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

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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, socio-legal studies, and urban research. Unlike US Environmental Justice movement, environmental inequalities 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 introduce the topic of environmental inequalities in Belgium and 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’.

Environmental inequalities 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 questions the possibility of alternative modes of public regulation in a ‘social and environmental justice in the city’ perspective that could better integrate social and environmental issues.

This paper explores (1) how environmental NGOs and individuals can mobilise the law to denounce environmental conflicts and inequalities providing insights into an environmental inequalities perspective on access to justice in environmental lawsuits. It then studies (2) how current urban 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, trade unions and scientific 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, socio-legal studies, and urban research.

Environmental conflicts are frequent in urban areas in Belgium where industrial activities and housing cohabit. I analyse the unequal consequences of urban policies in Belgium in terms of environment and, more precisely, of uneven access to urban amenities and so to a ‘quality of life’ in a context of ‘anti-urban policy’. Environmental inequalities 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.

In a first section, I explore 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.

In a second section, I explore litigation opportunities for environmental NGOs and activists in Belgium (and more specifically in the Southern region of Belgium, Wallonia¹) and propose some links with environmental justice considerations. The idea here is to study legal opportunities for activists but also to highlight unequal aspects of legal procedures.

In a third 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.

I will then discuss the main theoretical as well as methodological insights provided through an environmental inequalities approach to unequal urban dynamics.

Section 1. Environmental Inequality: Concepts and Methods

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 do not have the same access to urban and environmental services (Emelianoff 2006). In my view, the most relevant way to handle this issue is to study the combination of socio-economic disparities with environmental inequalities in a spatial perspective centred on urban areas

¹ I will come back later on the specific political and institutional organisation of the Belgian state.

² U.S. Environmental Protection Agency: <http://www.epa.gov/environmentaljustice/>.

³ The OEJ was named Office of Environmental Equity from 1992 until 1994.

(including the interplays between city centres and their suburbs) and comprising people's perceptions and representations of the environment.

Why this specific focus on urban areas? With Pearsall and Pierce, I think "urban contexts reveal inequalities and the social dimension of sustainability". Even if environmental inequalities are not insignificant in rural areas, I argue here that cities comprising their large suburban areas and the interplay between outlying suburbs and central neighbourhoods provide insightful elements for studying environmental inequalities (Pearsall and Pierce 2010). This research is in this view not exhaustive in its approach to environmental inequalities but intends to propose an innovative way to combine urban research and environmental justice in Belgium. A specific issue of *Space and Polity* was dedicated to the urbanisation of environmental justice movements; Nicholls and Beaumont suggested on that occasion "that the urban is a constituting element of a new geometry of counter-hegemonic effort" (Nicholls and Beaumont 2004). Following this line of research, I propose to study environmental inequalities in the specific context of urban areas. With Bickerstaff et al., I go beyond what they call "a relative neglect of more mundane and chronic forms of injustice in the urban context" (Bickerstaff, Bulkeley et al. 2009). Integration between environmental justice literature and urban research allows developing a new perspective of environmental justice scholarship: urban inequalities and injustices of everyday life, and not a narrower vision of disputes over specific facility locations. This line of research has been acknowledged by other scholars (Schweitzer and Stephenson 2007) and this paper proposes some primary insights into this innovative field of research in Belgium.

An urban environmental justice approach entails a specific and wide notion of the environment comprising access to services and goods such as green spaces as well as public transportation, housing; in short, the living environment. Indeed, "the urbanization of environmentalism was first pioneered by a collection of groups who positioned themselves clearly outside the realm of mainstream environmentalism' and who became known collectively as the Environmental Justice Movement (EJM)" (Whitehead 2009). I believe, despite criticisms from environmental theorists who could blame environmental justice and inequality scholarship to be mainly an anthropocentric vision of environmentalism and green thought, that combining environmental inequality and urban research opens up a new way to introduce what Whitehead calls "a more critical look at the notion of 'everyday environment' that appears to provide the impetus for many contemporary urban environmentalisms" (Whitehead 2009). The 'ordinary environmental spaces of everyday life' are a stimulating way to question 'environmental and social justice in the city' paradigm in the Belgian urban context.

