatively little power, and equity concerns frequently take a back seat in planning and political discussions. (Wheeler 2004, 60)*

The field of environmental justice is attempting to bridge the gap between sustainability and justice by linking the origin of environmental problems to social and political drivers, such as exploitation and power (Pellow & Brulle, 2005). It has evolved from a civil rights movement in the U.S. to an international movement of environmental rights of women, colored and disadvantaged groups (Agyeman, 2005, pp. 14-19). Building up on the more recent theories by Fraser (1997), Nussbaum (2000), Sen (1999) and Young (1990), allows activists and social movements to use multiple conceptions of justice that overcome the limitations of Rawlsian redistribution to include procedural dimensions of justice such as participation and recognition (Schlosberg, 2007). Schlosberg (2007, pp. 103-163) further claims that "justice to nature" is possible by extending the concepts of distribution, recognition, participation, and capability to include both humans and nonhumans.

There is a fundamental link between economic deprivation and environmental degradation (Gandhi, 2007) that needs to be recognized within the framework of environmental ethics, that goes beyond environmental justice. Physical planning challenges are symptoms of deeper geo-social problems such as overcrowded schools and chronic unemployment concentrated in "distressed" urban areas {Pyatok, 2000 #172}. The deeply entrenched regional inequities in American cities mentioned by Orfield (1997) and Rusk (2003) cannot be solved by rezoning and design guidelines alone. This calls for a "broader agenda" that addresses class and racial issues, concentration of poverty and disinvestments, especially in the inner-cities {Katz, 2000 #174}.

It is also important to critically examine the related concept of "smart growth" through the prism of social justice. The underlying concept of sustainability that is relevant here is that land is a finite resource, which leads to conflicts among uses.<sup>4</sup> Smart growth often ties physical planning problems to socio-economic issues such as lack of affordability and loss of community (Jackson, 1985). Yet neither Downs (2001) or Burchell, Listokin and Galley (2000) in their enumeration of smart growth principles mention social equity. Also missing from this discussion is the issue of ownership of land and property rights.

Finally, the compilation of sustainability indicators is often the yardstick of distributive justice within the practice of sustainable development. Certain indicators such as the Ecological Footprint Index (Redefining Progress) and the Ecosystem Well-being Index (Prescott-Allen, 2001) are more focused on environmental issues than their counterparts in the Genuine Progress Indicator and the Human Well-being Index. Portney's "Taking Sustainable Cities Seriously" indicator has 34 elements (Portney, 2003, p. 65) none of which address social equity issues directly, but rather indirectly (e.g. cluster or targeted economic development). Other indicators such as the Dashboard of Sustainability (International Institute of Sustainable Development) and the Environmental Sustainability Index are composite indicators with varying weights given to equity variables.

### III. Redistribution As A Primary Condition Of Sustainability

*It could be argued that the distribution of power and influence within society lies at the heart of most environment and development challenges. (WCED, 1987, p. 49)*

Sustainable development cannot occur without redistribution of power, since it challenges the dominant power regimes promoting value-free growth. One of the most organized powers in a city is the “growth machine coalition” (Molotch, 1976, 1988). There is considerable business interest, particularly among those investing in property investment, development and real estate finance, to spearhead this coalition (Molotch, 1988). Moreover, growth policies are created through closed decision-making processes involving prestigious businessmen through a centralized system (Peterson 1981, 132). The planner relents, because elected officials are confronted with the systemic power of organized businesses aligned with politicians, local media, and utility companies that stand to benefit from growth. The “business-friendly” mantra of the growth machine makes value-free growth itself a virtue:

*Perhaps most important of all, local publics should favor growth and support the ideology of value-free development. This attitude reassures investors that the concrete enticements of a locality will be upheld by future politicians. (Logan & Molotch, 1987, p. 60)*

The seesaw of power is reflected in the values underpinning development. Empowerment creates a stable state of sustainability by impacting the primary causes of the imbalance. It has been defined as a process by which people, organizations, and communities gain mastery over their affairs (Rappaport, 1981, 1985, 1990; Rappaport, Swift & Hess, 1984). Thus, empowerment is about self-determination (Himmelman, 1996, p. 30) and democratic participation of individuals in the life of their community (Rappaport, 1981, 1990; Rappaport, Swift, & Hess, 1984).

In the context of sustainability, redistribution of power is not only multi-dimensional, taking on a different form in different people, contexts and time; it is also multi-level, at the individual, group, and community scale (see Zimmerman & Rappaport, 1988; Zimmerman, 1990). An example of this is the Alameda Corridor, a twenty-one mile railroad tunnel project in Los Angeles, California. The communities around the impacted corridor organized to ensure that not only were environmental impacts from the project addressed, but that residents were employed in the construction jobs created (Hartman, 2001, p. 253). This same model of organizing and some of the same actors later engaged in negotiating community benefits during the expansion of the Los Angeles International Airport (Baxamusa, 2008) and the Los Angeles Ports Clean Truck Program.

A planner that uses “sustainability” without the condition of redistribution becomes an agent for the growth machine. This is because “sustainable” development acquires political legitimacy that removes process uncertainty, a prime motivator for deliberation and community inclusion (Cohen & Rogers, 2003). In fact, the distribution of uncertainty itself determines power relations (Marris, 1996). Therefore, when a project encounters a sufficient quantum of uncertainty, it merits appropriate political support and resources for deliberation and approval. On the other hand, if a public agency offers a streamlined development approval process without accurate assessment and redress of the socio-economic impacts of new development, it is shifting the uncertainty from the developer to the community (Baxamusa, 2008).

The terms “equity”, “empowerment” and “engagement” are often used without distinction, as components of sustainability. However there is a clear dynamic that occurs between these concepts, each of which has its separate theoretical foundation (see Figure 1).

Working towards equity involves addressing geo-social imbalances within a community. This motivates greater engagement of the community in planning and becomes a vehicle for empowerment. As redistribution of power occurs, this leads to a deeper consideration of equity in sustainability planning.

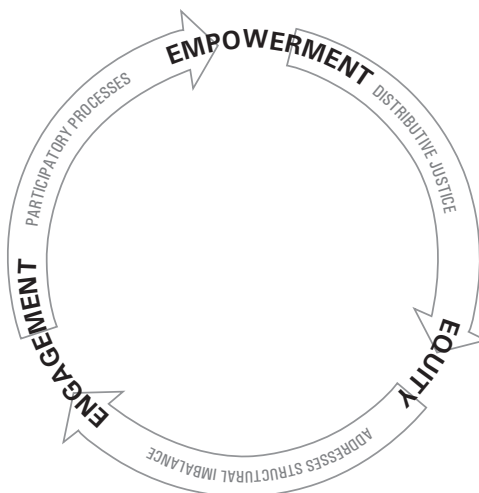
#### IV. Participation As A Vehicle Of Empowerment

In planning practice, cities in the United States with sustainability programs generally include participatory processes (Portney, 2003), and there is general agreement that these processes are necessary for sustainability (Portney, 2005; Kupcu, 2005; Wheeler, 2000).<sup>5</sup> This necessity is being reflected in plans, policies and development agreements, both nationally and internationally. To illustrate, an international agreement on the Mekong River in Southeast Asia demonstrated environmental management and public participation to be “inextricably inter-twined” (Mullikin, Smith & Champion, 2005). Even though some participating countries<sup>6</sup> in this agreement are not democratic, they have agreed to an open process, and established taskforces for soliciting public input.

However, what is not clear is the type of participatory processes that are effective and the conditions that make them effective. Effective means of involving stakeholders leading to the sharing of power into project-specific decisions is generally missing from U.S. planning system (Blackburn, 2000, p. 182). According to Kent Portney, if the sustainability paradigm is to be seriously implemented, civic participation must lead to community building that goes well beyond physical planning:

*Locally organized public involvement efforts, whether focused on local, statewide, or national issues, not only provide mechanisms for residents to have their voices heard, and for government to respond on specific issues, they also provide mechanisms of civil society that actually change the people who participate in them.*

*(Portney, 2003, p. 146)*



**FIGURE 1.** A Conceptual Framework on the Social Dynamic within Planning for Sustainability.



The transformative qualities of civic engagement are manifest in community empowerment, wherein public policy responds to the mounting ecological and social problems amid competing political interests (Orr, 2004). The sustainable development paradigm to a great extent depends on the power dynamics within society, and the ability of the process to generate power:

*Sustainability planning will necessarily include efforts to build alternative forms of political power through grassroots organizing, coalition, urban social movements, lobbying, occasional litigation, and political leadership. Hard-edged political organizing has always been necessary to bring about progressive change, whether in civil rights, environmental, women's or peace movements. (Wheeler, 2004, p. 239)*

Unfortunately communicative practitioners relying on public discourse techniques, particularly in the U.S., are facing an uphill battle in empowering civil society. This is partly because of the declining participation of Americans in most aspects of civic life, and especially in politics (Putnam, 2000; Macedo *et al.*, 2005). This lack of involvement in civic life has led to a declining effectiveness of democratic institutions, and in turn has weakened the justification of an affirmative state (Fung & Wright, 2001). Recent experiments in direct citizen participation seek to reverse this trend by actively soliciting participation, and empowering the civil deliberators with some action-making authority (Fung, 2001; Roberts, 2004). For example, the Habitat Conservation Planning component of the 1973 Endangered Species Act empowers local stakeholders to develop governance mechanisms and build large-scale habitat conservation plans in fragile ecosystems around the country, and, as of 2002, 379 plans covering tens of millions of acres had been approved (Thomas, 2003).

The problem in defining the role of participatory processes in sustainability planning arises from a deeper tension between the primacy of power and the primacy of process in planning theory. In order to reconcile the conflicting goals of development, communicative theorists prescribe participatory processes that allow diverse interests to compete equally using rational deliberation. Where as participatory processes could transform power relations (see Forester, 1989; Fischer, 2006; Booher & Innes, 2002; Stein & Harper, 2003), alternatively, existing power structures could corrupt any process (Flyvbjerg, 1998, 2002) making participatory processes meaningless. In the latter case, planning itself becomes a vehicle for consolidating current business-dominated power regimes (Hester, 1996).

## CONCLUSION

The Third E of sustainability is essentially a just distribution of power. This should not be surprising, since planning itself is a political activity aimed at redistribution of power (Douglass & Friedmann, p. 1998). Nevertheless, there is a tendency to omit this dimension in the theory and practice of sustainability. This omission is not just a compromise aimed at balancing the economic cost of providing environmental benefits, but is a Machiavellian attempt by the "growth coalition" to consolidate its power. Planners become instruments of this coalition, when they apply the "sustainable" adjective to plans, policies and projects that disempower the community. The key challenge for sustainability planning is to embrace redistribution of power, without losing its broad support amongst developers.

After a long struggle, the environmental movement has succeeded in creating global currency on issues such as climate change and natural resource protection. This currency needs to be invested in systemic change that tilts the balance of power towards a progressive agenda for generations to

come. This socio-economic agenda, however tangential to deep ecological concerns, is necessary to keep broader coalitions alive that will bolster the cause of their constituents in the halls of democracy in the United States and elsewhere.

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## [ENDNOTES]

1. For example, the 2005 United Nations World Summit Outcome states: "...promote the integration of the three components of sustainable development — economic development, social development and environmental protection — as interdependent and mutually reinforcing pillars." (Para 48, p. 12)

2. There are several examples of this shift to include broader socio-economic dimensions in planning practice. The Ahwahnee Principles for Economic Development (adopted 1997), explicitly aim at embracing social responsibility and increasing social equity. The Policy Guide on Smart Growth (American Planning Association, adopted 2002) states that an objective of smart growth is to "equitably distribute the costs and benefits of development". The California Planning Guide (The Governor's Office of Planning and Research, 2005, p. 1) states: "The planning process involves analyzing the environmental and socio-economic impacts of development and infrastructure projects."

3. This is due to policy decisions based on quantifying impacts in monetary terms (Davos, 1998, p. 384)

4 The "smart growth" movement is rooted in the early-mid twentieth century search for a compact, utopian urban form that included Ebenezer Howard, Le Corbusier and F.L. Wright. In the 1990s "smart growth" in the U.S. has emerged as a catch-all slogan for transit-oriented development, urban infill, growth management policies, anti-sprawling suburbs, and is often con- ated with "new urbanist" design.

5. Cities ranking high in terms of Portney's Index of Seriousness of Sustainable Communities are Seattle, Scottsdale, San Jose, Boulder, Santa Monica and Portland. Each of these cities scored full points in the "involvement" questions, 31 through 34 (Portney, 2003, pp. 65-71).

6 Viet Nam, Thailand, Cambodia and Lao PDR.

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Amy Lint

# **ADDRESSING NEEDS AS RIGHTS : IMPLEMENTING A RIGHTS-BASED APPROACH TO DEVELOPMENT IN CAMBODIA**

## ABSTRACT

Implementing a rights-based approach to development in the Global South requires tackling deeply-structured issues of power, inequality, and justice. In the past, this focus has not been central in development models and in the practice of development agencies. To understand what rights-based development programming in the field entails in practice, this paper examines the Mekong Community Rights Project. Empowering affected people to claim their own rights and manage their own lives translates to much more than only agreeing upon international human rights laws, standards, and treaties. In addition, it requires a substantial change in development program implementation and organizational design. Practically speaking, advocacy efforts are needed together with grassroots mobilization and alliance building, amplifying the voice of affected people, and applying pressure at multiple levels. This will create the circumstances necessary for equitable development and social justice for all.

## Rights-Based Approaches : Theory vs. Practice

Early development programming is rooted in the notion that poverty stems from a lack of public goods or technical knowledge. For 50 years, international development has focused on better managing public welfare and social goods, without questioning the core of this approach (Offenheiser & Holcombe, 2003, p.270). Meanwhile, “the numbers of people living in poverty are increasing in many parts of the world, and hundreds of millions are trapped in conditions that pose long term dangers (Ibid, 2003).”

By 1986, the UN General Assembly adopted the Right to Development, which expanded the definition of poverty to mean much more than just low income. It now includes being affected by discrimination, lack of participatory opportunities, insufficient access to resources, and a disregard to human dignity (Wardenbach, 2004). With this understanding, in the last decade of poverty alleviation efforts, we have witnessed development organizations and UN bodies acknowledge the link between poverty and human rights. The World Conference on Human Rights held in Vienna in 1993 affirms this relation by stating “a person for whom a number of human rights remain unfilled --such as the right to food, health, education, information, participation, etc. -- is a poor person. Poverty is thus more than a lack of resources- it is the manifestation of exclusion and powerlessness.” (as cited in Ljungman, 2004, p.6).

More precisely, the failure to respect, protect, or fulfil human rights is a “fundamental and leading obstacle” to social justice and to securing sustainable livelihoods for poverty reduction (Rand & Watson, 2005, Foreward). Thus, the rights-based approach (RBA) has become the latest commitment pledged by the wider development community and this was set in motion by the creation of the Office of High Commission on Human Rights (OHCHR) in 1993, which is mandated by the UN General Assembly to mainstream human rights into all the UN's development programming. Efforts continued to spread when International Non-Governmental Organizations (INGOs) such as Save the Children, Oxfam International and CARE, and bilateral donors, including the UK, Denmark, Sweden, Norway, and Canada additionally agreed to adopt a rights-based approach to development. Additionally, even international financial organizations such as the World Bank have recognized and acknowledged human rights and its relation to it development work: In 1998, the Bank issued statements indicating “creating the conditions for the attainment of human rights is a central and irreducible goal of development” (World Bank, 1998).

For these agencies, moving towards a rights-based agenda has mostly consisted in defining norms, standards and principles of international human rights treaties. However, focusing exclusively on technical definitions and expert based initiatives will not be enough (Uvin, 2001, p.23). Adopting a rights-based agenda requires a commitment to addressing underlying root causes of poverty and identifying “key systemic obstacles that keep people from accessing opportunity and improving their own lives” (Center for Economic and Social Rights, 1995 as cited in Offenheiser & Holcombe, 2003, p.271). Attempting to remove “structural barriers that impede communities from exercising rights, building capabilities, and having the capacity to choose” (Offenheiser and Holcombe, 2003, p.271) will require a complete paradigm shift.

Furthermore, moving beyond distributing more social goods in an attempt to eradicate poverty requires a change in practice as well as substantial organizational changes. This begins with a mission in line with a vision of sustainability with justice and equality for all. Development agencies will need to examine how well their own policies align with what they envision for other actors to respect. Additionally, communities being assisted will need to understand their rights and claim them by

pressuring decision-makers to change policies, laws, and budget allocations. Mobilizing for demands to change resource allocation and establish systems of monitoring standards for accountability is needed, and, if necessary, use the courts to claim entitlements and achieve justice and equality (Theis, 2004, p.6). Practically speaking, today, the development community continues to struggle to understand what adopting a rights-based approach truly requires in terms of implementation and document field based examples that highlight this approach (Ibid, 2004).

In a country like Cambodia, complex development issues are exacerbated by an extensive history of human rights abuses, years of instability, and lack of civil society. Cambodia survived a four-year genocide by the Khmer Rouge from 1975-1979, when over one million people died as a direct result of the government's policies and actions (Chandler, 1993, p. 212). In the 1980s, Cambodia went through several transitional governments and, in the early nineties, after United Nations Transitional Authority of Cambodia (UNTAC) elections in 1993, a new constitution was drafted, promising market economics, parliamentary democracy, and respect for human rights. This paved the way for the entrance of international and national NGOs, which pledged to rebuild and develop the country. Money and technical advice poured in to improve degraded infrastructure, alleviate poverty, and allow for the development of a civil society.

However, today, several organizations, international and local, recognize that the road to recovery and poverty alleviation runs deeper than repairing failing infrastructure. Development practitioners in Cambodia are looking critically at how to effectively transform old relief approaches and act upon past failures by implementing a rights-based strategy to improving the situation. Several agencies have spearheaded this rights-based approach in Cambodia, including: four Oxfam International affiliates (all guided by the Oxfam International rights-based strategic plan), CARE, Save the Children, and their local partners which are now exploring how their programs can also address rights. Additionally, bilateral donor agencies, the UN and the World Bank all make some level of commitment to a RBA by mainstreaming human rights policies within their organizations and attached to various project funding.

A commitment to a rights-based approach is the first step towards addressing inequality in Cambodia, but have the new ideals changed anything in practice? Have they led to poverty being recognized as a massive human rights violation from which millions suffer? Have they resulted in bringing to account those who are responsible for the impoverishment of the rural poor? Has this commitment resulted in international agencies reallocating resources towards empowering victims of damming to exercise their collective power in support of their claims? What real difference has it made in the right to determine one's own future in Cambodia? In reality, the work towards eliminating structural causes for global poverty and creating justice for the poor villagers remains compromised because the human rights approach continues to be dominated by multiple ambiguous definitions interpreted and defined by each agency's own interests (Manji, 2006; Uvin, 2002). This paper highlights new initiatives towards addressing power imbalances and social injustice faced by people living in Northeast Cambodia by examining the Mekong Community Rights Project (MCRP) within the Environment Programme. In efforts to move beyond standard rights-based elements which are essentially top-down, and assumes "rights" can be given to people, rather than recognizing that people must be enabled to claim their rights, this case study highlights field-based examples that emphasize more effective and practical approaches towards achieving real change in power that leads to more sustainable, socially just change in the development field.

This paper is the result of a seven-month practicum working with the NGO Forum on Cambodia's (NGOF)

Mekong Community Rights Project within the Environment Programme in Phnom Penh, Cambodia during 2004-2005. Data was gathered by conducting participant observation and interviews with NGOs and donor organizations, and contributing to drafting national network advocacy strategies. Additionally, active participation and observation of the 3S Working Group (3SWG) network through attending regular meetings related to the current program and campaign provided the needed insight.

In the first section of this paper, I introduce the specific case of hydropower projects in Cambodia and the problems that have occurred with their construction, leading to using a rights approach. In the second section, I present the elements commonly described as part of a rights-based approach in the Mekong Community Rights Project. In the third section, I examine the efforts and challenges of the Mekong Community Rights Project to address factors of unequal power relations and exclusion that prevent local people from achieving environmental, social, and cultural sustainability. In the final section, I call for additional programming in development organizations, in ways that analyzes power, advocates for policy and practice change, builds alliances, and works at multiple levels to address development with sustainability in mind.

### **Rights Violations in Cambodia : The Case of Hydropower**

In Cambodia, infrastructural development and particularly dam construction, funded by international donors, has violated the rights of large numbers of rural Cambodian farmers and fishermen. For instance, the \$1 billion Yali Falls hydropower project (HPP), built 80 kilometres upstream in Vietnam, has not offered development benefits of shared resources to communities downstream on the Se San River, and severely impacted the sustainability of peoples livelihoods. The pleas for assistance by those affected has led the NGO Forum on Cambodia, a national advocacy organization, to investigate these rights violations and understand how much people are unaware of their rights or how to claim them.

Precisely, the numerous international violations of rights and standards caused by large-scale hydropower projects (HPP) being constructed and proposed along the Mekong sub-region has been a growing issue. International finance institutions (IFIs), including the World Bank (WB) and the Asia Development Bank (ADB), as well as bilateral donors such as the Swedish and Nordic governments are financing enormous loans to Vietnam in efforts to serve the 'so-called' growing power market and to deliver cheaper electricity. The problems associated with these large-scale, non-participatory projects can be clearly seen in the case of the Yali Falls hydropower project. The Yali Falls project dammed the Se San River, one of the largest tributaries of the Mekong River. Tens of thousands of villagers traditionally depend on the area for fishing and small riverside farming for subsistence living (Rutkow, Crider, & Giannini, 2005, p.14). The impact on villagers became apparent in November 1993, during the construction phase of the dam.

In 1996, major flooding hit northeastern Cambodia, including Ratanakiri and Stung Treng Provinces. Villagers reported a coffer dam bursting and other signs emerged to show dam construction was affecting the river flow, even before the Yali Falls Dam reservoir was completed in 1998. Frequent dam releases caused massive sporadic surges of water to flood communities downstream. Several lives were lost and livestock, the main possessions of all real value, were drowned. Combined with river garden plots washed away and depleted fish stocks, food insecurity became a major issue. All water releases, spills, and surges caused by the dam caused indigenous ethnic minority people of this region to fear the river and its potential destruction. In early 2000, The Mekong River Commission



(MRC) Secretariat sent a mission to investigate after media had reported past deaths, damages caused, and vulnerability of people's livelihoods. These communities were offered no compensation and were unsure as to how to assist themselves in order to sustain their livelihoods.

In response, the NGO Forum on Cambodia, (NGOF) with support from Oxfam America, became involved in mobilizing efforts and building NGO cooperation towards advocacy on key development issues in order to support indigenous people who had been victims of the dam construction and advocate for their rights.

### **The Mekong Community Rights Project: Elements of a Rights-Based Approach**

In the Mekong River Basin, the agencies responsible for managing the dam project have not followed "Best Practices," as defined by the World Commission on Dams. As a result, cultural, environmental, and socio-economical rights have been deteriorating rapidly. To support affected communities in demanding protection and restoration of river-based livelihoods in Northeast Cambodia the Mekong Community Rights Project (MCRP) was established within NGO Forum on Cambodia's Environment Program, shortly after community consultation in 1997. In this section, the elements of the commonly-agreed upon rights-based framework - links to the law, inclusion, participation, empowerment, and good governance- are defined.

#### *Reference to International Treaties and National Laws, and Standards*

The most agreed upon element by the development community for utilizing the rights-based approach is linked to standards, policies, or rights a state commits to, yet does not respect, protect, or fulfil as mandated. The Yali Falls Dam has clearly caused severe rights violations against the Cambodian people, if we consider the multiple obligations of Cambodian and Vietnamese governments to its citizens. These obligations range from international law and human rights agreements, cross-boundary agreements, and national standards which include:

1. The Mekong Agreement of 1995 -- a regional multilateral treaty between lower Mekong countries enforced by The Mekong River Commission (MRC).
2. International environmental law stemming from the Stockholm Conference in 1972 and, more recently, the 1992 United Nations Conference on Environment and Development
3. International treaties including the International Covenant on Civil and Political Rights (ICCPR) and International Convention on Economic Social and Cultural Rights (ICESCR)
4. World Commission on Dams (WCD) International Standards

In April 2000, the Vietnamese government publicly announced that the Yali Falls Dam had been releasing dammed water, causing floods and surges; yet it did this without notification to Cambodian downstream communities. Vietnam accepted accountability for five deaths, though estimates by villagers state that several dozen had died (Rutkow, Crider, & Giannini, 2005, p. 63). Releasing of water without notification is a violation in terms of the Mekong Agreement, and, although Vietnam made attempts to issue a notification system in the spring of 2000, all releases before then are in violation.

The Environmental Impact Assessment (EIA), designed to expose any potential environmental and socio-cultural risks and possible mitigation measures, is an essential document for making sound

decisions and incorporating environmental sustainability as well as equity in the planning process. However, the EIA that Vietnam commissioned for the Yali Falls dam considered only eight kilometres downstream. Additionally, the Cambodian government has not taken significant action in response to the harms produced by Vietnamese dams. The MRC has a commitment to “make every effort to resolve the issue,” (Ibid, p.67) yet the Yali Falls issue has largely been ignored and no discussion has been initiated.

Cambodia and Vietnam are signatories to the ICCPR and ICESCR, which state clear obligations towards the people of their states. Although Cambodia did not play a role in the construction or operation process of the dams, the government bears the responsibility for protecting its people. With regards to the ICESCR, the Cambodian government has the obligation to protect, respect, and fulfil the rights of its citizens under Article 11 which emphasizes the right to food. This has clearly been violated as the villagers’ food security comes solely from the fish obtained from the river and that the dam project prevents local people from achieving sustainable livelihoods. Much needed efforts to remedy the harms suffered in these communities are required to bring Cambodia in compliance with ICESCR rights to food, water, and livelihood (Ibid, p.82).

The World Commission on Dams (WCD), created from efforts of an IUCN and WB workshop, developed internationally acceptable criteria, guidelines and standards, where appropriate, for the planning, design, construction, operation, monitoring, and decommissioning of dams” (WCD, 2000). International standards were created listing strategic priorities and guidelines for equitable and sustainable development of water and energy resources (Ibid, p. 278). The Yali Falls dam violations and many of the other upcoming 3S dams have not been in compliance with important guidelines actually developed by some of the same agencies funding the projects.

### *Inclusion, Non-Discrimination and Attention to Marginalized Groups*

As a standard element of the rights-based approach in theory, particular efforts are made to identify and reach those who are most vulnerable (Theis, 2006, p.5). In Cambodia, 90 percent of the general population is ethnic Khmer (Swift, 2006, p.10). In contrast, the communities dependent on the Northeast Cambodian Rivers for their livelihoods and food sources are not the Khmer ethnic majority. Villages in Ratanakiri are comprised of several minority groups and indigenous peoples that include Lao, Brou, Kreung, Kachok, Jarai, Tampoun, Kavet, and Chinese. Ethnic minorities in Cambodia continue to suffer great injustices. Physically separated, Ratanakiri province is over 300kms from the capital city, and is approximately 14 hours by bus on roads that are often impassable during the rainy season. This creates economic barriers as trade of goods and supplies remains difficult and expensive. Additionally, numerous NGOs work on health and education issues because the standards are far below the national level (Middleborg, 2005, p. 7).

The Mekong Community Rights project is addressing discrimination and seeking to support ethnic minority populations that do not live in decent conditions. Despite this, the negative effects of dams mushrooming all over the entire country is leading the national network to look at a broader picture of “dam control,” which may not necessarily address communities most vulnerable. Therefore, it is important when developing new rights programming, that a proper analysis is done with consideration of seeking those who are most marginalized and putting them at the forefront.

### *Participation*

Active, free, and meaningful participation is essential in development programming because it serves as a basic requirement of the rights approach (UNHCHR, 1996). Participation includes control of

planning, process, outcome, and evaluation (Hamm, 2001, p.1019). Within the Mekong Community Rights Project, putting affected communities at the center of participation has proved to be challenging and there is no certainty that NGO staff understand this concept well or even would want such a change in their programming structure. This has not been the current method of operation, thus major transitions and new strategies by NGOs involved are required.

The main activities of the MCRP project concentrate on actively engaging the 3S Rivers Working Group (3SWG) network, consisting of over ten different member organizations represented. Efforts at widening this circle of organizations have been discussed due to its limitation to only representation by NGO staff, one University professor, but no community members. The recently drafted Terms of Reference (TOR) of the 3SWG expands membership to all civil society members, although the TOR has not yet been approved by members, nor has any promotion been done to recruit different members. One local network member organization, 3S Protection Network (3SPN) does make efforts to meet with community representatives regularly to inform them of activities happening within the national level strategy, but this dialogue remains dominated by a top-down, one-way communication process consisting of informing the community rather than giving them the opportunity to voice their concerns to the national level. Having people at the center of their own development will be a process requiring gradual increases in responsibilities and opportunities and the NGO staff will need to be ready to engage in this process.

The 3SWG network within the Mekong Community Rights Project has proved far better at advocating for community participation and civil society involvement in the larger development sphere than being able to recognize the importance of affected people being the drivers of their own development activities. Such was the case of the January 12<sup>th</sup> 2006 stakeholders meeting regarding an upcoming dam project on the Sre Pok River. Because civil society had not been given the official Sre Pok River EIA or much opportunity to comment on its contents, the network lobbied the funders, the Swedish Agency for Development (SIDA) and the Norwegian Agency for Development (NORAD), for a participatory meeting as required by several WCD best practice guidelines. After several months of letter writing and demands by network members, SIDA and NORAD agreed to fund such a meeting in Phnom Penh, but they were not the organizers of the event. The actual organizing was done by the recipients of the Nordic governments' development aid, Electricity of Vietnam (EVN) and coordination assistance from the CNMC and VNMC, representing the government agencies.<sup>1</sup> With the support of the national 3SWG network, twenty community members, ten from each province, were able to engage in meaningful participation at a very high level stakeholder meeting discussing the impacts of their own villages and water resources.

### *Empowerment*

Specific instances highlighting empowerment can be recognized in the work in the Mekong Community Rights Project. At the Sre Pok stakeholder meeting, mentioned above, community members wrote a petition in order to collectively voice their concerns and presented it at the workshop for all participants. Furthermore, despite intimidating conditions at the workshop, several community members stood up amongst the 150 participants, to raise comments and concerns with relevant authorities.<sup>2</sup> The community was able to do this thanks to a two-day EIA training held for community members.

Additional programming made by provincial NGO organizations highlighted effective ways to empower community members as part of their rights-based approach which includes: opportunities for community exchange visits, community-based research, short documentary videos of community members telling

their personal life story, and a dam fighters educational guide written in the national language to be distributed to community members. The process of “giving people the power, capabilities, and access needed to change their own lives, or improve their own communities and influence their own destinies” (UNHCHR, 1996), is a challenging task at hand requiring a complete shift in adopting programming mentioned above with empowerment at the core of a rights- approach.

### *Good Governance and Accountability*

As illustrated, more than enough written commitments exist for the obligations upon which responsible actors have agreed. The Mekong Community Rights Project seeks to hold the multiple stakeholders accountable for their obligations to affected communities. Holding the government, and specifically the Cambodian National Mekong Committee, (CNMC) accountable for their obligations regarding water resource use has proved challenging and requires various methods and actors applying consistent and long-term pressure on decision-makers. Government officials show little respect for dialogue with indigenous community minorities and rarely respond to requests for communication by the national network, 3SWG. Despite current challenges, persistent efforts are being made by 3SWG members to engage high ranking authoritative government officials. Negotiation for a Memorandum of Understanding (MOU) is considered a first step in cultivating the relationship between civil society and relevant government authorities and is slowly underway.

Actively engaging the full range of relevant and responsible actors is essential in a rights-based approach. Within the MCRP, bilateral donors have been identified as key players with responsibility for upholding rights-based commitments and only result in merely rhetoric when NORAD and SIDA’s own human rights policies are ignored. These specific donors are responsible for several upcoming hydropower projects implemented by Electricity of Vietnam, which is state-owned and controlled. No human rights assessment or analysis, such as the guiding framework by NORAD, has been shared with community members.

### **Does a Rights based Approach Make a Difference? The Added Value of the Mekong Community Rights Project**

In addition to the commonly agreed framework for implementing a rights-based approach, the MCRP believes that bold new approaches are needed in order to address how rights will be claimed and to make lasting change in the lives of the Cambodian poor. Addressing power inequalities is at this core of the approach and specific strategies include understanding and analyzing power, advocacy, alliance building, and working at local, state, and national and international levels.

### *Power Analysis*

Power relations exist at all levels of development, even when unintended or unwanted. Different tools have been developed to map out these existing power relationships, to understand them better, and analyze the complex web of interactions and multi dimensions of power. In the case of the Mekong Community Rights Project, donors and International Non-Governmental Organizations (INGOS) recognize the importance of understanding the power outside influential development agencies hold. Yet, efforts to build the capacity of national level partners to understand and analyze power structures, have not been tackled. In 2007, the donor organization Oxfam America facilitated a participatory two-day strategic action plan workshop for members of the national 3SWG network. The results were meant to guide network members in formulating their national action plan for the year, although it is questionable how much the members of the 3SWG were able to influence the national action plan.

Findings were heavily influenced by the donor's (Oxfam America) strategic interests and the outcomes identified were most often those already determined by the donor's headquarters staff. This important exercise was not formally documented for further reference and explanation to guide new members, beyond poster sheets of the activity and a few photos taken, implying it has little future relevance to those who just underwent the exercise. Additionally, a power analysis through the lens of the community has not yet been done or prioritized.

Despite this less than perfect attempt, the 3SWG network should be recognized for its initial first steps to identify and address power as the underlying cause of rights' violations. This is significant because it goes beyond the limited legal emphasis that other organizations hold central to the rights-based approach. The power analysis undertaken by the 3SWG as part of the action plan workshop proved to find IFIs, government, and donors appropriate targets for their advocacy efforts. Frustratingly enough, efforts towards this were again reshuffled by the hands of the donor. On the basis of a separate contextual analysis determined by the Oxfam International sister organizations working in the Mekong region, the donor told the 3SWG that new strategies should target foreign investors.<sup>3</sup> How Oxfam's new target approach will now be incorporated into the national action by the 3SWG network members is still to be determined.

The ability of the Mekong Community Rights Project to begin thinking about analyzing power is a step in the right direction, but a deeper ongoing comprehensive analysis done by all relevant stakeholders is long overdue. This scenario provides several valuable opportunities to achieve more inclusive practices, involving the full range of people who will be included in advocating for their rights. This is important for three main reasons: a) to ensure more dynamism and depth to the discussion (different people will add new information and perspectives); b) to make the exercise part of the empowerment process; and c) to build, from the start, democratic ownership of the advocacy strategy (Chapman et al., 2005a, p. 56).

### *Advocacy for Sustainable Change Policy*

The rights-based approach takes empowerment a step further in aiming not only for the ability to sustain oneself, but also for the additional capacity to influence public policies and make claims in defense of one's rights (Rand & Watson, 2005, Jochnick, 2002, p.21).

This is done through advocacy, which "is the art of influence and changing power structures and decision-making systems" (Chapman et al, 2005a, p.21). In Cambodia, advocacy is a relatively new, not deeply understood, and literally translates to "struggle for an idea," which creates a slightly controversial meaning (Mansfield & MacLeod, 2003). Thus local activists engaging in advocacy are often subjected to various threats or even become victims of violence. Nonetheless, Cambodian nationals are boldly taking steps towards this change. In the case of the MCRP, the MRC, multilateral donors and other agencies have actually created policies that should protect the rights of people affected by dam construction and that clearly indicate a trans-boundary commitment to effective water governance policies, but the policies are not adequately implemented.

The network has built a growing relationship with mass media<sup>4</sup> to raise awareness on these policies, share current information, and to report abuses of power throughout the country. Numerous articles have been published in 2007 specifically highlighting the controversial dam developments. As part of the advocacy strategy, visits by outsiders, such as government officials, journalists, and donors to local communities, is a priority in the MCRP budget for two different outcomes. The first includes cultivating the relationship and dialogue with decision makers in order to expose policy flaws to those who are in position of power and can lobby for change. Secondly, journalists and media specialists are

welcomed and encouraged to publish stories that raise public awareness of ongoing investigations of dam project potential problems faced by communities.

### *Alliance Building*

An alliance of several NGOs can have a dramatic effect on building voice, diffusing risk, and bringing different skills sets to the campaign, as well as leverage information about issues that would otherwise not be accessible (Chapman, 2005a, p.94).

The 3SWG network members are committed to ensuring that existing and future hydropower dam projects respect the rights of affected people and ensure the sustainability of the environment and livelihoods. The process to achieve these objectives requires public participation in the planning and decision-making process in order to guarantee that the interests, needs, and benefits of affected people are included as well as addressed. As a network of several members consisting mostly of national organizations, the 3SWG does have two international agencies that are normally present, including the funder of the project. The alliance of organizations forming the network tackles several controversial activities including enabling people to better understand their rights; influence policy makers; build capacity of activists; enhance communication between actors; and develop new methodologies, tools and resources. However, there is much space for improvement within the 3SWG alliances. The level of experience varies dramatically within the network and several members need further training in order to better balance each alliance member's power and influence. Furthermore, decisions made by the unity of these alliances often require top-level management commitment and decision-making from organizational heads who are often too busy to fulfil the commitment.

### *Working at Multiple Levels*

As demonstrated by the rights violations of communities affected by dams, "global economic and political factors are entrenching poverty and inequality and reducing the agency of citizens to influence the processes that affect their lives" (Eyben, Harris, & Pettit, 2006, p. 1). Various actors are responsible for the violations and can be influenced in different ways, which makes working at multiple levels, including local, national, and international, within an advocacy strategy necessary. By helping forge links of solidarity among affected communities, NGO Forum, Oxfam America, and others at multiple levels will contribute to a better understanding of relationships between citizens and government, and within global and national institutions – in efforts towards effectively changing them.

Efforts at the local level are spearheaded by two provincial organizations, the 3S Protection Network, (3SPN) and the Cultural, Environment, Protection Association (CEPA). Both are responsible for working with communities affected or potentially affected by poor river basin management and damming issues. CEPA and 3SPN have developed different approaches during their participation in damming issues over the past five years. CEPA has only recently tried to incorporate more advocacy and rights awareness into their more traditional water resources management programming, whereas 3SPN was formed as a specific response to address critical damming issues. NGO Forum plays a critical role coordinating partners and influencing national level actors.

At the international level, small, but powerful advocacy activities are taking place and new efforts are being made to strengthen regionally-based work that involves all Mekong basin countries. Several international advisors from INGOs in Canada, Japan, Thailand, and Philippines have made a commitment to assist by providing technical assistance and capacity building, regional and international exchange

and updates of information, and provide additional ways for pressure to be exerted on some of the various actors responsible for continual injustices towards indigenous people.

The close relationship with international media sources in the Nordic countries is a good example of the importance of multi-level interventions. Reporters of *Development Today*, a Norway-based magazine, regularly receive controversial news stories from remote villages not easily reached, such as rural Northeast Cambodia, and, in response, publishes news articles to expose Nordic citizens to their governments foreign aid spending not otherwise accounted for.

In sum, the Mekong Community Rights Project is on course for leading development projects focusing on root causes and making structural change. Despite several challenges, MCRP is making important efforts to address factors of unequal power relations and exclusion that prevent local people from achieving environmental, social, and cultural sustainability.

### **Rights-Based Approaches: The Way Forward**

Adding human rights language to programming priorities is the first step in recognizing the importance of equity and justice in sustainable development. Yet, as the case study on the Mekong Community Rights Project concludes, there are profound concerns that the new language may be accepted without the shift in ideology and programming needed. To achieve equity, justice, and freedom from want for the rural poor in Cambodia, there remains more to be attempted and then re-ected upon from field-based programming. Most importantly, "There is a real need to gain a "deeper understanding of poverty and exclusion on a global scale" and then change the focus of strategy in a manner that moves beyond empty rhetoric (Offenheiser & Holcombe 2003, p.295). This includes programming in development agencies that recognizes power relations, puts people at the centre of struggle for claiming their rights, as well as internalizing the rights-based approach in their own work and relations.

#### *Address the Real Issues- Power and Inequality*

Globally, widespread poverty, marginalization, and gross violation of human rights is the result of uneven concentration of power that works to privilege some people while oppressing many others (Chapman et al. 2005a, p.19). Power must be recognized in its full multidimensional complexity, existing at multiple levels, in order to be used to the advantage of social change. Power can be exercised by preventing grievances - by shaping perceptions, cognitions, and preferences in such a way as to secure the acceptance of the status quo since no alternative appears to exist (Lukes, 2005). Through a rights-based approach, practitioners are obligated to address critical questions regarding "matters of power and politics, exclusion and discrimination, structure and policy, and the systems of thought and practice that justify them" (Uvin, 2004, p.3). Unraveling these intricate more hidden levels of power and the compelling attention it deserves by the numerous actors at play has largely been ignored (Uvin, p.4). In the few instances where power is considered, it is only seen from a one directional view, consisting of a win-lose relationship that is a struggle between the all good, righteous social movements and the evil, villains that hold all the power (Ibid, p.4).

Organizations are challenged to create new ways to redistribute power, which can start with a good look internally at their own role in handing over power. As Chapman et al. (2005a) rightfully points out, the "primary role of development NGOs and donors shifts from being implementers and drivers of development to being allies and fellow partners... in a collective struggle for change, including sharing and negotiating power in new ways" (p.14). Once power is better understood at various levels, the

process of mapping power dynamics should be the fundamental starting point of designing advocacy strategies involving issues of poverty, inequality and injustice. Agencies who are attempting to take a rights approach need to prioritize skills in power analysis for staff who can then transfer this understanding to local level partners, who are the main players in this struggle.

### *People as the Drivers of Sustainable Development*

As development agencies recognize power at play, they will be more equipped to develop strategies towards addressing it in various ways. Yet it is imperative to also consider who decides which issues are of most importance, who then carries these strategies out, on and using what approaches are used (Chapman et al. 2005a, p.13) As Offenheiser and Holcombe (2003) reaffirm, “a rights-based agenda will be meaningless if Southern partners and marginalized communities cannot speak in their own voice and act in their own behalf” (p.289). Advocacy for sustainable change under a rights agenda requires citizens’ activism and participation in the claiming of their rights. If we allow advocacy to become purely the domain of a professional elite of NGO policy experts - as well-intentioned and committed as they might be - it will become yet another dynamic that undermines the empowerment and leadership of the poor and marginalized (Chapman et al., 2005b, p. 10). Additionally, understanding the rights and policies affecting peoples’ lives and providing assistance with organizing and leadership development is needed.

### *Collective Action at Multiple Levels*

The realization that people are being controlled by decisions made by institutions and organizations they have never encountered or been aware of is critical. Creating a web of action through efforts made at multiple levels is a necessary step towards redressing power inequalities and adopting a rights-based approach. The formation of a unified, yet diverse coalition can have a powerful effect in popularizing and vocalizing issues which in turn exerts pressure on responsible actors to see that justice is done.

In order to create momentum and power to address the organizations who have become the main decision makers responsible for violations of rights, networks are also needed. Networks or alliances are based on the assumption that together more can be done in order to be sure peoples concerns are amplified (Chapman, 2005a, p.94). A combination of the joint power of NGOs, community groups and donor organizations creates the stability and force for demanding justice. Rights-Based programs must seek to blend the different skills, perspectives, and strengths to create a collective powerful body demanding change (Chapman et al. 2005b, p. 10).

