

Exploring Environmental Inequalities in Belgium: a New Theoretical and Empirical Way to Deal with Environmental Conflicts in Urban Areas?

Zoé Lejeune

Dpt. Political Science, University of Liège (Belgium)

Abstract

Environmental Inequalities (EI) – the unequal distribution of environmental goods and bads among space and population – are a field of research at the crossroads of political science, environmental studies, and urban studies. Unlike US Environmental Justice movement, EI are not seen by actors or studied as a specific frame for action and collective mobilisation in Belgium in environmental matters.

Environmental conflicts are however numerous in urban areas in Belgium where industrial activities and housing cohabit. In this paper, I analyse the unequal consequences of urban policy in Belgium in terms of environmental quality and access to amenities, more precisely, of uneven access to “quality of life” in a context of “anti-urban policy”.

EI invite us to think about democracy in the cities (citizen participation, equal access to environmental quality of life) and about litigation and legal opportunities for individuals and groups in environmental conflicts. This paper examines alternative modes of public regulation in a “social and environmental justice in the city” perspective that could better integrate social and environmental issues.

After a general presentation of the doctoral research, this paper explores (1) how grassroots movements or individuals can mobilise the law to denounce environmental conflicts and inequalities providing insights into an environmental inequalities perspective. It then studies (2) how current urban and environmental policy in Belgium can contribute to explaining these inequalities.

Empirical evidence relies, on the one hand, on legal texts, public policy analysis and litigation cases and, on the other hand, on exploratory interviews with stakeholders in Belgium – main political parties, environmental non-profit organizations, legal practitioners, unions and scientific public institutions.

Introduction

Environmental Inequalities (EI) – the unequal distribution of environmental burdens among space and population – are a field of research at the crossroads of political science and urban studies.

Environmental conflicts are numerous in urban areas in Belgium where industrial activities and housing cohabit. I propose to analyse the unequal consequences of urban policies in Belgium in terms of environment and, more precisely, of uneven access to urban services and so to a “quality of life” in a context of “anti-urban policy”. EI invite us to think about democracy in the cities (citizen participation, equal access to urban amenities) and about litigation and legal opportunities for individuals and groups in environmental conflicts.

This paper examines alternative modes of public regulation in a “social and environmental justice in the city” perspective that could better integrate social and environmental issues. The aim is to expose the main aspects and objectives of my doctoral research and some theoretical and methodological issues related to environmental inequalities research for Belgium.

In a first section, I explain the concepts of environmental justice and environmental inequalities, the latter being more used in the European context, at least the continental one. This field of research has not been deeply explored in Belgium yet and this doctoral research aims, as a consequence, to fill a gap in scientific knowledge. Theoretical as well as empirical research needs to be addressed in this field.

In a second section, I expose the three main dimensions of my PhD research¹: access to justice in environmental matters, mobilisation of actors and public participation, and integration of environmental inequalities issues into public policies in Belgium. These three dimensions are not mutually exclusive. The originality of this study resides in the three dimensions that are explored through an “environmental and social justice perspective”.

The main question of my research is: *“What can methodologies and scientific literature on environmental justice and environmental inequalities bring to the study of territorial and social inequalities in urban areas in Belgium? What is the ‘added value’ of this perspective in the understanding of urban inequalities and discriminations?”*

In a third section, I explore litigation opportunities for environmental NGOs and individuals in Belgium (and more specifically in the Southern region of Belgium called Wallonia²) and propose some links with environmental justice considerations. The idea here is to study legal opportunities for activists but also to highlight the unequal aspects of legal procedures.

In a fourth and last section, I provide insights into the impacts of urban and land planning policies on environmental inequalities phenomena in Belgium. Three aspects are further explored: historical development of Wallonia, housing policies and anti-urban policy.

Section 1. Environmental Inequality: Concepts and Methods

1.1 Concepts

In this first section, concepts are exposed as well as their origins. The method for the doctoral research is also explained as well as empirical evidence for this paper.

The concept of environmental inequalities (EI) postulates that socio-economic inequalities are strengthened by environmental factors, such as the accessibility to green spaces, to an environmental quality in general, and to a quality of living and housing conditions. People or groups do not bear the same burden of pollution and environmental risks and don't have the

¹ I am currently a first year PhD student and these dimensions are mainly theoretical propositions that will guide my future – empirical – work.

² I will explain later the political organisation of Belgium that is a federal state composed of three regions and three communities.

same access to urban and environmental services (Emelianoff 2006). This PhD research seeks to study the combination of socio-economic disparities with environmental inequalities in a territorial perspective centred on urban areas (including the interplays between city centres and suburbs).