This first section introduces the main research concepts and their origins and suggests a first approach to the Belgian context.

In the United States

Introduced in continental Europe as environmental inequalities, this field of research comes from the Environmental Justice (EJ) movement that first arose in the United States. Environmental justice is, in the US, a well-grounded framework mobilised by grassroots movements, NGOs, and activists, particularly before the courts, to act against, and to contest, the uneven distribution of environmental goods and 'bads' among space and population. It is as well a major field of research in 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 condemn the unequal and prejudicial impact of facilities location choices on people of colour and the poor (Wenz 1988, Mohai and Bryant 1992, Bullard 2000, Pulido 2000, Holifield 2004, Schlosberg 2004). Environmental justice was recognised by President Clinton in 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"². The US Environmental Protection Agency (EPA) created the Office of Environmental Justice (OEJ) in 1994 to address these inequities³.

The expression 'environmental inequality' is, however, also used in the United States. Pellow believes this expression "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 justice (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, 'environmental inequalities' in this perspective would invite us to reconsider the social impacts of environmental policies, in their broad meaning, which have

² U.S. Environmental Protection Agency: <http://www.epa.gov/environmentaljustice/>.

³ The OEJ was named Office of Environmental Equity from 1992 until 1994.

been largely underestimated so far. Indeed, as mentioned earlier, no specific environmental justice framework for activism exists in Belgium so far.

If first scholarly studies carried out in the US 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 research to different conceptions of justice (distributional, procedural and 'recognition'), 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 – environmental– justice, following I. M. Young and N. Fraser: 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). Distributional justice is a too narrow perspective on environmental justice, where cultural, identity, institutional and policy design, as well as historical conditions are important part of the 'explanation' for inequalities.

The first dimension is procedural justice –the fairness of the decision-making process– asks 'who should be included in the process'? In the specific case study accompanying this research from next year on, I plan to further explore the 'spatial element' as an important aspect of environmental inequalities. "Walker highlights that there is a clear spatial element to these sorts of questions – defining who can be involved must have some form of spatial location and territorial extent" (Walker 2012, Simcock 2013). Joining a 'geography of difference' (Harvey 1996) approach, I believe including public participation to the decision making process allows to go beyond a purely distributional justice and to question the fairness of policy design and environmental context, by opening up a new avenue for 'those affected' paradigm (Simcock 2013) and to question mainstream vision of activism and NIMBYism. This leads however to an important potential paradox: are inclusivity and effectiveness of the process mutually supportive or in tension? (Stevenson⁴)

The second dimension is recognition or "the respect afforded to diverse ways of seeing and knowing –a critical intervention in the science–based domains of environmental and natural

⁴ Hayley Stevenson, *Democratizing global climate governance*, ECPR Environmental Politics and Policy Summer School, Keele University, 26th June 2013.

resource policy” (Shilling, London et al. 2009). What does ‘street-based’ science bring to environmental inequalities research and analysis? A wider vision including environmentally subjective perceptions are a further step to a better understanding of environmental inequities. ‘Recognition’ of the different aspirations and perceptions of different groups and individuals is assumed to be central to understand and provide an adequate answer to environmental injustices.

The methods used to report environmental inequalities have been criticised (Been 1993, Bowen 2002) and 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 environmental justice 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). The scale of analysis chosen by scholars to study environmental justice phenomena constitutes a major source of contentious debate. The time period analysed to provide insights into environmental justice phenomena is important to show longitudinal changes in neighbourhoods characterised by low environmental quality.

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 environmental justice framework by environmental activists in Europe, even if there’s a global awareness about environmental inequalities by NGOs and grassroots movements.

French scholars (Emelianoff 2006, Faburel 2008, Faburel and Gueymard 2008, Laigle 2009) 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. This research design proposes innovative ways to deal with environmental inequalities in urban dense neighbourhoods but also in the wider context of metropolitan regions, of particular interest for my thesis.

Four types of environmental inequalities are identified by French scholars 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 I think these categories might offer a useful analysis grid embracing public participation dimension, they can also be criticised as they tend to posit a mutually exclusive approach of environmental inequalities origins and causation and do not include people's perceptions of their environment (Lejeune, Chevau et al. 2012). In my opinion, these dimensions are extremely intertwined and cannot be separated in the process of understanding global urban processes.