### **Conclusion**

The rights-based approach gives development practitioners opportunity for developing equity, more sustainability in development, and creating social justice by facing the difficult question of unequal power relations. Development organizations need commitment to change, which begins from the very place they work everyday. This means supporting the voices of the poor and refraining from reproducing inequalities and social hierarchies. Development practitioners and their respective agencies must be accountable to network partners and communities. A rights-based approach enables this kind of accountability by encouraging partnerships with multidirectional communication, and sharing in decision making, planning and evaluation efforts of strategies.

Actors implementing a rights-based approach need to constantly ask if their programming is making steps towards enabling people to have freedom and capability to control their own lives and make



their own choices. If this is not occurring, practitioners must go back to the drawing board and further consider the implications of a rights-based approach. Only the process of recognizing, challenging and changing inequalities of power will lead to global and local sustainability and create conditions for all to obtain justice, equity, and human dignity rightfully deserved.

**AUTHOR'S BIOGRAPHY**

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## [ENDNOTES]

1. The Cambodian National Mekong Committee (CNMC) is the lead national institution in Cambodia for advising the MRC and operates directly under the Royal Government of Cambodia. Members consist of heads of the various Ministries and assist and advise the latter in all matters relating to the formulation of water policy, strategy, management, preservation, investigation, planning, restoration and the development of the water and other related natural resources of the Mekong River Basin (<http://www.cnmc.gov>, 2006).
2. This meeting was held in the capital city, which most community participants rarely receive visit. Out of 150 representatives 20 community members were present. Several high ranking government officials from Cambodia and Vietnamese governments were facilitating this meeting.
3. This focus on private investors corresponds to the Oxfam's own strategic plan.
4. There are a few media sources available in Cambodia. Three main newspapers comprise the most popular and widely spread form of mass media in Cambodia.

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**Camille Tuason Mata**

# **BEYOND LAND REFORM TO ACHIEVE RURAL COMMUNITY DEVELOPMENT : THE CASE OF THE SAN JOSE AGRARIAN MUNICIPAL COOPERATIVE IN THE PHILIPPINES<sup>1</sup>**

## ABSTRACT

Land reform has been viewed as a vehicle for reducing poverty, as land ownership and title rights generally enable the poor to establish food-generating projects, which help them attain some degree of socio-economic equity. Land reform has also been equated with social justice because land title renders power to independent farming, giving farmers the freedom to define their work conditions. However, the community development experience of the San Jose Agrarian Municipal Cooperative (SJAMCO) in the Philippines shows that land reform is only the first step towards equity and justice. Although the SJAMCO had title to 2.14 hectares of land, they remained food insecure. This research finds that a strong partnership, reflecting rich social capital, between the SJAMCO and federal agencies responsible for implementing land reform, is an effective way to develop a collaborative relationship, in which all parties engage in a comprehensive planning process that carefully maps out sustainable livelihood projects and strengthens community relations.

## INTRODUCTION

Much of the earlier studies on poverty in low income countries have linked up land reform with poverty alleviation, suggesting that, when broadly implemented land reform is the panacea to reducing economic inequalities and the key to empowering poor households in granting land ownership or title (Herring, 1999; Food and Agriculture Organization, n.d.; Besley & Burgess, 1998). Amartya Sen (2000) interlaced entitlements, like land ownership, with poverty reduction and freedom. However, a growing body of literature has emerged, which questions the linearity of this relationship (Rohde, Benjaminsen, & Hoffman, 2001; Balisacan, 2007; Baas & Ali, 2005), showing that, while it is true that land reform secures assets to the poor, land ownership or title rights needs also to be accompanied by other factors. In illuminating the intersection of social capital and land reform, the community development experience of the San Jose Agrarian Municipal Cooperative (SJAMCO), a peri-urban agriculture cooperative in Mindanao Island, the Philippines, contributes to this growing body of literature. The SJAMCO's case illustrates that alleviating poverty conditions and achieving sustainable livelihoods for the household members would be better accomplished by creating and nurturing a strong partnership between government and community, exemplified by collaborative networks that establish trust and promote a comprehensive community development planning process.

The community development goal of the SJAMCO households was to secure food with livelihood projects from which they could harvest sufficient volumes of foods for consumption and income. However, they were not able to complete their nascent livelihood projects in large part because the vertical relationship that would have brought about collaboration between community and government, reflected weak social capital. Resultantly, they have not made the transition from food insecurity to food security despite having gained 2.14 hectares of land from the passage of former President Corazon Aquino's land reform initiative, the 1988 Comprehensive Agrarian Reform law (Republic Act 6657). In this paper, I trace the reasons to two factors: (1) failed collaboration between government and community, evident in the absence of a community planning process in the livelihood-building stages after winning land title, and (2) the lack of political legitimacy for not meeting the quorum standard of fifteen household members. These factors are the basis for weak social capital between community and government. If the relevant government officials had engaged the households in the community planning process, they might have identified how the households could have begun moving out of poverty and towards food security. Along the same lines, if the households had met quorum standards, they would have received a stronger commitment from the government since complying with the "rules" indicates reciprocity on the part of the community. The presence of these social capital dimensions would likely have built up the trust and resulting productivity that so aptly characterizes strong social capital relations (Wilson, 1996, 1997; Putnam, 1993, 2000; Fukuyama, 1999, 2002). Instead, the SJAMCO households harbored suspicion because they perceived the government as playing political games. The experience of the SJAMCO households reinforces the argument that land access is only the first step towards achieving food security.

This research relied heavily on focus groups, household, and individual interviews. The household participants were members of the SJAMCO community. Two focus group interviews were held with all the members to understand (1) the historical development of the SJAMCO community, (2) the bottlenecks in the community development efforts, and (3) the problems associated with SJAMCO's relationship with government agencies. The heads of households were then interviewed to ascertain their level of food security. I also conducted interviews with four volunteer community organizers for the Partnership for Human Rights and Development (PaHRD), a priest with the Arch Diocese Church of



Valencia City, and two government officials, which disclosed the differences in perspectives between the SJAMCO members and the federal agencies regarding the reasons behind the incompletion of the livelihood projects. These individual and focus group interviews brought to light the obstacles to poverty alleviation, despite land reform, in the context of weak social capital ties between the government and community.

This paper is organized as follows: the first section illustrates the various approaches to defining social capital and explains the community benefits generated when social capital is abundant. The second section presents the difficulty the SJAMCO household members faced in reaching food security without engaging them in the community planning process, and describes the rationale behind the formation of the SJAMCO. The third section examines land reform's ambiguous connection to poverty alleviation, highlighting the important role community planning can play in building up social capital between community and government. Finally, the discussion section derives four learning principles from the SJAMCO's community development experience, tying the value of social capital into the collaborative partnerships that promote comprehensive planning, into community empowerment, and into long-term social and economic sustainability.

### **I. The Value of Social Capital for Community Development**

In very broad terms, social capital is grounded in a collective, social identity, which materializes as a complex network of public associations of mutual recognition or acquaintances between neighbors, groups, and institutions (Fukuyama, 1999; Putnam, 1993; Franke, 2005). In the most ideal form, social capital is said to be holistic and inclusive, conditions under which individuals feel motivated to perpetuate several dimensions of public participation and civic engagement (Franke, 2005, p. 2; Wilson, 1997): feelings of trust, the lubricant of social capital (Putnam, 1993) inspire acts of cooperation, information sharing, and collaboration between actors, leading to behaviors that induce reciprocity.<sup>2</sup> The abundance of these networks create the spiritual connectedness between community residents, that is, the emotional aspects of social capital which increase inter-personal trust, motivating community members to share resources, information, and give assistance to each other. The strength of the trust, the sharing, and overall the internal cohesion propagated among community members through investing in the network ultimately begets what Osberg (2003) called a "bonding effect" (p.45).<sup>3</sup> Bowles and Gintis (2003), in an economic paper studying the costs and benefits of networks sustained through parochial contacts, called this type of bonding 'parochialism'.<sup>4</sup> They argued that within parochial systems, social capital is a normative feature and, therefore, is regarded as a preventative antidote against the dissolution of trust in the community (p. 6). The magnitude of social capital's benefits is conditional upon the strength of the networks, therein.

Other scholars have made note of accumulated benefits generated from the rich presence of social capital. Grootaert (1998) and Wilson (1996, 1997) highlighted social capital's impact on economic prosperity. Grootaert (1998) pointed out that villagers bound to each other through informal networks such as "friendship" associations in Ukraine could stabilize their fragile economic conditions (pp.7-14). Exchanges or reciprocities, such as bartering or giving without expecting compensation, between friends or associates are necessities in Ukraine's asset-starved economy because these networks help poor households survive. Correspondingly, Wilson (1996) observed that in a trust-based economy, the economy can be more than stable – it can be prosperous. An abundance of social capital networks causes individuals to join forces and engage in collaborative business ventures that mold project management processes, such as community development and community forums, from

which arise material outcomes like community benefits agreements, memoranda of understanding, jobs, investments, and income. The productivity visible during prosperity allows the poor to overcome joblessness, which would otherwise become burdensome if social capital were weak.

The value of an environment rich in social capital is apparent in studies juxtaposing societies exhibiting high levels of social capital against those manifesting low levels. The latter incubates political, social, and economic dysfunctions between individuals and across communities because it lacks vast networks of trust (Putnam, 1993, 2000; Fukuyama, 1999, pp.3-5). Under sparse social capital conditions, violence and manipulative behaviors are outcomes. In other scenarios, households may plunge deeper into poverty, hunger, or other socio-economic depressions. Residents may thereby choose not to interact with each other, creating little opportunity for enriching social interactions.

Another impact of lack of social capital is distance from and separation of communities from government institutions and centers of power. This type of isolation erects barriers between government agencies and communities, disconnecting the former from the community's needs and inhibiting socio-economic improvements. With isolation, social capital weaknesses rest in the macro, vertical networks between government and community. But, as Fukuyama (2002) wrote: *it is not sufficient to go into a [community], note the existence of networks, label it social capital, and pronounce it a good thing . . . needed are (sic) more modern, broad-radius-organizations that connect across traditional ethnic, class, or status boundaries and serve as the basis for modern political and economic organizations* (p. 34). Social capital is more the result of extending and nurturing human and institutional relationships, rather than being a state of superficial, simple everyday interactions that, in my interpretation, one would see at a grocery store or at a cocktail party.

In the case of the Philippines, weak social capital is reflected in a culture of elitism that sustains a government-society hierarchy in which government does not, in practice, collaborate – that is, coordinate knowledge, skills, funds, and best practices – with community groups as a vehicle for generating socio-economic benefits to members of that community. Although times are changing, patronage continues to be a major determinant of social capital in the Philippines, as are patron-client relationships (Sison, 2006; Sidel, 1999). Patronage relationships involve the extension of benefits or regulated rights from the patron, a person holding a position of power, to individuals or groups (client) in exchange for their loyalty and compliance. In Philippine political culture, these relationships become more entrenched when transacted in the public political domain because Filipino citizens see political service as the government's role, preferring instead to “retreat into their ‘private’ lives” and let the government take care of policy details (Sison, 2006, p. 12). Though patron-client connections are difficult to challenge in Philippine society, the introduction of foreign non-profits, research co-operations between university and government, churches, and/or local advocacy organizations into community-based work has helped to dilute the rigidity of the patron-client nexus to some extent. These entities can operate as effective negotiators between government and community because they offer something (knowledge, training, etc.) at little or no cost to the government, which earns them status and respect.<sup>5</sup> Nonetheless, the culturally embedded hierarchical value system continues to distance the government from the full scope of collaborative practices necessary for identifying direct needs and making progress on poverty alleviation projects.

The case of the San Jose Agrarian Municipal Cooperative (SJAMCO), a peri-urban agriculture cooperative in Mindanao Island whose households received land title but did not benefit from a community planning process, is a classic example of this isolation. A community planning process

incorporating community forums, where SJAMCO household members could (1) articulate their visions of productive, livelihood projects that produce food continuously, and (2) identify stages of progress consisting of measurements benchmarks, which signify states of accomplishments, could have further aided the community in envisioning the pathway(s) towards their goals of food security. However, as I show in this paper, the relevant government actors did not guide them through the planning process. Thus, the SJAMCO households lost the opportunity to develop a road map steering them towards a food-secure future. In the next section, I establish the rationale underlying land reform and social capital building by describing the scope and depth of poverty in the Quezon Municipality and its surrounding *barangays*.

## II. Hunger and Poverty in the Quezon Municipality: A Rationale for Community Development

Before the 1988 Comprehensive Agrarian Land Reform Law (CARL) in the Philippines, the SJAMCO households were employed as farmers for the Sunshine Farms *hacienda* (farm plantation). After the passage of the law, the SJAMCO households received land title to 2.14 hectares with the help of the Partnership for Human Rights and Development (PaHRD)<sup>6</sup>, a non-profit advocacy group based at the Archdiocese Church of Valencia City (Mindanao, Philippines). Land title represented freedom from the difficult working conditions they endured while employed at Sunshine Farms. The new law further signified an opportunity to establish self-sustaining livelihoods.

### *A Socio-economic Snapshot of the Quezon Municipality*

The most common indicators used to give a picture of poverty in a region are (1) incidence of poverty among households<sup>7</sup> and (2) poverty income threshold. In Bukidnon Province (Mindanao Island), where both Quezon Municipality and San Jose *Barangay* (the home of the SJAMCO) are located, the annual poverty income threshold per capita was only about PhP12,186 (US\$285)<sup>8</sup> per annum in 2006. Poverty incidence among families was 29.6% of the total population, slightly higher than the national average of 26.9%. Generally speaking, these indicators convey the job climate of the region and the quality of life, as they were linked to families' ability to purchase foods, farm inputs, and other basic-needs increments.

In Quezon Municipality, the jobs were largely concentrated in farming and manufacturing, two important commercial sectors in Quezon Municipality. The manufacturing sector employed about 800 people in the Municipality (Figure 1). It consisted of a piggery, a corn and rice mill, an organic fertilizer, a vulcanizing welding industry, the Naredico Logging Company, and the Bukidnon Sugar Company (BUSCO), the largest employer in the area. Other types of businesses included lending institutions, public markets, commercial retail centers, and *sari-sari* (mom-and-pop) stores (Quezon CLUP, 1999-09, p. 38). The farming industry specialized in growing the export crops corn, rice, and sugarcane. In terms

**FIGURE 1. Breakdown of Employee by Industry**

Industry	Number of Employees
BUSCO	607
Organic Fertilizer Industry	5
Vulcanizing Welding	40
Commercial Poultry	2
Commercial Piggery	8
Rice Mill	80
Corn Mill	80

Source: Quezon CLUP, 1999-09

of sales receipts, the sugarcane industry (constituting 11.25% of the total commercial industries in Quezon) is the Municipality’s greatest asset, having garnered Php502,695,000 (US\$11,600) in 2000 (Quezon CLUP, 1999-09, p. 87).

The employment opportunities offered by the farming and commercial industries attracted a number of migrants from around the region to join the earliest indigenous settlers of the Manobos, the Talaandigs, the Higa-onons, and the Bukidnons. The biggest movement of migrants into the Municipality occurred between 1970 and 1975, which showed a growth spurt of 38.6%, after the BUSCO and the Naredico Logging Company invested in the area (Figure 2) (Quezon CLUP 1999-09, p. 22-24).<sup>9</sup>

FIGURE 2. Population Trends Table, 1970-1995			
Year	Population	Increase	Growth Rate
1970	38,084	-----	----
1975	52,324	14,240	6.56%
1980	59,819	7,495	2.71%
1990	70,239	10,420	3.26%
1995	74,141	3,902	1.09%

Source: Quezon CLUP, 1999-09

However, much of Filipino labor is still bound up in agriculture in spite of the rise of commercial industries and the trend towards urbanization. The numerous *haciendas* in the area were evidence that farm work was one of the primary occupations (see Image 1 below). Don Fortich, the wealthy owner of a multitude of large-scale *haciendas*, propagated this farming model when he arrived in the early 1920s to permanently settle in Quezon, leaving a legacy that remains visible today.<sup>10</sup> Reliance on patronage from the *hacienda* owner enabled the farmers to scrape by, but inadequate wages and harsh working conditions forced them to reside in shacks along the edges of the *haciendas*. The landlessness and poverty of the farmers placed them in a weak bargaining position to demand better working conditions and wages, circumstances under which the 1988 Comprehensive Agrarian Reform Law was passed. This law aimed to ameliorate farmers’ poverty by allocating to them land allotments, where they can cultivate livelihood projects for income and for consumption.



**IMAGE 1.** Sugarcane Hacienda near the SJAMCO PUA Village. *Source: Camille Tuason Mata.*

*The Beginnings of the SJAMCO Peri-Urban Agriculture Community*

The poverty of Quezon Municipality was mirrored in San Jose Barangay and the life conditions of the SJAMCO households. The poverty of San Jose *barangay* was marked strongly by a weak economy and run-down infrastructure. The roads throughout the *barangay* are unpaved, aggravated by protruding

rocks and deep potholes carved out by torrential rains. And, like most of Quezon Municipality, the economy was farm-based, albeit displayed a small cluster of agriculture manufacturing industries. Corn and sugar *haciendas*, *sari-sari* stores, a rice mill, and a corn grits store were the main employers (Quezon CLUP, 1999-09, p. 34). Moreover, water was a scarcity throughout the *barangay*. One main point source, the Luan Luan Springs, serviced different *barangays* in the Municipality, but it only provided about 956,300 liters of water per day. In San Jose *Barangay*, only 64% of the total households were served (Quezon CLUP, 1999-09, p. 162), and they had to obtain their water from a communal faucet.

The SJAMCO households' poverty was reflected in the uncomfortable conditions of their homes, in their food shed, and in their unsanitary lifestyle (see Image 2 and Figure 3 below). Some of the houses were built directly on the dirt with wood from the forest, while others were balanced on stilts to protect them from the flooding caused by heavy down pours during rainy season. One toilet serving the entire community was a simple hole in the ground covered by a Japanese porcelain toilet seat. Because there was no central sewerage system, the residents could not dispose of waste in a sanitary manner, thus exposing the residents to a number of transmittable pathogens. Most of the 2.14 hectares the households received was dedicated primarily to growing cash crops in order to make payments on their farm loans, rather than on cultivating the crops grown for self-consumption. Sugarcane, the biggest earner, was sold to BUSCO, while corn was sold at school or on the roadside. A smaller plot of land was reserved for subsistence crops, such as *camote* (squash), *mungo* (mung beans), *sitaw* (string beans), *calabasa* (pumpkin), or *camatis* (tomatoes).

The SJAMCO peri-urban farms are 145 kilometers north of the center of Davao and 75 kilometers south of Malaybalay, Bukidnon Province's capital city (Quezon CLUP, 1999-09, p. 5). The SJAMCO's



**IMAGE 2.** Dirt road leading away from the SJAMCO PUA Community. *Source: Camille Tuason Mata.*



**FIGURE 3.** The SJAMCO Community Food Shed. *Source: Camille Tuason Mata.*

household members were employed at Sunshine Farms, but lived like squatters, earning a meager income of PhP120 (US\$2.80) per day, and with no benefits. The seasonality of work indicated little job stability because they rotated between employers after harvest seasons without guaranteed employment. The CARL was intended to assist farm workers like the SJAMCO households as a means of promoting “social justice . . . to move the nation toward sound rural development and industrialization” (Republic Act 6657, 1988, Chapter I, Section 2, par.1) by decentralizing farm cultivation into economy-sized operations.<sup>11</sup> The social justice aspect was also inherited in the decentralized model of land ownership, giving the farm workers independence and freedom from the exploitative worker conditions they faced under the hacienda ownership model. Additionally, rendering ownership of land either individually or collectively was the first step towards social and environmental sustainability for landless communities, giving greater dignity to landless farmers and poor farm workers, empowering them with the control of determining the terms of crop production, choosing their own working conditions, and receiving a more proportional compensation of foods produced on the farm.

The lands denoted in the CARL included all agricultural lands regardless of type of ownership or commodity generated (1986, Chapter II, Sec. 4)<sup>12</sup>; the designated beneficiaries were all farmers and farm workers as long as they were landless and expressed willingness to farm.<sup>13</sup> As beneficiaries of land reform, the SJAMCO households held land title for ten years, but could re-apply to regain title within two years, thereafter. Upon receiving land, the LandBank, the lending arm of the DAR, assisted with loans for the purchase of seeds and other farm implements. The disadvantage of this lending program was the high interest rate of 6%, forcing the households to either search for supplemental employment elsewhere or to focus on growing cash crops to pay off the loan.

The SJAMCO’s battle to obtain land rights lasted four years (1995-1999) because the management at Sunshine Farms fought against their claims. The deluge of paperwork and mandatory follow-ups in ated the claims application period. Despite not having the required standard quorum of fifteen members, the PaHRD recommended the farmers form into a cooperative, so they could claim funds from the Department of Labor and Employment (DOLE) and the Department of Agrarian Reform (DAR). When it became clear that the SJAMCO did not reach the fifteen households quorum, the federal agencies became resistant to relinquishing additional funds because their Cooperative was

not considered legitimate. In sum, achieving ownership of land was the first step towards achieving sustainable livelihoods and lifting community members out of poverty, but administrative and financial barriers rendered this process much more cumbersome.

### III. Obstacles in Community Development

Funding and bureaucratic inertia characterized the initial attempts of the SJAMCO households at community development. At times, funding and bureaucratic obstacles were inseparable. When the SJAMCO households campaigned for additional funds to complete already-started livelihood projects, government red tape delayed the titling process and exhausted the household members. The lack of political legitimacy for not having the fifteen-member quorum also appeared to depress morale, as this status seemed to overturn what the SJAMCO members and PaHRD had already accomplished. These frustrations, however, merely compounded the food security problems facing the households; in spite of the initial monies, they produced insufficient volumes of foods. The root of their food insecurity lay in the failure to plan properly for sustainable, long-term livelihood goals.

#### *Government's Approach to Community Development: The Obvious Initial Gaps*

The government's approach to community development was incremental rather than holistic and comprehensive. Primarily, they provided seed capital and technical assistance whenever necessary. Funding appropriations in the early stages targeted nascent commercial and farming projects. The technical assistance the SJAMCO community received was in the form of a *carabao* (water buffalo) for transporting water and other materials into town and across the community, and for laying the ground for crop plantings.

Interviews with a DAR agrarian officer and a PaHRD volunteer community organizer revealed that the SJAMCO households received a combination of grants and loans for livelihood projects from the Quezon Municipal Government, the PaHRD, the DOLE, and the Governor of Quezon. Together, the SJAMCO community received amounts that ranged from PhP250 (US\$5.80) to PhP1.2 million (US\$ 27,660). The money was invested in other livelihood projects of their choosing. One investment was in a *sari sari* store, but it eventually dissolved because the community did not have the consumer base to sustain steady commercial transactions. The initial funding also catalyzed a piggery project intended to raise piglets for consumption and for sale on the local market. The SJAMCO community reserved 2000 square meters (0.28 hectares) on their land for this. However, the SJAMCO households spent much of the money on their more imminent food needs, and therefore were not able to complete or to expand on these livelihood projects to the degree at which they could produce enough food to adequately support themselves. When the government restricted the disbursements of further funds to the SJAMCO community because they were not a legitimate cooperative, tensions arose and resulted in finger pointing and blaming.

#### *Mutuality in Complaints: Blaming the Other*

Winning land title represented a milestone in the Philippine land reform, as it laid down the foundation for securing people's access to their own food production and the anticipated outcome of overturning household poverty. However, the relationship between the SJAMCO households and government agencies turned sour when progress on the livelihood projects stalled. Accounts of the reasons for the problems were different. The community's version substantiated the narratives given by the volunteer community organizers for the PaHRD, but disputed the claims of the agrarian officer assigned to their case.



One constant complaint raised during the interviews with community members was the government's reluctance to buttress the livelihood projects with additional financial support and infrastructure improvements. The households complained that the government dragged its feet instead of readily supporting the households' desire to enhance the food projects with, for instance, a poultry farm to expand their food base and income. They also felt they had contributed a tremendous amount of personal labor and money for additional necessities. To prove their sacrifices, the household members complained about having to buy supplemental seeds and about building the pig-pen themselves. The SJAMCO households further bemoaned the government's failure to help them acquire other material needs for their farms, like proper farming tools and a small truck for transporting their cash crops to BUSCO and to the San Jose *poblacion* (city center), where the crops could be sold. The money they requested to buy the truck never materialized.

Several members expressed the need for potable water for drinking and bathing. They mentioned wanting a better engineered water well because the one they had built was often dry. Others brought up much-needed farming and irrigation tools. A proper irrigation system would allow them to comfortably sustain their farming operations even during dry season instead of relying solely on rainfall.

The agrarian officer, however, gave a different account, insisting that the Department of Agrarian Reform and the Department of Labor and Employment *had* been generous to the households with funds and other assistance, especially with the toilet and piggery project. Furthermore, the agrarian officer argued that, being given assistance despite not having political legitimacy, since the SJAMCO households were allowed to circumvent the standard quorum of fifteen household members required of cooperatives, was a strong sign of the government agencies' generosity. Rather, the agrarian officer characterized the SJAMCO's continuing needs as the result of general incompetence and financial mismanagement.

The dispute provoked feelings of mistrust and uncertainty among the household members regarding the government's apparent lack of commitment towards the SJAMCO's food projects. The SJAMCO households' sentiments were corroborated by the inadequate oversight from the DAR, as there was no division within DAR assigned to guiding and aiding them with irrigation systems, expanded funds, information sharing, cooperation, and training.<sup>14</sup> More pertinently, the CARL makes no provisions for integrating community planning into the land reform process. Although the Quezon's Comprehensive Land Use Plan (1999-09, p. 105) underscored the admirable goal of devolving *haciendas* into economy-sized farms, aimed at empowering farm workers through independent farming and generating higher returns in terms of income, self-sufficiency (\$4.2.14), food security, and reduced poverty (\$4.2.1.5), these goals were *not* substantiated by a community planning process mandate that would have woven land ownership rights into successively progressive food project outcomes. The planning process would have helped the households delineate their food security goals, identify desired levels of accomplishments, and uncover resources and assets that the households already possessed in order to pinpoint a repertoire of need-gaps. These might have included material assets as well as human capital ones, such as skills (farming, technical, etc.), and knowledge (in organic agriculture, business, etc.) to achieve sustainable livelihoods. The community planning process might have also brought attention to certain partnership-building needs and elicited ideas on how to create novel social networks or strengthen existing, albeit weak ones, in order to meet the Comprehensive Agrarian Reform Law's objective of empowering and uplifting poor farmers from poverty.



## DISCUSSION : The Significance of Planning for Food Security and Sustainable Livelihoods

Examining the SJAMCO experience revealed four principles about community development, which in combination explain how social capital links the community planning process to empowerment and poverty alleviation. First, community empowerment was derived from, *de rigueur*, possessing resources and assets to realize aspirations for self-sustaining livelihood projects. Entitlements are not a birthright for poor households, suggesting that, although land title is an important first step towards social and economic sustainability, various forms of support from federal agencies are equally imperative for enabling deprived households to overcome poverty and become food secure. The continuing need for various forms of support further suggests that the community planning process would have been invaluable for identifying where and how the government should intervene.

Secondly, empowerment coincides with stalwart community-government partnerships, indicated by rich social capital that flows dialectically between both entities. This relationship must be cultivated and nurtured with unequivocal government commitment, as there are (1) financial reinforcements needed by the community, and (2) government-administered services inaccessible to the community that represented constraints on their social and economic progress. These constraints are financial and infrastructural amenities, such as potable water, a well-functioning sewerage system, and viable transportation networks, all of which speak about the quality of life for people and about their ability to achieve sustainable living conditions. Failing to overcome both financial obstacles and infrastructural constraints inhibit the growth of and enhancement of community empowerment. Thus, strengthening the social capital between government and community through partnership-building would bridge the community to these services and render continued reinforcements in the form of funding and materials.

Thirdly, the community planning process was an integral component of the pathway to food security. In Cary's (1970) very general definition, community development evolved out of organizing efforts to adequately respond to specific needs for bettering society. At times, doing so has meant challenging well-established, normative social systems. Irwin Sanders (1970, pp.19-26) added that community development is multidimensional. It is (1) a process, describing flows and exchanges between stakeholders and agents that enact change; (2) a method, referring to *how* and *what* steps to take in order to achieve some end; (3) a program, designed to raise a community's social, economic, or natural capital; and (4) a movement, or rather the coordinating of local leadership and resources, to attain a "best outcome". At the very core of these dimensions is the community planning process, an important mechanism for ascertaining potential internal and external resources, active and sympathetic partners, and need-gaps, all of which help to articulate community goals and benefits. The planning process is, above all, integral to analyzing the feasibility of sustainable outcomes, especially when progress is measured against short-term, medium-term, and long-term standards of achievement. In order for community development to achieve "best outcome", it must therefore be planned.

A fourth principle derived from examining the SJAMCO experience was recognizing the role of a facilitator, in light of the patron-client relationships defining the government-civic nexus in the Philippines, who possessed the familiarity with agrarian policies and the connections to centers of power to instruct community planners on navigating the community planning process through the fog of government bureaucracy. Community planners can here-to-fore shape or build social capital relations with key stakeholders in government by illustrating to them how well-conceived project plans can be both successful and beneficial for everyone involved. These project plans should communicate the expected improvements, such as structural changes, essential materials, areas and levels of government intervention, and other factors that contribute to project sustainability.

In the SJAMCO's situation, the planning process never advanced beyond the funding disbursement stage after the household members expressed their wants and needs. Although the members were careful to think about income-generating projects, the government agencies failed to acknowledge the dual importance of fulfilling the SAMCO households' more immediate food and income needs along with preparing for the sustainability of their livelihoods. This oversight resulted in the funds being spent as if they were for emergency purposes, rather than as the first of many investments into a sound economic foundation. In preparation for development, community planning might have looked like this: identify what the households needed to purchase in the early stages, and then ascertained how to organize and manage resources into self-sustaining, iterative food projects. Community planners could have facilitated the brain-storming of ideas surrounding each livelihood project that responded to questions about budgeting, the time line for project completion, and amount of funding required of each project; linked up cash crops to new markets; elaborated on the full scope of the projects to federal agents and compassionate investors; built a partnership with the government, while seeking opportunities to fully exploit these relationships to the SJAMCO community's advantage. Unfortunately, these layers of community development were notably overlooked in the beginning, and prevented the households from transitioning into a more sustainable existence.

## CONCLUSION

The case of the San Jose Agrarian Municipal Cooperative teaches us that winning land rights, in and of itself, is not enough to overcome impoverishment and to attain a food secure, sustainable quality of life. In fact, land reform is deeply embedded in the complex scope of community planning processes, held together by strong partnerships with agencies that have the power to make decisions. These partnerships are significant for engaging the SJAMCO households in a planning process that would have guided them in developing sustainable livelihood projects and ensuring their successful completion. Because the vertical social capital linkages were weak, a collaborative partnership never evolved between the community and the Department of Agrarian Reform (DAR) and the Department of Labor and Employment (DOLE), government agencies responsible for implementing the Comprehensive Agrarian Reform Law. The lack of collaboration in light of weak social capital circumvented the community planning process, and neither the DAR nor the DOLE accomplished community development as well as they could have despite opportunities to steer the SJAMCO households toward a clear and sustainable food security plan. Consequently, because of the cavalier manner in which the livelihood projects were conceived and prepared, they remained food insecure, were unable to overcome poverty, and thus their quality of life suffered.

### **AUTHOR'S BIOGRAPHY**

Camille Tuason Mata has a Master of Urban and Regional Planning from the University of Hawai'i at Manoa and a Master of Arts from the University of Wollongong in Australia. She most recently worked as an Environmental Justice Coordinator for the Mary Queen of Viet Nam Community Development Corporation (MQVN CDC) on a number of neighborhood-based environmental remediation efforts to improve the livability of the Vietnamese-American community in New Orleans East. She will be completing a M.A in Interdisciplinary Studies with a concentration in Environmental Studies at Goddard College.

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## (ENDNOTES)

1. This paper was based on a seven-week fieldwork and was part of the author's completed thesis for the Master of Urban and Regional Planning at the University of Hawai'i at Manoa. The author is deeply indebted to the individuals, who agreed to be interviewed for this research, and to the Archdiocese Church of Valencia City, Mindanao, Philippines for introducing me to the San Jose Agrarian Municipal Cooperative.

2. Although there was a unifying theme in writings about social capital's dimensions, scholars differ slightly on their approaches. Narayan and Cassidy (2001) emphasized the group feelings generated when social capital was present; Woolcock (1998) approached the dimensions from a more comprehensive framework, looking also at the role of social institutions. I stress behavior, and the positive reinforcements that are produced when actors behave inclusively. I also take my cue from Auranen (2005), who drew the link between information sharing (what he saw as a dimension of social capital) to developing innovations in science. The information-sharing dimension was key here to enabling the SJAMCO households to cultivate livelihood projects that are sustainable. Information sharing between the SJAMCO households and government officials could have identified the desires of the community and the challenges facing government officials as far as what more information they needed from other sources to help steer the SJAMCO households towards sustainable and self-sufficient development.

3. Osberg (2003) cited Dick Stanley's invaluable work on social cohesion benefits to the community. Stanley explains how the bonding effect occurs. He wrote: 'social cohesion was the bonding effect within a society that arises spontaneously from unforced willingness of individual members of society to enter into relationships with one another in their efforts to survive and prosper'; '[it] was strengthened by the existence and creation of social capital (p.45).

4. While Bowles and Gintis (2003) proved that parochialism carries benefits to communities with strong inter-groups networks, which capitalize on the feeling of unity and trust among group members, their study was confined to in-group micro-units and do not consider networks in the form of collaborative alliances with pertinent macro institutions. They also do not pay much attention to the underside of parochial relationships, which is that social capital gives way to nepotism in the context of such relationships.

5. The complexity of undertaking community-based work aimed at reducing poverty through food security projects was deeply rooted in the patron-client relationships, but this discussion was too expansive for the scope of this paper.

6. PaHRD is an advocacy group, established in 1994, that builds the internal capacity of farmers, peasants, and indigenous communities by providing training on political topics, such as human rights, gender sensitivity and equality, and community empowerment.

7. The percentage of people in poverty for a designated area.

8. Poverty income level was not available for Quezon Municipality or San Jose Barangay, specifically, because the Philippine statistical data do not generally report on sub-island performance.

9. The growth rate was calculated using the formula  $r = Y_{t+1} - Y_t / Y_t$ .

10. Exact data regarding how much of Quezon Municipality was under *hacienda* ownership was unavailable. The city planning office does not have land use classifications distinguishing *hacienda* lands as a separate category.

11. The CARL also protects the rights of (subsistence) fishermen, but this element of the law will not be discussed here.

12. The re-distribution of land was to be completed within ten years. Re-distribution was therefore divided into four phases. The first targeted rice, corn, idle, foreclosed, abandoned, and voluntarily donated private lands. The second phase targeted private agriculture lands larger than 50 hectares, 'alienable and disposable' (A&D) public agriculture lands. The third phase encompassed private lands between 24 and 50 hectares, as well as the land sizes between 5 and 24 hectares (Balisacan, May 20, 2007, p. 8).

13. The CARL distinguished between the definitions of "farmer" and "farm worker". A farmer is defined as one whose

main livelihood is growing crops (Chapter I, Sec. 3(f)). Farm worker means one, who farms as a means of receiving wages or other benefits, employed part-time, full-time, or seasonally (Chapter I, Sec. 3(g),(h),(i)).

14. A new amendment to the CARL (Republic Act No. 7905) was added (\$35) to provide greater support to beneficiaries with government subsidies, training in cooperative management, improvements in infrastructure and public works, but language for a comprehensive community planning process remains missing. <<http://www.chanrobles.com/republicactno7905.html>> .

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# **EXPLORING ENVIRONMENTAL JUSTICE IN SWEDEN - HOW TO IMPROVE PLANNING FOR ENVIRONMENTAL SUSTAINABILITY AND SOCIAL EQUITY IN AN “ECO-FRIENDLY” CONTEXT**



## ABSTRACT

Environmental challenges, especially climate change, are highly discussed topics in the Swedish public debate, but questions about who is causing the problems and who is affected by them are seldom asked. This also applies to questions of who defines what should be regarded as acute environmental problems and what constitutes high-quality environments. This paper explores how environmental (in)justice issues can be framed in a Swedish social context, drawing from three cases: municipal promotion of eco-friendly lifestyles, large-scale infrastructure planning, and planners' attitudes towards justice. The three cases deal not only with distributional, procedural, and substantive aspects of justice, as is common within the US environmental justice framework, but also with discursive dimensions of justice. We argue that elucidating such examples of environmental (in)justices is crucial to nuance the mainstream, consensus-oriented sustainability discourse in Sweden.

## INTRODUCTION: Environmental Justice: From the United States to Northern Europe

One of the principles expressed in the 1992 Rio Declaration is that equity is at the core of sustainable development on a global level. This perspective is also reflected in policies and planning in Sweden where sustainable development has been high on the agenda for the past 15 years. But, while justice between the global North and South is generally acknowledged in Sweden, promoting justice among different groups *within* the national boundaries has not been emphasized in the national sustainability debate. This might relate to the fact that it is difficult for Swedish citizens to see the environmental impact caused by their mobility, consumption, or housing choices. Complex problems like air and water pollution, for instance, are not always tangible on the local level. When environmental problems do not appear to directly affect the people who cause them, their high-energy lifestyles are more likely to continue. Thus, in a planning context, studying the (a)symmetry between the origin and impacts of environmental problems could be a way of recognizing socially and environmentally unsustainable planning, thus providing important input into current strategies for sustainable development.

Several studies in the United States have shown that disenfranchised, low-income, and/or minority populations are generally more at risk of being exposed to environmental hazards than other groups (Bullard, 1993, 2000; Hofrichter, 1993; Faber, 1998). For this reason, grassroots groups, policy-makers, and academics have attempted to address such environmental injustices by reducing the exposure of marginalized communities to toxic industries, hazardous waste sites, or landfills (see, e.g., Faber, 1998). Environmental justice perspectives have also recently been explored in the British context, where they have been identified as crucial to the development of efficient strategies for sustainable development (see Agyeman, 2005; Agyeman & Evans, 2004; Mitchell & Dorling, 2003; Scandrett, Dunion, & McBride, 2000). Until now, however, Swedish policy-makers, researchers and NGOs have, overall, not paid any attention to such perspectives (Bradley, 2004; Isaksson, 2001).

Sweden is known historically for its welfare system and progressive environmental policies; international evaluations from the early 2000s, for instance, identified Swedish administrative and institutional structures as one of the most successful platforms for the implementation of Agenda 21 (Eckerberg, 2001) and thus for achieving sustainable development. The current Swedish strategy for sustainable development, formulated by the Central Government in 2004, emphasizes the interrelation between social, economic, and environmental sustainability, and highlights the importance of social justice in this context (Swedish Government, 2004). Although a great deal of attention is paid to social issues in the formal strategy, it is unclear what this means in the planning practice. The overall message being communicated in the strategy document is consensus and win-win solutions, in which economic development, social justice, and environmental protection fit smoothly together in the endeavor for green growth (Hilding-Rydevik, Håkansson & Isaksson, forthcoming). Nothing concrete is said about potential conflicts, controversies, or power issues embedded in sustainable development policy and planning practice (*ibid.*).

In this paper, we understand sustainable development as focusing both on protecting the resource base and enhancing social justice, and – not the least – on the connection between the two. It is therefore necessary to consider how natural resources are distributed, how decisions affecting the environment are made, and how environmental qualities are defined. The objective of the paper, is to show how environmental (in)justice issues can manifest in a Swedish urban context. To do so, we will leave the policy documents behind and focus on planning practice, exploring three cases from our research on planning in Stockholm: municipal promotion of eco-friendly lifestyles, large-scale infrastructure planning, and the attitudes of Stockholm City planners towards justice. The

cases highlight different aspects of justice: Whose voices are acknowledged in planning processes? Who gains and who loses from planning outcomes? How are environmental qualities and problems distributed among different social groups and generations? Lastly, how are notions of environmental benefits/drawbacks constructed? These three cases illustrate procedural, distributive, and substantive aspects of justice, which are common in US and UK environmental justice research (e.g., Turner & Wu, 2002; Agyeman, 2005). However, our last question adds a discursive approach to justice: we focus on the framing of environmental problems and the consequences of this framing in terms of what issues and whose impact(s) are considered in policy and planning. To use a discursive approach thus means shedding light on tacit preconditions and underlying norms and assumptions in planning. It also means illuminating questions of what environmental goods and externalities are to be distributed, amongst whom (people within a community, all people living now, or future generations,), and according to what principles of justice (everybody being equal, justice according to needs, or according to performance). Regarding substantive justice, a discursive approach adds questions about *what* should be regulated by minimum standards. These types of questions appear to be important, as we will see, for an analysis of environmental justice in Sweden.

### Case 1: Eco-friendliness—According to Whom?

Swedish urban regions, like most other European cities, are becoming increasingly multicultural and diverse in terms of lifestyles, socio-economic conditions, and gender roles. This implies that people already have, and continue to develop, a variety of relations to environmental issues such as energy use and perspectives on nature and the ecosystem. A current research project (Bradley, forthcoming) looks at how urban planning strategies in Sweden, promoting eco-friendly living, relate to the increasingly multicultural and socially diverse population, focusing on the following questions: What notions of eco-friendly lifestyles are being encouraged in the rhetoric of current planning strategies? How do the strategies reinforce, or conflict with, the everyday lives of people with differing cultural backgrounds and socio-economic conditions?

The goal of the project is to comment and elaborate on the existing planning strategies in terms of justice *within* the environment (i.e., among different groups) and justice *to* the environment (i.e., to non-humans and future generations). Our first case study took place in Spånga-Tensta, a city district in northern Stockholm. Spånga-Tensta is one administrative unit, but is divided into two quite different residential areas: Tensta and Gamla Spånga (see Images 1 and 2 below). Tensta is an area with multi-family houses from the 1960s where 85% of the residents have foreign background<sup>1</sup> — compared to an average of 26 % in Stockholm.<sup>2</sup> Income and education levels in Tensta are furthermore considerably lower compared to the Stockholm average.<sup>3</sup> The adjacent area of Gamla Spånga consists of mainly one-family houses, built at the turn of the last century and onward, and a population with ethnic background, incomes and levels of education similar to that of the overall Stockholm region.<sup>4</sup> This case study is based on interviews with local residents (both individual interviews and focus groups), a resident postal survey<sup>5</sup>, interviews with planners and officials, and an analysis of strategic planning documents. In total 45 residents and five officials have been interviewed and 175 residents have responded to the survey.