In the United States

Introduced in continental Europe as EI, this field of research comes from the Environmental Justice (EJ) movement that first arose in the United States. EJ is a well-grounded framework mobilised by grassroots movements, NGOs, and citizens, particularly before the courts, to act against and to contest the uneven distribution of environmental goods and “bads”. It is also a major field of research in the universities, with specific programs and dedicated research centres.

This field of research has been investigated since the 1980s in the United States. In the direct tradition of the Civil Rights’ movement, these unequal situations are considered to deny fundamental rights of individuals. Environmental justice movement pointed up the impact of facilities location choices on people of colour and the poor (Wenz 1988, Mohai and Bryant 1992, Bullard 2000, Holifield 2004, Schlosberg 2004). Environmental justice was recognised by President Clinton in the Executive Order 12898 of February 11, 1994, ‘Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations’, as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies”³. The U.S. Environmental Protection Agency (EPA) created the Office of Environmental Justice (OEJ) in 1994 to address the inequities⁴.

The expression “Environmental inequality” is, however, also used in the US. For instance, Pellow talks about environmental inequality in the US context and considers that the term EI “addresses more structural questions that focus on social inequality (the unequal distribution of power and resources in society) and environmental burdens” and brings broader dimensions to environmental justice⁵ (Pellow 2000).

EJ and EI research challenges “the dominant ecological paradigm utilized by environmental researchers [that] failed to recognize and/or adequately address the fact that environmental problems are contextual and experienced unevenly across the population (Krieg and Faber 2004)”. In Belgium, EI in this perspective would invite us to reconsider the social impacts of environmental policies, which have been largely underestimated so far.

If the first scholarly studies carried out on environmental justice aimed to highlight how ethnic minorities and the poor experience discrimination by demonstrating the unequal distribution of polluting facilities, many scholars have expanded this field by opening up the research to different conceptions of justice (distributional, corrective, procedural), and to the causal explanations of environmental inequalities: history, capitalism, new forms of domination. (Holifield 2004, Schlosberg 2004). “In substantive terms there has been a broadening of the environmental and social concerns positioned within an environmental justice framing moving beyond only environmental burdens to include environmental benefits and resources in various forms”(Walker 2009).

Political theorist Schlosberg adds two dimensions to the mainly distributive approach to EJ: recognition and public participation. “A study of justice needs to focus on the reasons and processes behind and determining maldistribution; recognition, or the lack thereof, is key” (Schlosberg 2004). “ ‘Recognition’ or the respect afforded to diverse ways of seeing and

³ U.S. Environmental Protection Agency: <http://www.epa.gov/environmentaljustice/>.

⁴ The OEJ was named Office of Environmental Equity from 1992 until 1994.

⁵ I chose to study environmental inequalities in Belgium because it opens a larger approach and is “disconnected” from Environmental Justice framework that doesn’t exist so far.

knowing – a critical intervention in the science- based domains of environmental and natural resource policy”(Shilling, London et al. 2009), is a central element: what does street-based science bring to EI research and analysis?

The methods used to report these inequalities have also been largely criticised (Bowen 2002) and new questions are asked: which scale of analysis should be used to point up environmental inequalities? In a constructivist perspective, scholars have highlighted the “spatial ambiguity of environmental inequity” and observed that there is “no indisputable rationale for favouring one scale of resolution and analysis over another” (Kurtz 2003). The way in which scales are mobilised by EJ activists is an important dimension of EJ activism in the US, between spatial scale of societal meaning and spatial scale of public regulation (Kurtz 2003). Another dimension that needs further consideration is the time period that should be analysed to give insights into EJ phenomenon.

In Europe

In the United Kingdom, where environmental justice issues are discussed as a social movement framework as well as a scientific field of research, more than in the rest of the continent (Agyeman and Evans 2004, Lucas, Walker et al. 2004, Walker 2007, Fairburn, Butler et al. 2009) Environmental Justice and Inequalities are a growing body of research and interest. However, with the exception of the UK, there’s no mobilisation of an EJ framework by environmental activists in Europe, even if there’s a global awareness about environmental inequalities by NGOs and grassroots movements.

In France, environmental inequalities are mostly studied by geographers and focus on socioeconomic dimensions (Emelianoff 2006, Faburel 2008, Faburel and Gueymard 2008, Laigle 2009). French scholars have notably tried to illustrate the lack of integration of environmental considerations into urban policies (Laigle 2009) giving priority to a spatial approach of environmental inequalities.

