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Environmental
Law Foundation

**Third Sector Think Piece
Taking action to promote environmental justice and equality**



Commissioned by Department for Environment Food and Rural Affairs

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Please note that Defra does not necessarily endorse or agree with the content of this document.

Summary

This think piece focuses on the practical actions that the Department for Environment, Food and Rural Affairs (Defra) can take to tackle environmental inequalities, within the context of Defra's policy remit and its partnerships with other government departments.

The think piece is a contribution to Defra's consultation on its third sector strategy. It is based on a facilitated roundtable meeting, organised by Capacity Global (Capacity) and the Environmental Law Foundation (ELF), held with social and environmental third sector organisations, and subsequent consultation on a draft text.

We have identified five priority areas for Defra to take action to promote environmental justice and equality:

- Provide leadership: produce a clear public statement of Defra's commitment to environmental justice, that is, the rights and responsibilities of people to live in a clean and healthy environment.
- Embed understanding: promote a clear understanding of environmental justice and what it means in practice for Defra and other government departments, and for the environmental performance of its third sector partners.
- Set out a framework: provide a public and transparent framework for how Defra will promote environmental justice, including rights and responsibilities, and for how it will develop and promote environmental justice policy and legislation.
- Exploit its influence: use its departmental influence with its networks and partnerships to illustrate the importance of funding environmental justice initiatives.
- Encourage behaviour change: recognise and gather evidence on how environmental justice issues can be used to create pro-environmental behaviour change among the third sector and its stakeholders.

Background

The Department for Environment, Food and Rural Affairs (Defra) invited consultees, as part of the consultation process on Defra's Third Sector Strategy¹, to prepare a think piece to:

- consider the key consultation issues or themes
- offer practical recommendations for ways in which Defra can work more effectively with the third sector.

This included a suggestion that a supporting workshop or meeting be organised to encourage participation by a wider group of key stakeholders.

In response, Capacity Global (Capacity) and the Environmental Law Foundation (ELF) held a facilitated roundtable meeting on 26 February 2008 with social and environmental organisations.² The discussions there informed the preparation of this think piece. We also posted a consultation draft on the websites of both organisations for six weeks.

Introduction

This think piece focuses on how Defra, within the context of its policy remit, can take practical actions to tackle environmental inequalities and to promote environmental justice. In particular, it explores one of the themes outlined in Defra's consultation paper: 'protecting priority areas and vulnerable communities through advocacy and empowerment'. It recognises that:

- both the Sustainable Development Research Network (SDRN) and the Environment Agency (EA) identify environmental inequalities as a real and substantial part of social exclusion
- environmental injustice cuts across many areas including social inclusion, health, transport, housing, employment, waste, regulation and enforcement, and behaviour change
- research illustrates that negative environmental impacts are more likely to disproportionately affect socially and economically disadvantaged people, which may include low income households (black, Asian and ethnic groups occupy a disproportionately high percentage of these households nationally).

There is a lack of research on the causes and impacts of environmental injustice. The findings of recent reports by the EA, among others, suggest that we need to better understand the cumulative impact of environmental inequalities on people's health and quality of life. The EA also believes that improved action by government and others for involving the interests of disadvantaged communities in environmental decisions in an inclusive way is equally important. Such action should require communities to take their environmental responsibilities seriously.

ELF's programme of monitoring confirms the view that disadvantaged communities encounter a disproportionate share of environmental inequalities. In addition, ELF's research finds these same communities are similarly disadvantaged when trying to access the professional expertise, advocacy and support necessary to enable them to articulate their concerns. Capacity's research identifies similar findings. Its work with disadvantaged communities and the third sector also illustrates the need for better cross-sector partnerships, communication and initiatives for practical action to achieve environmental justice.

1 The third sector is an umbrella term that refers to voluntary and community groups, social enterprises, charities, cooperatives and mutual organisations.

2 See Annex I for a list of attendees at this meeting.

Both organisations believe that the best results in environmental decision-making may emerge from developing local capacity in the following ways:

- engaging local communities³ in issues directly affecting their health or quality of life
- developing ‘lines of sight’ between social exclusion, environmental inequalities and pro-environmental behaviour
- working closely with experts from all necessary disciplines
- using local skills and professionals
- providing training, education and mentoring, and building trust.

In addition Capacity’s research findings suggest that, while there is an emerging evidence base for how to deliver environmental justice initiatives and policy, there is as yet no strategic approach to implementing this across government or within the third sector. Key reasons for this include:

- the failure of environmental non-governmental organisations (NGOs), until recently, to address social justice and equality issues
- the lack of organisations focusing on environmental inequalities and the connection to social justice and behaviour change
- a common perception of concerns by communities as focusing on specific social and economic issues only
- little media attention
- a lack of vision in developing initiatives that support low income groups with positive economic benefits such as ‘green collar’ jobs, training and services
- a lack of leadership or sponsorship to underpin the vision and legitimacy of the environmental justice and inequalities approach.