This study reveals a prevalence of a discourse in which the commonly-accepted “Swedish” ethnic identity is connected with a general notion of environmental responsibility in the form of tidiness, recycling, and familiarity with nature and animal species. This is a notion that warrants criticism, however, since the residents termed “Swedes” give off not only some of the largest ecological

footprints per capita in the world,<sup>6</sup> but their footprints are also larger than those of non-Swedes in Sweden, who often reside in multi-family houses, and do not own cars, etc. (Bradley, forthcoming). In other words, what has been defined as environmentally-friendly behavior appears to have been framed by Swedish middle-class norms and habits. It is also worth noting that the public strategies for sustainable development used in the case study area have primarily been directed toward low-income and immigrant households in multi-family houses residing in Tensta rather than at the energy-consuming lifestyles and travel habits of the more affluent “Swedes” who reside in one-family houses in Gamla Spånga. According to the city official in charge of sustainability work, 90% of his time and resources was devoted to promoting change in the low-income areas, where the predominantly



**IMAGE 1.** Housing in Tensta. *Photo: Karin Bradley.*



**IMAGE 2.** Housing in Gamla Spånga. *Photo: Karin Bradley.*

foreign-born population was encouraged to recycle, keep the area tidy, and use public transport and low-energy light bulbs, etc., while hardly any of his time was used for advancing eco-friendly living in the more affluent area nearby. Furthermore, the urban development plans for Tensta have primarily focused on improving the low-income high-rise area, making it denser and more “urban,” partly motivated by environmental concerns. Paradoxically, this poorer area is already very dense and the use of public transportation is considerably higher than in the more affluent neighboring area.

Altogether, this research raises the question as to whether the discourse on planning for eco-friendly living entails processes of normalization, perhaps unintentional, by which “the Others” -- foreign and/or “troublesome” residents -- are to be transformed into “well-behaving Swedes” (ibid.). In this study, the discursive aspect of (in)justice lies in how complex societal interactions, in which planners and planning play an active role, have come to produce notions of desirable lifestyles that suit and reinforce the preferences of the dominant Swedish middle classes. This reinforcement of the Swedish middle-class high-energy life styles does not directly affect less affluent neighboring communities, but it affects global warming and environmental degradation on a global level. Thus, what we are dealing with here is an issue of “(un)fair share in environmental space,” i.e., how the consumption of the earth’s resources is divided amongst different groups and generations.<sup>7</sup>

Another suggestion as to why the policy focus is skewed towards low-income areas may be related to the fact that local tidiness gets mixed up with eco-efficient living. For instance, the municipality has, within its budget for local sustainability work, initiated a project called “Spånga-Tensta Nice and Tidy” where local organized residents are reimbursed for regularly cleaning a part of the neighborhood.<sup>8</sup> The assumption underpinning this project is that this activity leads to “greater awareness of waste management and an attractive and healthy outdoor environment,” as well as overall “environmental gains”.<sup>9</sup> This is an example of “sustainability policies” which include both measures to improve the local environment towards more greenery and tidiness, and measures to reduce the use of resources. These two types of sustainability measures are often treated as one package with the assumption that improvement in the first type goes hand in hand with improvement in the second. However, in the case study, the wealthier area of Gamla Spånga is green, attractive, and tidy, and thus seemingly “unproblematic” from the visible sustainability policy point of view, but it is nonetheless an area of high resource consumption, thus qualifying for the promotion of more eco-friendly lifestyles even more than the “untidy” and poor area of Tensta.

In summary, through a clearer definition of what type of “environmental improvement” is intended, with which goal, and for whom, and through learning from different ways of saving natural resources, urban planning policies could be better attuned with social and cultural diversity (justice *within* the environment) and could become more environmentally progressive (justice *to* the environment) (ibid.).

## Case 2: Traffic Infrastructure—At Whose Expense?

Another example that illustrates environmental justice in Sweden comes from the field of infrastructure planning in urban areas. “The Dennis Package,” one of Sweden’s most extensive infrastructure projects to be planned and implemented (in part) in the 1990s, was an initiative by the Swedish Government, which commissioned the Director of the Bank of Sweden, Bengt Dennis, to lead the negotiations between the State, the Stockholm County Council, and the municipalities of Stockholm. The goal of these negotiations was to reach an agreement on infrastructure investments that would improve environmental conditions, accessibility, and economic development in the Stockholm region (Isaksson, 2001, p. 49).

The ensuing Dennis Package was the result of more than two years of negotiations. It was a large-scale scheme of infrastructure investments -- including a ring road and a bypass (as shown in Figure 1) -- and public transportation system investments. The Package also introduced toll roads on the most costly new roads, namely, the western link (part of the bypass) and the eastern link (part of the ring road) (ibid).

The analysis of the Dennis Package was based empirically on an analysis of local, regional and national planning and policy documents, interviews with planners, policy-makers and stakeholders, newspaper material, and statistics about the Stockholm area (Isaksson, 2001). The environmental justice aspects in this project are related to the location and design of the new major roads. To reduce the negative environmental effects of the projects, the western link bypass and the eastern link were planned with the construction of a system of tunnels. The adjacent central parts of Stockholm, as well as the well-to-do municipality of Ekerö, would receive the most direct benefit from these measures of environmental harm reduction, which were being paid for by a massive national budget, including revenues from toll roads. Meanwhile, other roads in the Dennis package were planned to be built above ground in municipalities and districts where the average income was considerably lower, such as the Northwestern districts of Stockholm (Hjulsta, Tensta, and Akalla). These areas have a higher rate of unemployment (more than 8% in 1994, as compared to 5,5% for the region at large), a larger percentage of residents of foreign background (more than 20% in 1993, compared to 7% in the region at large), of lower income (more than 20% of the inhabitants were dependent on social welfare in 1993, compared to 8,5% in the region at large), with health problems (in parts of these areas, more than 35% of the residents had been ill over long periods of time or were not working at all due to sickness pension in 1993, compared to 22% in the region at large) (The Office of Regional Planning and Urban Transportation, 1995).

In many cases, the new roads would cut through local green field sites of importance to outdoor life and recreation for the inhabitants of these poorer districts. Worth noting is that the residents in these areas have a lower level of car-ownership than in many other parts of the city and the region, thus they would not benefit as much from the investments in new road infrastructure.

Part of the explanation for the uneven distribution of benefits and burdens in the Dennis Package relates to the different values given to different environmental qualities and areas of special interest. In general, areas with well-known cultural heritage qualities such as royal castles and parks -- like the Drottningholm Castle located in Ekerö, as well as the old royal parks and castles in Djurgården and Haga in the Eastern and Northeastern parts of Stockholm -- attracted much media attention. Meanwhile, several areas of importance to outdoor life and recreation in the poorer neighborhoods were not considered, for example the green areas of Järvafältet in the Northwestern parts of Stockholm, or Gömmaren, Glömsta and Hanveden in the Southern parts of the region. At some point during the planning process, concerns were raised about the environmental consequences for the affected suburbs. In one of the political debates in the city hall of Stockholm in 1994, one Social-Democrat politician addressed the issue of unequal distribution of negative environmental consequences (Stockholm Municipality, 1994). However, there were only a handful of similar statements in the extensive political discussion and media debate (Isaksson, 2001, p. 160).

In 1997, the government put an end to the plans to construct the western link of the bypass and the eastern link of the ring road. However, several of the roads that were planned to go above ground in the Southern parts of Stockholm were built, as well as most parts of the roads in the Northwestern and Northern parts of the region. Today, the western link, now called "The Stockholm Bypass", is





**FIGURE 1.** The ring road and bypass included in the Dennis Package. *Source: Isaksson, 2001.*

once again included in current infrastructure plans. The environmental justice consequences are as obvious today as in the 1990s, but the issues remain unaddressed in the general policy debate.

### Case 3. Planners' Attitudes Towards Justice

Our third case of environmental justice aspects in Swedish policy and planning is taken from a series of seminars organized by our research group for planners in leading positions at Stockholm's City

Planning Office (documented in Orrskog, 2008; Zimm, 2007). We held six seminars in 2006 on the theme "Planning for Good Environment and Justice under Diffuse Circumstances," with a follow-up seminar in 2007. The initiative of the seminars came from the planners and were meant to give both planners and researchers a deeper understanding of contemporary challenges in planning (Orrskog, 2008, p. 3-7). The seminars consisted of a series of focused conversations on how discourse, mobility, justice, and diversity can be understood in the context of various ongoing planning projects in Stockholm, urban planning trends in other European countries, and how the future role of planners could be shaped. Seven-eight planners and three-four researchers participated in the seminars. The planners experienced the seminars as a forum for reflection and have expressed their interest in maintaining and spreading the scope and content of their discussion through the Planning Office (*ibid.*, p. 69).

It was apparent from the conversations that the planners perceive their work as touching upon issues of justice, even if this is seldom expressed in an explicit way in their daily practice. However, these discussions revealed how the planners worked especially with issues related to procedural and substantive justice, as illustrated in the description that follows. The planners worked actively to apply new methods of involving different groups in the planning process with the intention to understand their viewpoints on the local environment and its future. One planner expressed it as follows: "We have worked with in-depth interviews, focus groups, neighborhood walk-throughs, and meetings with representatives of different groups. [And] we have actually become much better at this. (*ibid.*, p. 63)."

However, the planners also became aware of shortcomings, such as the difficulty of getting residents of foreign background involved and how to handle "emotional expressions" from, e.g., mothers with children (*ibid.*, p. 63). Thus, we see that the planners worked with procedural justice, even though it could be further developed through efforts to increase the ability of underrepresented groups to participate and become empowered to participate in the planning process.

Among the planners, the issue of procedural justice appeared to be the least contested, and the general standpoint was that procedural justice can be safeguarded through the process of broad public participation. Less attention was given to whether a formally just process necessarily results in environmental just outcomes. In other words, less attention was given to distributive aspects of environmental justice. However, this does not imply that environmental issues as such were neglected. According to the planners, environmental issues like noise and air quality were best managed by respecting environmental norms and regulations<sup>10</sup>. Thus, the planners were on the whole satisfied with the substantive environmental justice and argued that current planning practice gave higher priority to environmental sustainability than to social sustainability, even if this was changing (*ibid.*, p. 15). One planner said: "Nature had higher intrinsic value in the 90s. Nonetheless, the Swedish National Road Administration still has shelf after shelf of official reports about the expected environmental effects of Route E18, but hardly a sheet on its social impact, such as barrier effects." (*ibid.*, p. 15)

In sum, the planners underlined procedural justice and believed that substantive justice is (or could be) fulfilled by norms and regulations, while they paid less attention to distributional justice. Discursive aspects such as what constitutes a good or bad environment and who defines them were not subjects of focus.

Furthermore, the planners saw planning as a situated practice, closely related to normative and ethical issues such as environmental justice, but in the beginning of the seminar series, they seemed blind



to their own potential role or responsibility in relation to this. Rather, they tended to hide behind their formal role of merely executing political, and therefore often shortsighted, decisions. One of the planners stated that: "[...] Politics today involves very little problematizing. It's very one-dimensional, very short-sighted and very limited—and we know all that so well. That often makes our issues very simple, too simple". (Planner at Stockholm's City Planning Office at the follow-up seminar, October 26, 2007). At the end of the seminar series, we noticed a slight shift in the planners' opinions and they started raising the idea that they could be more pro-active by trying to put vital issues as related to environmental justice on the political agenda (Orrskog, 2008, p. 67). They had no desire to bypass democratically elected politicians, but they began to see an opportunity to raise political awareness, e.g., on environmental justice issues that are not normally elucidated or discussed in the political debate.

A past example of where they did try to influence the outcome is when the local government of Stockholm decided that 20,000 new residences would be built between 2003 and 2006. Not only were the planners under stress to fulfill this goal in such a short time, but they felt it was difficult to do it in a socially acceptable way. In an attempt to be able to defend "their" plans, they tried to take justice concerns by mixing different forms of rental/owner-occupied dwellings to facilitate for different income groups to dwell in the same area (*ibid.*, p. 17). Thus, the planners tried to adapt the plans to more just principles, or, as one planner put it, "By being good at providing [what the politicians demand], the result can also be adapted to what we think is good." (*ibid.*, p. 17).

Another situation when the planners expressed their will to become more proactive, is when they have knowledge of undesired environmental or social consequences of political decisions, which they can more actively communicate to the politicians, who might then decide to redefine their "order" to the planners so that the outcome becomes more environmental just. An example that came up during the seminars was the Swedish school reform that changed a long-standing situation by which children had almost always enrolled in the school that was physically closest to them, to allow parents to choose the school they wanted for their children<sup>11</sup>. The planners noticed that this reform had caused increased travel and thereby increased pollution, as well as more traffic in proximity to the schools, which was harmful to the local school environment. None of these issues had been brought up when the political decision was taken. During the seminars, the planners suggested that the spatio-environmental consequences of political reforms should be investigated more thoroughly before implementation (*ibid.*, p. 25-27).

The above discussion shows an opening on the part of both planning and decision-making for increased reflection and action regarding environmental justice.

## CONCLUSION: Environmental Contestations for the Future

The three cases explored in this paper illustrate issues of environmental (in)justices in a Swedish planning context. The first case involves distributive justice in terms of resource use and discursive justice in terms of the production and reproduction of notions of eco-friendliness, in which "Swedish" high energy consuming middle class norms and habits remain unchallenged. The case of The Dennis Package deals with distributive justice in infrastructure planning. The case illustrates how adverse environmental impacts mainly affect disenfranchised communities. The third case shows how planners work actively with procedural justice and see substantive justice as fulfilled by environmental norms and regulations. However, when analyzing the second and third cases in more depth, the discursive dimensions of justice become evident. For instance, procedural justice is not only about a fair process

but also about issues preceding the process, i.e., which issues are brought up, defined as relevant, irrelevant or not even thought of. A discursive approach to substantive and distributive justice thus adds questions of *what* is to be regulated and *what* is to be distributed and who defines and formulates them.

The findings on environmental (in)justices are in themselves a critique and contestation of the currently dominant Swedish sustainability discourse and its strong focus on consensus and win-win strategies. Our three cases show that environmental planning is far from a consensus affair. Sustainability policy and planning entails fundamental conflicts and justice issues that need to be considered. However, the currently dominant sustainability discourse provides no help in identifying, acknowledging or discussing justice aspects—on the contrary. For this reason, we argue that environmental justice research is an important contribution to the Swedish sustainability debate and it needs to inform more greatly the work of planners and policy-makers. Shedding light on environmental justice issues, as we have done in this paper, is a means of revealing fundamental political and ethical dimensions of sustainability politics and planning, and of making them more tangible and engaging—not only for researchers, but for politicians, planning professionals, laypeople, and all of the many other social actors who have and will continue to have important roles in the quest for sustainable development.

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## [ENDNOTES]

1. "Foreign background" is defined as foreign citizens born abroad or in Sweden, and Swedish citizens born abroad, data from Dec 31, 2003. Stockholm's Municipality: *Spånga-Tensta – Ditt stadsdelsområde i Stockholm 2004-2005*. Information folder.

2. The Statistical Office of Stockholm's Municipality. Data from Dec 31, 2006: <http://www.usk.stockholm.se/internet/omrfakta/tabellappl.asp?omrade=sdo03&appl=Omradesjmf&resultat=Andel>, Accessed, March 18, 2008.

3. In Tensta around 20% of the inhabitants in the ages 25-64 have an education level above high school-level, which can be compared to around 50% in Gamla Spånga and 52 % in the municipality of Stockholm as a whole (The Statistical Office of Stockholm Municipality, Data from Dec 31, 2006).

4. Ibid.

5. The resident postal survey was conducted by the Stockholm Municipality Statistical Office, USK (2005) and consisted of 175 responses from residents of Spånga-Tensta. 300 persons received the survey among the 35,000 residents in the city district).

6. The ecological footprint per capita in Sweden is 67 global hectares, which can be compared with the West European average of 61 global hectares, the North American average of 109, the African average of 8.5, and the average of the Middle East and Central Asia of 13.6 global hectares per capita. For a detailed explanation of how the ecological footprints have been calculated, see the report by Redefining Progress, "The Ecological Footprint of Nations – 2005 Update," which is available at: <http://www.rprogress.org/publications/2006/Footprint%20of%20Nations%202005.pdf>.

7. The concept "fair shares in environmental space" has been developed by Friends of the Earth International. For a more detailed description of the concept see: <http://www.foei.org/en/publications/sustainability/sustain.html>.

8. See the project description of "Spånga-Tensta rent och snyggt": [http://www.miljobarometern.stockholm.se/content/pdf/hu/godaexempel/rentsnyggt\\_beskr.pdf](http://www.miljobarometern.stockholm.se/content/pdf/hu/godaexempel/rentsnyggt_beskr.pdf), Accessed, Feb 21, 2008.

9. Ibid.

10. Norms and regulations, such as the 16 Swedish Environmental Quality Objectives adopted by the Swedish Parliament in 1999 and in 2005, the Swedish Environmental Code (SFS 1998:808) and the Swedish Planning and Building Act (SFS 1987:10).

11. Private schools started to appear with the Social-Democrat government, but when the right-wing coalition came into power in 1991 the Conservative Prime Minister declared a major change (Swedish National Agency for Education, 2003:34). From then on, parents have been able to choose to put their children in municipal or private schools, but also schools in other municipalities.

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**Julie Hermesse**

**ANALYSIS OF COSMOLOGY, PRAXIS  
AND HISTORICAL INEQUALITIES  
IN THE CONSTRUCTION OF  
SOCIONATURAL DISASTER IN THE  
MAM GUATEMALAN ALTIPLANO**

**ABSTRACT**

This article critically examines the mechanisms of inequality that perpetuate vulnerability to extreme natural phenomena. It demonstrates that the catastrophic consequences of a natural disaster result more from a social process than the event itself. The analysis, based on ethnographic research in a municipality of the Mam Guatemalan Altiplano, first considers the construction of social and cultural vulnerability to disasters. It then provides an analysis of the tensions between a traditional Mayan discourse and respect for nature and the unsustainable practices of land management as exhibited in this context. Finally, I reflect on the unjust historical distribution of land in Guatemala and the dominant ideology of the global market, both of which render impossible a sustainable relationship with the natural environment. These unsustainable environmental practices, caused by economical and social inequalities, produce an unjust distribution of vulnerabilities to disasters.

## INTRODUCTION

This article demonstrates the necessity of breaking down the term “natural disaster” by examining the repercussions of extreme events as both social and natural phenomena. I first question religious, cultural and social representations of the Maya Mam population of the Guatemalan Altiplano<sup>1</sup> faced with the latest extreme natural phenomena: Tropical Storm Stan<sup>2</sup>. From the ethnoecology perspective, developed by V. M. Toledo (1992) as “the ecological evaluation of the intellectual and practical activities that certain human groups execute during their appropriation of natural resources” (p. 10), I approach the Mayan Mam cosmology (Kosmos) relating to the universe and in particular relating to extreme natural phenomena. I observe that representations of disasters can induce fatalist attitudes when residents are faced with catastrophes. I next analyze the relationship between religious belonging and unsustainable environmental practices, focusing on the praxis of the inhabitants of the Altiplano Mam with regard to their activities involving the natural environment. Finally, I examine the influence of historical and structural contexts on the construction of economical inequity and unsustainable environmental practices. This article attempts to illuminate the elements influencing environmental and social practices. A holistic and comprehensive anthropological approach allows me to examine the complex development of disaster vulnerability construction. Environmentally unsustainable practices originating in economic inequalities create uneven vulnerabilities to extreme natural phenomena.

### “Natural” Disasters: Phenomena at the Interface of Society and the Natural Environment

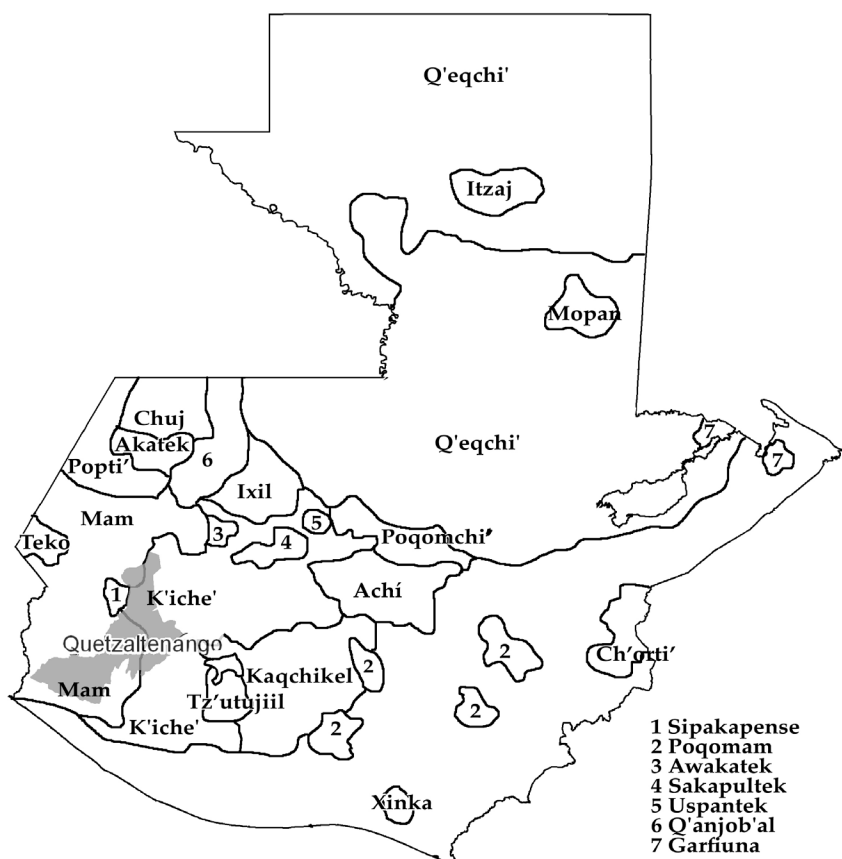
Guatemala, known in the tourist industry for its eternal spring, is also known for its eternal violence<sup>3</sup> (Le Bot, 1992; Bataillon, 2003) and its vulnerability to natural disasters<sup>4</sup> (Hernández Pico, 2005; Gellert, 2003). The ethnographic work forming the basis of this research began in the Mam Guatemalan Altiplano of the Quetzaltenango County six months after Tropical Storm Stan devastated this area in October 2005 (Map 1). In this Northwest, rural zone of Guatemala, I was based in the center of the municipality of San Martín Sacatepéquez (SMS), located in the “cold lands” of the mountains (2,400 meter altitude), rather than in a lowland municipality with a tropical climate. This article is based on 6 months of field work in SMS. The data was collected from participant observations and interviews with inhabitants of all generations and religious convictions. The municipality, which is populated 95% by Mayan Mams communities, suffered human, material and agricultural devastation from Tropical Storm Stan. The municipal authorities estimate that 21,500 of the 29,000 inhabitants of the municipality were directly or indirectly affected by Stan<sup>5</sup>. Stan generated a state of catastrophe in SMS, with damages far more extensive than those of previous disasters and those of other municipalities of Quetzaltenango County, caused by the same storm.

The frequency of extreme natural phenomena in Guatemala (hurricanes, volcanic eruptions and earthquakes) renders these natural events also as cultural and historical events in the history of the people, even though the consequences of these disasters have not always been catastrophic. The ancients, regarded as guardians of the memory of the community, tell, for instance, that other storms and hurricanes passing through SMS did not produce as much damage as Stan. This event provides a recent lens through which to analyze how natural disasters are understood in the community and how we might view disasters as not only as natural, but also social and cultural events.

### Religious, Cultural and Social Representation of “Natural” Disasters

Differently experienced by different communities, disasters generate multiple interpretations based on religious convictions and cultural representations (Prado, 1990; Hoffman, 2002). In an analysis of





**FIGURE 1.** Guatemala and Quetzaltenango, according to linguistic divisions. *Source: Bryan Long.*

my interviews, religious belonging seems to distinguish the inhabitants of SMS' interpretations of the passage of Tropical Storm Stan.

With a four decade presence in SMS, the Protestant Pentecostal religion rejects the religious and cultural heritage of ancestral Mayan spirituality<sup>6</sup>. The Pentecostal Churches reject animist beliefs and with shamanist practices, which they perceive as witchcraft. Conversations with Pentecostals interviewed intensely stressed millenarian beliefs that God will destroy the terrestrial world and that Christ will return to establish a new world. According to the Pentecostals, Tropical Storm Stan was a precursory sign of the arrival of Christ.

However, respondents of the Mayan ancestral religion believe that the forces living in their natural environment have always acted through natural disasters. According to the Mayan animist conception, a harmonious communication can be established between humans, natural spirits, and the Creator Ajaw through a shaman intermediary. Tropical Storm Stan, compelled natural forces to alert humans of their lack of respect towards "Mother Earth", and therefore re ected an imbalance between humans, their environment, the spirits living in it, and God. According to respondents of the Mayan

ancestral religion, the inhabitants of SMS were not taking sufficient care of the land, both from an economic practice viewpoint and a spiritual viewpoint. In exchange for what they extract from the ground to feed themselves, the ancestral conception of the sacred earth encourages man to naturally fertilize the land, both because it is an economic resource, but also because it is in need of spiritual nourishment by ceremony and prayer. Today, however, this reciprocity relationship with the land is more defined by subsistence utilitarian constraints and by production oriented capitalist logics: chemical fertilizer substitutes for spiritual nourishment.

Moreover, as a key figure of the community, the shaman intermediary is responsible for restoring the biological, climatic or even social stability of the community by working directly with God, demons, ancestors and other invisible beings (Freidel, Schele & Parker, 2001, p. 33). For indigenous people, clinging to their ancestral Mayan religion, the shamans of SMS, forgetful of their work with the mountain spirits to maintain good relations, were thus held responsible for the imbalance revealed by Stan's passing. Residents believed that the mountains lacked spiritual support and therefore did not avert landslides on their slopes. Certain inhabitants also mentioned other unbalancing factors contributing to Stan's devastation, including a lack of communication with the young, thus pointing to the failure of the shaman's failures in community; the inhabitants' lost ability to hear the mountains' alarm signals; and the desecration of Mayan altars by extremist Pentecostal groups.

According to A. Oliver-Smith (1996), anthropologists writing in the field of risk conceptualize risk in its socio-cultural context far differently from traditional risk approaches related to the probability of a "real" risk, determined scientifically and objectively (p. 319). A major contribution in this field is that of M. Douglas and A. Wildavsky, in their work *Risk and Culture* (1982). They begin with the assumption that various characteristics connected to social life produce judgments about what is to be considered "dangerous". Relation to risk depends on culturally rooted conceptions of time and is socially differentiated (Douglas & Wildavsky, 1984, p. 87). Indeed, beyond the differentiation of disaster representations according to religious belonging, the results of my ethnographic research showed that the whole community of SMS, without religious distinction, has a conception of time impregnated by Mayan cosmology. The inhabitants of the Altiplano Mam share a common 52 year cyclic and prophetic representation of natural disasters. Time, therefore, takes on the form of repetitive cycles, allowing the forecasting of certain events, including natural disasters. I observed, for example, SMS inhabitants rebuilding their houses on the ruins of their old dwellings in zones of high risks to landslides. Conscious of the incurred risks, inhabitants justified this "risky" reconstruction by their understanding that in their human lifespan they will only know one 52 year cycle. Thus adults will experience no further cycle disasters such as the one embodied in Tropical Storm Stan in 2005.

Beyond the cultural perception of time, the social perception of time also influences risk perceptions. The deprived and dire situations of the inhabitants of the Altiplano shorten their temporal horizon, instilling in them a sense of precariousness which anchors them in the present and deprives them of the capacity of projecting into the future. That precariousness forces inhabitants to concentrate, above all, on daily survival and not on the durability of their housing or of their land. During previous decades, the lack of cultivable land and population growth pushed local farmers to advance the agricultural borders at the expense of forests. Many peasants now cultivate cheap land at the edge of riverbeds and mountainsides. Therefore, the economical vulnerability accentuates, and even sometimes causes, their environmental vulnerability to threats from extreme natural phenomena.

Causal explanations of disasters have a practical role, suggesting or failing to suggest preventive actions, questioning the ethical and political problem of a community's fatalistic attitude. Indeed,

the disaster's cyclic representation and, for others, an apocalyptic perception adds to this precarious population's perception of the brevity of life, and anchors the inhabitants of SMS in a kind of fatalism with regard to natural disasters. For S. M. Hoffman (2002), psychologically, a cyclic symbolism offers a particular comfort to the victims, because what happens can be considered planned. In addition, politically, cyclic symbolism leaves the populations particularly vulnerable. For individuals living in risk zones, they believe their destiny determines all and therefore preventive acts are rendered useless.

The religious and cultural representations of disasters together with socioeconomically precarious living conditions accentuate the degree of vulnerability of the inhabitants of SMS to natural disasters. The cultural argument justifying the rapid rebuilding on ground having just suffered from landslides or floods coincides with the material and economic impossibility of buying other lands for rebuilding their dwellings. If it is said that the cultural practices and representations are irrational, it should also be said that regional and national economic policies are unjust and inequitable. Their lack of support for these precarious populations increases the vulnerability of the populations to disasters.

### Relationships of Religious Belonging and Environmental Practices

Human communities are simultaneously the product of their natural environment and their conceptions of "nature", as the natural environment is influenced by human activities and their conceptions of nature (Descola, 2005; Casteñeda Salguero, 1991). This mutual construction provides a theoretical basis for affirming that natural disasters are also social.

Tropical Storm Stan caused landslides and floods in SMS because the sandy soil was eroded from massive deforestation of the surrounding mountains and saturated by the excessive use of chemical fertilizers and dwellings built on ill-suited sites. This land deterioration reflects a modification in ecological cultural traditions. Ancestral Mayan culture promotes a relation of reciprocity and harmony with the environment, particularly with the mountains. My respondents, mainly the shamans, affirm the importance of this respect and the conservation of their natural environment. Attached to Mayan spirituality, the shamans assert their ancestral ethnic identity anchored in the past and in the local environment. The mountains and the volcanoes, places of ceremony inhabited by the ancestors' spirits and natural forces, are perceived as the roots of their cultural identity. During discussions with shamans of SMS, they called for increased efforts to safeguard their natural environment, not only for its economic resources, but also for its spiritual and cultural inheritances. The shamans believe in the immanence<sup>7</sup> of divine being in creation. The Pentecostals of the area reject animist relations with living entities, such as mountains, animals, the vegetable kingdom and they saw little sense and interest in the fight for safeguarding the mountains as a cultural inheritance. Furthermore, the majority of them operate on a millenarian reading of natural disasters; the end of the world is imminent. Rather than fighting for the conservation of the terrestrial world, their efforts are concentrated on their own salvation and proselytism campaigns aimed at reaching the celestial and eternal world.

However, several elements complicate these assumptions about the differentiated environmental management and the religious belonging of the inhabitants. First, in spite of the prevalence of ecological respect for the natural environment among the shaman's discourses, I noted that this talk was not restricted to the followers of the Mayan religion. Ecological consciousness, ranging from an ancestral mythical consciousness to more modern concerns, is shared to varying degrees by all inhabitants of SMS. Secondly, the sacred character of the land as the heritage of a millenary civilization, as presented in shaman interviews, is idealized and doesn't reflect daily practices. The

exploitation of farmlands and forests remains, in practice, incompatible with the conservation of the natural resources in the long term. Whereas Mayan spirituality gives attention to the harmony between human communities and others non-human living entities, their actual daily practices are mainly unsustainable. Like all SMS inhabitants, they are caught up in a capitalist process which promotes high-yield production practices in the farmlands and forests and disregards the ecosystem.

Belying the conversations in the interviews, observation of the actual practices of the inhabitants of SMS relativizes the link between individuals of the Mayan religion and their ecological practices and the unsustainable practices of the inhabitants of SMS are first subject to economic, political and social realities and pressures.

### **Historical and Structural Construction of Economic and Environmental Vulnerabilities**

My research demonstrates that the catastrophic consequences of an extreme natural phenomenon like Tropical Storm Stan are also the product of the relationship between a human society and their environment. Therefore, beyond the social construction of a disaster, it is necessary to analyze the historical and structural construction of economic vulnerability which exacerbates the environmental conditions.

From pre-Columbian times until today, land has been the fundamental factor in the formation of wealth, power, and conflict in Guatemala. Due to the expansion of coffee growing and the Reform of 1871, the populations of the Altiplano Occidental experienced the effects of private property expansion to the detriment of the ancestral collective uses and properties (Palma Murga, 1997 and 2002). Those expansions allocated low-lying, high output land to the rich and high-lying, low output land mainly to small property owners (Guzmán-Böckler, 1997; Grünberg, 2003; Melville T. & M. Melville, 1982). These transformations benefited the productive sector and deeply modified the agrarian landscape. The laws promulgated deprived the villages of their territorial inheritances and because the agricultural lands left to rural populations were not sufficient for survival, the peasants became dependent on work in the coffee plantations. Moreover, according to G. Palma Murga (1997), "These measures put an end, in many cases, to the spare spaces that permitted the rotation of crops, extraction of wood, fruit, fishing, hunting etc." (p. 31).

These economic and social historical inequalities involved practices which today accentuate the vulnerability of the population to the threats of extreme natural phenomena. The unjust distribution of the land shares in terms of size and quality contributed to deforestation and an overuse of nonagricultural land. In addition to the retreat of the forest border, the small farmers of the Altiplano could only practice intensive agricultural production on inadequate land by excessive use and dependency on artificial fertilizers.

Land reform having never occurred, these land use patterns have, to date, not been modified. The Guatemalan population continues, "to cramp with the land as a single option for survival" (Palma Murga, 1997, p. 19). Moreover, the 36 year civil war which ended in 1996, stimulated by the most conservative groups of the dominant classes, caused not only the death, exile and forced migration of thousands of Guatemalans, but, also an anxiety about owning one's own land and potentially falling victim to violence.

Illegal economic migrations to the U.S. seemed an alternative to chronic poverty<sup>8</sup>. For C. Guzmán-Böckler (1997), Guatemala has become a country exporting peasants without land. The financial repercussions of these exoduses are considerable for the economic development of the country<sup>9</sup> and

these migratory phenomena in turn modify the landscape of the municipality. Returning migrants, with new economic capacity, are now able to buy land and to build their own dwellings. However, an unprecedented rise in land prices and the decreasing availability of buildable land pushed migrants to build on unsafe, cheaper land, in unstable lowlands or riverbeds. Thus, the construction and rebuilding of houses after Tropical Storm Stan was subject to the consequences of this inaction and to the increased vulnerability of owners and communities by situating their new homes on the cheapest lands. Migrations create new socio-economic inequalities between the inhabitants. In this configuration, those not having the financial resources to leave Guatemala for the U.S. become even poorer and more vulnerable to the disasters. Moreover, the urban landscape of the municipality has changed due to the increasing number of multi-story houses, symbols of the economic success of returning migrants. Nevertheless, this type of multi-story architecture endangers the community because it is often not built to seismic safety regulations, which advise low level house construction. In Guatemala, the impact of Tropical Storm Stan was felt by the marginalized population which is mainly indigenous. As J.P. Van Ypersele underscored (2006):

The poor often have no other choice than installing themselves on small holdings without value in zones prone to natural disasters, such as riverbanks, unstable hillsides of deforested zones or fragile food prone zones. These are the conditions which predetermine not only the vulnerability of those most exposed to natural disasters, but also their capacity to face the consequences (p. 12).

The poverty, in which the populations of Guatemala live and which contributes to patterns of deforestation, construction of inadequate dwellings, and the occupation of high risks zones are the product of many years of exclusionary economic models. It is also the product of dominant ideologies.

In order to explore how socially produced vulnerabilities manifest themselves in the natural environment, A. Oliver-Smith (2002) suggests establishing links between the increase and expansion of catastrophes and the ideas, institutions, and dominant practices of our contemporary world (p. 27). In SMS, short-term profitability, land overuse, and individual, high-yield output practices created unprecedented levels of environmental destruction. In short, the characteristics of capitalist economies provoke the amplification of human vulnerability to disasters and ecosystem destruction. For the poor, natural resources constitute above all their economic survival. The municipalities of the Altiplano Mam, formerly protectors of their traditionally collectively lands, are today diverted from the management of those lands and the inexistence of municipal policies of land management contributes to the destruction of ecosystems. The inexistence of government policies in support of an integral rural development with land reform generates continued impoverishment of the population<sup>10</sup>. In Guatemala, policies to reduce disaster risk in the long run would essentially have to regulate land reform. This reform could help attend to the injustices of populations relegated to the least fertile land.

### **CONCLUSION: The Inequality and Responsibility of Human Communities in Facing Disasters**

The ethnographic investigation of a given geographical and ethnic place helps us to understand a community's vulnerabilities. The representations one has of the world and the conception of natural threats result from religious, cultural, economic, and social systems. In my research, I observed that the representations of the cyclic patterns of disasters and the fatalistic attitude towards

those disasters confined the inhabitants of SMS to an inevitable reproduction of the vulnerabilities. Furthermore, despite the ecological and cultural traditions of the Mayans, the current farming and forestry activities observed in SMS are principally based on a short-term land use models with little ecological respect of the natural environment. This situation of environmental blight, produced by socially and historically induced unsustainable practices, perpetuates environmental vulnerability to extreme natural phenomena.

But an analysis must go beyond diagnosing strictly human responsibilities for a disaster to reveal the mechanisms of inequality at play in the construction of vulnerability to socio-natural disasters. At the origin of unsustainable environmental practices lie historical and structural contexts, generators of deep social and economic inequalities. Historical, economic exclusion from the fertile national land areas produced, for instance, an overexploitation of farmlands and forests. These practices have led to the continuous reproduction of a social system exploitative of the environment and of poor people. Social relations, inscribed in the environment, reflect the contradictions that are inherent in the social system and in the relationship between people and their environment.

For A. Oliver-Smith (2002), "Disasters are perhaps the most graphic expression of those contradictions" (p. 36). An idea of sustainable communitarian development, defined by V. M. Toledo (2001) as, "the process of endogenous character in which a community takes (or recovers) the control of the processes that determine it and affect it" (p. 1) reveals that contemporary society exploits the land because it has lost control both over nature and over itself. Thus, risk is not given but built (M. Douglas and A. Wildawsky, 1982) and risk reveals the uneven character of our societies. As P. Peretti-Watel (2000) says, "To speak about 'undergone risk' does not make sense, unless it includes an argument aimed at denouncing the inequality of chances, the asymmetry of the individual situations" (p. 19).

If the inhabitants of SMS are "responsible" for the ecosystem degradation generating environmental vulnerability, we must also recognize that there is no real liberty in their practices in dealing with the land. This then reveals the governmental irresponsibility in just and equitable land reform and requires that inequalities to the risks of disaster must first be opposed by a struggle for more equality in land distribution. Support for a revalorization of ancestral Mayan ecological practices with the land can only be made effective by a more equitable land distribution.

Whereas practices with regard to risk management continue to be eminently reactionary and conservative (Gellert, 2003), such problems also question the responsibility of the experts in disasters. Most often, disaster management models are preconceived and uniform. They do not take local ideologies and vulnerabilities into consideration in their understanding of how risk evolved inequitably. Unfortunately, serious socio-cultural data concerning comprehension of local contexts are seldom required. This continues to remain a challenge for anthropologists concerned about injustices in vulnerability distribution and therefore more grounded work is needed to understand how preventative assistance can be approached in such situations where disaster risk is socially and historically produced and unequally and unjustly perpetuated.

**AUTHOR'S BIOGRAPHY**

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## [ENDNOTES]

1. Twenty-four linguistic groups cohabitate in the national territory, of whom twenty-one are Mayan including the Mams. The ethnic and linguistic area Mam covers the Quetzaltenango, Huehuetenango and San Marcos Counties. The area of study, San Martín Sacatepéquez, is one of the twenty-four municipalities of Quetzaltenango, located in the Southern Mam speaking region of Guatemala.

2. Stan made landfall in Mexico as a Category One hurricane on the Saffir-Simpson scale. Such a hurricane rating is characterized by its slow movement and a great amount of rain produced over a short time. Stan was nothing but a tropical storm as it moved across Guatemala between October 3 and 6, 2005.

3. Guatemala suffered from a civil war of 36 years qualified, according to adequate legal terms, as genocide. The peace accords of 1996 having officially put an end to those decades of violence, do not prove to be reliable in terms of land reforms and the fight against impunity.

4. The geography of Guatemala predisposes it to a threat level. This country is indeed located at the junction of three tectonic plates with many faults, bathed between the Pacific Oceans and the Atlantic and endowed with a diversified morphology made up of high mountains, volcanoes, alluvial and coastal plains.

5. According to the Center for Research on the Epidemiology of Disasters (CRED) based at the Catholic University of Louvain, 455,314 Guatemalans were affected by the tropical depression. Retrieved June 23, 2008, from <http://www.em-dat-net/disasters/Visualisation/profiles/countryprofile.php>.

6. In the last few decades, the whole religious landscape of the Guatemalan society has been radically transformed. Churches and sects, mainly Protestant, have known an extraordinary expansion. This change in the religious field is a phenomenon which is found on a global scale in the Latin-American and the Caribbean societies (Garcia Ruiz, 1997). In about thirty years, Protestantism in its essentially Pentecostal current was established in SMS. Its growth is such that today approximately 50-60% of the 5,000 inhabitants of the semi-urbanized municipality center would have been converted to one of the dozen Pentecostal churches.

7. D. Freidel, L. Schele and J. Parker (2001) again taking into account the remarks of a follower of the Warao shamanism of Venezuela, underline two ways of considering the divine: one as a transcendent Creator coming from the outside, or as an immanent Creation potentially manifested everywhere. They estimate that this last pattern formed part of the basic premises of shamanism and that it consolidates the direction of belonging in the world and the cosmos (Freidel, Schele & Parker, 2001, p. 12).

8. No official statistics on migrations exist in SMS. However, local officials estimate that between 12 to 20% of the inhabitants, mainly young men, may have emigrated to the United States.

9. According to M. A. Bastenier, in 2005, the financial transactions sent by the emigrants (46% of the Guatemalan population have a family member in the United States) constituted the primary source of national income (3 billion dollars, so three times more than the exports generated by the 300,000 micro-companies in the country) (*Courrier International*, 23 to March 29, 2006, p.28).

10. According to the last census available from the National Statistics Institute of Guatemala (INE), the index of Gini on land distribution inequality hardly moved between 1979 and 2003, going from 0.848 with a light modification of 0.834. These data make Guatemala one of the most unequal countries in the world. Recalling that a perfect equality in land distribution would correspond to 0 and one perfect inequality would be equal to 1.

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# JUSTICE, EQUITY, + SUSTAINABILITY

**SPEAKER AND FILM SERIES, SPRING 2008**  
**DEPARTMENT OF URBAN STUDIES + PLANNING, MIT**

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PROJECTIONS SPEAKER + FILM SERIES, SPRING 2008

During the Spring of 2008, the Projections editorial team invited speakers and hosted film screenings focused on the theme of Volume 8: Justice, Equity, and Sustainability. The presentations and films provided the focus for students and faculty at the Department of Urban Studies and Planning to deepen their discussions surrounding the intersection of these ideas and engage each other on these themes and their own work and research. Two of our speakers, Professor Marcel Bursztyn and Professor Susan H. Holcombe, have graciously agreed to write an analytical summary of their talks for this volume. We are excited to include "From Social Protection to Environmental Protection" and "Capabilities and Human Rights Approaches: Competing Paradigms or Re-enforcing Models" as part of the discussion on Justice, Equity, and Sustainability.