Four types of environmental inequalities were identified by French authors Laigle and Oehler, namely: inequalities of exposure to urban pollution and risks, inequalities in terms of access to city life and a quality of living environment, inequalities as legacies of the past and of the historical development and, finally, inequalities in terms of the ability of individuals and groups to act to protect the environment and to question the authorities (Laigle 2009). Even if these categories can be criticised because there are not mutually exclusive (Lejeune, Cheveau et al. 2012), they offer a useful analysis grid of EI.

Many authors have brought out the lack of integration between the social and the environment and challenged the dominant idea of a clear separation between human beings and their environment (Theys 2007). In this perspective, the environment is seen as “something out there” that has its own logic. This idea has mostly lead to separated policies centred either on one or the other dimension (Faburel and Gueymard 2008). At present, we miss in Belgium a conceptual framework better able to integrate the environment and social inequalities, and to define environmental ethics, particularly in the cities (Blanchon, Moreau et al. 2009). The cities in southern Belgium especially suffer from the general slowdown in economy, the difficult industrial reconversion and redevelopment of the region that used to be centred on heavy industry.

“Social values attributed to the environment”(Faburel 2010) and EJ remind us that the poor also feel concerned about their environment: where they live, the cleanliness and the level of pollution in their neighbourhood and so on.

In Belgium

Overall and as a first review of EI research in Belgium, we must admit the poor literature and scientific research on this issue, with the exception of a few studies (Cornut, Bauler et al. 2007, Dozzi, Lennert et al. 2008, Lejeune, Cheveau et al. 2012).

This paper proposes to study the concept and some of its spatial implications in the context of the Southern region of Belgium, Wallonia. Belgium is a federal state composed of three regions (Brussels, Flanders and Wallonia) and of three communities (French-speaking Community – now called Wallonia-Brussels Federation, Dutch-speaking Community and German-speaking Community). Regions are mostly competent for economy, environment, agriculture, energy, housing, tourism and the management of local authorities, while the Communities are competent for culture, education and scientific research⁶.

As this field of research is underexplored, even if well-off populations can also suffer from environmental degradations, I propose to further explore this scientific field of research taking into consideration the differences between Belgium and others countries where EJ and EI are already studied (USA, the UK, France): the way inequalities are managed, access to justice and the conception of the law, and the role of the public authorities constitute major differences (Laigle 2009).

1.2 Methods

What new insights into the study of environmental conflicts can an environmental inequalities perspective bring to the understanding of spatial inequalities in Wallonia? We made the choice to develop a territorial perspective of environmental inequalities. This doctoral research proposes a two-fold methodology: quantitative and qualitative. The quantitative method intends to cross-reference statistics about demographics and households' socio-economic status, on the one hand, and environmental inequalities data (air quality, soil and water pollution) in urban areas, on the other hand. The qualitative part will be dedicated to case studies in some urban areas, in the form of open-ended interviews with stakeholders to provide a more subjective approach and to go beyond a "physicalist" approach of environmental inequalities (Faburel 2012)⁷. Environmental inequalities would allow to reconciling environmental and social dimensions of public action in the cities.

These first considerations lead us to the secondary question proposed in this paper: *"What would be the alternative modes of regulation in a 'social and environmental justice in the city perspective' that better integrates social and environmental issues?"*

The sections 2, 3 and 4 provide information that answers this research hypothesis. For the purpose of this paper, empirical evidence relies, on the one hand, on legal texts, public policy analysis and litigation cases and, on the other hand, on exploratory interviews with stakeholders in Belgium.

Section 2. Three Main Dimensions of Investigation

The three dimensions that are presented in this section are the result of the review of literature and methods realised during the first months of my doctoral research, as well as from doctoral seminars exchanges and a set of initial interviews conducted with stakeholders: main political parties, unions, public institutions, environmental NGOs, and legal practitioners.

1. Environmental Justice and Access to Justice in Environmental Matters

As environmental justice, "access to justice" is a field of research that first emerged in the USA and that addresses the question of who has access to justice. Access to justice in environmental matters is well documented in Belgium where there is a vast literature on the question. The Aarhus Convention, signed in 1998, by Belgium and later by the European Union, seeks to improve access to information, public participation in decision-making and access to justice in environmental matters.

⁶ The population of Wallonia is around 3.5 million inhabitants.

⁷ These interviews haven't been realised yet. As for now, I have only made some exploratory interviews.

This first dimension aims to analyse how actors– NGOs, neighbourhood committees, or individuals –litigate in environmental matters, which here include land planning and urban planning law. Access to justice in environmental matters in an EJ perspective will be further explored in Section 3.