However, there are a number of opportunities for using environmental justice concerns about social inclusion and alleviating poverty to create and support pro-environment behaviour by both members of the public and third sector organisations.

Environmental justice and pro-environment behaviour

At the heart of environmental justice is the recognition of the right of everyone to a clean and healthy environment, as stated in the Aarhus Convention.⁴ Implicit in this is the need to support and prioritise both the protection and improvement of the environments of the poorest in the UK and globally. In addition, the concept of a clean and healthy environment for all implies a need for government and civil society to make behavioural changes, for example, to tackle major environmental justice issues such as climate change. Essentially, environmental justice and equality are crucial to supporting active environmental citizenship.

Defra’s recent work on environmental behaviour change illustrates the importance of engaging communities to tackle climate change. The third sector has a massive potential to engage people who do not necessarily see themselves as ‘environmentalists’ to take environmental action for social and environmental reasons. The sector naturally engages with social justice issues, has wide community networks, an advocacy role and resources of over £109bn⁵ a year. This could provide valuable momentum for creating real social and environmental justice.

3 Although the term ‘local community’ is used here, we recognise that communities may be defined by factors other than their location including, for example, race, religion or gender. This point was raised in a response from the e-consultation (see Annex III).

4 The Aarhus Convention is a UNECE convention published in 1998 that links environmental rights and human rights – www.unece.org/env/pp/treatytext.htm.

5 ‘Civil society in rude health with income of £109bn, says NCVO’, *Third Sector*, 20 February 2008

How Defra can promote environmental justice and equality

Provide leadership

Defra can play a crucial role in developing the environmental justice and equality agenda. It can:

- develop joint social and environmental agendas
- equally promote a rights-based agenda and support capacity building initiatives to promote and support the third sector to meet its responsibilities to the environment
- transfer knowledge of social and economic impacts of environmental inequalities and injustice on topics such as climate change, fuel poverty, housing and environmental regulation
- develop cross-departmental partnerships with key government departments including the Department of Communities and Local Government (CLG) and the Office of the Third Sector (OTS)
- create joint or multi-partner initiatives with CLG that assist local government to understand environmental justice, including barriers and opportunities.

Actions for Defra

Develop a framework on environmental justice. The framework should include a detailed action plan that is transparent, accountable, accessible and has measurable aims and objectives. In addition, the framework should closely connect to present government commitments and legislative duties: the Aarhus Convention, PP10 commitments and equality duties (gender and race).

Make public any memorandum of agreements made with government departments, specifically CLG and OTS, that are related to environmental justice and equality.

Carry out an impact assessment on its present policies and initiatives to identify potential environmental injustice impacts caused by policy omissions, actions or legislation under its remit and with any relevant memorandum of agreements.

Work collectively with other government departments to signpost and remove policy and legislation that conflicts with the government and Defra's commitment to environmental equality and justice.

Embed understanding

The UK Government's Sustainable Development Strategy, *Securing the future*, recognises that environmental justice and equality are important indicators for quality of life and social inclusion. Defra is responsible for demonstrating how environmental justice is linked to key environmental and social issues such as climate change and social inclusion. The department needs to build on the work and research done by, among others, CLG and the Social Exclusion Unit (SEU) to embed environmental justice throughout the department's structure and its cross-sectoral partners. To facilitate this we recommend that Defra uses its relationships with OTS and CLG to facilitate environmental and social performance initiatives and support services targeted specifically at the third sector.

Actions for Defra

Address the difficulty the third sector has in applying environmental performance tools. Specifically, Defra should consider the development by the third sector of a relevant environmental and social management assessment, in conjunction with its environmental third sector partners, the Directory of Social Change (DSC), the National Council for Voluntary Organisations (NCVO) and the Association of Chief Executives of Voluntary Organisations (ACEVO).

Develop a national support service for the environment services of the third sector with Capacitybuilders and the OTS.

Establish dialogue with the Charity Commission and third sector associations to explore how to encourage organisations to measure their social and environmental performance.

Support and promote projects that encourage key organisations within the third sector, OTS, Defra, ACEVO, NCVO and Every Action Counts to disseminate information on environmental justice to their members, service users and beneficiaries.

Set out a framework

A key area of Defra's future work is to develop a public and measurable framework and action plan for promoting environmental justice.