# PROJECTIONS

MIT Journal of Planning

## JUSTICE, EQUITY, AND SUSTAINABILITY

SPEAKER AND FILM SERIES

SPRING 2008

**Tuesday, February 12**

**“Governance and Local (Sustainable) Development in Brazil:  
Between Specific Realities and General Responses”**

**Professor Marcel Bursztyn**, University of Brasilia

*Co-sponsored by Projections and EPP*

Location: Stella Room, 7-338, 12:30 pm

**Tuesday, February 19**

**“The Social Requirements of Sustainability”**

**Professor Phillip Thompson**, MIT

*Co-sponsored by Projections and HCED*

Location: Stella Room, 7-338, 12:30 pm

**Wednesday, February 27**

***Enemies of Happiness***

Film by **Eva Mulvad**

World Cinema Jury Prize for Best Documentary at the Sundance Film Festival, 2007

*Sponsored by Projections*

Location: 9-554, 6:00 pm

**Tuesday, March 4**

**“Rights, Capabilities, and Sustainable Development”**

**Professor Susan Holcombe**, Brandeis University

*Sponsored by Projections*

Location: Stella Room, 7-338, 12:30 pm

**Tuesday, March 11**

**“Winged Networks: Bird Migration and Science Between Europe and Africa”**

**Professor Nancy Jacobs**, Brown University

*Co-sponsored by Projections and EPP*

Location: Stella Room, 7-338, 12:30 pm

**Wednesday, March 12**

***Choropampa, The Price of Gold***

Film by **Ernest Cabellos and Stephanie Boyd**

Audience Prize at the Barcelona Human Rights Film Festival, 2003

Discussant: **Professor Saleem Ali**, University of Vermont

*Sponsored by Projections*

Location: 9-554, 6:00 pm

**Wednesday, April 2**

***Tsotsi***

Film by **Gavin Hood**

Academy Award for Best Foreign Language Film, 2006

Discussant: **Zoe Wilson**, University of University of KwaZulu-Natal, Durban

*Sponsored by Projections*

Location: 9-554, 6:00 pm

**Tuesday, April 8**

**“Participation, Deliberation, and Sustainability”**

**Professor Gianpaolo Baiocchi**, Brown University

*Sponsored by Projections*

Location: Stella Room, 7-338, 12:30 pm

**Tuesday, April 15**

**“Creating Spaces of (Im)Possibility in Planning”**

**Professor John Forester**, Cornell University

*Co-sponsored by Projections and EPP*

Location: Stella Room, 7-338, 12:30 pm

**Professor Marcel Bursztyn**

# **FROM SOCIAL PROTECTION TO ENVIRONMENTAL PROTECTION**

Social policies, such as we know nowadays, are almost as old as the modern state itself. For example, in the 17th century, the British established laws for the protection of the poor (the *poor laws*). While these instruments have evolved since then, their aims did not change substantially and until the late 19th century they focused on basic issues of work, housing, orphanages, and food access (i.e. the *corn laws*). In different moments throughout history, these policies and political doctrines have given more or less importance to the protection of the poor. People living in dire conditions were seen from two different perspectives: as victims and therefore deserving of charity or as threats and therefore deserving of condemnation or control.

Until the 1970s, public policies regarding the poor were characterized by protection by the State. Early in the Industrial Revolution, the poor, the less favored class, were always lacking in assistance. However, since the 1870s, though, the situation started to change, on account of structural reforms adopted in some European countries and in Japan. This opened a period of history that is remarkable for the progressive improvement in general living conditions, particularly in the currently developed countries.

A series of important initiatives was undertaken in these countries, especially as a consequence of politically related issues. These early socially oriented public policies deeply changed the social profile of several societies located in the Northern hemisphere and had important political consequences, since the years that preceded them were marked by revolutionary disturbances (the 1871 Paris Commune, for example). Higher classes feared that the working classes would adhere to revolutionary ideals and in this context, even conservative elites gradually agreed that the State should conduct social protection policies. Paternalism, inherent to the old patriarchal regime typical of feudalism, was no longer enough, and the adoption of public mechanisms aimed at the well-being of less favored classes became the new agenda.

Therefore, the population, especially the poorest, ideally would have some degree of certainty about their existence and the existence of their children, and would be supported by some form of security provided by the government. This happened in many different dimensions. The first was education, which became a universal right. In the dimension of labor, employees in the job market began to have some degree of certainty about job security, unemployment benefits, rights to paid vacations, retirement, and of some type of insurance in case of work-related accidents. None of this existed before 1870.

This was the context 130 years ago, marking the beginning of a phase that ended in the 1970s, in a context marked by an especially traumatic episode: the first oil shock (Rosanvallon, 1981; Esping-Andersen, 1999; Pierson, 1991). The first oil shock opened an era of retreat by the States in terms of policies focused on social well-being. This retreat has been gradual, but in some cases radical, reaching a peak in the Northern hemisphere during the 1980s and in the Southern hemisphere during the 1990s. In developing countries, there was an actual dismantling of governmental public structures, in such a manner that the existing social protections became weaker and weaker and, in some cases, nonexistent. The liberal principle that regulation should be conducted by market forces prevailed as the basis for this retreat (D'Intignano, 1993). Of course, this process occurred in quite different contexts, according to the characteristics of each country.

In spite of the predictions made by some authors that social differences would be reduced during the 20th century (Hobsbawm, 1994), the fact is, after one hundred years of social protection, the

differences between the less included and the well-to-do in each society only increased and the differences between different societies are colossal.

Without doubt, when we refer to the construction of the Welfare State, we need to consider differences among the many groups of nations in the world. Therefore, what we call first world is a group of nations that were able to build an important social protection system during these one hundred years, with varying degrees of consistency. Some countries built a system more focused on regulations that forced companies to organize some sort of protection for their employees. Other countries, notably the ones that adopted social-democracy, made this kind of responsibility an attribute of the State.

The second world – comprised by the former socialist countries – is today practically an empty group. The number of countries that remained in this category is very low. In them, social protection made great advances, but the legitimacy of the economic and political regime did not.

The third world is an interesting group because it comprises a wide range of situations. For example, Brazil, Mexico, Argentina and Chile implemented many traditional instruments of social protection. Brazil arguably adopted all the typical instruments of the Welfare State, although with varying degrees of coverage: social security, universal public education, labor legislation, unemployment insurance, etc. There are, however, third world countries in which none of these instruments were adopted and others in which some of them were adopted with very little effectiveness.

Between 1870 and 1970 the construction of public regulation instruments focused on the reduction of social inequality and on social protection, not only in developed countries, but also in many developing ones. Beginning in the 1970s, there has been an inversion of what is called protection. People and society are no longer the main focus. Protection is now aimed at the general context – namely, markets and resources used in production - in which society is inserted. In the context of a more integrated and globalized world, the rules concerning the relations between people and processes seem to be more important than people themselves.

The resources that have become the object of protection, as defined by economists, are the resources necessary for production: land, capital and labor. Capital includes technology and financial resources and the land comprises all natural features. Capital is protected by a complex network of rules and mechanisms that are deeply rooted in national legislations since the times of the Industrial Revolution. With the emergence of neo-liberalism in the 1970s, labor, protected since the late 19th century, was relegated to a lesser status as an object of protection. The major innovation is that the land, taken as a representation of natural environment, acquired importance exactly when labor protection was reduced.

The protection of nature, concern with the environment, and concern with the quality of life are remarkable traits of the end of the 20th century. In the context of environmental concern, the major objects are water, sources of raw materials, climate, and energy. It is important to remember that the energy crisis of the 1970s – the first oil shock – was at the center of the process that defined this transformation.

In reference to the protection of capital, during this period a series of multilateral organisms and institutions have been consolidated, such as the World Trade Organization, the International Monetary Fund and other international mechanisms and conventions, including legislation about intellectual



property, which protects knowledge. This knowledge is not the result of social-cultural historical processes (which have only use value), but knowledge directly or indirectly associated to market relations (which have trade value).

In the case of labor, this period has been a time of retreat for protection instruments. Labor laws suffered reversals and there was a decline in the modes of organization and of generating pressure by the working classes, traditionally centered around unions. Job security deteriorated, as did the direct correlation between economic growth and employment. In contrast with the preceding decades, when the rhythm of economy also dictated the rhythm of job creation, the last years have shown that it is quite possible for economic growth to happen as employment levels fall.

The net result of the period that begins with the energy crisis of the 1970s – with strong effects on public policies in general – is a change of focus in the State's regulatory actions. On the one hand, the protection of capital is maintained; but, on the other hand, the protection of work decreases and concern with the environment grows.

Therefore, a major question to be considered in the context of globalized environmental governance is: How can we expect success in environmental protection without previously or simultaneously assuring social protection? This question can be extended to the behavior of individuals: How can we expect that they develop visions and expectations about the future when they are not sure about the present?

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**Professor Susan H. Holcombe**

*FROM A PRESENTATION GIVEN ON MARCH 4, 2008 AT DUSP, MIT*

# **CAPABILITIES AND HUMAN RIGHTS APPROACHES : COMPETING PARADIGMS OR RE-ENFORCING MODELS**

Human rights and human development/capabilities approaches have emerged as contending alternatives to the neoliberal model for development. Neither of them has yet replaced economics and the Washington Consensus<sup>1</sup> as the guiding model for development. On separate but similar tracks, rights-based and capabilities approaches demand that 'development' be guided by values of human rights and expanding human choice, and that they contribute to achieving those valued outcomes. Though their origins lie outside the profession of development, rights and capabilities approaches have profound appeal to development practitioners concerned about the poverty, exclusion, and deepening inequality that economic models of development have yet failed to address. Donor agencies, from governments to international NGOs, claim to have rights-based approaches. Most express commitment to achieving the Millennium Development Goals. They have been less successful in articulating what human rights and human development/capabilities approaches mean in practice (Uvin).

This essay explores the rights and capabilities approaches, asking in what ways they are similar and different and whether they are approaches that can and should be explicitly integrated in policy and practical models that will shape a new paradigm of how development occurs. Rights-based approaches, emphasizing the role of the state as duty-bearer, can be top down. Capability approaches, emphasizing individual capabilities and agency, have the potential to be bottom up, particularly when agency is exercised collectively. The essay suggests that integrating rights and capability approaches is effectively done by recognizing that development is a highly political process, and that change efforts need to identify the power of key stakeholders and support the emergence of new institutions that allow the currently excluded poor to access opportunities. Development is a process that needs to go beyond top down state obligations for protecting or providing rights (from fear of torture and to food, water, education). The process needs to incorporate the bottom up capabilities or freedoms that allow individuals and groups to access and expand the opportunities they value. Development needs explicitly to contribute to the ability of states to assure rights, and to the ability of individuals and groups to demand rights and capabilities.

Power is an uncomfortable (and invisible) concept for most development practitioners; yet development takes place within the state, which, by definition, has coercive power used at best to assure minimum functions of security, law and order. Global development actors, from the World Bank to international NGOs work directly through government or with government approval. Local development actors operate within the state and are subject to state power, benign or malevolent. States, charged as the *duty-bearers* for guarantee of human rights and committed by international agreement to achieving the MDGs, more often than not, do not deliver on human rights or on the functionings promised in the MDGs. This failure may be due to lack of capacity, or to corruption and venality. The questions thus become: how can and how should, rights and capabilities approaches challenge the ineffective or the unwilling state?

### **Emergence of human rights approaches<sup>2</sup>**

Human rights standards emerged and were codified as international law following the experiences of World War II. States ratified a series of international agreements that charged them with the legal obligation of protecting the rights of all citizens and assuring a life of freedom and dignity. Human rights are sometimes divided into civil and political rights versus economic, social and cultural rights. The role of the state is paramount as the duty-bearer:

- to honor human rights obligations (e.g. not to torture, deny the vote or interfere with freedom of thought or religion);

- to protect citizens from rights violations (e.g. to assure that citizens are not trafficked or that children obliged to work); and
- to provide access to human rights (e.g. to provide the rights to water, education or food — particularly if these are not being supplied by the market).

In this way, rights can be seen as a top-down process, with the state as the duty-bearer. Because rights are a legal obligation of the state, they should be able to be adjudicated, but the state holds the obligation to act.

Human rights have other characteristics. They are individual, not community rights. They are the same for all people (universal), and no one right can be said to be more important than another (indivisibility) and we cannot suspend one right in order to achieve another. We have rights because we are human (inalienability). Rights represent universally agreed upon standards or human values. There is less clarity in the human rights literature about how rights are achieved in the absence of state fulfillment of its obligations.

Peter Uvin has made the argument (2004) that this extraordinary development of rights standards remained largely divorced from the development enterprise —until very recently. Human rights specialists thought development was about economics and service delivery and did not make connections between the conditions of human well-being and achievement of rights. Development professionals had nothing against human rights. If they were informed about human rights, they saw them as a legal and political issue and not their responsibility. Since the late 1990s, a large number of development agencies has adopted a rights based approach to development planning and funding over the past 10 to 15 years. It remains unclear what a rights-based approach to development means in practice.

One often cited definition of the rights-based approach comes from the UN High Commissioner for Human Rights focuses on rights as a conceptual framework —a vision of what development should produce. While it talks about operations, the focus is on promoting and protecting:

A rights-based approach to development is a conceptual framework for the process of human development that is normatively based on international rights standards and operationally directed to promoting and protecting human rights. (UNHCHR)

The UNHCHR definition goes on to cite principles of equality, equity, accountability, empowerment and participation that should guide rights based approaches, and says that any development approach should be explicit about the link to rights and pay particular attention to vulnerable groups and others that may be marginalized by discrimination.

Because human rights are tied to the obligations of the state as the duty-bearer, a human rights approach may be difficult in contexts where the state is unwilling to uphold its obligations. Norway, with its rights-based approach, chooses to work with countries and institutions that “share the same values” and promote “democratic institutions, good governance, rule of law and fundamental freedoms”. (Skarstein) The Norwegian position illustrates the links between democratic governance and rights, and acknowledges the need for empowerment, but it says little about how this works when the state is not ready.

International NGOs<sup>3</sup> have increasingly committed themselves to rights based approaches. Oxfam International, for example, began work in the late 1990s on defining a rights focus for a strategic plan for its program, education and policy advocacy work. It selected five rights: to a livelihood; to basic services; to security in the family, the community and the nation from violence, armed conflict and natural disasters; to a voice and to participation; and to identity and protection from exclusion because of gender, ethnicity, disability. Many in Oxfam who worked on the rights based approach were influenced by the work of Amartya Sen (see below). Individually and together, the Oxfams worked to understand what difference a rights based approach would mean for their work. As the discussion below will suggest, the Oxfams moved beyond the concept of a rights based approach as being about the obligations of the state. They also looked at the capabilities of people, as individuals and groups, to influence the state and other centers of power in order to claim their rights.

### Human Development and Capabilities Approach

Human Development and Capabilities Approaches have been termed a 'paradigm shift' and as "... the leading alternative to standard economic frameworks for thinking about poverty, inequality and human development" (Clark, 2; see also Kuonqi, Shahyd). Indeed, former World Bank economist Mahbub-ul-Huq was one of the leading forces behind the Human Development Reports, launched in 1990, and the Human Development Index as an alternative to GDP for measuring development. UNDP continues to pursue human development/capabilities approaches, but at the same time as it also focuses on a rights based approach.

Intellectually, the human development and capabilities approaches are grounded on the work particularly of Amartya Sen and others, particularly Martha Nussbaum. For Amartya Sen, development should be seen as a kind of freedom, or the capabilities "to lead the kind of life she or he has reason to value" (87). Development is about expanding substantive human freedoms or capabilities to do the kinds of things, or functionings, that one values. Functionings are broad and indeterminate. They may range from being adequately nourished, to being respected. Capabilities represent the ability of the individual to achieve certain functionings and the freedom to choose whether to exercise those functionings. Sen often gives the example of having the capability of adequate nutrition and choosing to fast. Such a person has the same functioning as a starving person, but a vastly different set of capabilities. (75) This distinction is important because it asks the development practitioner to think about individual choice.

Capabilities have substantive value and are legitimate goals. Sen also argues that capabilities are at the same time instruments. They can be used in order to achieve or expand other functionings and capabilities. He lists five instrumental capabilities or freedoms: political, economic, social, transparency guarantees and protective security (18, 36-40). The instrumental function of a capability implies agency, or the ability of individuals, and groups, to act to expand their own range of choices, and not simply to rely on the state to guarantee rights. This, too, is an important distinction. It says that individuals are not just objects of state or duty bearer actions, but agents who are actors, who participate, and who are agents of change. Individuals and groups have agency and can use their capabilities to demand, from the bottom up.

Sen goes further, arguing that development is an expansion of people's capabilities that enables participation in decision-making. Thus development is not just about achieving outcomes one values, but about the freedom to participate in the process of decision-making about choices being made. (Sen, 291) This has implications for development interventions.

Peter Evans (and others) extend Sen's arguments about participation in the processes of decision-making ("thick" democracy) by noting the importance of collective action and the role of "mobilizing" organizations, such as labor unions, political parties or other entities that use the power of groups to make voices heard. The implication of this for development is important. Not only does it imply that participation in policy making is important for human development, but that participation may be enabled through collective action. Development interventions, thus, may extend to work with groups and to group capacity building to enable the capabilities for participation.

### Capabilities, Rights and the MDGs

As noted above, Mahbub-ul-Haq, a major force behind the UNDP Human Development Reports, wanted an alternative to economic models that focused on growth and used GDP (gross domestic product) as a measure of changes in development. The Human Development Index (HDI), a composite of consumption, literacy and life expectancy, was launched by the first Human Development Report as the competitor to GDP. UNDP continued to refine the HDI in successive HDRs, and to add additional indicators (gender) both to track change and to motivate governments and others to seek improvements in the well-being of those who have traditionally been excluded or at the bottom. Recognition of the power of indicators and goals contributed to the emergence of a global commitment of governments to the Millennium Development Goals. Heads of State agreed in 2000 to reduce poverty by one half by 2015, and to meet other very specific goals related to human well-being. These MDGs reflect specific capabilities and mirror human rights established in international agreements. Where rights set broad standards, the MDGs provide operational benchmarks. The MDGs also set priorities among rights—naming goals we should achieve by 2015. Because the goals are measurable and timebound, they provide a mechanism by which governments can be held accountable. The MDGs seem to be a practical way to make progress on rights and human development.<sup>4</sup>

The MDGs depend largely on governments for their achievement. As approved by governments, they are indeed a set of measures that can be used to pressure governments to act, but they lack an analysis of the institutions and practices that may constrain achievement of the goals and they lack an analysis of power differences among the different actors. The MDGs

- Make no direct reference to rights
- Ignore inequalities (except for gender);
- Reflect global power inequalities: the Summit agreements focus on changes in developing countries in seven goals and set less specific obligations for developed countries in goal eight;
- Focus accountability for results on developing country governments and at the state level.
- Represent quick fixes; they measure achievement of outcomes but don't challenge underlying causes or constraints on sustainability.

The MDGs have potential to produce remarkable reductions improvements in human well-being that meet basic human rights standards and that contribute to building substantive and instrumental capabilities. It is less clear that the MDGs will produce the individual and collective capabilities for participation in the political process of decision-making and the capacity for sustainability.

### Incorporating Capabilities into a Rights –based Approach: Oxfam America and Care USA

Oxfam America<sup>5</sup> and Care USA separately adopted a rights-based approach as they sought to move



from “a development model based on filling poor people’s needs to one in which people are able to claim what is rightfully theirs...” (Care Oxfam America 2007: 4). Care and Oxfam undertook an RBA Learning Project<sup>6</sup>, starting in 2002, in order to identify what distinguished rights-based approaches from what they called ‘traditional’ development interventions and to explore what difference a rights-based approach made for project impact. From the start, the language of Care and Oxfam incorporated both the rights emphasis on the state as the duty bearer and capabilities of rights-holders as agents or actors who can claim rights. Care and Oxfam recognize individuals as agents, with the right and potential to be actors at the local and at the policy levels. They use a definition from Jochnick and Garzon:

The rights-based approach requires that people be regarded as active agents.... the rights-based approach takes empowerment a step further in aiming for not only the ability to sustain oneself but the additional capacity to influence public policies and make claims in defense of one’s rights. (Care and Oxfam America 2007: 20)

Thus a major output of the Learning Project,— eight essential elements of rights-based projects,— reflects the integration of support to both rights holders and the duty bearer (the state). The eight elements confront power distribution as an underlying cause of poverty. The elements, listed below, emphasize the importance of working at all levels: from the bottom up and the top down:

*Oxfam-Care: ‘Essential’ Elements of RBA Projects*

1. Poverty analysis; including explicit and ongoing analyses of power, gender and risk
  2. Community centered development; including building sustainable capacity to claim rights and drive decision-making
  3. ‘Duty-bearers’ engaged, held accountable
  4. Advocacy for sustainable change in policy and practice
  5. Alliance building
  6. Working at multiple levels
  7. Focus on groups that are marginalized, excluded
  8. Problems framed as rights issues and linked to national or international standards.
- (Ibid. 20)

These eight elements suggest that Care and Oxfam America take on power disparities in many ways. Taken as a whole, the eight elements contribute to individual and collective capabilities to participate in the political process of policy making or decision-making. It is noteworthy that the elements begin with a call for an analysis of the poverty situation, including its power dimensions. Who are the relevant stakeholders; what their interests and relative power; and how do they exercise power. Power distributions are not static, but can be changed. Change starts with awareness, for example of structural constraints to gaining land titles or lack of access to information about prices or markets that bar the freedom or capability of individuals and groups to propose and demand change in policies and practice that limit attainment of rights (and capabilities).

The Care/Oxfam elements are politically sophisticated in approaches to addressing structural issues and rights violations. They call for (shifting) alliances at different levels and for engagement with government in addressing problems or rights violations. The elements avoid a traditional ‘naming and shaming’ of governments that fail to meet human rights standards. Instead, the Care/Oxfam approach suggests working toward making governments a partner in and owner of the solution.

The learning emerging from the Care and Oxfam America project incorporates both individuals and groups as rights holders and states as duty bearers. What is distinctive about the Care/Oxfam framework is the significance it gives to collective civil society actors, particularly NGOs. Civil society actors have potential freedom to confront the power inequities and structural constraints that cause and sustain poverty and injustice. States themselves, and inter-governmental agencies like the UN, which are creatures of states, lack this freedom. Civil society, if representing the interests of the rights holders is an important collective counter-balance to the power of state actors as duty bearers. How it does this will be influenced by the context.

## CONCLUSION

Rights and capabilities approaches have not yet replaced economic paradigms as the theory driving development choices. Together they have the potential to re-shape our thinking about the nature of sustainable development in the 21<sup>st</sup> century. Rights and capabilities approaches are linked but different. They share clarity about human values and about the outcomes of development being greater than economic changes. One key difference resides in the emphasis placed on the responsibility of the state as duty bearer (RBA), and the potential of individuals and collectives to be actors (CA) in achieving rights and capabilities.

Implementing a capabilities approach, where building capabilities is seen not just as an end, but also as a means for achieving rights and greater capabilities, has profound implications for the ways in which development actors operate. This brief essay suggests a few changes. Development actors need to include a power analysis in their assessments of poverty and exclusion. And then to contribute to building the capabilities of individuals and groups, who are excluded, to organize and participate in decision-making on development choices. Development actors need to build partnerships, including with governments and the business sector, to expand ownership of rights and capabilities. Donors may need to recognize the difference between achieving service delivery goals, like school enrolment or mortality reductions, and building capabilities of excluded groups to participate. We need to know how to measure this expansion of capabilities. Development workers, from managers to field workers, need to give up control over the outcomes and play the role of facilitating the capacities to make the changes needed to allow all actors in a society to participate in delivering rights and capabilities.

**AUTHOR'S BIOGRAPHY**

Professor Susan Holcombe's teaching and publications builds on a career of practice and a focus on building capabilities for human development. She is a Professor of the Practice at The Heller School for Social Policy and Management at Brandeis University.

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2. The evolution of human rights standards in the post World War II period is described in detail in many locations. Peter Uvin (2004) has a useful discussion on rights and development; see specifically pp. 9-43.

3. See, for example, the work of INTRAC on European NGOs and rights based approaches.

4. See "Human Rights and the Millenium Development Goals: Making the Link. 2006. <http://www.hurilink.org/Primer-HR-MDGs.pdf>.

5. The author was director of programs at Oxfam America in the late 1990s when Oxfam began adopting the rights based approach.

6. The RBA Learning Project first developed eight case studies of Care and Oxfam Projects that had used a rights based approach. Using this evidence base, it assembled a workshop of Care and Oxfam Program staff from 12 countries to analyze the cases. They went on to identify, from a practitioner perspective, the 'essential' elements of a rights based approach.

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Colette Fluet

Professor Naomi T. Krogman

# **BARRIERS TO CHANGING ALBERTA'S OIL AND GAS TENURE SYSTEM : LESSONS FROM AN OIL-DEPENDENT STATE**

## ABSTRACT

This paper explores shortcomings of the oil and gas industry tenure to address the common values of integrated resource management, and barriers to changing this system as indicated in 33 key informant interviews in Alberta, Canada. The results indicate that key actors responsible for integrated resource management in Alberta have differential influence on land use. In essence, the oil and gas industry not only has privileged access to land, and privileged accounts of reasonable mitigation actions, but also tolerance of a broader public that has generally viewed oil and gas expansion as fixed and essential to economic growth. Barriers to changing the system include the provinces' preference for immediate economic benefits through resource extractive activities; the reluctance of critical groups to pursue legislative reform; industry's aversion to legislation; and the difficulty of altering a complex tenure system. The authors conclude that potential reforms to the oil and gas tenure system fail to address cumulative impacts and public land management values that include ecological objectives. Core issues of social justice, supported by an increasing public understanding of land as a place of social history and future habitation, are likely to expose the nature of the oil and gas allocation system, the privileges it confers, and the facilitative role the tenure system plays in short term decision-making that precludes integrated resource management. We conclude that the myth that Albertans can have multiple industrial and social activities on the land base, and continued economic growth, with few limits placed on oil and gas development will likely be challenged by core issues of social justice, equity and sustainability.

## INTRODUCTION

Integrated resource management, as defined in the Alberta context, generally involves the coordination of two or more industries operating on the same land base, with the goal of reducing the overall impact of industrial activity and incorporating a range of ecological, social and economic values (Mitchell, 1986; Alberta Environment, 1999). Ecological values, such as maintaining ecosystem functions and healthy habitat for wildlife; economic values, such as maintaining residential property values and future options for other economic activities, such as farming or tourism; and social values, such as protecting justice and equity in the allocation and development of land into industrial land uses, are hotly debated in the Alberta context. Justice and equity issues are discussed in this paper by examining the mechanisms through which access to resources are gained and access privileges are sustained. We argue that social scientists should pay closer attention to the structure of property rights and tenure systems, particularly for petroleum resources, to understand how access to resources is gained and maintained and how this perpetuates privileges for a few at the expense of the broader public.

Thus, this paper identifies the shortcomings of the oil and gas industry tenure system in Alberta at addressing common values of interest in integrated resource management. Our broader framework recognizes that the natural resource policy process should “clarify and secure the common interest” (Clark, 2002, p.15) and it is the social processes, i.e., interaction among individuals, groups and institutions, and decision-making processes, that effect and reflect how values are shaped and shared in society. We describe the barriers to integrated resource management in the province of Alberta as articulated by thirty-three respondents in key informant interviews. Our guiding research question is: What are the opportunities and barriers to a provincial-led effort at integrated resource management? While there are legal scholars (Kennet, 1999 and 2002; Ross, 2002) who have done considerable work on Alberta’s policy shortcomings for public land management, and other social scientists who have critiqued the state’s role in the overall pace and nature of resource development in Alberta (Urquhart and Pratt, 1994; Urquhart, 1998; Epp and Whitson, 2001; Davidson and MacKendrick, 2004) there is a dearth of scholarship that incorporates the views of agents of social change, the very people involved with integrated resource management, to describe the existing impediments to reduce the industrial footprint on the land, particularly in terms of the oil and gas tenure system. These agents of social change are in critical positions to send signals back to their organizations, to respond to such impediments within their positions of authority, and to make integrated resource management a decision-making processes that contributes to sustainability.

This paper exposes the ways in which the tenure system, the social organization of ownership or legal access to a particular resource, hinders the possibility for integrated resource management, yet remains “off limits” as a focus for change. Ribot and Peluso (2003) argue that justice and equity in any resource tenure system must be addressed by examining the mechanisms through which access to resources is gained and access privileges are sustained. Such mechanisms permit differential ability for some resource users to gain, maintain, and limit other resource users’ access to particular resources. The role of oil and gas development in larger land management efforts, in general, has received scant attention from social scientists, apart from the important exceptions that focus on off-shore, or coastal oil and gas impacts (Freudenburg and Gramling, 1994b; Gramling, 1996; Picou, Gill and Cohen, 1997). We contend that the Provincial government’s preference for economic growth over the distant ecological costs deters changes to the oil and gas tenure and regulatory system. Additionally, we argue that respondents in our study tended to refer to landscapes as commodity zones *first*, above other uses, and thus accept mitigation and “best [industrial] practices”, in lieu of any fundamental changes to slow oil and gas development. In fact, we argue that justice and



equity around the allocation of oil and gas leases and the environmental impacts that follow have been overlooked given the powerful storylines in Alberta about “oil as king.” This paper contributes to scholarship that exposes equity issues in one of the most destructive, but most lucrative and economically critical, activities in the world.

## Background

Access to and management of resources is an ideal focus to examine equity and justice, particularly when such resources are publicly owned. Such is the case in Alberta where the majority of land in the province is “Crown land” or held in public trust. Subsurface rights in Alberta are also held by the Crown, allocated to mineral-based companies through a leasing and royalty payment system. The goal of integrated resource management recognizes that many people share a land base, and the land base itself holds within it layers of public and private rights to access. Walther (1987) addressed difficulties for integrated resource management in the boreal forest nearly 20 years ago by focusing on the importance of regional planning bodies who had the authority to limit resource allocations and new development activities, but he did not discuss the details of oil and gas tenure systems as a key part of those difficulties.

The province of Alberta is the wealthiest province in Canada, with the highest per capita income, one of the lowest unemployment rates, and the lowest business and personal tax rates of all Canadian provinces (Government of Canada, 2002; Statistics Canada, 2003; Frontier Centre for Public Policy, 2003). Since the 1940s, the economic strength of Alberta has been largely attributed to the successful extraction, production, and sale of oil, gas, and, more recently, oil sands resources (Government of Alberta, 2005). While the agriculture and forestry industries make significant contributions to the provincial economy and employment, the economic dominance of the province is due to its wealth under the surface, in the form of conventional oil, gas, and oil sands deposits. For example, whereas the Alberta government collected \$72 million in timber dues and fees from the forestry industry in 2001 (Ministry of Sustainable Resource Development, 2002a), the government collected \$10.6 billion from energy royalties and fees in the same year (Alberta Finance, 2001). Conventional oil and gas resource harvests are expected to continue near current levels for the next 30 years, and the mining of oil sands bitumen is expected to go on well into the next century (Schneider, Stelfox, Boutin, and Wasel, 2003).

The province of Alberta owns 81% of the province’s mineral rights (Alberta Energy, 2002a), a system that differs from the United States where mineral rights are generally held by private landowners or the federal government. The provincial government manages these rights on behalf of Albertans.<sup>1</sup> Oil and gas companies wanting to drill an oil or natural gas well must obtain both surface and subsurface rights from the Government of Alberta. The subsurface rights are granted by the Department of Energy in the form of either a license (for two to five years) or a lease (for five years). Companies are required to prove that the resource is productive within the time frame of their tenure agreement or they will lose the rights to that resource (Alberta Energy, 2002b).

To obtain subsurface rights, companies will submit a request to the Crown (i.e., provincial) Mineral Disposition Review Committee that mineral rights to a certain parcel of land be offered for sale. During the eight weeks of notice prior to the sale, companies interested in the subsurface rights of that parcel may conduct seismic exploration (or purchase seismic information from other companies) to prepare a competitive bid for the sale, which requires no public review. Once a company has

purchased subsurface mineral rights, they must then obtain the corresponding surface rights, from the Sustainable Resource Development Department, in order to access the resource. It is at this stage of the permit process the province requires the company to address the ways in which land disturbance will be mitigated and reclaimed after the extraction is complete. It generally takes the Sustainable Resource Development Department 13 days to review an application for the development of a proposed well site, road or pipeline (Graham, 2001). If the land in question is part of a Forest Management Agreement area, an area-based disposition allocating the right to harvest timber, written consent must be obtained from the forestry company, though a Right of Entry may be obtained if the occupant declines to give consent (MacKendrick et al., 2001). Once subsurface and surface rights have been acquired, a company must then obtain drilling licenses from the Alberta Energy and Utilities Board (EUB), a quasi-judicial agency that operates independent of the Government of Alberta, and requires applicants to identify sensitive areas, document efforts to notify landowners, occupants, and other sectors of the public, and address any outstanding concerns (MacKendrick et al., 2001).

Government revenue from the oil and gas industry is composed of the bids made by companies to purchase the mineral rights plus the royalty payments that are made over the production life of a well (Alberta Energy, 2003). The rate of royalties collected for both conventional oil, as opposed to heavy oil from the tar sands, and natural gas are sensitive to current market prices, the quality of the product being extracted, and the productivity of the lease. The royalty system also consists of various "royalty holidays" to encourage certain types of oil and gas developments (Alberta Energy, 2003).

### Cumulative Effects of Industrial Development

Alberta is currently realizing the cumulative environmental and social impacts of the development of its oil and natural gas reserves over the last half century. Along with other industrial impacts on the land surface, the exploration, drilling, and infrastructure development of the oil and gas industries have had significant impacts in the boreal forest of northern Alberta. Much of the northern half of Alberta is Crown land, leased out to forestry companies for timber harvest. Timber harvest levels are 20.5 million cubic meters annually - nearly double the harvest levels of thirteen years ago (Ministry of Sustainable Resource Development, 2002b), an increase largely due to new technologies that have allowed for commercial harvesting of additional species. Forestry industry clearings along with approximately 200,000 well-sites (Alberta Energy and Utilities Board, 2002) and hundreds of thousands of kilometers of linear disturbances in the form of seismic lines, access roads, and pipelines have greatly changed the face of Alberta's boreal forest in the last few decades, with unknown consequences for many of the species that live there and for northern communities (MacCrimmon & Marr-Laing, 2000; Natural Resources Services, 1998; Schneider, 2001). Some predict that the cumulative industrial footprint, in terms of density of linear disturbance and total area disturbed, could quadruple over the next 20 to 30 years (Timoney & Lee, 2001). How to best manage the cumulative social and environmental effects of all resource users in the boreal forest is currently the focus of many government, industry, and environmental organization initiatives, and is the focus of the interviews we held with members of these same groups.

### Methods

The findings of this paper were generated from interviews with thirty-three respondents from the oil and gas and forestry industries, various government departments, and environmental organizations in Alberta in the Summer of 2001. More specifically, interviews were conducted with six forestry

industry representatives, ten oil and gas industry representatives, twelve government representatives from various departments, and five representatives from environmental organizations active in the province. The interviews were part of a qualitative study in which respondents were asked, through a series of more detailed questions, “What are the opportunities and constraints for integrated resource management in Alberta’s boreal forest?” “How does your organization address ecological, social and economic values in your resource management plans and activities?”<sup>22</sup>

## Findings

Above all, our key informants highlighted several problems with the oil and gas tenure system that result in negative impacts on the land base and conflicts between different resource users in a region. In particular, the short term planning horizon, the small size of the leased parcels, the lack of coordination with forestry, and the absence of tenure reform within recognized solutions for better integrated resource management exposes the inflexibility of a tenure system that maintains privileges for the oil and gas sector.

## PROBLEMS WITH THE TENURE SYSTEM

### Short-Term Planning Horizon

One characteristic of the oil and gas industry tenure system noted by the majority of respondents as a major impediment to integrated resource planning was the industries’ short-term land-based planning horizon. As one forestry respondent said, “The oil industry, they get an approval in about eight days when they need it bad enough and more often than not, that’s kinda the way they operate.” Land-based planning is done in the short-term by these industries for two reasons, the nature of the resource and the market-sensitive design of the tenure system.

Oil and gas reserves, being underground, are not visible and require seismic exploration to determine their location and quantity, making the timing of harvest unpredictable. Exploration for petroleum and natural gas is done by private companies and it is not until market forces provide the incentive for companies to locate resources that their whereabouts are known. In this respect, the oil and gas industries contrast with the forestry industry, which possess knowledge about the volume of their timber resources, conducts inventories, and thus can make long term plans for resource harvest.

We submit a management plan to the government for this FMA [forest management area] that has wood sequence for 10 or 15 years, minimum, probably more, and when we get down to operational planning we submit our plans, typically two years ahead of time to have them reviewed by government. (Forestry respondent)

In addition to the invisible nature of oil and gas resources leading to short-term land-based planning, the tenure system of these industries is specifically designed to be responsive to market forces.

[The oil and gas tenure system] is set up by the provincial government...in such a way that the government can derive as much revenue from the land sales as possible, which doesn’t really lead...to good planning because it puts pressure on the industry to get out there and get their information, which usually means doing seismic, in some cases it may even mean going in and drilling a well....It also puts pressure on government to get their approvals done...And so it doesn’t really give as much lead...for planning those activities. (Government respondent)

The sale of mineral rights takes place eight weeks after notice of a sale is given, with sales happening every two weeks. Within the eight week period between the notice and the sale, several companies with interest in the area may conduct seismic activities. The company whose bid wins the parcel of rights may begin activity a few weeks after the sale as surface access approvals are generally granted in under two weeks (Graham 2001). Thus a company's planning horizon for a given well-site may be less than three months.

Being market driven, industry activity can occur at a frenzied pace when oil or gas prices are high, and at a much slower pace when the profit margin for developments is lower. During times when prices are high, government departments are under great pressure not to slow down the activities on the land base with administrative procedures. As one oil industry respondent noted, "A lot of those applications are dealt with in a routine fashion...it's a bit of a rubber stamp." Routine approval procedures may indeed be the only way that as many as 18,310 wells were drilled in 2003 alone (Government of Alberta, 2005).

Forestry companies representatives, by contrast, noted their requirements to do long-term forest management planning and to be responsible for several aspects of land management for the entire Forest Management Area (FMA, a 20 year, renewable area-based agreement for the establishment, growth and harvesting of timber), including reforestation and environmental protection (Ross, 1995). Their long-term planning includes the development of annual operating plans that describe harvesting methods and proposed developments for the coming year, as well as strategic plans that describe management objectives and proposed developments for the lifetime of the FMA (MacKendrick et al., 2001).

While forestry companies are responsible for managing the forest in their FMA, they do not have authority over any other users. Their investments in their long-term plans are undermined by overlapping tenures in the forest. To not account for the activities of other land users in a forest management plan is "like burying your head in the sand," to use the words of one forestry industry respondent. This is especially true in certain areas where oil and gas companies may be clearing an equivalent amount of trees as the forestry company operating in the area (MacKendrick et al., 2001; Edmonton Journal, 2002). Unless oil and gas companies make longer-term land based plans and communicate their intentions with forestry companies, their activities cannot be considered in the forestry industry's FMA plans.

### **Space: Small Size of the Tenure Area**

Nearly all respondents from forestry and environmental groups, and several oil and gas representatives also noted another feature of the tenure system that was problematic for integrated land management: tenure is allotted for small areas of land on a parcel-by-parcel basis. When companies request the sale of mineral rights, the area of land can be as small as 256 hectares of land (one section) or as large as 9,216 hectares (36 sections), depending on the region of the province (Alberta Energy, n.d.). In practice, most parcels are well below the maximum size (Schneider, 2001) with the average parcel area being around 500 hectares (less than two sections) (Alberta Energy, 2002c).

Companies who have a development in an area often wish to purchase adjacent subsurface rights to take advantage of the roads, pipelines and other infrastructure they have developed and to continue the development of the oil or gas field into which they have tapped. While companies can attempt to consolidate a larger area of land, there is no guarantee that the mineral rights they requested will not

be bought by another company on the day of the sale, thus generally numerous companies are usually working in the same area.

We go on almost a section by section basis for mineral rights, so we're competing for every section around there with somebody else. And all somebody has to do is you drill a well, you find something, the neighbor posts the section next to it and all of sudden you're in a race for the section next to it, the section next to that, the section next to that. So it's the tenure system itself leads to some problems....We find that once you get to the point where you consolidate a fairly substantial chunk of land...then...you have control over your road system, you have control over your infrastructure, pipelines, you can manage access, you can start doing a lot more things there. (Oil and gas industry respondent)

Respondents argued that while this system of selling mineral rights in small parcels is beneficial from the perspective that it allows for many companies of all sizes to be involved in the industry, thus preventing any monopolization of the market by larger companies (Haley and Luckert, 1990), as well as giving companies greater flexibility in responding to market forces, it also leads to several problems with regards to land management. The sheer number of companies that may be working in an area makes it an onerous task for government and forestry staff to attempt any landscape planning with involvement of the oil and gas industry. One forestry company in Alberta reports having 200 oil and gas companies working in their Forest Management Agreement Area (Edmonton Journal, 2002), thereby prohibiting effective communication for the purposes of integrating planning. To add to this, these companies change on a frequent basis as take-overs and mergers are common in the industry, and tend to be in one place for a short duration.

Coordination of activities on the land base may also be impeded by poor *intra*-company integration of activities, as one oil and gas industry respondent suggested.

The normal structure within petroleum and natural gas companies [is that they] have an exploration or development group and a construction group and a pipeline group and a processing group. And they are...independent divisions of each other.... and make decisions based on the best interest of their group rather than the best interest of the overall group.

Because both approvals and development occur in several phases - exploration, drilling, production, and reclamation - companies may not have a complete plan for a development when activity begins. This may result in multiple access corridors to the well-site if, for example, transmission line routes are not considered at the time of building the access road.

### **Land Withdrawals for Forestry Tenure Holders**

Forestry respondents in particular spoke about significant consequences of oil and gas activities on the land for the forestry industry. Replete throughout the interviews with forestry personnel are voiced concerns about the potential of land withdrawals for oil and gas activity to greatly diminish a company's forest management area that can result in a reduced annual allowable cut (timber volume the province allows to be taken from a particular FMA). If their productive land base becomes too small, the annual allowable cut for the company may be reduced which, in some cases, may lead to the closing of production facilities.

Forestry respondents in particular noted that the trees cut for seismic lines are often not salvaged by forestry companies. In many cases, this wood cannot be salvaged simply because coordinating pick-up on such short notice, with activities often happening far from where the forestry company is operating at the time, is logistically difficult and expensive. Much of the wood is also damaged and consequently left to rot where it was placed. Though this is of concern to forestry companies who would prefer that this wood be brought to their mills to be processed, the bigger concern in the interviews was the impacts of long term permanent land withdrawals from pipeline and well-site developments that follow seismic activity, given the slowness of reclamation (replanting and regrowth) processes.

## SUGGESTED SOLUTIONS

When asked how the integration of activities in the boreal forest, particularly those of the oil and gas and forestry industries, could be better achieved, the most common responses among our respondents was to bring different players together so they can learn more about each other's operations, and thus find ways to better coordinate their activities, although *none* of the environmental organization respondents suggested this. This is likely because the focus of environmental organization respondents was largely on policy level issues, as opposed to operational level coordination. Environmental organizational respondents were strong supporters of the need for public involvement to further integrated resource management (IRM) and suggested that the starting point for IRM should be to identify public values and goals for land management.