2. Social Movement Perspective: Actors and Environmental Inequalities

This second dimension seeks to study how various types of actors – stakeholders, public authorities, citizens, NGOs – rally and act to face environmental inequalities.

This dimension invites us to think about public participation procedures (which are directly addressed by the Aarhus Convention). There are many tools, procedural as well as substantive, that organise access to information (passive and active), public participation (mostly via public enquiries) and access to justice in Belgium.

To raise the issue of actors' mobilisation in an environmental inequalities perspective will allow questioning the empowerment strategies of the actors and how they concretely use the tools. "While participatory mechanisms may appear to be internally equitable they are inevitably set within broader social and political systems that can perpetuate established inequalities" (Davies 2006):

Who really make use of the tools? Why do some actors have voice while others don't? Who has the capacity to do so?

Do some actors intentionally decide not to struggle for their environment or their health because they weight them with other arguments especially socio-economic ones?

We consider pertinent to take into consideration the effects induced by the passivity of certain groups of actors that are impacted by a policy (Knoepfel, Larrue et al. 2006).

In Belgium, the participation of NGOs can mostly take two forms. First, they play an institutionalised role via advisory committees which need to be consulted when a new decree or law is designed in environment and land use planning. These committees include members of environmental NGOs, political parties, practitioners, and academics. Public authorities have to justify their decision when they choose not to follow the opinions expressed by the committees (which were created in line with the tradition of social dialogue in Belgium). Second, the civil society can participate in different ways, via the medias, conferences, public debates, political lobbying. In Belgium, NGOs can mainly have an indirect involvement in the political decision-making as the state is a representative democracy (Born 2010).

For individuals, the first environmental inequality might be educational: the level of diploma and the ignorance of their rights by some segments of the population⁸ can explain why they don't rally to fight environmental degradation. Some stakeholders also points out "cultural" barriers due to the lack of "culture of participation" in Southern Belgium. The public enquiries - the main tool for participation - and the consultation of the stakeholders - via specific commissions - in the environmental impact assessment might come up too late in the decision-making process⁹.

3. Environmental Inequalities and Political Decision-Making

The third dimension regards the integration of EI into public policies and into the decision-making process: "environmental justice brings a particular set of concerns to the policy

⁸ Interview with a member of the Reformative Movement (MR), liberal party, right-wing and French speaking. All Belgian political parties split up in the 70s as a consequence of the transformation of the Belgian State into a federal state and the growing division between the south and the north of the country.

⁹ Interview with a member of Ecolo, a green and left-wing party (French speaking).

process, in asking not only what the environmental impacts of a new policy, programme or regulation might be, but also how these impacts are likely to be distributed across different social groups” (Walker 2007).

We can first of all note that environmental justice and inequalities issues are not subject of any specific policy in Belgium. Some political actors are more and more aware of spatial and environmental inequalities and have been interested in foreign concepts and of their possible implementation in Belgium. They are not however explicitly acknowledged in any law or public policy.

The second question that arises from the first assessment is: why is this topic so poorly introduced in our environmental and urban policies? As for now, we can only suggest some explanations. Scholars haven't until now worked a lot on environmental inequalities and haven't provide the polity with reliable data on its implications for Wallonia and Belgium¹⁰. We can also notice a lack of legal innovation in environmental matters as Belgium mostly implements European law; this has led to a “closed game” structure: we adopt a reactive behaviour to deal with environmental and land uses issues¹¹. And more specifically, there's no integration of the social dimensions of environmental protection. EJ asks if we take into consideration the more deprived areas and the poor when dealing with the environment, broadly defined.

Section 3. Environmental Inequality and Litigation Opportunities

In this section, we first distinguish between environmental justice and access to justice. Access to justice is one aspect of the environmental justice/inequality perspective but one cannot choose to overlook access to justice when dealing with environmental inequalities, even if legal action is not the only instrument for actors who want to act against environmental decision or legislation: participation, information, political lobbying, media coverage can be mobilised way early in the process.

“Access to justice” is coming from the USA where it is notably conceived in the environmental field. However, the US system of environmental protection is different from the European and Belgian one. In the USA, environmental protection law emerged earlier, in the 70s and is more flexible than its European counterpart that seeks to offer an equal protection to all.

The concept of Legal Opportunity Structure (LOS) represents “the degree of openness or accessibility of a legal system to the social and political goals and tactics of individuals and/or collective actors” (Vanhala 2012). The question of access to justice and litigation opportunities is “who has the right to take legal action?” Only those who are directly the recipients of the policy (and have a “direct interest” in it, are directly impacted by it) or also groups that seek, as a collective interest, to protect the environment? As a matter of fact, the issue of inequality is not the main issue at stake here, even if it can be taken into consideration.