Many scholars bring out the lack of integration between the social and the environment and challenge dominant ideas concerning a clear separation between human beings and their environment (Theys 2007). In this mainly anthropocentric and policy 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, joining a similar statement made in the French context (Blanchon, Moreau et al. 2009).

'Social values attributed to the environment' (Faburel 2010) and environmental justice remind us that the poor also feel concerned about their environment: where they live, the cleanliness and the level of pollution in their neighbourhood. The rise of an environmental consciousness, or the shift from materialist to post-materialist values (Inglehart 1995), is presumed to be related to the growing material security in Western countries after Second World War that allowed people to develop post-materialist or environmentalist values. In this perspective, "environment is a luxury good in affluent consumers society" (Meyer⁵). However, environmental justice activism and environmental awareness contradict this postulate and invite to go beyond this assumed trade-off between objective problems and subjective values. This dichotomy between environmental values and material considerations (Inglehart 1995) doesn't stand in the face of urban environmentalism and environmental inequalities research and activism.

In Belgium

Overall and as a first review of environmental inequalities 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, Chevau et al. 2012).

⁵ John Meyer, *Questions of materiality in environmental politics*, ECPR Environmental Politics and Policy Summer School, Keele University, 18th June 2013.

As this field of research is underexplored, , I propose to further explore this scientific field of research taking into consideration the differences between Belgium and others countries where environmental justice and environmental inequalities 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).

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 —main political parties, environmental non-profit organizations, legal practitioners, trade unions and scientific public institutions.

Section 2. Environmental Inequality and Litigation Opportunities

In this section, I first distinguish between environmental justice and access to justice. My point is to introduce the main issues at stake in terms of access to justice in environmental matters in Belgium and more specifically in the southern region, Wallonia. I then propose some links between access to justice and ‘an environmental inequalities perspective’ in litigation cases: what are the main obstacles to a better integration of environmental justice framework into the judicial process, despite the presence of numerous environmental conflicts in the cities? I started this reflection on the basic following consideration: why do environmental justice movements have not developed in Belgium in the same way as they have elsewhere? I propose in conclusion of this section some evidence in trying to answer this question. My attempt to link access to justice to environmental inequalities is also an opportunity to question notions of justice in the city, beyond a purely redistributive justice (see above).

Access to justice is one aspect of the environmental justice/inequality perspective but in my opinion, impossible to overlook when dealing with environmental inequalities; even though 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’ comes from the USA where it is in particular 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 than in Europe, in the 1970s and is more flexible than its European counterpart, that is now much more proactive and ambitious (Nicholls and Beaumont 2004, Kelemen and Vogel 2010).

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.

Access to justice has been sanctioned 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 strengthens 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 planning and environment (water, air quality, biodiversity, etc.). In Belgium, however, the organisation of the judiciary remains a federal competency as well as the design of new jurisdictions. This dualistic approach between environmental competencies and the judicial organisation complicates legal and judicial processes in Belgium.

This dualistic division of competences between the federal state and the federated entities gets more complex in environmental matters as we also have a dualistic approach to legal action in Belgium. A distinction needs 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.

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 a favourable status to environmental NGOs. As mentioned before, this sub-section will be divided in two parts: access to judicial courts and access to administrative jurisdictions.

First, since the *Eikendael* decision in 1982, the Cassation Court (the highest judicial court in Belgium) has followed a consistent case law and has limited 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).

Second, in terms of administrative legal action, the Council of State, the highest administrative jurisdiction in Belgium, has its own conception of the interest of NGOs for

taking legal action⁶. 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 needs be the protection of the environment, the geographic scope of action of the organisation 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 Committee⁷, 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”⁸. However, the Compliance Committee confirmed that there might be one in the future if no change are 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”⁹. 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 than local NGOs. The unpredictability of the Council of State, which also produced conflicting jurisprudence, leads at present to legal insecurity for NGOs.

In Belgium, access to justice is surrounded by the debate on NGOs taking the role of a public prosecutor when taking legal action to protect the environment before the courts. 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 in Belgium.