Two respondents commented on the how collaborative policy processes were undermined by backdoor lobbying on the part of oil and gas industry, to which the environmental respondents did not feel they had access; three respondents believed that government was neglecting their role as a steward of public lands; and four respondents spoke of a bias in the province towards economic values that supersedes environmental considerations. These comments were unique to the environmental organization respondents, illustrating that their perspectives on land management may be different than those of other respondent groups and suggesting that their perceived influence over policy decision-makers differs as well. For example, one environmental organizational respondent commented after participating in an integrated land use initiative that did not influence any land use decisions,

The answer that we came up with is that we're not on the same political playing field, that the power dynamics are not even. So, ultimately, when the real decisions are to be made - not the ones that were made around the table, where all of us were...arguing lots but eventually we came to things we all agreed on - but those were not the real decisions. The real decisions came afterwards, and they were based on where the true power dynamics lie.

Suggestions to change the tenure system and regulatory regime of the oil and gas industry were not as common as one might expect given the numerous criticisms of the system articulated by respondents. Only two forestry respondents, both of whom were involved with integrated resource management efforts, and one government respondent who was also involved with an IRM initiative, suggested that reforming the oil and gas tenure system was necessary to significantly reduce industrial impacts on the land base. When these same respondents were queried further about possibilities to change the tenure system, their responses were generally fatalistic, suggesting that changing the current system was not politically possible given the province's dependence on oil and gas revenues and employment.

By and large, [Albertans] like the benefits we're getting from oil and gas; we're not going to shut down what's going on...because of what it's doing to the environment. (Forestry respondent)

## DISCUSSION

If it is the case that there are characteristics of the oil and gas tenure system in Alberta that lead to negative impacts on the land base and to conflicts with other resource users, then why was changing the tenure system not considered a more reasonable solution by our respondents? This portion of the paper will discuss possible answers to this question.

First, we contend that the Provincial government's preference for the immediate, tangible economic benefits over the uncertain, distant ecological costs deters changes to the oil and gas tenure and regulatory system. The problems discussed in the Findings section of this paper illustrate that the oil and gas tenure system in Alberta is not designed for land management objectives as much as it is to encourage oil and gas extraction and development and to make efficient use of the petroleum and natural gas resources in the province (Alberta Energy, 2002b). Indeed, the oil and gas industry's central economic role in the provincial economy, for over 50 years, is the most obvious factor that insulates the industry and its policy regime from change. In 2003, revenues to the province from crude oil and natural gas accounted for more than 30% of Alberta's total revenues (CAPP, 2005) and employed 95,400 jobs (Government of Alberta, 2005).

With such enormous benefits coming from the oil and gas industry for the province, it is understandable that the general population and government alike would be willing to accept some amount of environmental degradation in exchange for the economic returns from the industry, and that widespread delayed recognition of the impacts, and the tenure and regulatory changes such impacts portend, might follow. However, the accelerated nature of oil and gas development in the past 20 years, with the additional intensity of forestry, has permitted corporate owners to dominate land use decisions in the boreal forest of Alberta and they have not been beholden to any larger land use framework or set of thresholds, to stay under specific limits for ecological impacts. Both the oil and gas tenure system and the forest management lease system has incorporated no (oil and gas) or limited (forestry) public involvement in the initial set up of the lease system that allocates numerous (oil and gas) or large (forestry) tenure privileges.

Another potential explanation why reform of the tenure system is not currently being considered is that our respondents were somewhat fatalistic about government responsiveness to requested changes in the tenure systems, arguing that many of planning processes have been symbolic in nature, followed by no meaningful government action. All of the environmental organization respondents in this study spoke about their frustrations with past policy processes around forest management planning, and protected areas in Alberta, where public input was solicited but largely disregarded in the final outcome of the process. As one member of an environmental organization involved in past public involvement processes in Alberta said, "After all is said and done, all they've done is said" (Timoney & Lee, 2001, p. 389); which indicates that despite public consultation and debate, implementation of integrated resource management has not occurred. Environmental groups' respondents indicated a lack of trust in government processes to the point that they refuse to take part in further initiatives until significant changes are made in the processes (Fluet, 2003).

The frustration of these groups was evident in other comments made by the environmental organization respondents. Indeed, their perception of an uneven political playing field has led them to the conclusion that lobbying for legislative reform without altering the political playing field through broad public involvement would be fruitless. Without pressure from the forest sector, regional interest groups, and environmental groups to change the regulatory regime of the oil and gas industry, provincial oil and gas tenure policies continue to be accepted as unchangeable in discussions of integrated resource management.

While environmental groups may not be promoting tenure reform out of frustration, we suspect industry would like to avoid tenure reform out of fear. Security, with regard to tenure agreements, is “a function of trust tenure holders have in the socio-political system within which their rights have been granted” which “depends on their past experiences with the system and the probabilities they attach to the chance of detrimental changes taking place in the future” (Haley and Luckert, 1990). Several industry respondents in our research asserted that additional regulations would compromise the company’s ability to find creative solutions to reducing their industrial footprint, and coordinating land use with others. These same respondents often cited the recent Forest Practices Code in British Columbia as overly restrictive legislation, where they claim industry is unable to use their individual company ingenuity and forest management expertise to use various options to reach the same desirable outcomes as intended by the Forest Practices Code. These industry respondents held that they do not want to see similar legislation in Alberta. For this reason, the suggestions from industry as to how to mitigate the negative impacts of the tenure system were focused on working within the system, rather than opening the door to uncertainty by considering legislative changes.

The anti-regulation argument and support for voluntary measures for improved industrial environmental performance has been cited in several other environmental conflict cases (Krogman, 1998; Schnaiberg and Gould, 1994; Freudenburg and Gramling 1994a; 1994b). The exceptions to this generalization were two respondents from forestry companies who are actively engaging in integrated resource management efforts. Davidson & MacKendrick (2004) argue that industry’s ability to use language around “best practices” combined with Alberta government’s use of ambiguous goals such as sustainable development, cooperation, and communication obscure the issues around regulatory reform to address cumulative industrial development effects. Our research supports this argument in that the vast majority of respondents made suggestions about tinkering with the system, and voluntary efforts, rather than changing the tenure system, the very structure of the resource allocations, to reduce the industrial footprint on the landscape.

Another barrier to changing the oil and gas industry tenure system is the uncertainty regarding which changes would rectify the shortcomings of the tenure system with regard to land management objectives. The current tenure system, involving multiple phases of development of the resource as well as multiple government departments, is the product of decades of decisions. As Freeman (1992) suggests, the cumulative outcome was not the result of an explicit decision, rather, the outcome has resulted from a “tyranny of small decisions”. A multitude of subsequent decisions has created an organizational hierarchy and elaborate process for oil and gas development – it is difficult for those invested in the process to entertain options that reverse this long pro-development trajectory.

Charles Lindblom’s (1959) “science of muddling through” suggests that although ideally policy analysts would go through a comprehensive, rational consideration of all possible policy alternatives that take into account a large number of values, the reality is that policy analysts are too limited in



time, resources, and ability to undertake such a comprehensive analysis of any policy decision. In fact, attention to an issue may wane when studies reveal the complexities of the problem, the great expense to address the problem, and the lack of easy solutions (Cobb & Ross, 1997). Thus, because the impacts of any large changes in policy cannot be accurately predicted, it is safer to either stay with known problems or to make incremental changes in policy whose outcome is easier to predict and potentially reverse, but which may be insufficient to address the root of a problem.

Attempts to reform the oil and gas tenure system in Alberta are additionally hindered by the limitations of policy making. The volume and complexity of legislation and policy for the oil and gas industry alone may make it difficult to predict the consequences of any reforms or to find easy and inexpensive solutions. Add to that the legislation and policy for the other resources and activities on the land base and the complexity multiplies. The elaborate structure of the oil and gas industry tenure system has built up over time so that industry and government actors have developed specialized, routinized, and interdependent pro-production processes that cannot be easily altered.

Finally, social constructionists offer another perspective as to why the oil and gas tenure system is protected from change in Alberta. Hajer argues that "social constructionism and discourse analysis add essential insight to our understandings of contemporary environmental politics" (1995, p. 263). Similarly, Cobb and Ross suggest that attention must be paid to the "political uses of culturally rooted resources" to understand the outcomes of conflict (1997, p.4). Both of these works suggest that in addition to the material basis for the protection of the oil and gas industry, there is an ideological basis about rightful access to a land base for its development. The repeated "storylines" (Hajer, 1995) of the supremacy of the oil and gas industry in the province serve to sustain the legitimacy of the industry's regulatory institutions, despite the concerns many Albertans have over the impacts of the industry in the boreal forest (Nikiforuk, 2001). Comments from respondents in this study indicate that the oil and gas industry has effectively been placed in a "black box", that is, the activities of the oil and gas industry have been made to appear as "fixed, natural, or essential", no longer in need of consideration (Hajer, 1995, p. 272). Constructionist perspectives on environmental conflict are important to consider in the Alberta case in order to understand how certain courses of action, such as reforming the oil and gas industry tenure system, may be excluded from discussion (Krogman, 1996).

Bridge's (2001) work on primary resource spaces also supports this perspective, as he argues that a place's character and identity may be claimed by invoking the commodity as its defining characteristic. Bridge suggests that, "A frequent construction of the commodity space...is that of the asocial void, a depopulated space without socioecological complexity existing outside time and space" (p. 2,154). Thus, a process of "erasure" takes place, where social and ecological complexities are erased from the landscape, along with a process of "reimagination", where the commodity is invoked as the defining characteristic of the landscape. These processes of erasure and reimagination may be applicable to the Alberta setting, where the defining characteristic of the province is often portrayed as captured in the abundance of oil and gas resources, and its cornucopia of spin-off benefits, while the human populations and ecosystems of the boreal forest are under-emphasized.

The privileged status of oil and gas companies, and the public acquiescence to this privilege, has generally obscured the justice, equity and sustainability issues embedded in the oil and gas tenure system. However, we see many frames of injustice that increasingly expose how the allocation process disproportionately confers disadvantages or risks to rural residents. For example, many Aboriginal bands have ardently pointed out how oil and gas activities threaten their people's ability to continue hunting, fishing, and trapping on their traditional territory, which is linked to their Aboriginal

Treaty rights, identity, and more centrally, their overall well-being (Fluet and Krogman, 2009). As social justice issues are continually exposed, and the *relationship between rights and responsibilities* become more apparent, we suspect the average person in Alberta will challenge the current trends of oil and gas allocations, and call for a different set of assessment criteria to permit its expansion. Current public debates around the water shortages (oil and gas development is heavily dependent on water) and eventual post-oil economy may also prompt Alberta residents to question Alberta's role in maintaining its high standard of living to extract a resource in a landscape that will need to be used in future by many other people, and for other purposes, such as food production. As Clark (2002) points out, "When conditions and environmental relations change, the supporting myths also change" (p. 23). We argue that the issues of human respect and dignity, as linked to government responsibilities to protect human safety and health, will continue to move the oil and gas tenure system into the fore of public discussion as a necessarily changeable allocation system.

## CONCLUSION

The context in which energy policy must be formulated- a context of powerful vested interests, of great demands upon society's limited resources, and of undeniable costs as well as benefits for society – argues that decision-making with respect to energy policy can no longer be the sole preserve of a small, technically oriented, and largely non-elected (and non-accountable) group of individuals; rather it must be broadened for debate and discussion by much larger numbers of people in a process of a political nature.

(Macdonald, 1979, p. 202)

This paper addresses the hidden equity and justice issues in the current tenure system for the oil and gas industry in Alberta in terms of the limited opportunities for multiple values of the land base to be protected through integrated resource management. In particular, the short term planning horizon, the small size of the leased parcels, the lack of coordination with forestry, and the absence of tenure reform within recognized solutions for better integrated resource management involves social and decision-making processes that maintain privileges of access and control for the oil and gas sector. While the current tenure system is successful in promoting oil and gas production - the task for which it was designed - it is failing to address current land management issues that have arisen as a result of the densely occupied land base where industrial operations frequently overlap, as well as a shift in public values that now include ecological objectives and increasingly recognized social values of land as a place of social history and potentiality.

In Alberta, oil and gas resources are a Crown resource, as is most of the land surface from which it is taken and developed. The surface is now the subject of significant public concern, increasingly identified with multiple social and ecological values. While more research is needed to further understand ways in which the short-comings of the current tenure system could be addressed, as the above quotation suggests, the trade-offs need to be debated by the public at large whose values the tenure system should be upholding.

While people in Alberta may be well socialized to accept the notion that 'oil is king', the environmental impacts, in particular, of oil and gas development are increasingly exposed through science, social movements, and media-covered controversies describing contested spaces of confrontation between

the cultural construction of land as a commodity, and land as a place of social history or potentiality. Tensions among an increasing number of land users and self-appointed land stewards will likely prompt challenges to the allocation of the leases that originally permitted oil and gas activity in specific places of contestation. Thus, as Clark (2002) notes, “myths...sometimes become outdated and maladaptive so that mythic residues from past times may no longer explain and integrate people’s current experiences meaningfully” (p. 23). In this case, the myth is that Albertans can have multiple industrial and social activities on the land base, and continued economic growth, with few limits placed on oil and gas development. We believe the issues of social justice, equity and sustainability will constitute the key challenges to bust this myth.

### **AUTHORS' BIOGRAPHIES**

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## [ENDNOTES]

1. The tenure system and regulations for the oil and gas industry have evolved into a complex structure since Alberta was given jurisdiction over Crown mineral rights by the federal government in 1930. The basic structure of the current system has been in place since 1976, with various amendments having been made as recently as five years ago (Alberta Energy 2002b).

2. We generated the sample of interviewees starting with a list of frequently identified experts on oil and gas, as indicated by initial government, industry and academic contacts, and then, using a purposive sampling technique, individuals were selected by the researchers because of special knowledge they possess with respect to the research topic (Neuman 2000) and referrals by the interview participants themselves for others “who may share a different perspective than their own.” All individuals were directly involved in land use decision-making, planning, or land policy advocacy. We felt confident in reaching “key informants” given the repeat suggestions from the interviewees that we interview those we already included in our sample, as there are a limited number of people in Alberta who work in these key roles. The majority of the respondents from industry and government were mid-level managers involved in coordinating the operational aspects of the two industries, whereas the environmental organizational respondents were generally key leaders of those organizations.

We generally made initial contact by phone, then arranged one-on-one, semi-structured interviews with respondents in an office setting. Interviews generally lasted about an hour; the transcribed interviews were coded and analyzed using NVivo, a qualitative data analysis software in a set of iterations that began with multiple codes, the later condensed into key themes most frequently represented in the interviews. The researchers identified major themes in the responses and made comparisons within and across the environmental organizations, industry and government participants’ responses.

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**Carrie Beth Lasley**

# **CREATING AN ENVIRONMENTALLY JUST PARK SYSTEM IN LOUISVILLE, KENTUCKY**

**ABSTRACT**

Louisville, Kentucky, is undergoing one of the nation's largest park expansion initiatives. The City of Parks Plan will add 8,000 acres of parkland to the city by the time it is completed. Principles of environmental justice suggest that new policy should consider issues of access and balance with nature as it relates to all people. A sustainable park system brings additional environmental, economic, social and health benefits to communities near them, helping to stabilize communities and build sustainable neighborhoods. This study examines park access for minorities in the current Metro Parks system, evaluates the City of Parks policy as it relates to access and makes recommendations as to how the municipality might alter the City of Parks initiative to improve park access for its minority population.

## INTRODUCTION

Urban parks serve as community backyards, business catalysts and tools for a healthy population while adding nature to unnaturally paved environments. A just city should consider equal access to such municipal benefits as integral to policy (Fainstein, 1999). Parks serve an important social role in low-income communities. They offer recreational opportunities, serve as meeting places, and contribute to public health by offering sites for exercise. They have been associated with crime reduction. They are amenities which contribute to the attractiveness of an area for businesses. Parks also serve a variety of environmental goals by reducing pollution and absorbing carbon.

Louisville, Ky. is expanding park acreage and promoting healthy living under its City of Parks expansion policy. This study examines access to parkland by race and evaluates expansion policy to determine if it improves access or exacerbates inequity. This paper outlines the benefits of parks and addresses the implications of environmental justice in minority access to public space. Louisville's park expansion plan then will be discussed and evaluated through the lens of environmental justice. The final section will highlight areas of opportunity for the city to improve park equity. Through planning these places to improve environmental, transportation and social needs, parks can create more stable, sustainable and environmentally just neighborhoods.

### The Benefits of Parks

With health, social, economic and environmental benefits, a park can be an anchor for an active, connected neighborhood that supports small locally owned businesses. Parks promote health by serving as green oases and outlets for recreation. They help reduce the effects of the urban heat island, hold stormwater, and serve as community gathering spaces. Together these aspects help create neighborhoods that are more sustainable, that mitigate their environmental problems, and support their own economies. Resident's needs for nature, interaction and recreation are met in a sustainable neighborhood. Well-planned community parks can connect residents to employment sites, and decrease the number of car trips made by residents. Community parks contribute to sustainable neighborhoods, where residents can meet their needs without leaving, and where environmental and social problems can be mitigated within the neighborhood.

Parks are essential to low-income and minority neighborhoods. Bogota, Colombia recently expanded its parks system with that in mind. As Bogota Mayor Enrique Penalosa said, "At first it may seem that in Third World cities, with so many unmet needs, parks would be a frivolity. But in practice, where citizens lack so much in terms of amenities and consumption, it is quicker and more effective to elevate the quality of life through public goods, such as parks, than by increasing people's incomes" (Penalosa, 2003, p.31). A 2006 London study showed that parks were essential for social cohesion because of their impact on an individual's sense of belonging and, because they encourage social interaction (Dines and Cattell, 2006). Sociological studies have demonstrated that parks help create stable neighborhoods with strong social ties (Gies, 2006). A study that examined minority use patterns in Chicago's Lincoln Park in the 1990s determined that minority users were more likely to visit in large groups (Gobster, 2002). Hispanics tend to visit in large family groups averaging 4 people and prefer picnicking, while black park visitors tend to come in peer groups averaging 3.7 people and participate in athletic activities (Forsyth, 2005). Studies have found that minorities tend to visit parks for more social reasons, so structures such as community centers, bandshells, bleachers near sports grounds, plazas, game tables and benches and picnic tables of various sizes will see higher traffic in minority areas (Forsyth, 2005). The Chicago study found that socializing, festivals, and spectator sports were

popular among minorities and that individual sports, such as biking and walking were less popular. Basketball, soccer, swimming, volleyball and baseball were the most popular sports for minorities. Fishing was more popular among minorities than whites. Furthermore, the social atmosphere of the park, with activities and engaging spaces was much more important to minorities than was the natural beauty of the area.

Parks contribute to public health. Lack of exercise and poor diet have been cited as the second-leading cause of preventable death in the United States, and it was found that low-income Americans are more likely to be sedentary and eat poorly (Kuo and Sullivan, 2001). The U.S. Office for Minority Health claims that while national health improves, American minorities continue to have higher rates of diabetes, cancer, cardiovascular disease, cancer, infant mortality, low birth rate and have a shorter life expectancy; these health disparities exist for a number of reasons, including environmental reasons (CDC, 2008). Black children are 60 percent more likely to suffer from asthma than white children, but are more than three times as likely to visit the emergency room and 7 times more likely to die as a result of asthma (CDC, 2007). Minorities are 79 percent more likely to live in areas with heavy industrial pollution (Pace, 2008).

Minority areas and areas with higher poverty rates are nationally less likely to offer parks and trails to residents (Gies, 2006). Physical activity is essential to a healthy population. Many Americans are sedentary, and this lifestyle leads to an increase in obesity, high blood pressure, heart failure, stroke, diabetes and depression. Medical studies have shown that access to nearby recreational areas leads to an increase in frequency of physical activity by about 48 percent (Gies, 2006). Simply, having an enjoyable and close place to exercise encourages people to take advantage of the resource. Additional studies have demonstrated that access to nature may lower stress levels, decrease healing time and improve Attention Deficit Disorder. Parks and playgrounds also develop muscles, coordination, language and reason in children.

Crime reduction is another benefit of parks. The presence of parks and recreation facilities have been tied to decreased levels of juvenile delinquency and violent crime in Florida, Texas and Chicago (Sherer, 2003). Add youth programming to a parks, and further reductions in crime were witnessed in cities as different as Los Angeles, Forth Worth, Texas, and Cincinnati, Ohio (Witt and Crompton, 1996).

Parks also serve as catalysts to the business community. Parks are mentioned as the most important element of quality of life in numerous studies (Crompton, 2007). Quality of life is considered the main draw for small businesses and creative industries when choosing where to relocate or expand. Chicago Mayor Richard M. Daley understood the importance of quality of life when he invested heavily in the park system, saying, "Trees, owsers, parks, attractive open spaces: these things are contagious. When people experience them, they want more of them. And they are willing to pay for these places, because they know they are getting something for their money. I believe that cities that pay real attention to quality of life will be those that thrive" (Daley, 2003, 26).

Crompton (2007) evaluated the proximate principle as it relates to parks and other urban open space. This principle, that properties near parks are more desirable, and therefore have higher property values, was popular during early park development around the turn of the 20<sup>th</sup> Century. The increase in property values leads to an increase in property tax revenue of about 20 percent (Crompton, 2007). This increase in property values allows parks to quickly pay for themselves while benefiting the city in

the tax rolls and enhancing the wealth of homeowners near parks for years after the parks break even (Crompton, 2007). This has occurred in Louisville with prior park development, and can be witnessed in the Highlands neighborhood and more recently in Butchertown.

Parks also serve a variety of environmental benefits. Green areas serve as carbon sinks to counteract industry and fossil-fuel consumption from cars. Connected greenways also can encourage alternatives to vehicle use, and decrease miles driven and fossil fuels burned. Natural areas also counteract urban heat islands, filter water and control erosion. They absorb stormwater runoff, improving conditions of urban streets during periods of excessive rain (Sherer, 2003).

Defining access is complicated. No one is shut out of parks; however, there must be some consideration of willingness to travel. Past studies have concluded that white residents are more willing and able to travel, and to travel farther to visit parks. Urban white residents are more likely to own a car, giving them the luxury or ease of travel to parks. In the Lincoln Park study, Hispanic residents were the only minority to choose mass transit to get to the park. Other minorities simply did not visit a park if it was too far to access by foot. Residents living further from parks tend to use them less frequently, and therefore, underserved and minority areas will not experience the same benefits (Gobster, 2002).

A well-tailored neighborhood park adds to the community by producing healthy, active residents. Parks help reduce the environmental problems associated with urbanization, and stimulate the local economy creating a natural mix of uses that reduce dependency on gasoline to meet individual needs. The result is a sustainable neighborhood anchored by a common community front yard – the local park.

### **Parks and Their Role in Improving Environmental Justice**

The Principles of Environmental Justice, adopted at The First People of Color Environmental Leadership Summit, are divided into 17 guiding statements. Two of these principles ask that new policy be evaluated on the basis of racial equity as it relates to nature. They are:

- 2) Environmental Justice demands that public policy be based on mutual respect and justice for all peoples, free from discrimination or bias. ...
- 12) Environmental Justice affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of the communities and providing fair access for all to the full range of resources. (First National People of Color Environmental Leadership Summit, 1991, p. 1)

Although many urban park systems in the United States were developed in the early part of the 20<sup>th</sup> Century, when segregation and overt government racism were common, the expansion of a park system gives public servants the opportunity to evaluate the justice of its park system and improve upon past municipal biases. Concepts of mutual respect and justice for all residents may have been excluded in city park systems in the past, however the second principle of environmental justice requests that governments uncover bias and previous discrimination and direct current policy to improve the situation. Comprehensive plan updates offer cities the opportunity to set goals and objectives to improve access for all residents.

The second principle implies that environmental burdens and benefits be shared among neighborhoods of all races. By this standard, the areas of cities that have the largest burden due to heavy

concentration of dirty industry and energy production should be entitled to at least a proportionate share of environmental benefits, and possibly more in compensation for the uneven burden shouldered by these communities.

The 12<sup>th</sup> principle calls on public policy to improve access to nature in our most urbanized and most densely settled areas and to provide a full range of resources. An environmentally just park policy would add green space to the most urbanized areas of the city to counteract the removal of nature due to paving. Such a policy would strive to offer a variety of activities to all people in all neighborhoods and would seek an equitable distribution of nature.

The 12<sup>th</sup> principle addresses the responsibility of policymakers to clean up and rebuild in balance with nature. Such policies should direct us to consider the greening of toxic urbanized land as a primary objective because it decreases burdens to minority and low-income communities while adding benefits. Not only would this add to the overall greenscape, but it could clean areas that continue to spread toxins into the air and water. As toxic industries, such as chemical companies and heavy manufacturing vacates urban areas, this land should be rebuilt both clean the environment and to incorporate nature. This practice of redeveloping industrial land into parks is not new. Excellent examples include the conversion of a former gas factory to a culture and recreational park in western Amsterdam. Westergasfabriek Cultuurpark maintained many of the clean structures in the large brownfield, converting them into a large showcase area, housing, offices for artists and civic groups and restaurants. Polluted areas were cleaned and turned into expansive lawns, recreational grounds, pathways and waterways. It became a place of interest for residents and visitors. It began attracting festivals, theater, and fashion shows, even hosting a performance by the local opera troupe (Koekebakker, 2003).

In Louisville, the Waterfront Development Corporation acquired former scrap yards along the Ohio River just east of downtown to develop the current Louisville Waterfront Park to stimulate development and improve the waterfront. The 85-acre park is being developed in three phases (Phase III opens in 2010) as land is acquired and redeveloped. The park has served as a catalyst for events and development in the east waterfront and adjacent downtown areas. Since the announcement of the plan to develop the area into a park, almost 5,000 jobs have been created nearby with the jobs shifting from low-skilled manufacturing sector to high-tech and creative businesses and the services that cater to them, mirroring a shift in the local economy away from manufacturing. The Community@emain, a technological workforce-training center, opened two blocks from Waterfront Park. Current and completed investment along the waterfront tops \$1 billion, and the waterfront is now home to the Muhammad Ali Center, Louisville Slugger Field, and a growing community of high-end condominiums and lofts near the baseball stadium, where industry and scrap yards were once typical. However, redevelopment projects such as this do not have to necessarily mean gentrification. Near Waterfront Park, housing tends to be small, with shotgun housing and small apartments in older buildings. Neighboring Butchertown and Phoenix Hill, once run-down, have seen increased commercial development and the emergence of a gallery district (Bartlestein, 2007). This was all done without significant displacement of existing residents. Newer developments drew new residents, but the older shotgun-style houses and their residents were relatively undisturbed.

Waterfront Park now serves as home to some of the city's signature events. It's the front yard for Thunder over Louisville, the fireworks kickoff event of the Kentucky Derby Festival, which brings tourists from around the country. Musicians get Independence Day crowds ready for the city's annual

July 4<sup>th</sup> fireworks. Its amphitheater is the main stage for the locally conceived Lebowsky Fest, a quirky music-and-bowling weekend inspired by the movie, *The Big Lebowski*. Sporting events launch from the site. Summer concert series bring in the after-work crowd. Cultural events such as the Irish Fest, Reggae Festival, the activist Forecastle Festival, the Soul Festival and the Bluegrass Music Festival are just some of the regular attractions to the site. The development of Waterfront Park turned a scrap-yard waterfront into a bustling front door to the community by turning an environmentally degrading industrial land use into a mix of open space, commercial and residential space that improves nearby neighborhoods and brings people to the river. It demonstrates what is possible throughout Louisville.

### City of Parks Initiative

The City of Parks initiative in Louisville is a multimillion-dollar park expansion plan that includes a Floyds Fork Greenway in the east; an expansion of Jefferson Memorial Forest in the southwest; an expansion of park lands along the river in the south; the creation of the Portland Wharf Park; acquisition and development of parkland for the River Road Recreation Corridor along the river east of downtown to the county line; and a 100-mile paved Metro Loop Trail that more or less encircles the city along the periphery. Included in the plan are also upgrades to existing parks. This expansion is the result of the Cornerstone 2020 plan developed in 2000, which called for an increase of 8,800 park acres to meet the needs of community growth. Funding and cooperation for the plan have come from partner agencies, which raise funds or acquire land. Additional funding has come from \$38 million in federal and state grants. Private donations to the Floyds Fork Greenway alone total \$20 million. It is, however, a city initiative with significant city money invested (Metro Parks, 2005).

The City of Parks Plan (Figure 1) highlights some of the expansion efforts. As the city expands its park system, it should evaluate issues of environmental justice and incorporate needed changes. Louisville has the opportunity to set an example for other cities by not just expanding its park system, but by making it a more just park system in a manner that stimulates the economy sustainably by encouraging small local businesses and improving neighborhoods and by addressing critical issues of equitable access to parks and open space for all residents.

Louisville Metro Government has created a public-private partnership to raise money for new parklands and it advertises the economic benefits that it expects to receive. The City of Parks Plan cites the Trust for Public Land's Economic Benefits of Parks on its main Web page. This document states the following benefits: the increase in property value and tax revenues from nearby properties; interest from businesses and employees who seek a high quality of life; tourism and recreation spending; reduction in health care costs by residents who live healthier lives; income from working park lands; the protection of water and land; and flood mitigation properties gained by open space (Louisville Metro Government, 2007).

In unveiling the plan, Louisville Metro Mayor Jerry Abramson justified not just the creation of parks but the use of parks as a unifying social agent and a business catalyst. He said: "Parks draw people together who might not otherwise encounter one another, bridging the gaps between city and suburb, between rich and poor, between white and black. Parks raise property values and make our community more attractive to new residents, businesses and visitors. Parks preserve irreplaceable landscapes. Parks give our kids a place to play, and they allow each of us to take a break from the daily hustle and bustle" (Metro Parks, 2005).



Humana, Inc. CEO David Jones donated \$5 million to kick the program off and called the parks plan, “the most exciting and significant civic project of my lifetime.” His son, a developer, and one of the initiator’s of the project cited the effects that Cherokee Park had on the business and social community of the nearby Highlands neighborhood, as well as the increase in property values and vibrancy of local small businesses in the walkable neighborhood anchored by the 400-acre Olmsted Park (Northern, 2006).

As part of the plan, the Floyds Fork Greenway adds 2,000 acres of parkland in east Louisville, which is white. Planning is under way on the project as of November 2007. The concept includes a number of connected parks with a canoe and kayak “water trail” and a mix of recreational and conservation uses. Included in the Floyds Fork corridor is a sports complex for disabled residents. In all, a large complex of new parks will span a number of areas, all in the east and south ends, which are white areas.

More than 600 acres have been acquired from neighbors to Jefferson Memorial Forest in southwest Louisville, which is white, boosting the forest to more than 6,000 acres under the plan. Riverside, the Farnsley-Moremen Landing is a historic property located in Southwest Louisville on the river in a white area. Anchored by the 1830s Riverside estate, the property was acquired by the city in 1999, and will be doubled to 200 acres under the City of Parks Plan. Riverview Park, has been increased from 16 acres to 87 acres and will add athletic fields and landmarks as well as landscaping to its white neighborhood. The River Road Recreational Corridor, created by the plan, runs along River Road. The corridor will include 34 game fields for sports and other amenities in more than 400 acres of parks. Included will be a new Cyclocross track and bike lanes that cut through the parks along the river. An off-leash dog park is also included. The only new park in Louisville’s diverse West End is a riverfront park in Portland, a white area. Portland Wharf Park is located on the river northwest of downtown. It will be a 56-acre passive and historical park connected to the Riverwalk.

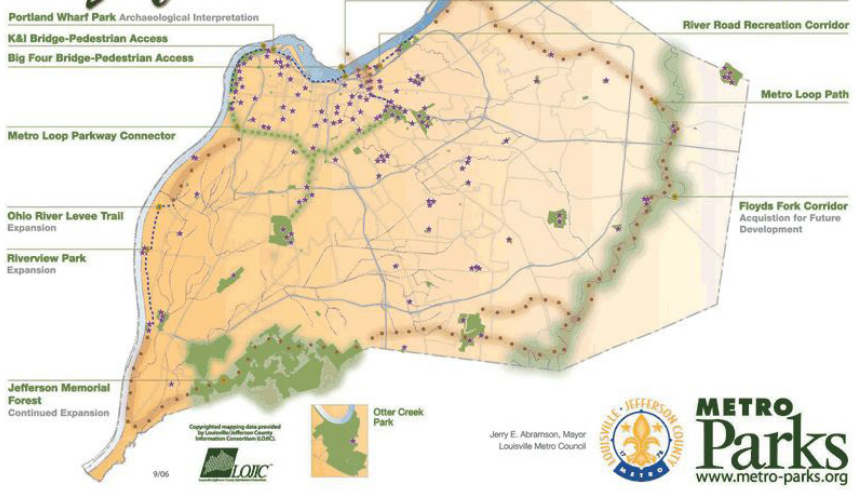
The Metro Loop Trail is a 100-mile path around the city that incorporates parkland and trails. Where available, the Metro Loop takes advantage of existing parkland (Figure 1). Expansion in minority areas includes the Ohio River Levee Trail, which will follow the levee easement and existing parks in the West End of Louisville, a largely minority area. Parks along the Loop will be upgraded. Improvements to the Olmsted Parkway system will upgrade existing pedestrian and bike paths along Algonquin and Southwestern Parkways in the West End. However, no new parks are proposed for the area.

Cornerstone 2020 lists goals and objectives for public open space and parks. Among those objectives are:

- Provide a network of parks of varying sizes and functions equitably distributed throughout Jefferson County.
- Ensure that people of all interests, age groups and abilities have ready access to the recreational, cultural and leisure facilities and programs of their choice (Louisville Metro Government Planning & Design, 2000, 58).

These goals are similar and congruous with the environmental justice principles cited earlier, that acts of public policy should consider the needs of a wide range of residents and that urban areas grow in balance with nature with fair access to a full range of resources. Since Cornerstone 2020 is the document that mandated park expansion, it should and does seek environmental justice within its language. The expansion plans that evolve from it should meet these objectives in practice. The City

# City of Parks



**FIGURE 1.** City of Parks Plan. *Source: Louisville/Jefferson County Information Consortium and Louisville Metro Parks*

of Parks Plan adds parks, bike paths, trails, a recreation corridor, historical offerings and amenities new to Metro Parks in white areas. In minority areas, bike paths and trail improvements on existing easements are the only additions.

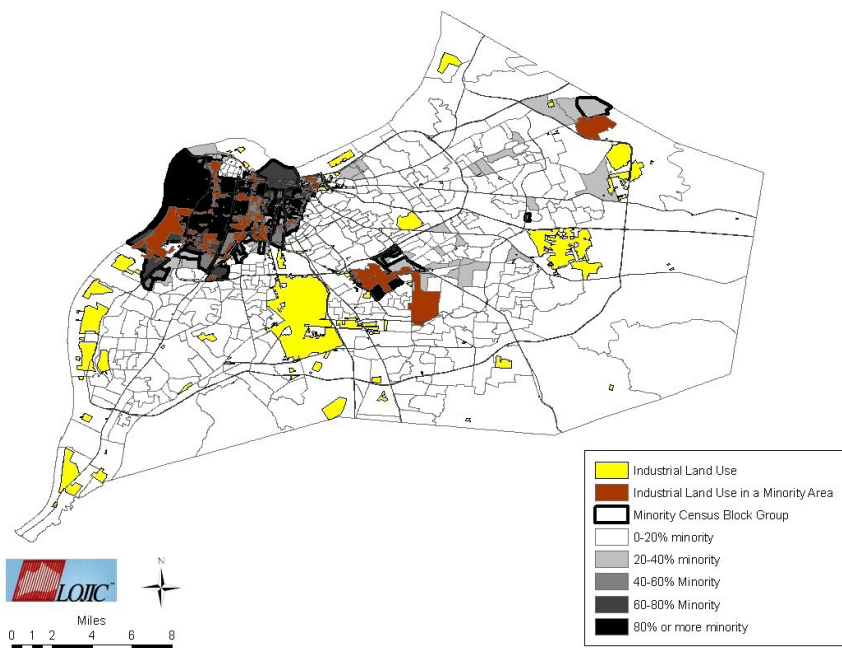
## Findings

In Louisville, some of the most economically and environmentally depressed areas are those in which the majority of the population is minority. Three zip codes contain only minority-area census block groups. Figure 2 shows Louisville’s minority neighborhoods have fewer college graduates, earn less money, have higher rates of poverty and typically have lower housing values than Louisville as a whole. The exception is the Old Louisville Neighborhood, which has higher property values, but a largely tenant-occupied. Louisville is also a highly segregated city. Three-quarters of the 2000 census block groups were 90 percent white or equally non-white; few areas are highly racially mixed. Due to the high segregation, this study focuses on the more specific Census block groups rather than aggregated

**FIGURE 1.** Indicators in Minority Zip Codes

	Louisville	40211	40202	40210
<b>Bachelor’s Degree</b>	21.3%	8.0%	14.5%	6.6%
<b>Median Household Income</b>	\$28,843	\$21,906	\$8,495	\$20,722
<b>Percent Below Poverty Line</b>	21.6%	31.8%	59.7%	33.4%
<b>Median Property Value</b>	\$82,300	\$56,300	\$120,500	\$56,600

Source: U.S. Census 2000



**FIGURE 3.** Industrial Land Use by Race and Census Block Group. *Source: Louisville/Jefferson County Information Consortium, U.S. Census 2000*

zip codes or Census tracts, which would allow for parks in abutting white areas to be classified as minority parks. Louisville is divided into 557 Census block groups. For each of these block groups, population data about race from the 2000 Census were used to determine percent minority.<sup>1</sup>

Minority areas also shoulder the majority of industrial development. Figure 3 shows industrial development and areas with a higher minority population. Nearly a third (32 percent) of the industrial land use in Louisville is within a minority census block group.

Metro Louisville's borders coincide with Jefferson County. However, this was not the case until 2003 when city and county governments merged. Some facets of the two governments were combined much earlier, including the park system. The combined park service, Metro Parks, united county and city parks in 1968. The 123 parks in the Metro Parks system were considered in this study.<sup>2</sup>

According to the 2000 Census, Jefferson County had a population of 693,604. Of that, 23 percent were minority. The largest minority was black at 19 percent, followed by Hispanic (2 percent) and Asian (1 percent). Non-Hispanic whites make up 77 percent of the population. There is reason to expect that Louisville is becoming larger and more diverse. The 2006 American Community Survey did not track the Hispanic population in Louisville, but showed the total population likely surpassed 700,000, with a 2 percent decrease in non-Hispanic whites.

Minority census block groups in Louisville comprise 7.3 percent of the land acreage and 16.2 percent of the population. Louisville's geographic information systems portal, LOJIC, identifies 168 Metro

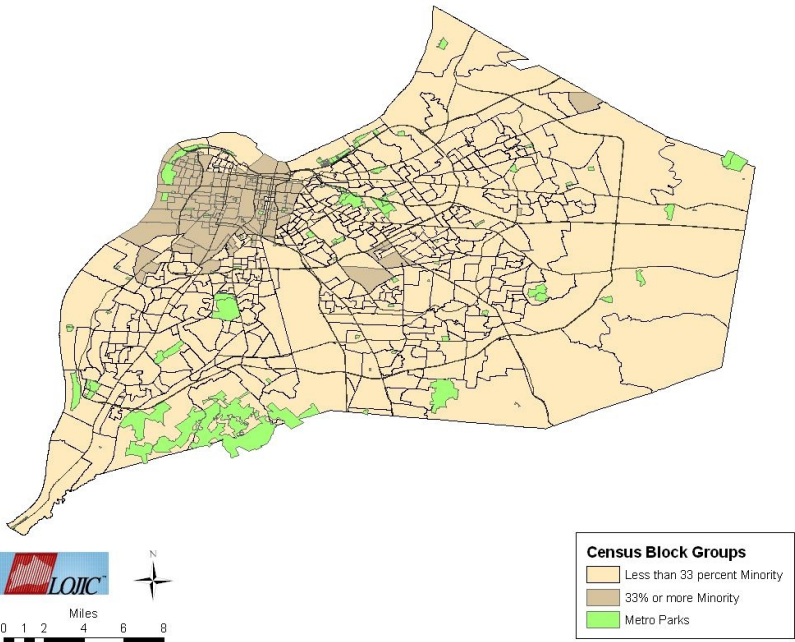
**FIGURE 4. City of Parks Evaluation**

	Park Acres	Pct of Park Acres	Pct of Land Acres	Pct of Population	COP Acres Added	Total Park Acres	Total Park Pct.
<b>Non-Minority Block Group</b>	11,383	94.3	92.7	83.8	2,890	14,273	95.4
<b>Minority Block Group</b>	694	5.7	7.3	16.2	0	694	4.6
<b>Total</b>	<b>12,077</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>2,890</b>	<b>14,967</b>	<b>100</b>

Source: Louisville Metro Parks

Park polygons. Although Metro Parks identifies 123 parks, the data separates some features, such as golf courses and community centers. A Metro Park is considered to be serving a minority population if it is in or abuts a minority census block group.

By number of parks, access is fairly just. With 32 park polygons, minority census block groups are home to 19 percent of parks. However, parks in Louisville vary widely in size and amenity, from the two benches that make tiny Gnadinger Park a place to rest tired feet to the 6,191-acre Jefferson



**FIGURE 5. Existing Parks by Census Block Groups.** *Source: Louisville/Jefferson County Information Consortium, U.S. Census 2000*

Memorial Forest which offers an educational center, a Boy Scout camp and a variety of trails and programming (see Figure 4). Clearly, the recreational and environmental value of the two parks differs greatly. Simply counting parks does little to demonstrate true access or equitable distribution. Louisville’s 123 parks comprise 12,077 acres. White area parks account for 10,689 of park acres, or 94.3 percent of the city’s parks. The remaining 694 acres are located in minority areas, 5.7 percent of the city’s parks.

Louisville’s suburban developments are largely white. In the less densely settled suburbs, larger parks can be built before development can shape the space. Development of the largest urban forest in the United States, Jefferson Memorial, is an initiative that began in 1946, well after most of the city’s current minority areas had been developed. The site chosen was on the Jefferson-Bullitt county line in southwest Metro Louisville. In minority block groups, the median park size is 3.61 acres whereas white parks have a median of 24, more than six times the size of the median park size in minority areas (see Figure 5).<sup>3</sup>

Master-planned renovations are underway as part of the City of Parks Plan. Figure 6 shows the breakdown of completed and scheduled renovations by area type. If compared against available parkland, the City of Parks Plan does improve a proportional share of minority-area parks. Minority areas are set to receive 15 percent of upgrades completed or scheduled in area parks. These upgrades include improvements to basketball and tennis facilities in Black Mudd Park near Buechel, restoration to tennis facilities and a pavillion at Shawnee Park, and complete renovations to Shelby and Algonquin Parks.

FIGURE 6. Renovations to Existing Parks

	Completed	Scheduled	Total Renovations
Non-Minority Area	25	8	33
Minority Area	3	3	6
Percent Minority	11	27	15

Source: Louisville Metro Parks, U.S. Census Bureau

In 2008, as the city celebrated the opening of part of the Metro Loop and the Floyds Fork as part of the City of Parks public-private partnership, budget cuts kept five of the nine city pools closed, three with no plans to reopen. Two of these pools were in minority census block groups (Klepal, 2008). The result were packed pools, with Algonquin in the West End more than doubling in attendance (Leonard, 2008). Poor children are hit especially hard by the closing of public pools. Poor families cannot provide the money needed for membership to semi-public pools (Klepal, 2008).