Access to justice has been sanctioned in Europe in the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, signed in 1998 and in force since 2003 in Belgium. This major agreement without being directly applicable for member states is strengthening the potential role of NGOs in environmental protection litigation.

The environment is mainly a regional competency in Belgium. Wallonia, the southern region of the country, is amongst others in charge of housing, land use and environment (water, air quality, biodiversity, etc.). In Belgium, however, the organisation of the judiciary remains a

¹⁰ The Regions are responsible for environmental policies in Belgium that is to say Wallonia, Brussels, and the Flemish Region, with the exception of nuclear waste, trafficking in endangered species of flora and fauna, etc.

¹¹ Interview with a legal practitioner, specialised in environmental law.

federal competency as well as the design of new jurisdictions. This dualistic approach between environmental competencies and judicial organisation complicates the legal and judicial processes in Belgium.

This dualistic division of competences between the federal state and the federated entities gets even more complex in environmental matters as we also have a dualistic approach in legal action in Belgium. A distinction has to be made between access to judicial courts and tribunals, on the one hand, and access to administrative courts, on the other. This is the topic of the first sub-section. In a second sub-section, I introduce environmental justice and inequalities in the larger topic of access to justice in environmental matters in Belgium.

3.1 Litigation Opportunities for Environmental NGOs (Belgium) - Do NGOs have an interest in taking legal action in environmental matters?

Environmental NGOs do not have a comfortable position in terms of access to justice in Belgium, even if they can rely on the Aarhus Convention that requires member states to give favourable status to environmental NGOs. As mentioned before, this sub-section will be divided in two: access to judicial courts and access to administrative jurisdictions.

Since the *Eikendael* decision in 1982, the Cassation Court (highest judicial court in Belgium) has followed a consistent case law and has limited the access to justice for environmental NGOs that have to demonstrate a personal and direct interest to be able to go before the judicial courts (for civil and penal actions). With the exception of a few conflicting judicial precedents, environmental NGOs are as a consequence denied access to judicial courts (Born 2010).

In terms of administrative legal action, the Council of State, the highest administrative jurisdiction in Belgium, has its own vision of the interest of NGOs for taking legal action¹². The Council of State's case law is interpreted less narrowly than in the judiciary though the legal precedents impose some conditions to the action of NGOs: the social purpose of the NGO has to be the protection of the environment, the geographic scope of action of the NGO has to be limited, its representativeness – number of members – has to be acknowledged. The BBL (*Bond Beter Leefmilieu*, a Flemish environmental NGO) has challenged those criteria before the Aarhus Compliance Committee¹³, which has recognised that they might constitute a violation of the Aarhus Convention. In the specific case at stake, the Committee could not admit any breach of the Convention by Belgium, as “none of the cases referred to by the Communicant prove that Belgium currently fails to comply with the Convention, [as none] was initiated after its entry into force for Belgium”¹⁴. However, the Compliance Committee confirmed that there might be one in the future if no change had to be made: “While the Committee is not convinced that the Party concerned fails to comply with the Convention, it considers that a new direction of the jurisprudence of the Council of State should be established; and notes that no legislative measures have yet been taken to alter the jurisprudence of the Council of State”¹⁵. The criteria for NGOs were judged to be so restrictive as to impede their action in environmental matters. For instance, the geographical criterion would prevent national or regional wide NGOs from standing before the courts for a very localised case although they have more financial and human resources and expertise to support one that their equivalent at a local scale. The unpredictability of the Council of State leads at present to legal uncertainty for NGOs.

¹² Before going before the Council of State, NGOs can ask for an administrative review of any public decision before the Walloon Government (regional level of power). The Walloon Government can judge the opportunity and the respect of the procedure and can invalidate the decision. Even at this step, the interest for NGOs to contest a public decision hasn't always been recognised by the Walloon Government.

¹³ Aarhus Compliance Committee, *Findings and Recommendations, Communication ACCC/C/2005/11 by Bond Beter Leefmilieu Vlaanderen VZW (Belgium)*.

¹⁴ *Ibid*, p. 5.

¹⁵ *Ibid*, p. 11.

In Belgium access to justice is surrounded by the debate about NGOs taking the role of a public prosecutor when taking legal action to protect the environment before the courts. The environmental NGOs defend against this assumption that the protection of the environment is only a part of the general interest. Their action wouldn't interfere in the competence of the prosecuting authority, only body able to pursue the general interest of the society.