A proposition of law (supported by the green parties¹⁰) was brought in the Chamber of Representative (federal level) to create a framework for collective interest action¹¹. This law

⁶ Before going before the Council of State, NGOs can ask for an administrative review of any public decision before the Walloon Government (regional 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.

⁷ Aarhus Compliance Committee, *Findings and Recommendations, Communication ACCC/C/2005/11 by Bond Beter Leefmilieu Vlaanderen VZW (Belgium)*.

⁸ *Ibid*, p. 5.

⁹ *Ibid*, p. 11.

¹⁰ 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

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 judicial and administrative procedures are also barriers to litigation for environmental NGOs and activists. The 21 April 2007 law on lawyers' and legal fees¹² 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 legal actions by environmental NGOs in the UK, 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 on¹³.

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 in environmental and urban planning matters. This subsection proposes some explanations to this assessment, connections between environmental inequalities 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 states that "everyone has the right to lead a life in keeping with human dignity", which includes "the right to live in a healthy environment" (and the 'anti-backsliding effect' in

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).

¹¹ 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.

¹² Loi sur la répétibilité des honoraires et des frais d'avocats, du 21 avril 2007.

¹³ 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.

environmental law). 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 system, especially in environmental policies¹⁴. 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. Our legal system echoes this tension between ‘law in the books’ and ‘law in action’.

‘Discriminations’ are however a growing body of legislation coming from the European Union (directive 2000/78/CE on access to employment and occupation and directive 2000/43/CE implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; including access to public services like housing) and more precisely spatial discriminations are of concern for many scholars in France, the UK and other European countries¹⁵. The dividing line between inequalities, discriminations and injustices approaches remain anyhow unclear as well as adequate and specific tools to tackle them at the government or local level.

Territorial discriminations approach can be criticised as “government officials assume that raising the quality of life in a city or a neighbourhood raises the quality of life for all citizens in the city [...] Unfortunately, this is the very assumption that environmental justice activists and academics have sought to dispel through research on access to parks or noxious facility sitings” (Pearsall and Pierce 2010). Linked to this body of literature is the one on ‘neighbourhood effects’ which seeks to explain how the combination of endogenous as well as exogenous factors reinforce negative environmental and social contexts and effects in neighbourhoods. The main question asked is “in what ways might the under-provision of environmental services to poor neighbourhoods intensify their disadvantage?” (Hastings 2009). With Hastings, I believe this literature can open up reflections on the cumulative social, economic and environmental impacts that deteriorate neighbourhoods’ situation in terms of quality of life. Without directly positing the terms of environmental inequality discourse, I believe a ‘neighbourhood effects’ perspective, which “postulates the existence of a set of processes by which poor neighbourhoods intensify the disadvantage of those who live in them” (Hastings 2009), investigate as well the problem of the ‘who came first’, the environmental nuisance or the poor populations living near them.

¹⁴ 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 in national law.

¹⁵ International Conference on Territorial discriminations: usage and issues surrounding the notion - See more at: <http://calenda.org/223865#sthash.5oBFsExe.dpuf>, held in IUP (Institut d'Urbanisme de Paris), June 10th and 11th, 2013.

Moreover, I propose to compare environmental inequalities with another important phenomenon related to citizens' responses to noxious facilities: NIMBYism. My point here is to try to clarify some issues regarding those two bodies of research and their implications in terms of actors' modes of mobilisation and the perceptions associated to it. Some environmental justice scholars tend to differentiate EJ activism from a 'negative' vision of NIMBY. 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 environmental inequality 'methodology' that I want to further explore 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 that have unequal consequences on populations and territories in a given geographic zone and doing so not focusing only on the point of view of those who 'give voice' (which is 'closer' to NIMBY phenomena).