However, no new pools or parks are planned for minority areas under the City of Parks Plan. A trail to connect minority-area parks to parks in white neighborhoods across an existing levee easement is being constructed, but this adds no new open-space acreage. The City of Parks initiative adds 2,890 acres to the park system, all in white areas. This would drop the minority stake in parks more than a full percent, from 5.7 to 4.6 percent of the acreage in the new parks system after City of Parks.

A More Just Parks Plan

In undergoing one of the largest park system expansion efforts in the United States, politicians and others involved have expressed a great deal of pride. While the greening of a city is noteworthy,

Louisville could set an example for other cities by expanding the park system in a manner that improves the lives of all residents, attends to historical injustice and inequity, and promotes environmental and economic sustainability. It is this desire to set an example of justice that inspires this study. The City of Parks Plan, in its current form, does little to improve accessibility to parks for minority residents.

How might a more just plan be accomplished? Minority areas are some of the older, more developed areas of the city, areas that do not include vast amounts of open space ready to be developed. However, at this time in the city’s history, many large plots of industrial land have been vacated. Companies such as Phillip-Morris and Rhodia have left the city with industrial brownfields. A just city (Fainstein, 1999) should aspire to clean these properties quickly so that the toxins on site do not travel by air, water, or curious child into neighboring minority communities. A park expansion plan that turns brown into green in a way that brings green into the heart of the minority community and connects it to areas of interest would demonstrate to the minority community that the City of Parks includes all areas of the city. Vacant properties offer opportunities for redevelopment that minimize disturbance and reduce opportunities for vandalism and other crimes. These actions also demonstrate that the government is willing to make efforts to counteract the effects of institutional and environmental racism that predate current officials.

Figures 7 through 13 demonstrate the author’s suggested park expansion for minority areas. This plan would add up to 863 acres of parkland, a 124 percent increase in minority parks (see Figure 7). The sizable increase is still modest; it fails to offset the additional expansion in white areas under the City of Parks Plan.

FIGURE 7. Proposed Park Plan

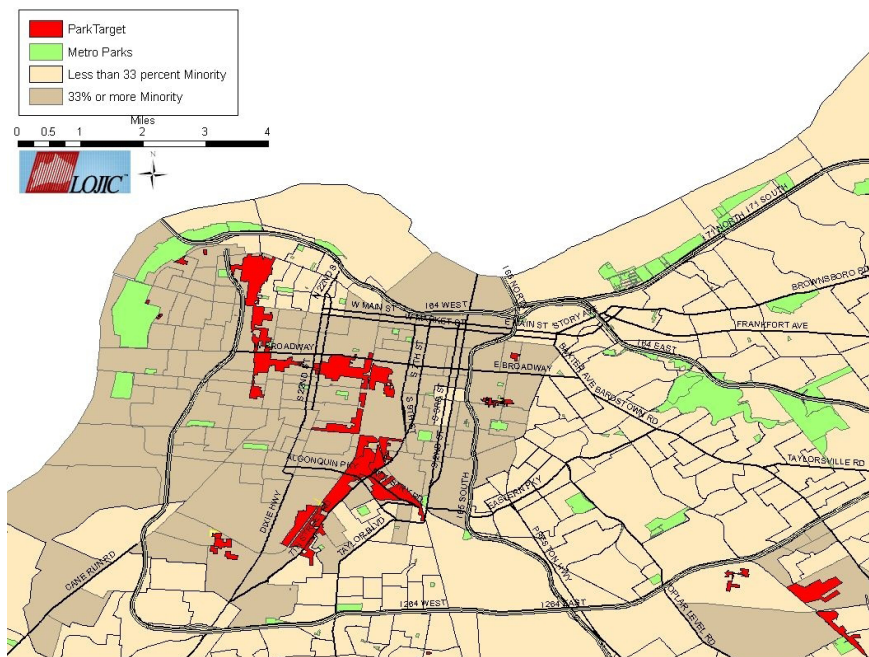
	Current	City of Parks (2008)	Minority Expansion	Expansion Total	Percent Expansion
Minority Parks	694	0	863	863	124.4%
Parks Total	12,077	14,967	15,830	3,754	23.7%

Source: Louisville Metro Parks

Figure 8 shows the targeted park area. Location is important, and this target area would create greenways in the heart of the minority community, while connecting Shawnee and South Central to downtown, and Russell to the University of Louisville. This greenway touches some of the main business thoroughfares in the city’s minority neighborhoods by greening the old bourbon warehouses of Seventh Street and passing through the center of Broadway, the main thoroughfare through many minority neighborhoods, near businesses and transit lines. Wherever possible, these target park areas connect residents to other areas without disrupting commercial or residential areas and maintain connectivity through parks, a format from the City of Parks Plan. The northern edge would allow connectivity to the developing Riverwalk through a single bike lane. Additional possible connections exist in the conversion of abandoned rail lines into greened bicycle lanes within these areas. Such a conversion would help further connect the proposed parks to areas of employment since many of these abandoned rail lines abut properties in our target area. Where connectivity was not possible because land is unavailable, in such areas as the minority-serving Buechel neighborhood, parks are placed to anchor subdivisions.

The suggested expansion would redevelop 61.8 acres of vacant industrial vacant land and 146 total acres of vacant land (see Figure 9). In addition to cleaning up brownfields and removing vacant land,





**FIGURE 8.** Proposed Park Expansion Step 1: Target an Area. *Source: Louisville/Jefferson County Information Consortium, U.S. Census 2000*



**FIGURE 9.** Proposed Park Expansion Step 2: Add Vacant Lands. *Source: Louisville/Jefferson County Information Consortium, U.S. Census 2000*

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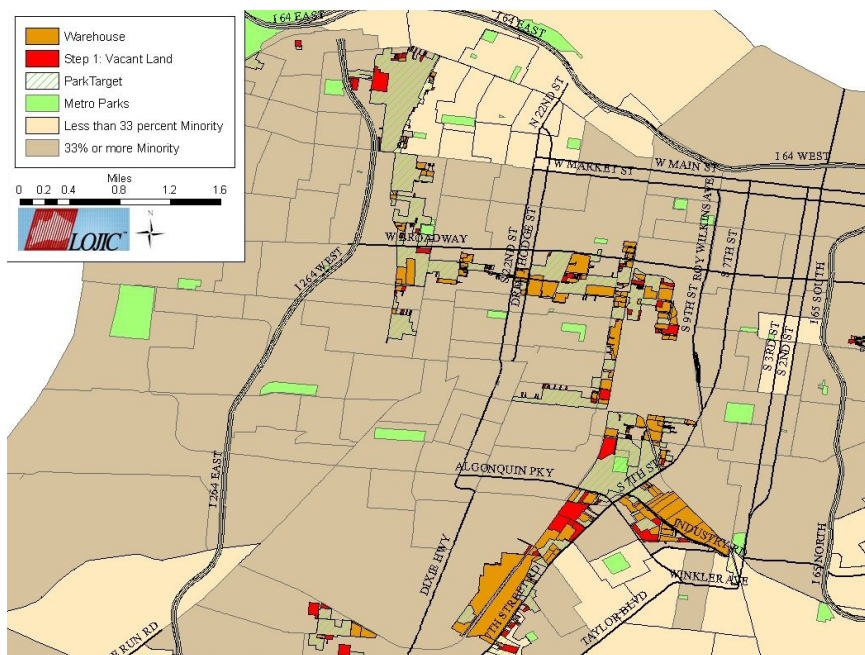
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## PROJECTIONS 8 JUSTICE, EQUITY, AND SUSTAINABILITY

	Industrial	Commercial	Residential	Total
<b>Acreage</b>	61.8	40.5	44	146.3

Source: Louisville/Jefferson County Information Consortium

Added to the 146 acres of land, Step 3 (see Figure 11) shows the warehouses in the target area. This area is in the heart of the minority community. This area is largely two- and three-lane streets, uncomfortable trucks, which make wide right turns and often must use sidewalks and driveways to back into loading docks. Better infrastructure and highway opportunities exist within Louisville in



**FIGURE 11.** Proposed Park Expansion Step 3: Logistics Opportunities. *Source: Louisville/Jefferson County Information Consortium, U.S. Census 2000*





**FIGURE 13. Existing Land Use in Target Area**

	<b>Acreage</b>
Agricultural	1.2
Commercial	146.4
Government	33.7
Industrial	122.4
Infrastructure	9.5
Religious/Non-Profit	57.9
Residential	57.1
School	3.8
<b>Total</b>	<b>432</b>

Source: Louisville/Jefferson County Information Consortium

and may be made more easily available. Some storefronts may make nice partners within the park. A restaurant or corner store may offer a unique benefit to park visitors. In addition, job growth should be expected nearby as vacant parcels near the parks become more appealing as foot traffic and quality of life increases.

Figure 14 shows the breakdown of the current Metro Parks system, City of Parks Plan, and the proposed minority area expansion plan. The addition proposed, would still fall short of maintaining the ratio of park acreage that existed prior to the City of Parks Plan. This study does not propose scaling back the City of Parks Plan. The plan protects valuable waterways, unique features and virgin lands. However, the established partnership must consider issues of environmental justice and equity as it continues forward. Concurrent expansion in all areas of the community is a proper course. Consideration as to how parks may be best designed to meet the social needs of the likely users and generate additional income can be explored. Renting park facilities, partnerships with caterers, as well as the rental of small shops or kiosks may generate maintenance funds. Usage fees and parking meters are possibilities. The establishment of small-business assistance or programs could help jump-start and support small businesses choosing to locate near the new parks.

**FIGURE 14. Park Expansion Addition Adjustment**

	<b>Current</b>	<b>COP</b>	<b>Minority</b>
Minority Areas	5.7	4.6	5.5
White Areas	94.3	95.4	94.5

Source: Louisville/Jefferson County Information Consortium, U.S. Census 2000

The final product should be a park system that promotes sustainable transportation and environmental mitigation measures. Amenities, recreation options and design are products the residents that use the parks should help determine. However, with a well-developed expansion plan that considers the needs of the residents, as well as improving the health of the environment in which they live, work and play can help improve economic and environmental sustainability and encourage land use equity and environmental justice.

## CONCLUSION

Louisville has the opportunity to transform the character of its minority communities by expanding parks in a way that enhances the life of minority residents while recognizing and attending to past environmental injustices. By converting vacated industrial lands and warehouses into parks, minority communities in Louisville should expect to see benefits including health improvements, social cohesion, higher property values, and business startups, while at the same time seeing decreases in crime. This can be done in a manner that does not economically oust residents in favor of gentrification, although this is a problem the city needs to pay special attention to ensure.

A City of Parks Plan that properly considers minority needs has the possibility of developing a green heart in the West End where abandoned industrial land now exists. This would serve to offset the uneven environmental burden placed upon these minority neighborhoods. Proper location would allow minority areas to connect easily by bicycle or walking to jobs in south central, downtown and to the University of Louisville. The City of Parks Plan, in its current form, does little for minority residents, merely adding a trail along the existing levee. Opportunities exist to tailor the plan to consider improved park access for minorities. Establishing a park system that supports sustainable neighborhoods in all communities, regardless of race, would send a powerful message to residents. A well-planned park expansion plan can improve equity by ensuring equal and ease of access to minority residents. Attention to land use and encouraging density-appropriate clean industry, retail and service through creative government incentives can not only improve the environment but improve the economic vitality of residents. Considering the environmental needs of residents and problems accompanying urbanization, including cleaning of polluted land, mitigation of stormwater problems and cooling of the urban heat island allow neighborhoods to be more environmentally sustainable. In addition, by developing parks that help connect people to useful destinations encourages sustainable modes of transportation and improves public health. To create a more environmentally just park system planners must be mindful of the people, land uses, equity issues and environments in question. The results can be much-needed anchors that serve as social hubs, business catalysts and civic centers for more sustainable urban neighborhoods.

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## [ENDNOTES]

1. For this study, minorities were people who identified themselves as black, Asian or Hispanic. A non-minority was someone who was identified as a non-Hispanic white. People identified as American Indian, Pacific Islander, Hawaiian or of two or more races were considered white for this study. Their combined numbers were less than 1 percent of the total population. A block group was considered a minority area if the population totaled 33 percent or more minority. This threshold was kept low due to the length of time since the last Census (seven years), established trends of an increasingly diverse population and the expectation that diverse areas become more diverse over time. Since block groups are small areas, an assumption of even dispersal was in play.

2. Parks belonging to formerly suburban cities, such as St. Matthews, Shively and Jeffersontown were not included in this study. As sub-cities within Louisville they can tax residents and provide services that may include parks not in the Metro Parks system. E.P. "Tom" Sawyer State Park, in the county's far east end, also was not included. Additional recreational and natural areas offered by private and non-profit agencies were not considered, such as the Americana Center, which offers a community center and recreational facilities in south Louisville at the old Holy Rosary campus, and the Garvin Brown Nature Preserve, a sizable nature preserve located along the river just north of Hays Kennedy Park. These have funding streams not supported by Metro government. There is no reason to believe that inclusion of this data would have dramatically changed the results.

3. A median park size is a better measure than mean to determine the types and character of parks available to our two race groups.

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# **ENVIRONMENTAL INJUSTICE IN THE PASO DEL NORTE**



**ABSTRACT**

In February 2008 American Smelting and Refining Company (ASARCO) was granted an air permit to reopen its El Paso, Texas copper smelter through the Texas Commission on Environmental Quality (TCEQ). This is a unique environmental justice case because the ASARCO smelter is located in a densely populated minority community at the junction of three states and two countries. If the facility resumes operations, it will be the only copper smelter operating within a US metropolitan area. This essay employs archival and visual methods to situate a case of transnational environmental injustice. The 16 figures present powerful representations of the situation in El Paso that contextualize the case study, and highlight the potential of images to reveal alternative perspectives and mobilize community action.

In February 2008 American Smelting and Refining Company (ASARCO) was granted an air permit to reopen its El Paso, Texas copper smelter through the Texas Commission on Environmental Quality (TCEQ) (Images 1 and 2). This is a unique environmental justice case because the ASARCO smelter is located in a densely populated minority community at the junction of three states and two countries (Figure 1). The permit entitles the multinational corporation to emit 7,000 tons of pollution annually – including 4.7 tons of lead (more than any other facility in the U.S.) – into an airshed shared by Texas, New Mexico, and Chihuahua, Mexico (TCEQ, 2007; O'Rourke, 2007; Shapleigh, 2007a). If the facility resumes operations, it will be the only copper smelter operating within a U.S. metropolitan area.

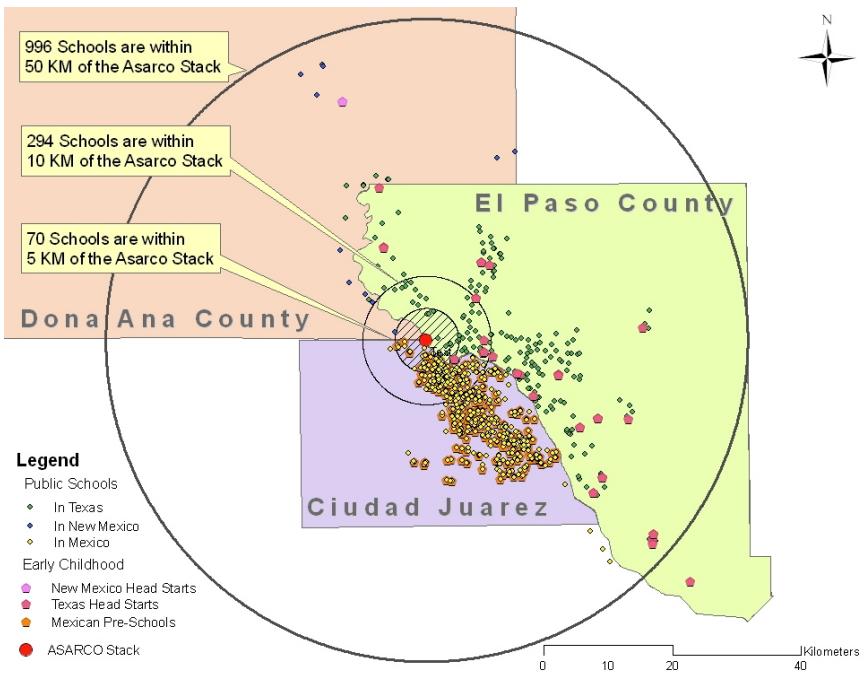
This essay employs archival and visual methods to situate a case of transnational environmental injustice. We believe visual methods are a powerful tool for environmental justice because of the



**IMAGE 1.** The 828 foot ASARCO stack with contaminated soil at its base.



**IMAGE 2.** The ASARCO stack is visible in valley to the right in this view from El Paso's Franklin Mountains southward to Ciudad Juárez.



**FIGURE 1.** This map of the Paso del Norte region, which includes three states in two countries, shows the ASARCO facility at center; public schools and early childhood centers identified as points. Schools are of particular concern because lead is especially damaging to children's development (Landrigan, 1975).

unique capacity of imagery to present information in a concrete manner accessible to a wide social spectrum. Visual methods are also effective in arousing emotions, shaping opinions, and catalyzing action (Hannigan, 1995), as the ASARCO case reveals. Images have figured into this case (as they have in others), yet they remain largely unexamined in the environmental justice literature. We selected the 16 figures presented in this essay because we found them to be powerful representations of the situation in El Paso, because they demonstrate the utility of visual methods for contextualizing case study, and because they highlight the potential of images to reveal alternative perspectives and mobilize community action.

ASARCO operated the copper smelter continuously in El Paso from 1887 until 1999, when the price of copper dropped to \$.60 per pound (Image 3). Until 1973, residents lived in Smeltertown, the company community located at the base of the stack. ASARCO had neglected to include this community its air pollution monitoring. In 1973, Smeltertown was razed after it was documented by non-company sources that 53% of children had lead levels considered dangerous (Landrigan et al., 1975). All that remains of Smeltertown is the cemetery (Image 4).

ASARCO has long history of toxic pollution and corporate irresponsibility in the U.S. The corporation has saddled citizens from 75 communities and 16 states across the country with at least \$6 billion, perhaps as much as \$20 billion, in environmental remediation and cleanup costs (Blumenthal, 2007; Milan, 2007). It is projected that remediation of soil and groundwater at the El Paso facility site will cost at least \$27 million; costs could increase once the extent of contamination of surface and groundwater supplies is fully documented (El Paso Times, 2007; Johnson, 2007). Reliable sources report that more comprehensive cleanup (of current contamination) in the Paso del Norte will cost in excess of \$250 million (Shapleigh, 2007b). If the smelter does reopen and pollute once again, estimates of remediation costs will surely escalate. While ASARCO's public relations campaign incorporates a dose of green rhetoric (ASARCO, 2007a), the deleterious effects of their copper smelting on human health and the environment do not point toward a model of sustainability.

Two questions arise. First, why has ASARCO sought to open a facility that will release 7,000 tons of pollutants known to produce adverse health effects in the middle of a metropolis of 3 million people? After all, ASARCO has decommissioned urban smelters in Tacoma and Omaha. While the push to get back in the smelting business has surely been influenced by spiking copper prices, which are currently \$2.70 per pound (ASARCO, 2007b), ASARCO's desire to resume operations in the Paso del Norte is undeniably connected with the characteristics of the people in the region. The vast majority of nearby U.S. residents in the City of El Paso (El Paso County, Texas) and Sunland Park (Doña Ana County, New Mexico) are Hispanic (77% and 98%, respectively, compared with 13% for the U.S. and 32% for Texas). El Paso and Sunland Park have considerably lower median household incomes (\$32,124 and \$20,164, respectively) than Texas (\$39,927) and national levels (\$41,994), and poverty rates (22% and 39%, respectively) well above the U.S. rate (12%) (U.S. Bureau of the Census, 2000) (Images 5 and 6). In addition, the portion of Ciudad Juárez abutting the facility is home to this Mexican metropolis' most socially marginal *colonias* (i.e. neighborhoods) (Ward, 1999; Frontera NorteSur, 2005).

To be sure, ASARCO's public relations staff has attempted to seize on El Paso's relatively depressed economic conditions by packaging the reopening of the smelter in terms of job creation and economic growth (in part through the use of images, see ASARCO, 2007c), and a recent ASARCO-funded economic impact analysis has endowed the company's economic promises with aura of legitimacy (ASARCO, 2007d). A recent public opinion poll suggests that ASARCO's campaign has been



**IMAGE 3.** The ASARCO copper smelter in El Paso, 1899. *Source: Aultman Collection, B198, El Paso Public Library*



**IMAGE 4.** All that remains of ASARCO's company town is the Smeltertown Cemetery.





**IMAGE 5.** Several apartment complexes catering to low income El Pasoans (like this one) are located near the ASARCO facility.



**IMAGE 6.** Low income residents also live in single family housing near the ASARCO facility; this neighborhood is located near Sunland Park, New Mexico.



**IMAGE 7.** Socially marginal Ciudad Juárez *colonias* are proximate to the ASARCO facility.



**IMAGE 8.** When standing on the US side of the international border, Ciudad Juárez dwellings are visible adjacent to the ASARCO facility.



successful: 50 percent of registered voters responded “yes” to the question of whether ASARCO should be allowed to re-open (Meritz, 2007). Results from a pilot survey (conducted by the authors) of four El Paso neighborhoods reveal that the majority of residents believe that ASARCO will harm health; findings also indicate that public support for ASARCO hinges on the belief that it will create jobs, regardless of corresponding beliefs about negative health effects.

Now the second question: Why did the TCEQ grant ASARCO a permit to pollute? A simple response



**IMAGE 9.** During a bi-national anti-ASARCO rally, protesters from the US and Mexico joined together, despite being separated by the border fence. *Source: Mariana Chew-Sanchez*



**FIGURE 10.** Dedicated ACORN and GTLO members from the US and Mexico protested in Austin, Texas (in February 2006) after a 10 hour bus ride from El Paso. *Source: Jose Manuel Escobedo*



is that the TCEQ has never denied an air permit. The commission is viewed by many as a regulatory body designed to facilitate the profit motives of big industry. It must also be realized that El Paso is marginal in relation to the Texas' centralized political engine, located over 500 miles away in Austin, which means that local voices are less likely to be listened to if heard.

Local opponents of ASARCO realize that they must be loud, and residents and elected officials from the State of New Mexico and nearby cities (including Ciudad Juárez) have voiced clear opposition to ASARCO's reopening (see City of El Paso, 2007). Civil society groups on both sides of the border – including the Association of Community Organizations for Reform Now (ACORN), Get The Lead Out Coalition (GTLO), and the Sierra Club – have collaborated in protest against ASARCO's proposed reopening (Images 9 and 10) (see GTLO, 2007; Sierra Club, 2007; ACORN, 2007). In March 2007, ACORN and GTLO activists took direct action in Austin by storming the Capitol and demanding inclusion in the air permitting process (Image 11). Over the summer, ACORN canvassed local neighborhoods to inform residents of the imminent threat of the smelter and to enlist people in their petition drive



**IMAGE 11.** ACORN and GTLO activists take direct action by storming the Capitol in Austin, Texas (March 2007). *Source: Jose Manuel Escobedo*



**IMAGE 12.** More than 1,000 Paso del Norte residents gathered in protest for the community photo “Faces Against ASARCO.” *Source: GTLO 2007*



**IMAGE 13.** Residents raise their hands to show opposition against the renewal of the ASARCO air permit at the “Faces Against ASARCO” event.

to deliver local voices of opposition to Austin. During the public comment period for ASARCO's air permit (which ended in June 2007), over 10,480 letters were submitted to the TCEQ; 9,600 letters were in opposition to, and only 880 in support of, the proposed reopening of the facility (City of El Paso, 2007). In September 2007, local groups organized a community photo entitled "Faces Against ASARCO" as part of their mobilization effort (Image 12). The event further catalyzed opposition against ASARCO in the Paso del Norte by bringing together a diverse range of residents, opening channels of communication, and reaffirming shared values (Byrd, 2007) (Image 13). Vociferous opposition proved to be an unsuccessful influence in the permitting process as the decision to approve the air permit was ultimately made by three governor-appointed TCEQ commissioners. This provides another example of how "current environmental decision-making practices have not been effective in providing meaningful participation opportunities for those most burdened by environmental decisions" (Cole and Foster, 2001, p. 16).

Now that the air permit has been granted, opposition must rely on litigation in which claims of transnational inequity, environmental degradation, and environmental racism should figure prominently. Since ASARCO's El Paso facility is located within a kilometer of Mexico and New Mexico, transboundary pollution would negatively effect the primarily lower income Hispanic populations in these jurisdictions. The transnational movement of toxic pollution from the Global North to the South has received attention in the environmental justice literature (Adeola, 2000, Frey, 2003, Pellow, 2007); the ASARCO case provides an example of this trend. The fact that the air permit has been authorized in Austin, Texas and the facility would acutely impact adjacent state and national jurisdictions – without consent of appropriate territorial governing bodies – may provide a fulcrum of legal leverage for ASARCO's opponents.

In addition, the TCEQ permit pertains to air, but ASARCO's pollution has already affected, and will further impact, water and soil resources to the detriment of human and ecological health. ASARCO's facility is located within meters of the Rio Grande/Bravo, which provides irrigation water used by the region's farmers and between 40 to 50 percent of El Paso's drinking water (Images 14 and 15). It must be noted that ASARCO filed for Chapter 11 Bankruptcy in 2005 and is now enmeshed in an extremely complex court case. The U.S. International Boundary and Water Commission (USIBWC) recently filed a pre-trial brief in the bankruptcy case, which states "continuing contamination from the ASARCO property has forced USIBWC to address the dangers of lead and arsenic in carrying out its responsibility to regulate and conserve the waters of the Rio Grande...due to the high contaminant levels that exist" (U.S. Bankruptcy Court, 2007, p. 2).

Finally, it is difficult to contemplate this case without seriously considering the role of environmental racism, particularly in its institutional guise, as a factor. A predominantly working class, dark-skinned metropolitan community is now engaged in a seemingly rational public debate about the prospect of opening one of the U.S.'s single most noxious facilities in its midst, a fact that generates a sense of surrealism among visitors from other parts of the country. Residents of wealthier and whiter communities are spared the experience of being forced to engage in such debates.

The environmental injustices related to El Paso's ASARCO smelter are many. The lead emissions will be most damaging to young children and pregnant women. El Paso is one of the poorest cities in the U.S. with a majority minority population that lacks power within the state of Texas and is socially marginal within the American context. Located on the edge of Global North, residents of semi-peripheral Mexico will be unfairly impacted by ASARCO without receiving a single benefit.





**IMAGE 14.** View of Texas in foreground, Mount Cristo Rey in New Mexico (behind lower stack), the Rio Grande/Bravo (lower left), and Ciudad Juárez (far left).



**IMAGE 16.** The Rio Grande/Bravo just upstream of the ASARCO facility.

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**Na'Taki Osborne Jelks**

**SEWAGE IN OUR BACKYARDS :  
THE POLITICS OF RACE, CLASS, +  
WATER IN ATLANTA, GEORGIA**



**ABSTRACT**

This article considers the centrality of equity and justice and the importance of meaningfully engaging those most affected by planning decisions at the outset of the environmental planning process in two cases where African American communities in southwest Atlanta challenged the City of Atlanta to implement alternative solutions to wastewater treatment improvement proposals that were initially developed without community engagement. Ultimately, these proposals would have adversely affected their already overburdened neighborhoods. The two cases are examples of successful community education, mobilization, and advocacy that changed the course of public policy decisions. Poor access to environmental planning and public participation processes in the initial proposal development process led to plans that would have negatively impacted and increased existing disparities in the quality of life for impacted communities. The meaningful involvement in the planning and decision-making process by these two communities resulted in a more equitable, just, and ecologically sustainable solutions to Atlanta's wastewater infrastructure and environmental challenges.

## INTRODUCTION

This article examines the centrality of equity and justice and the importance of meaningfully engaging those most affected by planning decisions at the outset of the environmental planning process in two cases in which African American communities in southwest Atlanta challenged the city government to implement alternative solutions to wastewater treatment improvement proposals. These proposals were initially developed without community engagement and ultimately would have adversely affected their already overburdened neighborhoods. The two cases are examples of successful community education, mobilization, and advocacy that changed the course of public policy decisions. Poor access to environmental planning and public participation processes in the initial proposal development process led to plans that would have negatively impacted and increased existing disparities in the quality of life for the affected communities. The meaningful involvement in the planning and decision-making process by the impacted communities resulted in more equitable, just, and ecologically sustainable solutions to Atlanta's wastewater infrastructure and environmental challenges than the initial proposal.

Every city must deal with issues of sanitation and sewage disposal. Often considered a less than glamorous public policy issue, wastewater treatment is critical to the economic and public health of communities. Citizens and policy makers are usually most comfortable leaving the solutions to wastewater treatment problems to public works officials, civil engineers, city planners, and other professionals. When such policies are developed in this traditional manner and potentially affected communities are not engaged to represent their own interests, communities of color can and historically have often been on the losing side of the equation. However, in an attempt in to achieve environmental justice for citizens living in environmentally burdened neighborhoods, communities of color in Atlanta, Georgia chose to alter this typical scenario when they entered the public policy debate concerning wastewater treatment and infrastructure in the early 1990s.

In the 1990s, the Atlanta metropolitan area, nicknamed the "sprawl capital of the world," grew more than any other American city, except Los Angeles, California (Bullard, 2000). Efforts by the City of Atlanta to improve and expand its wastewater treatment system to accommodate growth caused major controversy and intense public debate. This controversy centered on the City's strategies for meeting state and federal environmental mandates in two areas: abatement of combined sewer over flows (CSOs) and reduction of phosphorus levels in wastewater discharges (Sanders, 1995). A major controversy developed in response to the lack of equity and justice underpinning the processes by which the City initially chose to implement these strategies.

Southwest Atlanta neighborhoods, led by the Environmental Trust, a grassroots African American environmental justice organization, joined forces to address inadequacies in the environmental planning processes that birthed these two policies. Inequitable processes helped perpetuate a legacy of injustice and adverse health and quality-of-life impacts on southwest Atlanta communities, dating back to the late 1800s. The implementation of newly proposed sewage treatment policies for these same communities in the 1990s would have only exacerbated the pre-existing issues of environmental and social inequity already facing the community. At the heart of the citizens' arguments against the City's proposals were the following questions that have relevance to all environmental and city planning processes: (1) Did the potentially impacted community have adequate access to information about the proposed policies?; (2) Was the potentially impacted community engaged from the outset of the planning process?; and (3) Was there an equitable distribution of benefits vs. risks and burdens for the proposed policy?

Through a review of historical and archival data, first person accounts, and personal interviews with

community activists and public officials, this article demonstrates through two distinct, yet related cases, the critical role that concerned and involved citizens played to ensure equity in environmental planning processes that impacted their quality of life. In both cases, the disproportionate impact of the City's wastewater treatment policies on disadvantaged, low-to-moderate income, and communities of color were only considered when members of these communities brought the issues, "front and center," into the public dialogue and decision-making processes.

Specifically, this article highlights the ways in which low-income and communities of color "turned the tables" on over a century of discrimination by effectively inserting themselves into the public participation process and introducing the absent elements of equity and justice—positively changing the course of wastewater policy decisions that impacted African American and low-to-moderate income residents. Finally, this article offers important lessons for all city planners and other government officials on ensuring that racial and class inequities are not exacerbated through the implementation of essential urban policies.

### Environmental Justice Framework

According to environmental sociologist Dr. Robert Bullard (1990), environmental racism encompasses any environmental policy, practice, or directive that, intentionally or unintentionally, differentially impacts or disadvantages (intended or unintended) individuals, groups, or communities based on race, color, or ethnicity. These policies and practices include: (1) unequal enforcement of environmental, civil rights, and public health laws; (2) differential exposure of some populations to harmful chemicals, pesticides, and other toxins in the home, school, neighborhood, and workplace; (3) faulty assumptions in calculating and assessing risks; (4) discriminatory zoning and land-use practices; and (5) exclusionary policies and practices that limit some individuals and groups from participating in decision-making (Allen & Neal, 1998).

Substantial evidence demonstrates that communities of color in the United States bear a disproportionate share of environmental hazards, in comparison to other groups (Braithwaite, Taylor, & Martin, 1999). A landmark study, *Toxic Wastes and Race in the United States* (1987), published by the United Church of Christ Commission on Racial Justice, was the first to assert that there is a correlation between race and disproportionate exposure to environmental hazards. The findings of this study became a catalyst for communities of color to identify environmental hazards in their communities and to seek environmental justice by initiating struggles for clean and healthy environments where they, or their families, lived, worked, played, attended school, or worshiped (Bullard, Mohai, Saha & Wright, 2007). Three years later, The United States Environmental Protection Agency (EPA) incorporated environmental justice (initially referred to as environmental equity) in its programs, defining it as, "equal protection from environmental hazards for individuals, groups, or communities regardless of race, ethnicity, or economic status" (U.S. EPA, 1997).

At a historic gathering of grassroots environmental justice activists in 1991, the First National People of Color Leadership Summit held in Washington, DC, seventeen Principles of Environmental Justice were adopted. These wide-ranging principles cover issues such as protection from the production, use, and disposal of toxic wastes to affirming the need for, "...the fundamental political, economic, cultural, and environmental self-determination of all peoples." The Principles also call for "...the rights [of communities] to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation," (First National People of Color

Environmental Leadership Summit, 1991) which have particular relevance to the two cases presented in this article. Furthermore, members of the environmental justice movement have advocated for the need for all citizens to have full disclosure with respect to the quality of their local environments and to have full access to participation, as informed partners, in the development of decisions that impact their lives (Sullivan & Warburton, 2003).

As the environmental justice movement has continued to take root, low income and communities of color have challenged many cities and municipalities concerning the location and operation of waste facilities, including sewage treatment plants (Bullard et al., 2007). Recent literature on sewage in low-income and communities of color confirms that the typical scenario involves communities protesting the siting and operation of sewage treatment facilities because of air quality concerns. Examples of these practices include the cases of Camden, New Jersey neighborhoods tackling odors from a large treatment plant and an open-air sewage-sludge-composting facility in the 1990s (Pomar, 2002), and West Harlem communities waging a successful battle against the North River Sewage Treatment Plant because of foul odors, toxic emissions, respiratory health of their children, and depressed real estate values, in the late 1980s and early 1990s (Shepard, 2007).

Although less represented in environmental justice literature, published articles and case studies are beginning to demonstrate the impact of sewage overflows from wastewater treatment systems on low-income and communities of color. These cases are now being documented as environmental racism claims and civil rights actions in cities like Indianapolis, Indiana (Neltner, 2005) Syracuse, New York (Parsons, 2008), and San Francisco's Bayview/Hunters Point community (The Environmental Justice Coalition for Water, 2005). This article adds to the growing number of case studies on proactive community action to address sewage overflows in an environmental justice context.

Wastewater pollution and other forms of municipal refuse (i.e. municipal landfill garbage, incinerated waste, and waste from transfer stations, etc.) present unique challenges for communities because the culprits are the very governing bodies that theoretically represent them. While potentially impacted communities do not have to contend with powerful companies with deep pockets and seemingly limitless technical resources, in these cases, the old adage, "You can't beat city hall," implies that municipal challenges can be just as or more daunting for concerned citizens (Natural Resources Defense Council, 2006).

During the 1990s, City of Atlanta public works officials ignored the environmental justice implications of locating combined sewer overflow treatment facilities and of siting a sewage tunnel. By compiling their own technical data on wastewater engineering best management practices, studying environmental and health impacts of the City's proposed plans, and raising arguments for environmental justice, African American community groups developed and advocated for the implementation of two alternate "citizens' plans" that promoted more just, equitable, and sustainable decision-making than the City's proposals. Through the implementation of carefully planned action strategies, including educating residents, city council members, county commissioners, planners, and city administrators over a three-year period, the Environmental Trust and its coalition of southwest Atlanta communities successfully influenced public policy decisions that challenged the injustice perpetuated through the city's outdated sewage system policies.

### **Tracing the Legacy of Injustice: The Atlanta Sewer System**

Historically, the City of Atlanta developed wastewater treatment policies to meet the needs of

its growing population; however these policies often adversely impacted the health of low-income and minority communities. As late as the 1980s, precedents set by the City at the turn of the twentieth century were still prevalent in Atlanta's oldest neighborhoods. While typhoid, dysentery, and other waterborne diseases no longer plagued the city's poor and minority neighborhoods, remnant wastewater policies continued to adversely impact these communities through increased sewer backups, flooding in homes and overflows of raw sewage in yards, public parks, and school grounds (Galishoff, 1985).

Before the turn of the 20<sup>th</sup> century, it was a common practice in many American cities to discharge household excrement and industrial wastes openly into the streets. As a result of this practice, Atlanta faced many serious health problems (Galishoff, 1985).

In the late 1870s, when sanitation districts were implemented in Atlanta, sewer services were limited to the central business district and adjacent upper-class, white neighborhoods. Waste transported through sewer lines from the central city's hotel and finance centers was often dumped above the water reservoirs and on surrounding land in Atlanta's heavily populated poor and minority neighborhoods (Russell, 1988).

Although all Atlanta taxpayers financed the sewage system, there was an obvious bias toward the use of these fees to benefit the business elite and affluent neighborhoods. Historical data indicate that as the water supply system expanded in Atlanta, the system intentionally expanded in a north-south direction, serving primarily middle and upper-class whites. Meanwhile, wells supplying water to the low-lying areas of the City, predominantly inhabited by poor whites and African Americans, were contaminated with sewage carried by surface runoff (Russell, 1988).

In 1911, when Atlanta's first wastewater treatment plant was built, both stormwater and sewage were piped to treatment plants. After rainfall events, overflow pipes from the plants emptied into creeks and streams to act as safety valves releasing a toxic combination of storm water and raw sewage, called combined sewer overflows (CSOs). Since the early 1900s, new developments in the metropolitan Atlanta area have been served by a separated sewer system in which sewage and storm water are collected in separate pipes, sewage is treated and discharged into a designated receiving stream, and untreated storm water is discharged directly into a receiving stream. The areas that make up Atlanta's original city limits, however, continue to primarily operate combined sewers.

In the early 1990s, 17% of Atlanta's sewage was still collected in combined sewer systems (United States District Court, 1997). In these areas, CSOs contribute a combination of untreated sewage and storm water to Atlanta's creeks and streams during heavy rainfall events. These waterways are all tributaries to the Chattahoochee River and typically run through residential areas, school grounds, public parks, and other areas easily accessible to citizens, particularly children.

### **A River in Peril, Communities at Risk**

Combined sewer systems collect wastewater and storm water in a single pipe. During dry weather, combined sewer systems transport wastewater directly to a wastewater treatment plant. In heavy rainfall events, the volume of the mixed storm water and wastewater effluent can overwhelm the capacity of a municipality's sewer system or network of wastewater treatment plants. When the capacity of the main wastewater treatment plants are exceeded, combined sewer systems overflow

and discharge untreated sewage mixed with storm water directly into a nearby receiving creek, stream, river, lake, or estuary (U.S. EPA, 2007).

Because of intense population growth in the 1990s, significant numbers of new wastewater customers in the City of Atlanta resulted in an overburden of the sewage treatment system’s capacity (Seabrook, 1997b). This increased usage combined with an increased volume of storm water washing into the system, from the construction of new roads and other impervious surfaces, caused increased sewage spills into the Chattahoochee River from overflows of wastewater treatment facilities, particularly during heavy rain events (Seabrook). Sewage contamination containing hazardous fecal coliform bacteria also entered the River and its urban and suburban tributaries from old, broken and leaking sewer pipes, resulting from years of infrastructure neglect.

In the 1990s, the river conservation group, American Rivers, listed the Chattahoochee River as one of the most polluted rivers in the country five times in its annual report on Endangered and Threatened Rivers (American Rivers, 1998). Furthermore, EPA studies identified the 70 miles of the Chattahoochee River below Atlanta as one of the five most polluted river stretches in the nation. In the 1990s, the City of Atlanta was the single biggest polluter of the Chattahoochee River with inadequately treated sewage, from the City’s CSO system, flowing into the River between 60 and 80 times a year (United States District Court, 1997).

**FIGURE 1.** Atlanta Combines Sewer Overflow Outfall Points and Demographic Characteristics

CSO at 1-mile Radius	Total Population	% Population Black	% Population White	% Population Other	Median Income	% Pop. Below Poverty Level
Clear Creek	9,390	9.1	88.8	3.9	\$54,551	14%
Tanyard Branch	11,053	10.4	86.7	5.2	\$50,899	13%
North Avenue	5,948	80.5	18.4	2.9	\$13,865	33%
Greensferry	17,135	99.3	0.3	0.8	\$15,718	33%
Utoy Creek* – North	12,561	98.2	1.6	0.3	\$26,360	21%
Utoy Creek* – South	14,280	97.8	2.0	0.4	\$28,256	20%
McDaniel Street	16,077	93.3	6.3	1.1	\$14,045	41%
Custer Avenue	10,864	54.6	33.0	28.0	\$25,098	34%
Intrenchment Creek	5,846	87.5	11.6	36.4	\$22,422	34%

\*Combined sewer overflow outfalls eliminated April 1998

Source: U.S. EPA (1996). Retrieved from Landview III CD-ROM, 1992 Census data.

Not only is the River negatively impacted by Atlanta's CSO pollution, but also Atlanta's low-to-moderate income residents and people of color who live in the Chattahoochee River Watershed and along major stream corridors. Atlanta's CSO impacted streams flow through front and backyards, school grounds, and public parks, and these low-to-moderate income and communities of color bear a disproportionate burden from CSOs. In 1992, seven of nine or 78% of Atlanta's CSO outfall points (See Figure 1) were located within a 1-mile radius of communities that were at least 50% African American and had median incomes of less than \$30,000 per year (Bullard, Johnson & Mitchell, 2000).

CSO-contaminated waters contain pathogenic organisms from untreated human, animal, and industrial waste; toxic materials like petroleum products, heavy metals, pesticides, and other organic compounds; and floating trash and debris washed into the sewer system (US EPA, 1995). Raw sewage carries a variety of human bacteria and viruses. Depending on the amount and concentration of the sewage and the mode of people's exposure to it, these accompanying bacteria and viruses cause illnesses ranging from hepatitis and gastroenteritis to cholera, skin rashes, and infections like giardiasis (CDC, 2002).

In addition to potential public health risks, Atlanta's CSO problems greatly impact Atlantans financially. Atlanta residents have had to pay for the City's neglect of its wastewater infrastructure and for burdens caused by the region's growth and the associated overloading of the wastewater treatment system. From October 1990 to March 1994, the City of Atlanta was penalized a total of \$1,720,148 in wastewater-related fines (GA EPD, 1994). As of March 1994, Atlanta paid a daily fine of \$7,000 for non-compliance with national and state mandates regarding the release of effluents from five CSOs. A year earlier, regulatory pressure from the Georgia Environmental Protection Division (GA EPD), concerning releases from Atlanta's CSOs, prompted members of the Atlanta City Council to seek solutions to improve the City's compliance record. The Council authorized the sale of \$270 million in bonds for the construction of five CSO mini treatment facilities. Unfortunately for the impacted communities, equity and justice considerations were absent from the process by which the solutions were developed. The CSO facilities solution lacked early community involvement and input, and the affected communities were not convinced that it was the most effective alternative to correct Atlanta's CSO dilemmas. Therefore, a coalition of impacted citizens challenged the implementation of the CSO treatment plants (Russell & Mitchell, 1994).