A proposition of law (supported by the green parties¹⁶) was brought in the Chamber of Representative (federal level of power) to create a framework for collective interest action¹⁷. This law would offer a major opportunity for environmental NGOs to play a bigger role in litigation cases, this proposition being largely promoted by IEW (Inter-Environnement Wallonie), a 150-member federation which gathers together many environmental NGOs from the South of the country.

Costs and delays for the judicial and administrative procedures are also barriers to litigation cases for environmental NGOs and activists. The 21 April 2007 law on lawyers' and legal fees¹⁸ creates a "loser pays" fee-system in Belgium. If legal action fails, the claimant has to pay a part or even the totality of the other claimant's lawyers' fees. This is a major obstacle for the action of NGOs and activists that usually do not have enough money to support this kind of costs. Furthermore, the delays for a decision of the Council of State or the judicial jurisdictions are very long. Trials usually last between two and three years, an eternity when dealing with environmental and urban planning decisions.

Vanhala, when exploring the UK legal actions by environmental NGOs, states that "at a theoretical level, the logic behind a LOS [legal opportunity structure] approach would suggest that activists who see themselves as situated within a relatively closed LOS will be less likely to use legal action. The empirical evidence suggests otherwise"(Vanhala 2012). Potential positive impacts of legal action from environmental NGOs, even in a negative "LOS" in Belgium, would need to be further analysed: potential social and political benefits, fund-raising, public consciousness and so on¹⁹.

3.2 Access to Justice and Environmental Inequalities

In Belgium, there seems to be little concern and research about the issue of inequality in the process of justice and legal action and, more specifically for our purpose, in environmental and urban planning matters. This sub-section proposes some explanations to this assessment, connections between EJ and access to justice and new potential research avenues.

Belgium is characterised by a tradition of equality that comes directly from its Constitution, Art. 23: "everyone has the right to lead a life in keeping with human dignity", which includes "the right to live in a healthy environment". This article is based on the idea that people have to be considered equal. The idea of discrimination was not historically central in our legal

¹⁶ In Belgium, the green parties are Ecolo, in the Southern region and in Brussels (for the French-speaking people) and Groen! in Flanders (and for the Dutch-speaking people of Brussels). They are positioned on the left of the political spectrum. Belgian Parliament is composed of two Chambers: Chamber of representatives and Senate. Ecolo and Groen! have 3 seats in the Senate (2 for Ecolo, 1 for Groen!) out of 40, and have 13 seats in the Chamber (8 for Ecolo and 5 for Groen!, out of 150. Ecolo is, in Wallonia, in the ruling coalition with the Socialist party (left) and the Humanist-democratic party (centre). Groen! Isn't in the ruling coalition in the Northern region (Flanders).

¹⁷ Proposition de loi modifiant le Code judiciaire en vue d'accorder aux associations le droit d'introduire une action d'intérêt collectif, Ch. repr., 2ème sess. ord. de la 53ème législature, 2010-2011, 1680/001 du 14 juillet 2011.

¹⁸ Loi sur la répétibilité des honoraires et des frais d'avocats, du 21 avril 2007.

¹⁹ As for individuals' litigation opportunities in environmental matters, Belgian law also requires a specific interest to taking legal action. The claimant must prove his direct implication in the situation.

system, especially in environmental policies²⁰. We distinguish “equality in law” – the provision of the same rights to all citizens – from a concrete equality between citizens (Laigle 2009). Belgian law focuses upon providing the same rights and the same level of protection for the whole population that can however concretely leads to unequal situations. In environmental policies, the basic idea is that any “dangerous” activity has to be approved by a permit or another type of public authorisation.

However, some cases dealing with environmental inequality are brought before the courts. Family members of victims currently take a major trial before the courts against Eternit, a firm which produced asbestos in Belgium and Italy for decades. They want to get Eternit condemned for its management of asbestos and the fatal consequences on many workers’ health as well as families’ and residents’. Abeva²¹, the Belgian asbestos victims association, has mapped the health consequences of asbestos in Belgium. In this type of trial, place-based knowledge is mobilised to show evidence of disease, mapping the victims and environmental inequities (Akrich, Barthe et al. 2010).

Moreover, the environmental inequalities approach is different from the NIMBY approach. Kurtz underscores the fact that “social movements scholars [in the US] demonstrate that environmental justice activists reject the localization of their grievances and the aspersions of NIMBYism that come with it” (Kurtz 2003). The EI method proposed here focuses on a spatial approach on urban areas and seeks to show how people react (or do not react) to environmental and urban planning choices and public decisions in a given geographic zone and not to focus only on the point of view of those who “give voice” (closer to a NIMBY approach).