Actions for Defra

Draft a framework for environmental equality in consultation with NGOs and key government departments, specifically CLG.

Include clear guidelines within the framework on how Defra will measure and support initiatives at local and national level.

Illustrate how Defra will support the development of minimum standards of consultation in relation to access to environmental information and public participation in decision-making with the third sector that go beyond those developed in the Third Sector Compact.

Provide input into related initiatives such as the Decent Neighbourhoods agenda with the social housing sector.

Exploit its influence

The nature of Defra's work means that there is a massive potential for it to bring in resources from other organisations. To do this it will need to develop relationships and direct links with other government departments whose remits relate to environmental justice, for example, through health, regeneration and planning.

The department could also potentially act as a conduit for improving funding on environmental justice issues and equality. It presently has the opportunity to use Local Area Agreements (LAAs) to deliver on environmental justice indicators at a local level as part of ENCAM's work to map the delivery of environmental indicators for Defra.⁶

⁶ To support the UK sustainable development strategy, *Securing the Future*, the government published 68 national sustainable development indicators <http://www.sustainable-development.gov.uk/progress/national/index.htm>.

Actions for Defra

Advise funders (government and non-governmental) on the importance of supporting environmental justice initiatives.

Play a facilitating role with CLG, key third sector organisations, agencies such as the Improvement and Development Agency for local government (IDeA), the Local Government Association (LGA) and the British Urban Regeneration Association (BURA), local authorities and regional development agencies (RDAs) to support regional and local understanding of environmental justice.

Use the environmental indicators for LAAs to map the local delivery of environmental justice and equality.

Work with CLG and the regional government offices to ensure that LSPs include relevant indicators within LAAs.

Encourage behaviour change

Environmental justice is a concept that equally addresses environmental protection, poverty, social inclusion and equality. This provides a perfect platform for attracting 'non-environmentalists' to take environmental actions as it provides a social perspective on environmental issues. As such, environmental justice can encourage third sector organisations with a social mission to tackle environmental issues such as climate change because of the social impact it has on the most vulnerable in the UK and abroad. Therefore, environmental justice is crucial for active environmental citizenship as it can utilise the potential for communities and organisations to work on environmental issues.

However, Defra will need to understand that empowerment through rights and responsibilities may conflict with some of the department's (and the government's) environmental policies. This includes, for example, the problem of peak oil and the ways in which local communities can take actions to help the transition to a low carbon economy. However, disagreement is a natural manifestation of environmental governance and can lead to positive changes.

Actions for Defra

Ensure that all people are aware of their right to a clean and healthy environment, access to environmental information, participation in decision-making and access to justice, and that they are aware of their responsibility to protect the environment.

Commission research to gain a clear understanding of how environmental justice can be used as a platform for encouraging behaviour change to improve the environment.

Work individually and collectively with the third sector, CLG and OTS to transfer knowledge on environmental justice and its role in facilitating individual, collective and organisational behaviour change.

Indicators 59–66 address social justice and environmental equality and a number of these could be used locally to monitor progress. A breakdown of these indicators by region is available at <http://www.sustainable-development.gov.uk/progress/regional/summaries/index.htm>.

Priority actions for Defra

The above recommendations are actions that Defra needs to take in the coming years. However, Defra should prioritise seven of these in the short-term. These will help to ensure future medium- and long-term action to facilitate the strategic development of the environmental justice agenda and environmental behaviour change within the third sector and public, government and agency stakeholders:

1. Develop a framework on environmental justice. The framework should include a detailed action plan that is transparent, accountable, accessible and has measurable aims and objectives. In addition, the framework should closely connect to present government commitments and legislative duties: Aarhus convention, PP10 Commitments and equality duties (gender and race).
2. Make public any memorandum of agreements made with government departments, specifically CLG and OTS, that are related to environmental justice and equality.
3. Address the difficulty the third sector has in applying environmental performance tools. Specifically, Defra should consider the development by the third sector of a relevant environmental and social management assessment, in conjunction with its environmental third sector partners, the Directory of Social Change (DSC), the National Council for Voluntary Organisations (NCVO) and the Association of Chief Executives of Voluntary Organisations (ACEVO).
4. Establish dialogue with the Charity Commission and third sector associations to explore how to encourage organisations to measure their social and environmental performance.
5. Play a facilitating role with CLG, key third sector organisations, agencies such as the Improvement and Development Agency for local government (IDeA), the Local Government Association (LGA) and the British Urban Regeneration Association (BURA), local authorities and regional development agencies (RDAs) to support regional and local understanding of environmental justice.
6. Use the environmental indicators for the LAAs to begin to map the local delivery of environmental justice and equality.
7. Commission research to gain a clear understanding of how environmental justice can be used as a platform for encouraging behaviour change to improve the environment.