### **Case I - Utoy Creek Sewer Separation Campaign**

In 1991, plans for two proposed CSO mini treatment facilities faced a great deal of community opposition. The City's proposal to construct the Utoy Creek CSO treatment facility met the heaviest challenge from the impacted community. This proposed CSO facility was slated to be built in John A. White Park, public property located in a mixed-income, predominantly African American neighborhood in southwest Atlanta. Residents first heard of the City's CSO plan from one of southwest Atlanta's City Council representatives, Jim Maddox. At a community meeting held in the home of one of his constituents, Councilman Maddox alerted southwest Atlanta residents that a CSO treatment facility had been designed and planned for John A. White Park. The surrounding neighborhoods were already concerned about raw sewage and storm water previously overflowing from an open culvert in the park, running through areas where southwest Atlanta children frequently played, and putting them at potential risk for illness and disease including hepatitis, gastroenteritis, cholera, giardiasis or skin rashes (Russell & Mitchell, 1994).

The Utoy Creek combined sewer system, constructed between 1900 and 1930, served approximately 5,500 homes and businesses (CH2M Hill & TOC, 2000). Here three combined sewer lines converged

into a single 35-foot open concrete culvert near the middle of John A. White Park. The channel transported untreated, combined sewer overflows to a discharge point in Utoy Creek. The City proposed to remedy this problem by constructing a CSO mini treatment facility, but alternatively the impacted communities wanted complete separation of the combined sewer system.

In the early 1990s, residents frequently complained about foul odors coming from sewage in the fork of Utoy Creek that flowed through John A. White Park and the accompanying open culvert. These residents questioned the safety of park use because of its close proximity to untreated sewage. Their concern about the placement of a mini treatment plant in the park was that it would reduce, but not necessarily eliminate, the flow of untreated sewage. Additionally, they questioned the safety and effectiveness of the use of the “strain and spray” method of treatment that would be used because it would bring into community streets truckloads of chlorine to disinfect strained fecal matter (Russell & Mitchell, 1994).

But perhaps more importantly, the CSO plant had been planned without their input, and no consideration was given to the environmental stressors already present in the community, including the Utoy Creek Wastewater Treatment Plant, superfund sites, landfills, and other polluting industries that exerted undue and disproportionate burdens on community residents. In addition to the open culvert, pre-existing CSO-related problems and nuisances identified by residents that would not be addressed in the proposed plan included: bad odors coming from storm drains (particularly during summer or fall dry weather conditions); rodents traveling through storm drains to above ground residential areas; sewage flowing from sewer manholes; sewage backing up in toilets and bathtubs; clogged sewers during heavy rains; flooding in basements and yards; street flooding; street cave-ins due to collapsing, aging sewers; and house settling and foundation cracking possibly due to construction atop “hidden” streams (Russell & Mitchell, 1994).

The Environmental Trust (Trust), a community-based African American environmental organization, was established in 1993 by southwest Atlanta residents to fight the Utoy CSO battle (S. Marcus, personal communication, June 6, 2001). Members of the Trust had expertise in community and civil rights organizing, engineering and environmental health sciences, as well as other professional fields. The Trust mobilized southwest Atlanta residents to oppose the CSO facility in John A. White Park and the planned strain and spray technology. The Trust also joined forces with predominantly white environmental organizations: Safely Treating Our Pollution (STOP) and Save Atlanta’s Fragile Environment (SAFE) as well as southwest Atlanta neighborhood associations, and neighborhood planning units who were also opposed to CSO facilities in Atlanta. The coalition invited experts from other cities and countries to share examples of successful wastewater treatment technologies, used in their municipalities, with the group. Based on information gathered from these exchanges and other technical research, the Trust and its coalition members compiled examples of alternatives to the City’s plan, performed cost-benefit analyses of each alternative, and advocated for a more environmentally friendly and just solution than the City’s plan (S. Marcus, personal communication, June 6, 2001).

Members of the Trust and its coalition of environmental groups and neighborhood organizations argued that sewer separation was the healthiest and most environmentally sound option to correct the sewage pollution problem in the Utoy Creek Watershed. The coalition focused its efforts on the Public Utilities Committee and its chair, Councilwoman Mary Davis, because the committee’s recommendation to the full City Council would greatly influence the final decision. The coalition also utilized the media to draw attention to their cause by sending them photographs of sewage flowing



through John A. White Park, crumbling sewer pipes, and other failures of the system. For more poignant effects, members of the Trust and its coalition held press conferences at strategic locations where raw sewage could be seen flowing through streets or yards in their neighborhoods (Braithwaite et al., 1999).

The Trust used its own expertise and that of its partners to develop a plan to totally eliminate combined sewer overflows in John A. White Park through sewer separation. In the proposed separated system, new, separate pipes would carry storm water directly to a receiving stream and sewage would remain in the existing pipes and flow to a treatment facility. According to the Trust, the citizens' plan would cost less than the City's proposed CSO treatment facility and would also address needed improvements that the City's plan did not, including the replacement of deteriorating sewer lines in southwest Atlanta (S. Marcus, personal communication, June 6, 2001).

Former Mayor Maynard H. Jackson and his administration supported the CSO plan, providing formidable obstacles for residents who were opposed to it. CSO treatment plants were already in use in Atlanta and were therefore an accepted technology by city officials. The City planned to address all of its CSO problems with the same technology, and had already expended significant design costs before the affected community became aware of the City's intentions. The high-intensity, citizen-led campaign for sewer separation in the Utoy Creek Watershed continued for two years before the City of Atlanta decided to construct a separated sewer network instead of a CSO treatment facility in John A. White Park. The Trust, in collaboration with its partners, successfully lobbied the Atlanta City Council to override Mayor Jackson's veto three times, an unprecedented feat. Former City Councilman Bill Campbell who voted on the side of the community activists conceded that, "...the community has spent considerable time and energy. Their technical expertise has overwhelmed our own expertise. That raises questions in itself" (Blackmon, 1993). The community coalition was determined to be involved in the CSO planning process despite their initial lack of information about it and exclusion from it. It is important to note that their sustained involvement, development of alternative solutions to the City's proposed plan, compelling documentation of community health concerns (risks and burdens), and persistent advocacy led to environmental justice for the impacted communities and to the elimination of combined sewers in the Utoy Creek Watershed, thereby eliminating 2% of the existing CSOs in Atlanta at that time.

### **Implementation of the Citizen's Sewer Separation Plan**

The combined sewers were completely separated in the Utoy Creek Watershed in 1998. After the city completed the two-year, \$45 million project at the park, no other non-compliance fines were levied against the City, by the Georgia Environmental Protection Division, for CSO contamination in the Utoy Creek Watershed (Associated Press, 1998).

A water quality assessment of the north fork of Utoy Creek was conducted in November 1999 in order to determine if, and to what extent, water quality had improved as a result of separating the combined sewers in the Utoy Creek Watershed. Within a year of sewer separation, the health of the fish and aquatic insects directly downstream from the former CSO discharge had improved, and there was an increased number of native fish species--both good indications of improving water quality (CH2M Hill, 2000b). Moreover, the study attributed these improvements to separation of the CSO system (CH2M Hill, 2000b).

In addition to these improved environmental parameters, residents living in neighborhoods in close proximity to John A. White Park no longer complained about foul odors from raw sewage nor were

they concerned about the health and safety of park users because sewage contaminated waters no longer flowed openly through the park (S. Marcus, personal communication, June 6, 2001) .

## Case II - Strategies to Halt Construction of a Sewage Tunnel

In 1994, during the time of large expenditures on sewage infrastructure and rapid city growth, the City of Atlanta received pressure from the Atlanta Regional Commission to comply with a state order to reduce phosphorus levels in wastewater. The City was threatened with a sewer hook-up moratorium that could stifle further city growth if it failed to act quickly. Sewer service would also be impacted in DeKalb, Fulton, and Gwinnett counties, three neighboring municipalities that relied on three Atlanta sewage treatment plants to help treat their wastewater (Atlanta Journal Constitution, 1994).

High phosphorus levels in wastewater are a common result of wastewater customers' use of household products that contain phosphorus, including detergents and fertilizers. Treatment plants can remove much of the phosphorus in wastewater, but they cannot treat and remove it all. The phosphorus that cannot be removed is released into receiving waterways in treated wastewater (United States Geological Survey, 2006). What is noteworthy here is that Atlanta's increased phosphorus discharge levels, alone, did not have environmental justice implications; however as in the Utoy Creek CSO case, the City's proposed remedy for addressing them did.

In this case, the same southwest Atlanta neighborhoods that were impacted by the proposed CSO mini treatment plant in John A. White Park publicly resisted the placement of an eight-mile, deep-rock sewage tunnel in their neighborhoods. The tunnel would transport untreated waste from the R.M. Clayton Wastewater Treatment Plant, on the north side of town, directly underneath low-to-moderate income and predominantly African American neighborhoods, to an expanded facility at Utoy Creek in southwest Atlanta for treatment.

The City of Atlanta operates four wastewater treatment plants: R.M. Clayton, Utoy Creek, South River, and Entrenchment Creek. The City signed an agreement with the Georgia Environmental Protection Division (GA EPD) in 1991 to treat wastewater at these facilities for phosphorus and faced fines if it did not reduce its phosphorus releases into Atlanta creeks and streams flowing into the Chattahoochee River. To address the increasing levels of phosphorus releases related to population growth and increasing fines, the City hired engineering consultants who in turn recommended the construction of an 8-mile-long, 20-foot-wide, deep-rock sewage tunnel to connect R.M. Clayton in northwest Atlanta to Utoy Creek in southwest Atlanta/South Fulton County (Sanders, 1995). The proposed tunnel would be constructed 200 feet below ground and would cost an estimated \$114 million. Under the City's plan, the capacity of the Utoy Creek Wastewater Treatment Plant would also be expanded to treat wastewater effluents from two neighboring municipalities, DeKalb and Gwinnett Counties, in addition to wastes from Atlanta's north side (Sanders, 1995), thus making Utoy Creek carry the wastewater treatment burden of predominantly white and affluent communities who were sheltered from the environmental impacts of their waste.

As in the Utoy Creek sewer separation case, the Trust worked in coalition with other environmental and southwest Atlanta community groups to challenge the tunnel plan. The coalition believed that construction of the tunnel would force predominantly African American southwest Atlanta to store and treat waste from white affluent communities on the north side of town as well as neighboring municipalities. Southwest Atlanta and South Fulton County residents were concerned about locating a sewer line the size of the proposed tunnel under their homes, the potential for methane gas releases

and explosions, and the potential reduced property values (Russell & Mitchell, 1994). These residents also argued that deep-rock sewage tunnels could lead to further environmental problems because of the potential for leakage to ground water aquifers as well as in flow and infiltration of water through leakage (Russell & Mitchell).

Once again, the Trust and its coalition of partners introduced an alternative plan to the City's proposed plan. This four point plan included: (1) placing filters at both the Utoy Creek and R.M. Clayton wastewater treatment plants; (2) preparing for future growth by building a modern state-of-the-art sewage treatment plant upstream from R.M. Clayton and close to the source of population growth; (3) recommending a modern water reuse system at the new treatment plant; and (4) placing modern clarifiers and odor control mechanisms at the new treatment plant (Russell & Mitchell, 1994).

The Trust and its coalition gained the assistance of County Commissioner Emma Darnell whose southwest Atlanta and South Fulton County constituents would be affected by construction and use of the tunnel. According to Darnell, these communities would bear increased health risks. To support her argument, she cited findings of a 1995 Fulton County Health Department study stating that residents were already at increased risks for lung and other cancers, asthma, and other respiratory and pulmonary diseases (Pendered, 1994). According to the study, additional burdens associated with the wastewater treatment, including devalued properties, damaged parks and public spaces, and unpleasant odors, would further decrease the quality of life for residents.

On the community level, members of the Trust gathered technical data on phosphorus treatment methods, educated residents on alternative treatment methods, mobilized community support for the "citizens' plan," and prepared southwest Atlanta community members to debate effectively at public meetings. Residents attended City Council meetings to follow the status of the City's proposal, studied documents introduced to relevant City Council committees, and thus resisted the City's continuous attempts to convince citizens that the issues were too technical for them to understand (Braithwaite et al., 1999). In 1994, in one dramatic demonstration of opposition to the proposed tunnel plan, hundreds of residents filled the Atlanta City Council Chambers and gathered outside City Hall to publicly voice their opposition (Russell & Mitchell, 1994).

At a critical point in the Utoy Tunnel conflict, a 90-day moratorium on construction was proposed to allow members of the City Council adequate time to review the tunnel proposal and phosphorus control plan in-depth before moving forward with implementation. However, Councilman Jared Samples, who represented low-income and African American citizens in some of the impacted neighborhoods, was convinced by the citizens' technical data and influenced by their activism. As a result, he introduced legislation to halt the tunnel plan. With several hundred southwest Atlanta residents showing up at a city council meeting to support Councilman Samples' ordinance, it passed in a vote of 12 to 6, signaling a victory for residents of southwest Atlanta and South Fulton County. After this crucial vote, one south Fulton resident, Mike Harper, commented that if the community had been involved from the start, the contentiousness of the issue might have been avoided (Russell & Mitchell, 1994). Also, Fulton County Commissioner, Gordon Joyner said of some Atlanta City Council members, "They thought this was a done deal. But they miscalculated the power of the informed citizens" (Coleman, 1994).

Not including the community from the outset, in the plans for the proposed Utoy Tunnel and the associated phosphorus control plan, proved to be a costly mistake for the City of Atlanta. Before the

tunnel plan was halted, the City had already invested \$2 million in design costs (The Atlanta Journal Constitution, 1994). As in the Utoy Creek sewer separation case, the City did not intentionally engage the affected communities in the planning process about decisions that impacted their lives, and the risks and burdens to these communities outweighed the benefits of implementing the proposed plan. These inequities prompted community resistance and advocacy. In the end, the weight of the impacted neighborhoods' proposal for an alternate plan, coupled with advocacy to gain City Council support for that plan, proved to be an effective means to change public policy decisions in favor of environmental justice.

## CONCLUSION

As illustrated in the aforementioned Atlanta cases, correcting CSO problems is a major environmental and quality-of-life challenge for urban areas that are operating with aging infrastructure and century-old technology. To meet the growing needs of major metropolitan areas, planned growth and development that incorporates forward thinking, the input of citizens who are impacted by policy decisions, and principles of environmental justice, are necessary. Since the construction of the combined sewer system in Atlanta at the turn of the 20<sup>th</sup> Century, new wastewater infrastructure improvements and policy decisions related to the combined sewer system have not been proactive, have not included considerations of justice and equity from the outset, have continued to be in non-compliance with state and federal laws, and have therefore been challenged by communities, court mandates, and state levied fines.

Attempts have been made to improve Atlanta's combined sewer system, but the associated environmental planning and decision making processes have not always proactively involved meaningful citizen input. In both the Utoy Creek sewer separation and Utoy Tunnel cases, the City failed to involve affected communities in environmental planning from the onset of the processes and did not adequately consider the potential negative impacts of the initial proposals on local communities, ultimately costing taxpayers millions of dollars and a great deal of time. In both cases, however, the development of alternate citizens' plans and grassroots tactics proved to be viable forces against discriminatory policies (Russell & Mitchell, 1994). Solutions to wastewater infrastructure problems which were compiled and proposed, by the affected southwest Atlanta citizens and activists working with the community, were successful in improving the City's compliance record for state and federal water quality and pollution control laws, and in eliminating a disproportionate, environmental and quality-of-life burden on low-income and communities of color.

When those making infrastructure policy decisions in cities and municipalities do not proactively account for the social and community impacts of infrastructure neglect, weigh considerations of fairness or equity in their decision-making, or meaningfully engage the affected communities in the planning processes, there is potential for adverse impacts on these communities. Although not sought intentionally by politicians, planners and other city officials in the Atlanta cases, environmental justice was ultimately realized because citizens demanded a place at the decision-making table and made their voices heard.

**AUTHOR'S BIOGRAPHY**

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**Professor Isabelle Maret**  
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# **TREMÉ : THE CHALLENGES OF AN EQUITABLE RECOVERY IN NEW ORLEANS**

## ABSTRACT

The current rebuilding of New Orleans' neighborhoods and communities faces the dual dangers of environmental and social injustice amplified by the slowness of the process as well as inadequate programs for needy citizens. Devastated by the effects of the hurricane and its consequences, weakened by improper emergency management, destabilized by uncoordinated recovery strategies, the city is still, 3 years after the storm, in a difficult situation. Nevertheless, communities like Tremé demonstrate the beginnings of a successful repatriation thanks to appropriate rebuilding programs focusing on the culture and needs of the local neighborhood. By helping long term residents to return, the Qatar Tremé Renewal Project exemplifies the effort to achieve a fair and robust community rebirth. But even in this context of reconstruction, this case study exposes the tensions between sustainability, justice, and recovery. Hence, in order to plan and implement an equitable revival, the rebuilding has to be systemic and encompass the entire society, from renters to homeowners, from musicians to school teachers - a challenge yet to be fully met by the many organizations and programs at work in this fragile city.

## INTRODUCTION

When Hurricane Katrina's water flooded 80 % of the city, reaching the edge of the French Quarter, New Orleans became iconic among environmental and social justice scholars and activists for its revelatory images and the immediate uncovering of racial disparities in the U.S. Nearly three years after the storm, questions regarding the social equity, justice, and sustainability of the recovery are more crucial than ever. By far the largest group impacted by these failures have been the poor and minority residents of New Orleans who were driven out of their homes in record numbers. The initial U.S. government failures of FEMA, followed by similarly poorly organized programs such as the Road Home program - designed to compensate owners and help with rebuilding - have left New Orleanians looking elsewhere for help. More than 380,000 residents, homeowners, and renters were displaced and nearly 105,000 residents<sup>1</sup> suffered damage to their property. The underlying questions continue to be: Who can come back? Can social justice be achieved in the recovery of this devastated environment? How can criteria of sustainability help New Orleans communities recover? One neighbourhood in New Orleans, Faubourg Tremé, exemplifies the challenges of this revival. Its former residents are struggling to return, and many families (predominantly African-Americans) are still evacuated nearly three years after the storm. One of the main issues is ensuring that opportunities are provided to minorities so that they can successfully achieve a sustainable repatriation of their neighborhood. The choices made in this historic older neighbourhood, echoing those made in other neighborhoods across the city, influence its future and the equity of its resurgence.

### Community revival and sustainability: why rebuild Tremé?

Tremé is one of the oldest African-American neighborhoods in the U.S. dating back to the late eighteenth century when free people of color and refugees from what is now Haiti and the Dominican Republic populated the area (Figure 1). Annexed by the city in 1812, it soon emerged as one of the most prosperous and politically active black communities in the U.S.

Tremé represents a treasure-trove of New Orleans' cultural heritage. It contained much of the city's skilled labor force in the 19<sup>th</sup> century, including many free people of color before the Civil War (and their descendants in later years). Tremé is also the birthplace of Louis Armstrong, Jelly Roll Morton, and other jazz greats. Its heritage is also visible in its amazingly rich architecture, most of which remained intact after the hurricane, but it had suffered from long-term physical neglect which was exacerbated by the storm. Within its bounds is Congo Square, a gathering place and market where free blacks and slaves congregated in the antebellum south, and very likely the original cradle of jazz. Additionally, Tremé is known for vibrant second-line parades and jazz funeral traditions, performative events that help define New Orleans' culture as different from other southern cities (Allen, 2007). There are also a number of historically significant museums, churches, parks and other 19<sup>th</sup> century structures, marking it as both an incubator and living center of African-American culture in the city.

During the 19<sup>th</sup> century blacks, whites and mixed-race people lived side by side, creating the Creole culture that defines New Orleans exceptionality today. While Tremé's population was ethnically diverse, segregation came incrementally as a result of political choices, as well as social and economic pressures. The gradual spatial segregation of Tremé's residential areas was further reinforced and institutionalized in a local segregation case, *Plessy vs. Ferguson*. Homer Plessy, one of many notable Tremé residents, was the plaintiff in this landmark case. Plessy was a Creole and "octoroon" (7/8 white), and became famous when he tried to show the unfairness of the Separate Car Law and other early attempts at legally mandated segregation on public transportation. His unsuccessful challenge of



**FIGURE 1.** Tremé, a challenged neighborhood in New Orleans.



**IMAGE 1.** New Orleans African American Museum of Art in the Meilleur-Goldthwaite House, c. 1828-29.  
*Source: Isabelle Maret*



**IMAGE 2.** St. Augustine's Church, one of the oldest African American Catholic churches in the U.S., built by Creoles and free people of color, c. 1841-42. *Source: Isabelle Maret*



**IMAGE 3.** The interior of the St. Augustine's Church. *Source: Isabelle Maret*

the Separate Car Act went to the Supreme Court where the court maintained that there was nothing unconstitutional about providing ‘separate but equal’ public and private facilities.

If Tremé was ethnically diverse and prosperous in the 1800’s, a series of urban design and planning assaults on the community led to its decline from the 1930’s to the 1970’s. Even if some of these projects seemed to benefit the greater city of New Orleans (for example, the Municipal Auditorium was built over the Tremé Market, which had been the city’s 4<sup>th</sup> largest market), they nevertheless destroyed the physical and social cohesion of the neighborhood. The Lafitte housing development, built in 1941, housed only African-American tenants. Across Claiborne Avenue, the Iberville development housed only Caucasian tenants. Such segregation of spaces became ubiquitous, reinforcing segregation in a neighborhood that had once been heterogeneous. Partially as a result of the public housing developments, affluent residents began to sell their homes, resulting in large houses being sub-divided into multi-family rental units, accommodating poor and working class residents.

The downward trend in property values was worsened in the 1960s by the decision to route Interstate 10 (I-10) through Tremé. The original plan, developed by the infamous Robert Moses, proposed an elevated expressway along the Mississippi river, dividing the French Quarter from the river. While the choice of location for the new elevated interstate saved the New Orleans riverfront, a victory for preservationists, it dealt a divisive blow to Tremé. The highway overpass was built above Claiborne Avenue, the “St. Charles Avenue” of Tremé—a shady tree-lined thoroughfare lined with grand houses and much of the area’s business storefronts, bisecting the neighborhood and Tremé (Figure 5). In addition to effectively erasing a major business corridor, the elevated freeway challenged the many cultural practices rooted along this avenue. Mardi Gras Indians still parade under the highway, but the day-to-day socializing that took place under the shade of the neutral ground’s mature live-oaks has since ceased. This neighborhood was cut in two (Figure 1), and the former heart of its socializing became a noisy, polluted, and unwelcoming corridor of asphalt.

Another unfortunate project was the building of Louis Armstrong Park which is now walled-off, open only to the desirable French Quarter side of Tremé (Image 4). What was once a culturally diverse gathering place lost its accessibility and at the same time, its socializing and creativity incubator functions. However, while urban renewal created urban blight and economic hardship in the neighborhood, it also proved a catalyst for strengthening community groups dedicated to preserving Tremé and its traditions. The people realized that Tremé’s identity depended both on its architectural history (Images 6-8) and cultural-spatial practices (Crutcher, 2001) (Images 9-10).

These unique cultural, social, and historic elements that comprise Tremé are what planners and heritage conservationists have tried to protect and rebuild after Katrina. The challenge is to redevelop a sustainable neighborhood while increasing social equity and thus also guarding the ability of former residents to live there. Planners need to focus on approaches that incorporate concepts of justice, equity, and sustainability into the rebuilding process. Some of the major challenges include developing sustainable strategies to help homeowners restore their homes and helping low-income renters return to their neighborhood. Infill rebuilding could also provide housing possibilities for residents of other communities whose houses were totally destroyed and who choose to stay in New Orleans (though relocate on higher ground), without impeding the return of former residents. The resurgence of Tremé as an attractive and diverse neighborhood depends on the ability to develop equitable and sustainable rebuilding strategies while avoiding the total destruction of the integrity of the neighborhood.

Prior to Katrina, many of the homes and buildings in Tremé were in mild to moderate disrepair,



**IMAGE 4.** Interstate I-10 cutting Tremé's community. *Source: Isabelle Maret*



**IMAGE 5.** Louis Armstrong Park, a walled enclave in the Tremé neighborhood. *Source: Isabelle Maret*





**IMAGE 6.** A typical 'double shotgun' house, c. 1890s. Currently being rehabilitated by the QTRP. *Source: Isabelle Maret*



**IMAGE 7.** A typical Creole cottage in Tremé being repaired by the QTRC in collaboration with the owner, Mr. Thomas, c. 1850s. *Source: Isabelle Maret*



**IMAGE 8.** A corner store and residence (with owner) being rehabilitated by the QPRP, c. 1850s. *Source: Isabelle Maret*



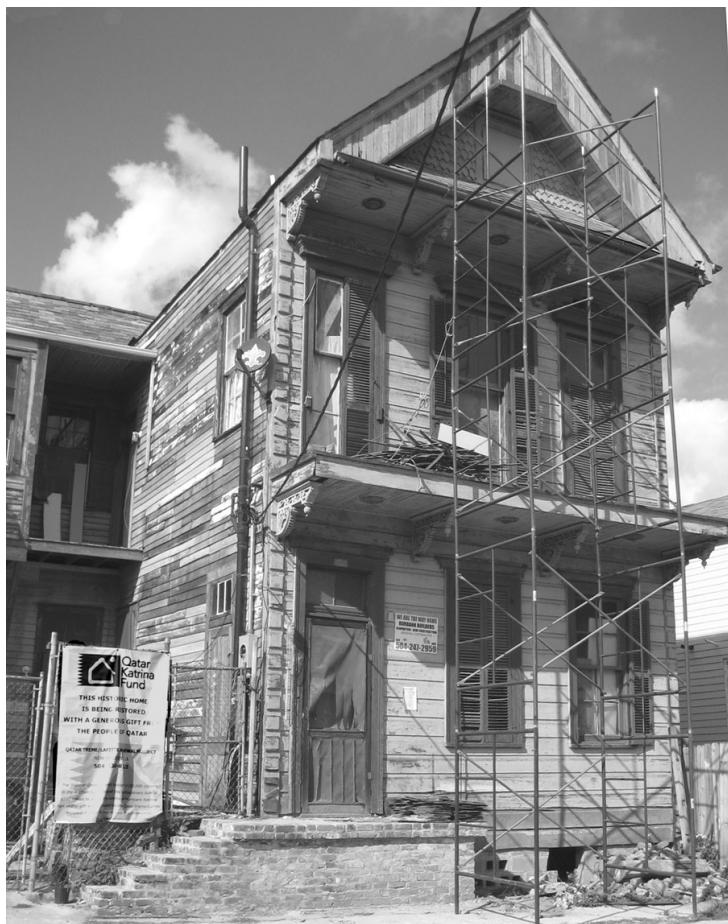
**IMAGE 9.** The Backstreet Cultural Museum has exhibits and events dedicated to preserving the performance traditions of New Orleans including the Mardi Gras Indians, Jazz funerals, and Social Aid and Pleasure Clubs. *Source: Isabelle Maret*



**IMAGE 10.** Example of elaborate Mardi Gras Indian costumes from the Backstreet Museum. *Source: Isabelle Maret*

due to a lack of community resources. According to Census 2000, 92.4 % of the population was African-American, with the average resident earning just \$19,564 per year and 44 % earning less than \$10,000. Homeownership in Tremé was relatively low with just 22% of the households owner-occupied. A closer examination of the housing stock shows that 69 % of the structures in Tremé were built before 1950<sup>2</sup>. More than 20% of all housing in Tremé was listed as vacant and a significant portion of these also appeared on the City of New Orleans' listing of blighted and abandoned properties (Dominick, 2007).





**IMAGE 11.** House with significant damage being repaired by QTRP. *Source: Isabelle Maret*



**IMAGE 12.** New condominiums on Rampart Street which divides Tremé from the French Quarter. *Source: Isabelle Maret*

The neighborhood sustained significant damage from wind and rain (Image 11) during and after Hurricane Katrina though it received only a small amount of damage from flooding.<sup>3</sup> An estimated 52% of the homes received “severe damage” (over \$30,000) and an additional 17% received “major damage” (between \$5,200 and \$30,000).<sup>4</sup> Placing it in further peril, Tremé is currently a prime target for both new development and gentrification because of its location on high ground and adjacency to the French Quarter (Image 12). The houses in disrepair are good deals for investors who can afford to rebuild them and sell them for high profits, thus making the neighbourhood unaffordable for many of its former residents.

Although renters represented 72% of the population in 2000, their share dropped to 44.5% by 2006<sup>5</sup>. Rents in New Orleans have increased dramatically since hurricane Katrina, but especially in neighborhoods like Tremé which did not dramatically flood and which enjoy proximity to the French Quarter and Central Business District. Newcomers, especially middle class whites, are increasingly settling in the city, especially in the blocks close to the French Quarter and to Esplanade Avenue. This raises critical issues of gentrification and social equity as former residents feel that they are being denied the right to return and rebuild their neighborhood’s identity. Similarly, if parents can’t repatriate their homes, children will also remain displaced. And as entire families are displaced, the social sustainability of the community is endangered. Jerome Smith<sup>6</sup> states, “Tremé will never come back if folks that use to make the culture happen are not here .... It can’t come back without the children.” The kids who used to play music after school in the streets are gone, and Jerome Smith mentioned there is a “heavy silence” currently present in the neighborhood. Planners need to avoid what Al Harris, another resident declares: “the rebuilding could be a physical success, but you will lose the soul of the buildings.”

### **Justice, equity and rebuilding strategies: is the Qatar Tremé Renewal project a recipe for success?**

Tremé captures what is happening throughout the city in regards to federal aid. Nearly three years after the storm, homeowners are finally receiving financial assistance from the federal/state program reimbursing them for storm related damages, the Road Home program. As of April 14, 2008, out of the 154,946 eligible homeowner’s applicants, 106,174 had ‘closed’, with an average award disbursed of \$58,664. This shows clear progress of the reimbursement process, especially between 2007 and 2008. However, even though the money is at last coming in, New Orleans and Tremé contain many houses waiting for repairs. Residents have to finalize their choices, find contractors, and dig up other financial resources, which sadly, many are not eligible for. The program rules, which were quite stringent mainly to avoid corruption and facilitate the process, did not have the expected results. Instead of enabling the rebuilding, the bureaucratic nightmare tied to the financial help mostly served to frustrate residents and slow down rebuilding progress. It is one of the main reasons for the continued state of decay of many houses in New Orleans today. Moreover, the Road Home program has different programs. The major one is geared towards helping homeowners who agree to stay in Louisiana for 3 years after they receive assistance and have the financial capacity to rebuild quickly or buy a new house, as the funds provided are usually not sufficient to rehabilitate a damaged home. In Tremé, however, many residents were renters. The failure to quickly organize a program for rental properties has potentially major consequences for the housing stock in Tremé and throughout the city. If these houses are not fixed, renters can’t come back. The small rental property program “provides incentives to property owners to repair their storm damaged, small-scale rental properties, and make their units available to low- and moderate-income tenants at affordable rates<sup>7</sup>.” The first round of closings for the rental program took place in May 2007, and only 2,693 small-scale rental properties were awarded money across the whole city. Rental property owners need more help to be able to

repair their properties. In neighborhoods like Tremé, there is a substantial fear about seeing investors come into the city, lavishly restore historic buildings, and make it quickly unaffordable for previous residents to come back. Tremé is a prime location, and investors can make good deals, buying at relatively low prices and selling them after some work. Renting or acquiring these properties will be too expensive for previous residents. This situation is even more problematic since Mayor Ray Nagin gave the go-ahead, on March 24<sup>th</sup> 2008 to demolish the Lafitte Housing Project. This decision was criticized by many housing advocates: “we’re really disappointed,” said Walter Gallas, head of the New Orleans field office of the National Trust for Historic Preservation. “We believe that the city, HUD and HANO are making a big mistake<sup>8</sup>.” We can only hope that the redesigned mixed-income public housing development includes choices for former residents.

Until the Spring of 2008, the recovery process in Tremé as a whole has been slow. The Office of Recovery and Development Administration (ORDA), headed by Dr. Ed Blakely, has planned to redevelop the North Broad Street corridor (see Figure 1), which borders Tremé, but progress remains to be seen. A careful integration of these strategies and other efforts focused on these issues and coming, for instance, via international support, could help redevelop Tremé as an equitable and sustainable neighborhood. The ORDA has been willing to integrate different community rehabilitation efforts, but it does not currently have the capacity to achieve its goals. There is, at present, a lack of coordination between the different strategies and groups. This integration would be key for a sustainable and equitable redevelopment process. The international help is, in the short run, crucial to get things going as the funds can be used quickly via foundations. The federal funds, when finally granted are detrimentally slow and bureaucratic. Thus, international help is absolutely essential for rebuilding as it quickly brings local actors the ability to efficiently achieve progress.

## Foreign Aid

From television images of people waving at rescue helicopters from their roofs to the trapped victims living in squalor in the New Orleans Convention Center, America’s poverty and racial inequity was broadcast around the globe. Immediately after Katrina, offers of foreign aid came pouring in to Washington. Other nations came forward with offers of aid, both cash and in-kind. Of the \$854 million offered by foreign governments to the U.S, however, only \$40 million has been claimed and used (Solomon and Hsu, 2007). While some aid was wasted due to the inability to coordinate and get the aid to the people in a timely manner, other funds were at-out refused. The Bush administration told other nations, in so many words: ‘Thanks, but no thanks.’ Whether this reaction was inspired by pride or commitment to ‘personally’ help the city, it obstructed the rate and timeline of the recovery. As the federal government continued to act slowly and the money was slow to arrive, the city neither had the financial capacity to rebuild efficient basic services in a timely manner nor the possibility to plan short and long term strategies. Nearly three years after the storm, New Orleanians suffer from a major barrier: investment. After four planning processes the issue is not ideas or vision; but the lack of capacity to move forward - without money and leadership, the best plans stay on the shelves. As no remediation plan was in place when the hurricane struck the city, the rebuilding process has been tedious and controversial. First, the Bring New Orleans Back Commission’s plan, drafted in January 2006 without citizen participation, proposed a smaller footprint with vast parks throughout the neighborhoods, supposed to retain food water. It was strongly rejected by the citizens, most of whom were still evacuated. Then, the New Orleans Neighborhoods Rebuilding Plans, led by the City Council, framed neighborhood plans for the 47<sup>th</sup> of the 49<sup>th</sup> most flooded neighborhoods, with a real effort to get residents input. As the state agency, the Louisiana Recovery Authority needed a

citywide plan to distribute federal funds, the Unified New Orleans Plan was produced. It represented a comprehensive strategy, integrating the previous planning efforts and including all the neighborhoods of the city. At last, the ORDA (former Office of Recovery Management) took these recommendations and identified 17<sup>th</sup> targeted investment zones to be used as catalyst for redevelopment. Most of these targeted zones are still, in June 2008, waiting for funding to be implemented.

These figures, however, do not tell the entire story. Some governments effectively gave their donations to outside groups, such as the Red Cross, instead. The government of Qatar made another decision: to give \$100 million to help rebuild the Gulf Coast after Katrina via the establishment of the Qatar Katrina Relief Fund. The Fund provided direct cash assistance to groups and institutions to rebuild homes, to provide medical care, and to pay for student scholarships to local colleges and universities. They began disbursing the funds in May of 2006 and gave the final grants out in January 2007, \$1.7 million of which went to repair two schools and five mosques serving the Muslim community in New Orleans.

Qatar's Ambassador to the U.S., Nasser Bin Hamad Al-Khalifa, led the effort to identify local organizations that could efficiently and effectively distribute the funds. He solicited advice from governors, mayors and the congressional delegations of the affected areas, as well as forming a distinguished advisory committee that included community leaders. The success of this careful selection strategy is evidenced in the success of one of its grantees: The Qatar Tremé Renewal Project.<sup>9</sup> The aim of this project was to help low-to-moderate income homeowners return to their houses. The project was executed by Covenant House New Orleans, taking initiative even before funds were fully available, and even though the aims of the project were only peripheral to their traditional mission.

### **The Qatar Tremé Renewal Project**

For over 20 years, the Covenant House New Orleans (CHNO), located in Tremé, has been providing comprehensive services to homeless and at-risk youth for the Greater New Orleans area. Their secondary mission is the stability and preservation of families and they offer services to the community to foster this goal as well. CHNO was concerned that many families were not moving back, or were moving back into unsafe conditions, such as into homes with improper plumbing, leaky roofs, or even onto streets with many vacant houses. Citizens were pressured all over the city to prove the viability of their homes<sup>10</sup>, and this was a critical issue, especially for low to moderate income homeowners who needed the resources to make the repairs or renters who were dependent on their landlords' situations. There was also a looming deadline of one year after the storm set by the City Council for owners to complete gutting and remediation lest their property be declared blighted and seized by the city and sold at auction. This was a special concern Tremé residents, given Tremé's attractive "high and dry" proximity to the French Quarter. It was perceived by the community that prospective home buyers as well as big developers were circling, looking to buy properties that were declared blighted and available for purchase.

The CHNO proposed a project to rehabilitate 100 homes of low and middle-income families in Tremé. They envisioned helping long-time residents, key community leaders, and others re-inhabit their homes, thus stabilizing the community and encouraging others to return home. Their application was accepted by the Qatar Katrina Relief Fund and they were given \$2.5 million to complete the project. At that point the CHNO decided to step out of the project as home building was outside of its area

of expertise and primary mission of helping at-risk youth. In early 2007 they formed the Qatar Tremé Renewal Project (QTRP) as a separate entity to carry out the grant.

In May 2007 they hired a project director, Cathy Puett, a licensed social worker with a background in non-profit organizations (Images 13-14). While having no construction experience, Puett has the ability to build trust in the community and a practical notion of how to get things done. The QTRP developed a simple application for homeowners, primarily to determine if they: 1) had lived in the house prior to Katrina; 2) were within the project's income guidelines; and 3) were unable to re-inhabit their homes without outside funds. The projects were also approved upon the capacity of the resident to complete the other costs if needed, and to show its stability and willingness to stay in their house for three years. Applications were vetted by a selection committee which was a heterogeneous group, including a school principal, representatives of the CHNO board and other local NGOs, an attorney, an accountant, and citizens from Tremé active in neighborhood groups.

Construction began on the first homes two months later, in July 2007, lightning-speed by post-Katrina New Orleans standards.<sup>11</sup> The residents of Tremé welcomed Qatar's generosity and many felt that non-profit groups were actually driving the repatriation effort, especially given the poor performance of federal agencies.<sup>12</sup> The project averaged about \$25,000 per home and the first few homes were a learning experience for Puett, allowing her to tighten the process along the way. The money spent by the QTRP is a "soft second mortgage" that is forgiven after the owner has lived in the house for 3 years.

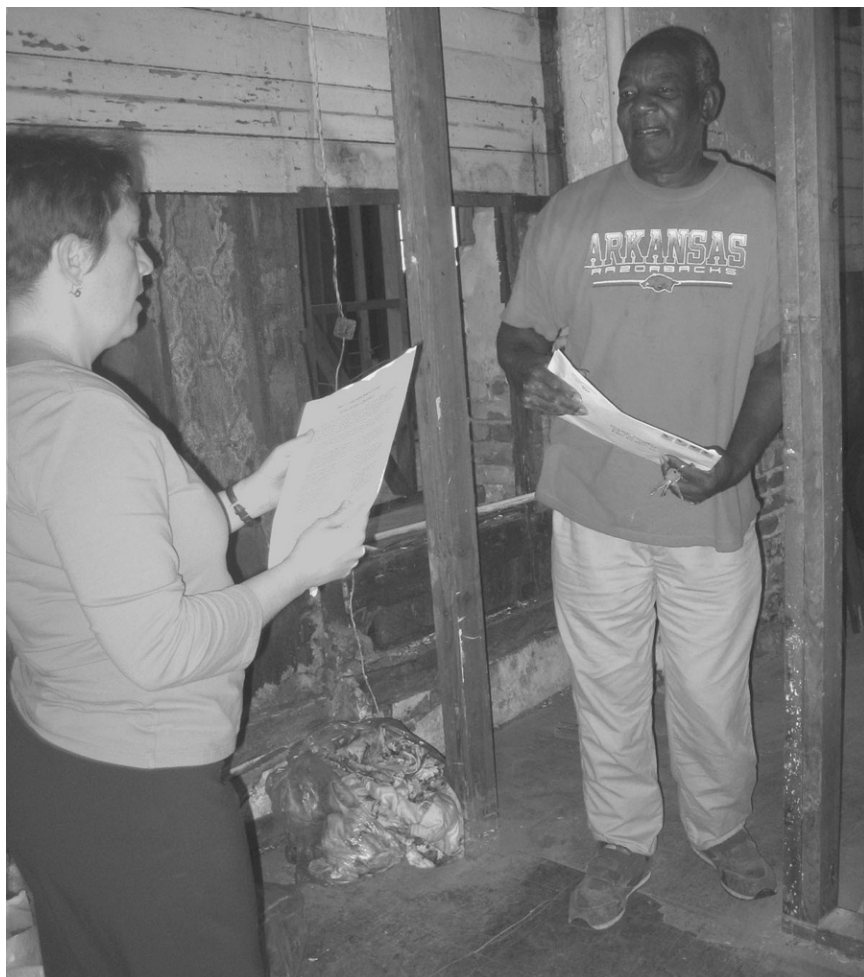
At first it was difficult to balance all the variables of renovating storm damaged homes, particularly since other NGOs and homeowners themselves did work on the house at the same time. Since QTRP had such limited funds they chose to fund work that included basic services and stabilization, such as plumbing, electric, and house-levelling. Other granting agencies, such as the State Historic Preservation Office, focused on the specific historic elements of the house, notably those that would keep the structure contributing to the Historic District status of the neighborhood (Image 15). Other NGOs, such as Rebuilding Together, relied on large groups of volunteers from out-of-town. They typically did construction that lay people with some expert help could do: painting, roofing, some carpentry and dry walling. A combination of rebuilding funds and volunteers, along with the owners themselves, often working together, were needed to bring a home to habitable status—a challenge for any project manager.

The process from application to completion was straight-forward but offered some unexpected benefits to the homeowners and the community. The first stage of the project was geared towards key members of the neighborhoods (teachers, police, community leaders) who had returned or plan on returning and could act as a major strength and by example inspire other residents to return to their community. They exemplified the possibility of a successful homecoming while bringing stability and empowerment to the area. First, the homeowner completed a simple one-page application that was sent to the selection committee. After careful examination, a yes/no decision was made. Next, one of QTRP's two part-time construction managers wrote a scope of work document, specifying the work for bid. Puett then walked through the scope of work with the homeowner as some trade-offs and material choices may have needed to be made. The work plan was submitted by QTRP to the Historic District Landmarks Commission (HDLC) for preliminary approval, as Tremé is a National Register Historic District. A licensed, insured contractor was selected among bids by the QTRP and they were responsible for obtaining building permits and HDLC compliance documents. The contractors were paid by QTRP at the end of every month for work completed and therefore did not disappear before





**IMAGE 13.** Cathy Puett, Director of the QTRP, in front of one of the houses being rehabilitated. *Source: Isabelle Maret*



**IMAGE 14.** Puett at a progress meeting with a Tremé homeowner. *Source: Isabelle Maret*

work was completed, as often happened throughout the Gulf Coast. Hence, the residents were helped throughout the process, the work was completed, and it was achieved by competent workers.