This research aims to open up this issue by interviewing those who do not usually give voice and do not protest, and the causal explanations to these phenomena of non-mobilisation. We believe asking these questions allows opening up research to a combined EJ and access to justice perspective.

Section 4. Urban Policies in Belgium

This last section analyses how urban policies and historical contexts can partially explain environmental inequalities in Belgium and particularly in the Southern region, Wallonia. Many scholars recognise the need to better understand the process that leads to environmental inequalities. Pellow postulates the “need for understanding process” of EI formation (Pellow 2000). “Research that elucidates the root causes of EI will require tracing the social and historical contexts for the observed disparities” (Kingham, Pearce et al. 2007). Laigle also considers that one perspective to EI is to see the historical exchanges, domination and dependences between territories (Laigle 2009).

I choose to study three aspects: housing policy, the historical context and development of Wallonia, and what we call an anti-urban policy in Belgium.

4.1 The Economy and the Past of the Region

Since the 19th Century and until the 1960s, Wallonia was a prosperous region. Indeed, the main economic activities were steel industry and metallurgy that were developed since the industrial revolution in the late 18th Century along what is called the “sillon industriel”, the former industrial valley. This “sillon” crosses the Region from west to east. The economic development of Wallonia partially explains why housing and industrial activities cohabit as houses were built near the main industrial facilities. These industrial activities still generate massive air pollution, water pollution and soil pollution. However, environmental considerations are rather new; in the past, industrial activities (metallurgy and steel industry)

²⁰ In the last few years the European Union has however put in place considerable body of legislation to deal with discriminations that member states have to implement.

²¹ Association belge des victimes de l’amiante/asbest in België Vereniging van Asbestslachtoffers: <http://www.abeva.be>.

and the pollution associated to it were considered as progress and positive for the economic development of the region.

In the second half of the 20th Century, Wallonia has experienced a major industrial decline that explains the poverty and vulnerability of large parts of the population living in the “sillon”, where the major cities expanded (Liège, Charleroi, Mons, La Louvière, Verviers).

The major employment losses caused by industrial decline, the lack of economic alternatives, and the lack of political innovation, combined with the 2008 financial and economic crisis, have exacerbated the situation. The city centres in Wallonia concentrate poor households and recent immigrants in old and dense neighbourhoods.

Anyway, other industrialised regions, notably in France, have experienced since the 1980s a regeneration of their inner-cities, especially the central neighbourhoods with important historical and cultural heritage (Peyon and Chevalier 1994). The reasons for the difficult economic redevelopment of Walloon cities are exposed in the two following sub-sections that deal with housing policies and the conduct of an anti-urban policy.

4.2 Housing Policy

At early stages of research, the study of public policies, notably housing policies, can contribute to explaining environmental and social inequalities in Belgium. I consider housing conditions as an important aspect of quality of life. Housing can be seen as a major factor of EI and social differentiation and more specifically its internal characteristics: type of heating, surface area, but also its localisation (Lejeune, Chevau et al. 2012).

Belgian housing policies have devoted large zones of our land use plans (“plans de secteur”) to housing in rural as well as in urban areas. The aim of the authorities was to develop after World War II a housing policy mainly centred on homeownership via the construction of new houses or renovation of existing houses. At the same time, public housing never became an important policy to compete against the main line: subsidies for homeownership, through tax deductions, for those who buy a house or an apartment. These subsidies have however been of benefit to middle-income and well-off households that were able to make a loan, while the poorest never had access to homeownership (Valenduc 2008).

Housing policies first question social and spatial segregation in the cities. In Wallonia, rental accommodation is concentrated in dense urban neighbourhoods, where housing stock is old, but urban functions diverse. The weak social housing policy, which cannot provide to more than 30.000 households with a place to live, is a major problem in Wallonia. Public housing represents today more or less 8% of the whole housing stock. Many households, who cannot afford to buy a house, live in poor quality rental accommodation in the inner-city, characterised by the low energy performance of the buildings and the lack of renovation (Vanneste, Thomas et al. 2007). In addition, the poorest households are those who dedicate the largest part of their income to their rent and charges. In Wallonia, the poorest dedicate until 46% of the family budget to their housing, two times the regional average (IWEPS 2007).

Housing policies explain that the poor mainly reside in the central parts of the cities, characterized by a low quality of environment and housing conditions. Housing is a major factor of environmental injustice at the moment.