Annex I:

List of participants attending the roundtable meeting, 26 February 2008

Maria Adebawale, Capacity Global

Graham Duxbury, Groundwork UK

Carol Hatton, World Wildlife Fund (WWF)

Shalani Jayasinghe, London Sustainability Exchange (LSX)

Phil Michaels, Friends of the Earth (FoE)

Claire Wilton, Friends of the Earth (FoE)

Mark Parker, British Association of Settlements and Social Action Centres (BASSAC)

Alberta Stevens, Civic Trust

Debbie Tripley, Environmental Law Foundation (ELF)

Colleen Whitaker, London 21

Annex II:

Useful websites for information on environmental justice

Capacity Global (including Capacity's environmental justice resource centre)

www.capacity.org.uk

Environmental Law Foundation

www.elflaw.org/site/

ESRC/NERC Environmental Inequalities Seminar Series

<http://geography.lancs.ac.uk/EnvJustice/eiseminars/>

Department for Communities and Local Government (CLG)

CLG's work covers a number of environmental justice related issues.

Government urban green space policy

www.communities.gov.uk/communities/sustainablecommunities/cleanersafergreener/

Local government white paper

www.communities.gov.uk/publications/localgovernment/strongprosperous

Advice for practitioners

www.cleanersafergreener.gov.uk/

CABE Space

www.cabe.org.uk/default.aspx?contentitemid=2077

Environment Agency

The EA has published a number of documents on environmental justice.

www.environment-agency.gov.uk/aboutus/512398/289428/888451/?lang=_e

Environmental Justice Resource Centre, Clark Atlanta University

Visit this site for resources and experiences of environmental justice in the USA.

www.ejrc.cau.edu/

Annex III:

Summary of responses on this think piece

ELF and Capacity placed the think piece on their websites for a six-week consultation period.

Generally, our members were happy with the contents of the think piece and we received no adverse comments.

Contributions to the debate included the following:

- Defra should avoid using terms such as ‘environmental justice’ unless it identifies specific outcomes and targets particular groups for delivery.
- The term ‘local communities’ needs to be better defined as often communities are not location-based.
- There is a need for action rather than duplication of more strategies.
- Greater consideration should be given to the use of language that implies that black minority communities are always socially and economically disadvantaged. It would be better to focus on the fact that black and Asian people come from wide and diverse backgrounds.
- Identity is increasingly important in a time of rapid social change and that perception of places can be more about social construction and rhetoric than reality.

Capacity Global

Capacity Global is the only UK based non-governmental organisation and social enterprise working solely on environmental justice issues. Capacity Global believes that living in a clean and healthy environment is everyone's right. It works specifically with people and communities in urban areas who suffer from social, environmental and economic deprivation, to ensure their voices get heard. The organisation does this in collaboration with its partners and networks.

Its five main areas of work are:

- Advocacy
- Community projects
- Policy
- Research
- Training

For more information about Capacity Global:

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Environmental Law Foundation

The Environmental Law Foundation (ELF) is the national UK charity founded in 1992 that helps people use the law to protect and improve their local environment and quality of life. Through our network of specialist lawyers and consultants across the UK, we provide free guidance and continuing support to those in need of assistance.

ELF also provides education and training, promotes lectures, conferences and seminars, produces publications and encourages policy development. Above all, we provide a voice for communities and individuals.

For more information about the Environmental Law Foundation:

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'In this thinkpiece, Capacity Global and ELF have made abundantly clear the link between inequality and environmental injustice, the need for further research on the causes and impacts of environmental injustice, and the failure of NGOs and government to tackle social and environmental justice in any kind of joined-up way.

This document should be a wake-up call to government to live up to its commitments to tackle environmental injustice, and to NGOs to work together to highlight the interplay of social and environmental injustices that cause and deepen social exclusion – and to explore ways to work together to find solutions.

This is starting to happen: Friends of the Earth is working with Help the Aged on fuel poverty and with Shelter on housing issues; Oxfam and new economics foundation are supporting the nascent Roundtable on Climate Change and UK Poverty; Climate Clinic is making its presence felt at party conferences. At the grass roots, Capacity Global and others are supporting communities to identify and take action on the immediate problems they face, and the wider solutions that they can be part of.

We support Capacity Global and ELF's call for the government to take heed of these efforts: it is time for the government to give real support to those working on environmental injustice at community level, and to take joined up action to address inequality and environmental injustice. This is a complex problem requiring a holistic solution – and government leadership.'

Clare Cochrane, Oxfam UK Poverty

July 2008

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