The fact that the QTRP managed and paid the contractors is important. New Orleans has been fraught with contractor incompetence and fraud since Katrina and homeowners feel secure that the QTRP process has properly identified honest, qualified contractors. Many homeowners go on to negotiate for additional services with the same contractor and they help their neighbors do the same. The QTRP has now produced a simple document for local homeowners on how to locate an honest contractor, what to look for, and what to expect.

As of early December 2007, 28 homes were completed or well into the process of completion, an amazing feat by a small non-profit. As applications come in, they will select and complete the remainder of the 100 houses in the next year. As more and more houses are rebuilt, more applications



**FIGURE 15.** Dumeé-Brasco House (c. 1845) now owned by a local schoolteacher and her family is being repaired thanks to both the QTRP and the State Historic Preservation Office. *Source: Isabelle Maret*

are coming in. The speed and energy of the QTRP, and their ability to garner community trust and support, are commendable. They are carefully choosing the houses to rebuild in the hopes that they will bring with them many former long-term residents and, in turn, that other residents will follow. As Mr. Thomas<sup>13</sup> stated, coming out of a house originally built by his ancestors, now in the process of renovation, “this gives us the opportunity to come back to our neighborhood.” This rebuilding effort provides energy in the neighborhood as residents not only see the changes but believe in the fairness of the process. House by house, brick by brick, resident by resident, they know that patience and perseverance will prove successful in the long run. The aim is thus to help former residents to come back, and to encourage stability in the neighborhood.

## CONCLUSION

To date, assessing the total population in New Orleans is a challenge. Some estimates figure that New Orleans has about 300,000 residents, 65% of its original population (Dunbar, 2007). This number probably includes some who have moved to the city for construction jobs or those who came to clean up after the storm and decided to stay. The US Census Bureau estimated that 239,124 residents had returned by July 2007, a total challenged by Orleans Parish. Nevertheless, the post-Katrina population loss, comprised so heavily of low-income African-Americans, combined with gains from other races after the storm, has left New Orleans both whiter and more Latino than before<sup>14</sup>. The fate of many former residents from more damaged neighborhoods than Tremé remains uncertain.

As Road Home money has started to flow and NGOs gain momentum and utilize experience and hindsight to improve rebuilding efforts, we are hopeful that more repatriation will occur. However, these programs have focused mainly on homeowners, and most of the low-income renters continue to be left behind. This issue exemplifies the challenge of equitably rebuilding, since many low income New Orleanians have not been given the opportunity to move back. As the rents and prices of non-flooded houses sky rocket, former residents are not left much alternative in term of accessibility to affordable housing, which is an explicit issue of justice, equity and sustainability. Some are returning without help, worsening the already large number of homeless people. "Recently released estimates by Unity for the Homeless show that 150 people are living in tents under the I-10 overpass, 31 % of whom are recently homeless because of the loss of federal rental assistance or their removal from temporary trailers" (Liu, Plyer, 2008). To achieve a sustainable reconstruction, the recovery has to be equitable, and embrace the whole population, from children and the elderly to energetic artists and musicians. But in the real world of New Orleans, the reality is far from equitable, and this shows the tensions between sustainability, equity, and justice. On the one hand, as numerous basic services, facilities and housing capabilities are still lacking, it might not be sustainable or equitable for many low-income citizens to repatriate the city as their quality of life could be deplorable. On the other hand, impeding residents to come back demonstrates the tensions of justice and equity in this context as the "right to return is in itself a claim of justice" (Brand, 2008, p3).

Tremé is one of the critical neighborhoods that needs to be rebuilt in an equitable and sustainable way. The vulnerability of the population before the storm makes these statements all the more meaningful, as buildings could be bought by investors, revamped and sold to new residents, thus excluding those who lived in and made this neighborhood what it was before. This neighborhood is a major facet of the heritage and identity of the city. We can rebuild the buildings, but if we don't allow former residents to come back, the soul will be lost; we will just create a Disneyland version of the city. Social and economic sustainability are two major goals of the rebuilding process. Housing is a key element to rebuilding intangible entities like 'community' and enterprises like the Qatar Tremé Community Revival Project show a just approach. Still, these efforts need to be linked to wider efforts by the city itself. Appropriate infrastructures have to come hand in hand with efforts targeted at individual homeowners and renters. Both have to be accompanied by the reopening of key community spaces. In Tremé, the reopening of St Augustine Church, or L'il Dizzy's restaurant has begun to pave the way. Obviously, many other fronts need to be addressed, too, one being to facilitate the return of renters, providing them also with a sustainable quality of life.

Tremé still has a long way to go, but conscientious work is now being done to spark a more equitable revival of the neighborhood that includes help for long-time residents. The community needs to be empowered to lessen its vulnerability and tighten healthy social networks. Sustainability will depend on the capacity of the city to provide adequate services and the return of residents. The different strategies currently in place from the federal government, the state, the city, or international help should be integrated so as to maximize the results. A coordination of the QTRP's type of effort with the city's long term recovery plan would help re-create a sustainable community capable of retaining neighborhoods' historic characters and soul... what makes New Orleans unique and attractive.

### AUTHORS' BIOGRAPHIES

Isabelle Maret, formerly on the faculty at the University of New Orleans, is now an Associate Professor of Urban Planning at the University of Montreal. Her publications include a recent book, *Etalement urbain et friches industrielles, revers de l'idéal américain* (2004), on brownfields and urban sustainability. She is currently analyzing issues related to urban vulnerability, community resilience as well as sustainable urban planning. GIS specialist, she continues her research on post-disaster recovery in New Orleans. She lost her home due to massive flooding after Katrina.

Barbara Allen, formerly the Executive Editor of the *Journal of Architectural Education*, has written extensively on the politics of knowledge in urban environmental activism, including a book on environmental justice in Louisiana titled, *Uneasy Alchemy: Citizens and Experts in Louisiana's Chemical Corridor Disputes* (2003). She is currently an Associate Professor and Director of the Graduate program in Science and Technology Studies at Virginia Tech's Northern Virginia Campus, near Washington, D.C..

## [ENDNOTES]

1. MIT Center for Real Estate.
2. From the Greater New Orleans Community Data Center, <http://www.gnocdc.org>.
3. There is also evidence that at least one tornado touched down after the storm, wiping out entire buildings along a linear path through the community.
4. From the Greater New Orleans Community Data Center, <http://www.gnocdc.org>.
5. Recovery Action Learning Laboratory, *Final Report on the Summer 2006 – Survey for the Department of Justice’s Weed and Speed Project*, New Orleans, Nov. 2006.
6. Jerome Smith and Al Harris, residents of Tremé were interviewed by Barbara Allen and Isabelle Maret on October 18, 2007.
7. <http://road2la.org/rental/default.htm>.
8. Rechdahl, K., *Nagin Oks demolition of the Lafitte Housing Complex*, Times Picayune, March 25, 2008.
9. The original name of the group was The Qatar Tremé/Lafitte Renewal Project, but the Lafitte Public Housing Project became a very contentious political issue and the group felt its work could best be accomplished by concentrating on private housing in the Tremé neighborhood.
10. The Bring New Orleans Back Commission gave a deadline of May 20, 2006, for each neighborhood group to submit a rebuilding plan. These groups have to show who can, and/or wants to come back, and how they envision the rebuilding of their neighborhoods. The task is a major challenge as many residents had been and continue to be unable to return to their communities. (Maret, 2006, p 12.)
11. According to many citizens and NGO representatives that we interviewed, the Road Home program, funded by the federal government to rebuild Louisiana, has been a huge disappointment. It was mid-2007, almost 2 years after the storm, before some people began seeing their Road Home money. Because of this, the QTRP did not count the potential Road Home funds when assessing what resources the applicant homeowners had.
12. All government agencies are not alike. While FEMA and the Road Home program are abysmal examples of managing aid, the State Historic Preservation Office, funded by a U.S. National Park Service program, has done exemplary work, in a timely manner, in rehabilitating older homes in New Orleans.
13. Mr. Thomas, resident of Tremé was interviewed by Barbara Allen and Isabelle Maret on October 19, 2007.
14. See Katrina’s index, <http://www.gnocdc.com>.

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Tory Foster

# **ART IS CHANGE : PUBLIC ART AS A MEANS OF ECOLOGICAL HEALING**



**ABSTRACT**

Public art provokes dialogue about environmental and social justice by focusing attention on issues of justice, equity, and ecological sustainability for a diverse audience. This paper explores the ability of public art to bring attention to these critical issues and to become a force of change by educating the public, promoting awareness of the actions necessary to stop major environmental change, and contributing to a sense of community that can motivate citizens to care for places.

## INTRODUCTION

The role of public art in addressing justice, equity, and, specifically, ecological sustainability is worthy of examination by planners and policymakers. Public art provokes dialogue about social and environmental issues among diverse groups of citizens. This paper explores a “sense of place” that is tied to local history and culture, social and environmental justice, equity in the built and natural environments, and a rigorous public process as components of successful public art projects. Some of the ever-problematic issues raised by the subjective nature of art and the particular role of public art as sanctioned or promoted by state institutions are also briefly considered.

What follows is an exploration of some of the basic and evolving theoretical foundations of public art, particularly political public art; a discussion of the role of public art in “placemaking,” as defined by urban designer Ronald Lee Fleming; and two case studies (the “Cool Globes” exhibit in Chicago, Illinois and the “AMD&ART Park in Vintondale, Pennsylvania) which demonstrate the varying ways in which public art can be used to promote environmental action and restoration. Finally, the conclusion examines the idea of art as a force for change.

## Problems, Solutions, and the Potential of Public Art

Healing the wounds of the earth and its people does not require saintliness or a political party, only gumption and persistence. It is not a liberal or conservative activity; it is a sacred act. It is a massive enterprise undertaken by ordinary citizens everywhere, not by self-appointed governments or oligarchies.

-Paul Hawken, *Blessed Unrest* (2007, p. 5)

Environmental problems such as loss of biodiversity, habitat destruction, and climate change threaten not only the wild plants and animals we humans think of as “nature,” but also our cultures, our societies, and perhaps even the very existence of our species. Increasingly, those involved in the environmental and social justice movements recognize that their concerns are tied to one another, that sustainability must be defined in terms of justice and equity within the built, natural, and social environments. As Hawken writes, “Social justice and attending to the planet proceed in parallel; the abuse of one entails the exploitation of the other” (p. 22). The solutions to these problems will depend upon shifting deeply embedded cultural norms and assumptions, and that shift will require individuals and organizations to work together, think together, and act together. Achieving social and environmental justice will depend on the inclusion and inspiration of many members of society; not only scientists, politicians, and activists, but also artists, whose work often critiques and affects cultural practices.

As artist and activist Beth Carruthers (2006) writes, “precisely because environmental problems are rooted in cultural practices and ideologies, it is artists, immersed in world and cultural practices, who are ideally situated to locate and develop effective responses” (p. 24). Artists, Carruthers says, have been doing this for years. But there is now “an increasing acknowledgment of the role of art and artists in bringing about change” (p. 24). If public art contributes to the cultural changes necessary to save our ailing planet, then planners and policymakers should recognize its role and commit to its promotion, not necessarily in terms of a specific agenda or ideology, but by supporting artists in creative endeavors that promote ecological healing and inspire public dialogues about these issues. Art can educate the public, promote awareness of the actions necessary to stop major environmental change, and contribute to a sense of community that can motivate citizens to care for places.

However, the power of art raises a critical concern, particularly in reference to public art: who decides what the “message” of public art should be? While the commissioning process is beyond the scope of this paper, it is important to note that promoting artistic freedom, an open public process, and community involvement are essential components if art is to spark critical, uncensored dialogue. Art may inspire conversations and it may provoke more questions than it answers, but it must be viewed critically, for its very power to persuade and incite passion may be reason for both excitement and caution.

While the argument can be made that public art is a worthwhile component of any strategy to address social issues, public art can specifically address environmental problems in several ways. First, public art can contribute to heightened individual and cultural awareness of environmental problems, and then offer solutions: empowering rather than commanding individuals to change their behavior. In this way, art may serve as an educational force, a way to re-perceive the world and one’s role in it.

Secondly, public art may be used as a method for environmental restoration in projects that move beyond the science of, for example, water purification, to include the historical and cultural context of a community and its members. As a component of community revitalization, public art may serve as a starting point in restoring a sense of pride in place and history, which can, in turn, lead to continued stewardship of the built and natural environments.

Artists may interpret and translate information in a way that speaks to diverse groups and individuals, reaching a broader audience through an alternative means of communication. Thus, art may lead to an increasingly inclusive exchange of information and ideas, and that inclusiveness may promote a more just, equitable society. Furthermore, the success of movements toward environmental sustainability will likely be limited if the issues of social justice and equity – which ensure the sustainability of human affairs – are not simultaneously addressed. Public art offers a means by which to expand the dialogue of justice, equity, and sustainability within communities.

### Public Art Evolving

A particularly useful definition of the purpose of public art can be found in *Making Places: Working With Art in the Public Realm*: “Public art is a principle. A principle of improving the changing environment through the arts. Public art is not an art form; it utilizes the arts to assist those involved with increasing the quality of the environment” (Powell & Stevenson, 2001, p. 1). “Environment” here refers primarily to the built environment, but that role can be expanded in terms of public art that carries a specifically environmental or social message. In such cases, public art may serve both to enhance the built environment and to raise awareness of environmental problems, with the hope of changing the individual and cultural behaviors that often contribute to those problems.

The concept of art as a catalyst for social change and a medium through which to address social issues has been steadily evolving in its contemporary incarnation since the 1960s<sup>1</sup>. The value of this increasingly political role of art, writes Malcolm Miles (1997) is

...to initiate a continuing process of social criticism, and to engage defined publics on issues from homelessness to the survival of the rain forests, domestic violence and AIDS, whilst its purpose is not to fill museums... but to resist the structures of power and money which have caused abjection, and in so doing create imaginative spaces in which to construct, or enable others to construct, diverse possible futures. (p. 164)

If we are to change the cultural paradigms and practices that have led to the exploitation and degradation of the environment, and the concurrent violations of justice and equity towards all peoples, “diverse possible futures” must develop first in our imaginations, and then guide our actions.

Public art has the potential to serve as a key component of this shift. As Suzi Gablik (1991) argues,

the urgency of the current situation requires that the effectiveness of art needs to be judged by how well it overturns the perception of the world we have been taught, which has set our whole society on a course to biospheric destruction. ...I believe that what we will see in the next few years is a new paradigm based on the notion of participation, in which art will begin to redefine itself in terms of social relatedness and ecological healing. (p. 27)

In other words, both public art and the solutions it suggests may be a part of a participatory process, a cultural shift which begins to acknowledge the interrelatedness of both problems and people. Art provides a medium by which to address these problems and their solutions at a visceral, emotional level. Art is, of course, not the only or even the most important means by which to identify problems or work towards solutions; however, one of its roles may be the provocation that leads to the discussion and examination of issues, and perhaps even to changes in individual behavior.

Similarly, but less specifically, Powell and Stevenson (2001) state that “public art can, at its best, provide models and strategies that are useful well beyond the confines of what art and artists have traditionally been considered to be about” (p. 8). If one role of art is to speak for a ravaged environment, as claimed by Gablik (1991), then art may convey scientific information in order to promote the possible changes in cultural practices necessary for environmental sustainability. Likewise, as the concept of sustainability is expanded to include economic justice and social equity, art may provide a means to raise awareness of these issues as well.

### The Art of Placemaking

In recent years, an increasing number of planners and urban designers have recognized the need to “create place” in America; that is, to emphasize various elements, such as architecture, public art, and other urban design features, that distinguish one strip-malled, subdivided place from another. As Ronald Lee Fleming (2007) writes, the increasing number of public art projects focused on placemaking is “evidence of a changing attitude, and the argument for increased policy attention to the problem of how to create ‘place’ in America” (p. 13). Fleming’s is not merely an aesthetic argument, for restoring a sense of place in a community may also contribute to the restoration of community pride and ownership within citizens. In calling for policy attention, Fleming specifically implies that those who make city planning decisions should be attuned to the importance of public art in shaping place.

However, Fleming says, these efforts cannot merely “pay lip service” to the importance of place, and to be successful, planners and design professionals must keep in mind that “place is not merely what was there [in the past], but also the interaction of what is there and what happened there” (p. 14). People’s memories of and attachments to places involve much more than mere scenery; the most critical public art reflects a sense of the history and the cultural context of a place. This history should not be confined to that which is written down in books; rather, public art projects are informed by the unique sense of place that only residents (often only longtime residents) of an area can describe, even if that description is often nebulous and personal. The sustainability of a place

requires equitable attention to the experiences of those who have contributed, and indeed created, that community.

Fleming also argues that “to create placemaking art, planning is almost a prerequisite” (p. 288). Planning for placemaking requires the collaboration of public agencies, an understanding of the commissioning process, and a commitment to linking people to places. Fleming goes on:

Planning for placemaking has two functions: the first is to foster the community’s investment in art as a fixture of the community. It is a process whereby people take ownership of their surroundings, staking a claim in the narrative that brought them to this point, and reclaiming both their visual environment and their community memory... The second purpose of public-art planning is to focus the art around stated urban-design objectives, which the planning process allows the community to define for itself. (p. 288)

This echoes Gablik’s (1991) notion that public art will increasingly involve public participation in community-building and problem-solving, and in particular, “ecological healing.” Furthermore, as Arlene Raven (1989) writes, “Public art isn’t a hero on a horse anymore... art in the public interest extends the possibilities of public art to include a critique of the relations of art to the public domain” (p. 1). Involving the public in the public art process at this level may increase the likelihood that an inclusive public art will indeed pay homage to the past and build pride in the future of the community. By extension, art that takes on an explicitly political purpose can involve community members in making the changes necessary to address social and environmental problems, as is demonstrated by the following case studies.

### **“Cool Globes: Hot Ideas for a Cooler Planet,” Chicago, Illinois**

In 2001, Chicago resident Wendy Abrams read a Time magazine article on climate change, which warned that the Earth’s average temperature could rise by three to eleven degrees Celsius in the next one hundred years. As Abrams (2007) writes, “It then dawned on me that this was within my children’s lifetime. As a mother, I became increasingly concerned about the problems my children could inherit if we don’t act now” (p. 79). Abrams became an active member of environmental groups and began to educate herself, and eventually others, on the issue of climate change. When she spoke with people about the problem, many felt overwhelmed by its magnitude – what could just one person really do about a problem of such immensity (Abrams, 2007)?

Such conversations motivated Abrams to find another way to teach people about the issue, and her idea culminated in a public art project: the “Cool Globes” exhibit which ran in Chicago from June to September of 2007. “Cool Globes,” Abrams writes, “uses public art as a medium to get people to think about global warming and do something about it” (p. 79).

The exhibit consisted of over 120 globes, each five feet in diameter and decorated by a different artist to represent some solution to global warming: the globes “remind people of the many solutions to climate change they can easily adopt in their day-to-day lives, such as washing clothes in cold water, turning down the thermostat, using compact fluorescent bulbs, taking public transportation and walking or riding a bike” (p. 79). The globes were displayed along the Chicago lakefront, where bicyclists, runners, museum-goers, families, and tourists could discuss and enjoy them.

“Cool Globes” calls on the public to participate, at an individual level, in addressing critical environmental problems. These environmental changes are, as Abrams notes, potentially overwhelming, and part

of the power of this public art project is to portray solutions in a concrete, aesthetically pleasing, emotionally appealing form. The public was both delighted and indicted by the globes, for they were at once beautiful and provocative, suggesting the peril of ignoring the issue, even on an individual basis. Thus the problem is not framed only in scientific or in “doom-and-gloom” terms but in terms of positive solutions to what is ultimately a social and cultural problem (Abrams, 2007, p. 79). While change and leadership at all levels of society - whether governmental, grassroots, individual, or otherwise - is clearly crucial in efforts to address climate change, the “Cool Globes” exhibit served as a starting point for informing and, ideally, empowering individuals to implement small-scale solutions.

### **“AMD&ART Park,” Vintondale, Pennsylvania**

Like many small Appalachian communities, Vintondale, Pennsylvania, was left economically and ecologically ruined when a coal company abandoned it. One of the most devastating environmental effects was “a poisonous discharge of sulfuric acid and iron known as acid mine drainage (AMD),” according to Erik Reece (2007), author of “Putting Art to Work,” an article profiling the Vintondale project. Furthermore, according to Reece, the phenomenon is so ubiquitous in the region that many locals don’t even notice that the streams run orange with acid – for many people, the landscape has always looked this way (p. 51).

In the case of Vintondale, T. Allan Comp, a historic preservationist working for the National Park Service and specializing in industrial sites, had been contemplating the idea “of a reclamation project that would actually call attention to the problem and its solution” (Reece, 2007, p. 52). But Comp did not want to merely swoop in with federal funding and a plan disconnected from the local people. Instead, he began talking to residents about their community. He quickly discovered that Vintondale’s citizens were disheartened, as he wrote in his AMD&ART founder’s statement:

These are citizens who rarely, if ever, have the opportunity to participate and learn from any kind of cultural or arts-related activities within their own town. There is little sense of being special in Vintondale, no particular distinction to boast of, only constant decline for half a century – typical for much of Coal Country, too typical. (Reece, 2007, p. 53)

And so, with public participation as a primary goal, Comp went to work. In 1995, he introduced the idea of cleaning up the polluted creek and surrounding area, and began talking to residents about their vision for the project. Ten years later, Comp and the community had created the AMD&ART Park, a public art and environmental restoration project that aimed “to re-create a sense of place by honoring the past and instilling hope in the future” (Reece, 2007, p. 52). The park includes a series of passive treatment ponds that remove the sulfuric acid and iron (acid mine drainage) from the stream, and the ponds themselves are treated as an environmental art piece. Park organizers created a sort of “litmus garden,” where the fall color of the trees would reflect the color of the acidic water as it turned from reddish-orange, to yellow, to silver green” (Reece, 2007, p. 54). Thus an environmental clean-up project creates an aesthetically pleasing natural environment and a place in which people can actually observe the treatment process as it occurs. At a microcosmic level, this makes the restoration of the natural landscape achievable.

The project reflects one of those essential elements of placemaking outlined by Fleming: it has acknowledged and incorporated the past into a contemporary effort at placemaking and environmental restoration. It honors the historical experience of the place, achieving what could be termed a sort

of historical justice, an acknowledgement of the complex factors that created and continue to create the community. The project has “transformed the town dump into what the AMD&ART mission statement calls ‘a public place in which to explore, learn, and recreate’” (Reece, 2007, p. 52). In doing so, it has contributed to restored pride in the past, present, and future of Vintondale.

Again, public participation in the public art and restoration process is essential. Comp is adamant in his belief that “good design must include public engagement,” and maintains that “designers who work in the isolation of their offices when doing community projects are designing in a vacuum” (Reece, 2007, p. 53). The lessons here reinforce the emphasis on public participation already present in much of planning literature. In particular, public participation is important when addressing issues of equity, justice, and sustainability, all of which have many potential incarnations and interpretations. Public art projects are unlikely to encompass all of these views even with a rigorous effort at public participation; however, public art, especially when controversial, may serve to further the dialogue surrounding such issues.

Other artworks within the park include a porcelain tile mosaic, created by artist Jessica Liddel, which envisions what the park looked like during the height of the coal boom, and the Miner’s Memorial, by Anita Lucero, in which the ghostly figures of miners are etched into a slab of granite. Both pieces pay tribute to the history of Vintondale, and to the often intangible nature of the feelings embodied by the vague term “sense of place”:

Through the ritual of art, these ghost miners have made the history of Vintondale real again. The social theorist Michael Mayerfeld Bell has written thoughtfully about what he calls the “ghosts of place,” defining ghosts as “felt presences” or “the sense of a presence of those who are not physically there.” In Vintondale, that dormant sense of being of a place – so characteristic of Appalachia – has been revived through a work of public art in order to celebrate it. And by laying claim to the past, a community has laid claim to a revived sense of place. (Reece, 2007, p. 55)

Are such musings too abstract, too emotionally-based, to be worthy of consideration in city or environmental planning practice? Perhaps the most convincing argument that such projects can provoke the fundamental pride in and concern for a place that motivates more traditional methods of planning is that in Vintondale, after thirty years of inactivity, the citizens have decided to restart the Town Planning Commission. While linked to many factors, this decision was at least in part inspired by the renewed interest in citizen participation stimulated by the AMD&ART Park project.

### Art as a Force for Change

A common thread pervades the literature of environmental art: the idea that it is no longer enough for art to exist only for itself. As Sam Bower, the director of greenmuseum.org, an online environmental art showcase, says, “we urgently need a more constructive relationship between our species and the natural world. We can no longer afford the vacationer’s emphasis on art for art’s sake. The new catchphrase may actually be, art has a job to do” (Reece, 2007, p. 56).

The importance of using art to convey environmental messages or to translate scientific issues in a way that helps the public understand and care about them is highlighted by the AMD&ART Park. Sue Thering, a landscape architect who has spent significant time studying the project, “believes it was the artistic components of the park that brought locals – especially the men – around. As she sees

it, most people don't get too excited about the science of water purification" (Reece. 2007, p. 57). Rather, the men of Vintondale now have a place and an art that connects them to the past – they can show their grandchildren what the area was like when they themselves worked the mine, the legacy of which is at once cleansed and honored by the park. Their own history, and, because of Comp's focus on public participation, their ideas, are reflected by the public art.

Thus, one potential role of art in this context may be to educate, to motivate, and to affect change. At the theoretical level, Malcolm Miles (1997) goes so far as to indict art which is not publicly and socially engaged as a contributor to the problem:

Engagement means either resistance, through art which is social activism, or the building of new, perhaps very local, models of healing and ecology within the old order – models which may be small or ephemeral but at least do not contribute to the deafening noise. Non-engagement, as in art which makes the city an aesthetic object, by default, is complicity in further destruction.... (p. 187)

Miles argues that art can no longer be only an aesthetic object, nor can it treat the city as such. It must challenge cultural conventions to create alternative visions of the future. While this is just one role for art - and a controversial one at that - such diverse alternative visions seem necessary to the process of re-imagining issues of justice, equity, and sustainability.

Certainly there are artists and art-viewers who will take issue with such a claim. History provides numerous examples of the creative and political dangers of art that is solely ideologically driven, especially when it is state-sponsored or -censored. Additionally, the many views of what constitutes justice, equity, and sustainability may directly conflict with one another. Art focused primarily on a "message" may sacrifice creativity or full artistic freedom in pursuit of that message. In the special case of public art, and in light of the many important viewpoints that can never be equally represented, who is to decide what that message should be? The argument presented here should not be taken to apply to all art, but rather to the more limited scope of the possibilities that art offers to both enhance the built environment and serve as an opportunity for education and expansion, for a more inclusive dialogue regarding the issues that affect diverse members of society. Public participation and citizen initiative, as demonstrated by the above case studies, are ways of ensuring that, in a relatively free society, public art can be used to raise awareness of issues, to provoke contemplation and action. But at what point does such work become propaganda? What ensures that art will be used only for "good" causes? There is no assurance of this, as the creation and interpretation of art is as various as our definitions of what is good. Instead, the power of art may be acknowledged and the creative freedom of artists encouraged; the provocation of art may lead to increased education, dialogue, and perhaps even cultural change.

Collaboration across disciplines, between the arts and sciences, is essential if either art or science is to affect cultural change. Carruthers (2006) points out that "artists everywhere, but particularly in North America, are generally undervalued as participants in art/science collaborations," (p. 27) but T. Allan Comp (in Reece, 2007) emphasizes that he "feels more certain than ever that 'arts and the humanities are absolutely necessary to environmental recovery.' Science can change the water chemistry, but for Comp, it is art and history, combined with the science, that will ultimately change people's minds" (Reece, 2007, p. 57).

Planners, in their position to affect both policy and design decisions, should be increasingly attuned



to the value of public art in affecting change. Policy and infrastructure changes can only go so far in solving environmental problems; what is also needed is a change in the cultural and social practices that have led to the current state of environmental degradation, injustice, and inequity. While science can tell us what changes need to be made, art is an essential element of conveying those changes to the public, as the “Cool Globes” exhibit demonstrates.

A recent editorial in *Orion* magazine (2007) suggests that “the protection of our environment will be wholly embraced only when we understand as a matter of principle – not just by scientific evidence – the threat to all life, and then work to enact statutes that truly protect the environment” (p. 1). Art is one effective means by which to convey this principle. That threat to all life – which drives the current movement towards sustainability – can only be mitigated by addressing the related issues of environmental degradation, social injustice, and inequity.

The same editorial points out that Al Gore’s film, *An Inconvenient Truth*, which is widely credited with pushing climate change to the forefront of political discussions in the United States, “was not a government-sponsored program, nor the effort of a nongovernmental organization, nor a protest march, nor (apparently) a campaign platform. It was a movie” (2007, p. 1) – that is, a piece of art. Finally, write the editors,

The best art can rock our world, and that’s just what the times demand. The shift in consciousness that so many people have called for will not, we expect, be led by economists, lawyers, or politicians. It will be brought about by deep understanding, and the will to think and act out of inner conviction. And that, in all likelihood, will be catalyzed by the arts. Art doesn’t just bring about change. Art is change. (p. 1)

Those of us in the position to make planning decisions must keep this in the forefront of our minds. We must make it possible, through policymaking and through advocacy, for art to do its potential work.

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Tory Foster is a graduate student in the University of Arizona's Planning Degree Program. She is pursuing a Master's degree with a concentration in Land Use and Community Development, and is interested in the relationship between land use planning and cultural planning, among other topics.

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**Professor Gianpaolo Baiocchi**

# **CAN JUSTICE BE PLANNED? EXPLORING THE INTERSECTIONS OF POLICY, POLITICS + PLANNING**

By uncompromisingly reducing poverty to a technical problem and by promising technical solutions to the sufferings of the powerless and oppressed people, the hegemonic problematic of 'development' is the principal means through which the question of poverty is depoliticized today. — James Ferguson<sup>1</sup>

The question of whether justice can be planned, or whether exercises in planning can ever have just outcomes is one of the perennial questions that face progressive planners. A generation ago scholars of a critical bent made the persuasive case for "no." Focusing on the imperatives of the capitalist mode of production and on the power asymmetries that expressed themselves in the capitalist state, scholars argued that there was little room for progressives to maneuver within the machinations of the capitalist bureaucracy.<sup>2</sup> As Foglesong has put it:

[I]f urban planning is necessary for the reproduction of the capitalist system on the one hand, it threatens and is restrained by the capitalist system on the other."<sup>3</sup>

In the end, the imperatives of the "growth machine" or logic of the contradictions inherent in the production of urban space in capitalism, would trump whatever small efforts even seemed possible in the direction of redistribution or social justice. More recently, another wave of critical scholarship has come to shape discussions around planning and the state; emphasizing the political rationalities and modes of expertise rather than objective interests of the bourgeoisie, scholars have to criticize the very discourses of planning as complicit in power.<sup>4</sup> The very categories utilized by planners or other reformers divide and categorize populations, bringing them within the purview of a power structure. Critical planners have, pessimism notwithstanding, nevertheless continued in their work in these past decades cognizant of both the rigged nature of the game toward the powerful and the contradictory effects that reform can have. Attention to politics and struggles over both resources and meanings has characterized much of the re-expressive and progressive practice within planning.<sup>5</sup>

The more specific question before us is whether justice can be planned *today*, in the era of untrammelled markets and scaled back states.<sup>6</sup> More than that, the new rationality of government under neoliberalism is one that tends to downplay government solutions to social problems and avoids politics altogether; instead it calls forward an entrepreneurial citizen whose main virtues are self-regulation, taking responsibility for his or her own problems, and a non-competitive partnerships with the state.<sup>7</sup> But the answer is not a foregone conclusion. David Harvey, whose analysis of the capitalist city was so important for the critical reading of urban planning in the 1970s and 1980s, for example, has recently discussed the possibilities of utopian moments and spaces — spaces of hope — in the current era of global capitalism. He provides a philosophical justification for a dialectical utopianism — one grounded in not only temporal possibilities (such as that of an utopian future) but also in spatial ones as well. He calls for a return to attention to "species being" as well as a new ethic toward nature, and deploys the image of the "insurgent architect" as a call to this long revolution of transformation of practices and imaginations, constantly bridging movements and platforms toward the unknown destination of utopia. Importantly, for Harvey, spaces of hope represent utopian *possibilities* and need not be already realized completed projects.

All of the contributions to this volume in one way or another address issues related to possibilities for justice in the current moment. Some clearly try to offer the outlines of "spaces of hope," such as Foster's essay on public art, while others discuss the way the context blocks such possibilities, such as Fluet and Krogman's essay on oil production in Alberta. Others still discuss normative imperatives,

like Baxamusa's essay on redistribution and sustainability, which discusses the theoretical roadmap that might take us closer to this destination. In this closing commentary to the volume I offer a reading of these essays for what they say and imply about such possibilities, and connect them to some of the distinctive features of the current context. I group the essays roughly into two groups: those that address the limiting features of the current global moment, and those that address some of the alternatives available that re-insert a political dimension to planning.

## Globalization and the Scales of Democracy

The first distinctive feature of the current era is the heightened pace of globalization. Many scholars and activists have faced these changes with alarm, and the list of ills attributed to these changes is a long one. For our purposes, one salient feature is that globalization has produced a tension between the idea of the state as a territorially circumscribed regulatory body and democracy as a form of free political association.<sup>8</sup> To put it differently, the scales of democracy and that of increasingly relevant modes of regulation have become mismatched. As the state "hollows out," it does not just "wither away" but its functions are displaced into newer or altered lower- or upper-level state institutions, where new dynamics of political contestation emerge. In many settings the local urban state has emerged as an especially important site, because it is more porous than national states and is situated "in the confluence of globalization dynamics and increased local political action based in civil society" (Keil 1998). Yet, despite the increasing autonomy and importance of the local vis-a-vis the national, both local and national agents operate in a context increasingly constrained by global contexts.

Many of the essays in this volume address, in one way or another, the way that these scales constrain the local, and thus, room for agency at the local level on behalf of justice. Fluet and Krogman explore shortcomings and barriers to reforming the oil and gas industry in Alberta toward a system of integrated resource management that is more equitable. They point to the "structure of property rights and tenure systems, particularly for petroleum resources ... [that] perpetuates the various layers of organization across which undesirable environmental impacts must be addressed." They discuss the limited potential for reforms to address cumulative impacts, public land management values, and ecological values. One environmental organizational respondent commented after participating in an integrated land use initiative that did not influence any land use decisions,

The answer that we came up with is that we're not on the same political playing field, that the power dynamics are not even. So, ultimately, when the real decisions are to be made---not the ones that were made around the table, where all of us were...arguing lots but eventually we came to things we all agreed on---but those were not the real decisions. The real decisions came afterwards, and *they were based on where the true power dynamics lie*. (emphasis mine)

In a sense, the location of the "true power dynamics" as out of reach of local actors also pervades the piece by Julie Hermesse, *Cosmology and Disaster*, which explores the cultural and social production of disasters and continued vulnerability in Guatemala case study. Tropical Storm Stan passed through communities in the Altiplano, but the essay underscores the point that much of the human suffering was not a "natural" consequence. "If a catastrophe can be primed by a natural phenomenon, what are the cultural, social, political and economical factors that make a particular human community more likely to fall in a state of catastrophe?" As she discusses, "deforestation, construction of inadequate dwellings and occupation of zones of high risks are the product of many years of exclusionary economic models" which have their roots in the history of Guatemala as a dependent country."

Masa's piece, "Beyond Land Reform," describes a cooperative in the Philippines that acquired lands but had difficulty in establishing food security *despite* winning land rights, which by themselves were "not enough to mitigate impoverishment." A series of constraints and difficulties manifested themselves despite the good intentions of local actors. Notably, the challenges came from strained relationships with local bureaucracies: "Both the Department of Agrarian Reform and the Department of Labor and Employment did not properly carry out the community development process by overlooking community planning's important role." The piece offers an important reminder that local political games matter tremendously, and that local political contexts cannot be ignored in community planning.

The pieces on Tremé, in New Orleans by Isabelle Maret and Barbara Allen, on Paso del Norte, Texas, by Timothy Collins, Sara Grineski, and Martha Flores and on Atlanta, Georgia, by Na'Taki Osborne Jelks are also instructive as they turn our attention to the United States. Each piece details the ways that environmental injustice, racism, and infrastructural inequalities are intertwined with particularly pernicious consequences for communities of color in the United States. Although we may be tempted to think of globalization having consequences "out there" in the developing world, many of the same changes have taken place in the United States as well. As in much of the developing world, the national state has scaled back its commitment to welfare provision over the last two decades, which has increased the burden on local governments. Over the same period, property taxes and local finances have become politicized in racially divisive ways. In the U.S., municipalities depend on local tax revenues to provide local services to a very high degree, and because these taxes disproportionately come from property taxes, they institutionalize the inequitable distribution of funds, because property taxes are only distributed at the localities where they come from. Poorer citizens thus are likely to live in poorer municipalities, where the tax base is lower, and where schools, community development funds, and social services are funded much less. Even with federal intervention, the disparities in access to resources for services like public education are wildly divergent across districts.<sup>9</sup> Adding to these inequalities are institutional arrangements that facilitate municipal secession. The breaking up of a larger municipality into autonomous suburbs with their own tax base essentially creates incentives for White Flight."<sup>10</sup>

These dynamics have contributed to the emptying out, and de-funding, of core cities in favor of suburbs, so that today virtually all metropolitan areas have impoverished inner cores and wealthier suburbs, and are more racially segregated than before.<sup>11</sup> Today, urban areas have higher tax rates but are less funded than surrounding suburbs. And too often middle-class and upper-class whites have rallied around property taxes, a discourse that often has pernicious racial overtones.<sup>12</sup> The reigning ethic that has emerged in the last decades is that, as Robert Reich has put it "if inhabitants of another area are poorer, let them look to one another. Why should we pay for their schools?"<sup>13</sup> These dynamics form the background against which planners and activists must contest with to create more just spaces, more just distributions of resources and infrastructure, and the ending of environmental racism. As all the pieces suggest, these dynamics are deeply entrenched.

Or as Isabelle Maret and Barbara Allen put it on the piece on New Orleans, "More than two years after the storm, New Orleanians suffer from a major barrier: investment. After four planning processes, the issue is not ideas or vision; the major lack is the capacity to get going."

### Inserting Politics back in: Challenging the New Ideological Landscape of Governance

The rollback of government has not been the only change impacting planning practices in recent

decades. The *meaning* of government has changed as well. The ideological landscape – the discursive parameters shaping what is thought to be possible has also shifted. A new lexicon around questions of government has emerged, characterized by a now familiar constellation of concepts: good governance, NGOs, civil society, grassroots action, decentralization, sustainability, local innovations, social entrepreneurship, among others. The new common sense around governance has partially to do justifications for the rollback of government; “big government” is not able to cope with today’s problems, “bloated bureaucracies” and “red tape” are part of the problem, and so on. But it has also to do with a new rationality of government that emphasizes horizontal linkages, societal creativity, governance and participation. Governance, a new networked pattern of coordination of collective action, has replaced government.

Central to this new common sense is the importance of participation. Though officially endorsed by International Development agencies like the UN since the 1970s<sup>14</sup>, “participation in government” has been advocated with particular vigor by a wide cast of characters since the late 1990s as panacea for an ever wider set of ills. Critical scholarship has followed, not far behind, taking challenging the “heroic claims” made on behalf of participatory approaches<sup>15</sup>, while taking participatory boosterism to task for failing to address questions of power, inequality, and politics.<sup>16</sup> More broadly, scholars have begun to point to participation, and participatory prescriptions in particular, as part and parcel of neoliberal governmentality. Absent from the new common sense is a recognition of the importance of politics. Because participation in government is seen as an *alternative* to collective mobilization and disruption, it has been argued that politics has no place in governance.

Several of the essays in this volume challenge the normative bases of this new development discourse. Foster’s essay, *Art is Change*, discusses the potential for and role of art and artists in transforming cultural practices and ideologies that are the root cause of environmental problems. She argues for the importance of public art, and in particular, what she describes as *placemaking art*, art which

It is a process whereby people take ownership of their surroundings, staking a claim in the narrative that brought them to this point, and reclaiming both their visual environment and their community memory from the homogeneous corporate forces and banal local development besieging the contemporary landscape.

She describes two such projects, the “Cool Globes” project in Chicago, and the “AMD & ART Park” in Vintonville, Pennsylvania. In both projects, “Public participation and citizen initiative, as demonstrated the above case studies, are ways of ensuring that, in a relatively free society, public art is used to raise awareness of issues, to provoke contemplation and perhaps action,” calling for “Planners, in their unique position to affect both policy and design decisions, should be increasingly attuned to the value of public art in affecting change.”

Redistribution and Sustainability, by Murtaza Baxamusa, which argues that redistribution of power is a primary condition for sustainability, presents a conceptual framework for linking empowerment, engagement, and equity in sustainability. The article by Karin Bradley, Ulrika Gunnarsson-Östling, and Karolina Isaksson, on Swedish environmental discourses similarly calls for a challenge to apolitical discourses that avoid discussing inequality. Lint’s essay, in a similar vein, *Addressing Needs as Rights*, gets to the heart of the issue. Though the citizens in the piece are very much impacted by the processes described above, by the rights violations of communities affected by dams, “global economic and political factors are entrenching poverty and inequality and reducing the agency of



citizens to influence the processes that affect their lives" (Eyben, Harris, & Pettit, 2006, p.1), she imagines an alternative. In the piece, she examines a rights-based approach to development, through the case study of communities and dams in Cambodia and the struggle between development and community rights. A rights-based approach, she writes:

requires tackling the real issue at hand - structural issues of power and inequality, that has not been the central focus for development models of the past.

The paper describes how a particular NGO, the Mekong Community Rights Project (MCRP), which works on the protection and restoration of river-based livelihoods in Northeast Cambodia, has drawn upon the rights-based approach, which, according to Lint, has the following elements: "links to the law, inclusion, participation, empowerment, and good governance." Calling for "the process of mapping the power dynamics should be the fundamental starting point of designing advocacy strategies involving issues of poverty, inequality and injustice."

All four proposals – for public art, for empowerment/sustainability, for a more political discussion of the environment, for rights-based approaches to development – find entry points into the current discourse on good governance, but all subvert it in significant ways. They all connect with seemingly "unobjectionable" elements of the discourse - no one would be against sustainability, or rights, for that matter – and push them to logical conclusions that open up spaces for politics and "tackling the real issue(s) at hand." These are very much calls for struggles at the interstices of power, but it is perhaps there that spaces of hope can be opened up.

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Professor Baiocchi, a Professor of Sociology at Brown University, received his MS and his PhD from the University of Wisconsin-Madison. He has achieved international recognition for his scholarship in comparative political sociology and is the editor of *Radicals in Power: The Workers' Party and Experiments in Urban Democracy in Brazil* and the author of *Militants and Citizens: The Politics of Participatory Democracy in Porto Alegre*.

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