1.3 Anti-urban Policy in Belgium

Many factors can explain what can be called the “anti-urban” policy in Belgium after World War II. The evolution of households’ behaviour (part of one-person household, separate living, single parent families), demographic trends (ageing population and population growth) and the choices linked to life cycle (young people and unmarried prefer to live in urban city centres), as well as the generalisation of private cars, have deeply modified lifestyles and choices in terms of housing (Halleux 2005). 70 % of households are owners and the ideal of the house in the suburbs has led to a major urban sprawl of Belgian cities since the 60s.

“Belgian urbanisation policies have always been characterised by deeply entrenched anti-urbanism, prioritising peripheral, low-density developments as opposed to central dense neighbourhoods. Since the 1960s this chosen path has been challenged from a number of perspectives. Social mix then was an instrumental means to pacify and co-opt those challengers so that the essence of the anti-urban policy was maintained” (Loopmans, De Decker et al. 2010). In fact, few policies of urban regeneration have been undertaken and little money is dedicated to the cities (around 10 millions euros for the whole region in 2010 for urban ‘renovation’ and ‘revitalisation’ policies, the main instruments).

The political priorities of urban and housing policies explain the concentration of poor households in the city centres characterised by old buildings and houses, poorly renovated. This questions the residential choices – or lack of choice – of households, in terms of localisation but also of housing quality offer.

Discussion

The main question asked by this paper is “*Do Environmental Inequalities provide a new theoretical and empirical way to deal with environmental conflicts in urban areas?*”

We believe EI approach, albeit almost absent from scientific research in Belgium, offers new perspectives and added value to understanding urban dynamics and shedding light on issues related to “democracy in the cities”, as mentioned in the introduction of this paper. Environmental inequalities suggest a new approach to quality of life and of environment in the city as urban policies fail to integrate social and environmental dimensions. EI can provide new theoretical – new concepts, literature and foreign research – and methodological – quantitative, GIS and qualitative methods – insights into the understanding of urban discrimination dynamics. In addition, EI combines a multidisciplinary perspective getting together political science, sociology, human geography and urban studies.

“Democracy in the cities” that underpins EI research can be investigated through public participation into the decision-making and equal access to a quality of life. Indeed, public participation in an environmental inequities perspective opens up research to those who do not have a voice rather than only to the activists who are already mobilised and rally to fight environmental and health hazards. In terms of equal access to a quality of life, EI bring new perspective on urban and housing policies, analysing their consequences on the poor and the need for a better integration between social and environmental dimensions into public policies.

What are the alternative modes of public regulation for urban public action? The insights provided in this paper invite to question our policies dedicated to the cities in Wallonia. Indeed, the main instruments of a city policy are mostly dedicated to a “physicalist” approach of urban regeneration: to build and renovate houses, to manage road infrastructures, etc. and do not include the social aspects of urban action on central and deprived neighbourhoods. The scale of political action in the cities is today limited to administrative boundaries (municipalities). Pertinent urban areas for the management of city dynamics and activities differ however from these administrative divisions. This issue needs to be further considered in the future. Moreover, city policy will soon become a competency of the regions in Belgium. This is a major opportunity for Wallonia to develop a more consistent policy for its urban areas but also a major challenge to deal with in times of budgetary austerity and economic decline.

Conclusion

Environmental inequalities research challenges current urban policies in Wallonia and allows to developing the idea of new modes of public regulation for the cities. While social inequalities and poverty are deeply analysed, the unequal environmental consequences of urban and territorial policies need to be further examined.

EJ movement questions public participation and access to justice in an “environmental and social justice in the city” perspective that goes beyond the rule of law. Further, the interview of stakeholders will permit to better understand the real opportunities for activists (LOS) and confront objective and subjective insights on EI phenomenon in Belgium.

An EI perspective offers an opportunity to better integrate environmental and social dimensions of public action in urban areas, necessary in the context of the transfer of new competencies related to city management to the regions²². Moreover, economic and employment growth implies a special focus on urban regeneration: environmental quality and quality of life in the cities need to be restored in a sustainable development perspective to ensure liveable cities for the inhabitants of Wallonia.

EI are a major challenge for the development of the region and provides a theoretical model as well as methods and original empirical evidence to better understand inequalities. We need to provide innovative insights and ways to deal with spatial inequalities and their socio-economic implications. A first study carried out in Wallonia (Lejeune, Chevau et al. 2012) confirms the interest to develop EI methods and concepts and underline new perspectives between objective and subjective data on EI that need to be further explored.

²² Decided in 2012, this new competency hasn't been implemented in Wallonia until now. In Flanders, urban policies are much more elaborated and received much more funding.

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