NIMBY is, however, too often conceived as a pejorative label given to mainly well-off populations who reject the location of unwanted land use (LULU) but who however accept the principle of its existence in another place. Kraft and Clary posit that "NIMBY is a multidimensional phenomenon that differs from prevailing construct" (Wolsink 2006). An important study conducted by Freudenburg and Pastor in 1992 aimed to deconstruct the NIMBY concept and recognised three approach to NIMBY activism: ignorant/irrational, selfish or prudent (Freudenburg and Pastor 1992). They questioned the added value of the NIMBY concept in understanding public responses to decisions regarding facilities location. NIMBY has become "the ultimate legitimization for not considering the arguments that are put forward" (Wolsink 2006). Some scholars have nevertheless tried to go beyond common beliefs surrounding NIMBY attitudes, arguing that "there are also positive constructs of NIMBYists as embracing the ideals of democratic action" (Johnson and Scicchitano 2012). NIMBY responses comprise larger attitudes and reactions to public choices linked to land use and residential quality of life than the common narrow and selfish vision of NIMBYism. As a further step in research, I want to put into perspective NIMBY responses, on the one hand, and environmental inequalities, on the other, as modes of mobilisation (types of actors involved, tools used, network building) and go beyond a vision limited to residents' explicit interventions. With Burningham, I think "academics might [rather] usefully study participants' use of NIMBY, but should distance themselves from the activity of attributing NIMBYism" (Burningham 2000).

This said, I believe an environmental justice and inequality perspective on urban environmental conflicts offers three major advantages in comparison with a NIMBY one. First, it is largely disconnected from value-driven perceptions of what is or should be

understood as 'NIMBY attitudes'. NIMBY has been deeply studied abroad and suffers from the confusion surrounding supposedly self-interested and localised attitudes towards location choices. Second, I strongly believe it offers a novel opportunity to widen the scope of 'those affected' approach in the decision-making process, to include people who are not usually associated to NIMBY protests. This research aims to open up research by interviewing those who do not usually give voice and do not protest, and the causal explanations to these phenomena of 'non-mobilisation'. This approach joins the 'all affected' conception of participation in the decision-making process as well as maybe a first introduction to what Robert Bullard calls 'environmental blackmail' or "jobs vs. the environment", in Belgium – disadvantaged and ethnic minorities are ready to accept noxious facilities if they provide employment opportunities and wealth for their community (Bullard 1992). Third, an environmental inequality perspective opens up reflection to the 'ordinary environmental spaces of everyday life' and ordinary injustices through a thorough investigation of working and living environments.

Section 3. Urban Policy in Belgium

This last section has two main purposes. First, to illustrate and offer some primary insights into the urban environmental inequalities perspective clarified earlier. I try here to introduce everyday life issues into environmental justice research and to match environmentalism with daily life by recognising urban spaces as environmentally relevant for environmental justice research in Belgium. Second, I am convinced that urban and environmental policies, historically and spatially situated, contribute to explaining unjust urban realities and need be further analysed in this respect. Few studies examine the integration of environmental justice considerations into sustainability and city policies, notably those dedicated to urban renewal: are there objectives and indicators to concretely address environmental inequalities – distributional as well as procedural in urban areas? (Portney 2002, Warner 2002, Pearsall and Pierce 2010). This policy approach is necessarily connected with concrete aspects of daily life: 'the place where people live, work and play' to quote environmental justice activist Dana Alston. This approach posits the question: "*what would be alternative modes of regulation in a 'social and environmental justice in the city perspective' that better integrates social and environmental issues?*"

I analyse how urban policies and historical contexts can partially explain environmental inequalities in Belgium, 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 environmental inequalities is to see the historical exchanges, domination and dependences between territories (Laigle 2009).

In this work in progress, I choose to present here three dimensions: historical context and development of Wallonia (1), housing policy (2), and what we call 'an anti-urban' policy in Belgium (3).

The Economy and the Past of the Region

Since the 19th Century and until the 1960s, Wallonia was a prosperous region. 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 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 air pollution, water pollution and soil pollution. However, environmental considerations are rather new; in the past, industrial activities (metallurgy and steel industry) 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. Urban sprawl is important in Belgium where construction of 'isolated houses' in the 'greener' residential areas outside the cities have contributed to segregate spatially at a large urban scale. Numerous private housing estates have produced extensive monofunctional spaces for middle-class and well-off populations in the 'countryside'. Combined to an 'economic sprawl' of services and enterprises outside city centres, near the main transport infrastructures –mainly motorways and interchanges- this phenomenon has deepened the disconnection between housing, employment and urban traditional activities such as retail, catering, culture.

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); phenomenon that major Walloon cities haven't experienced. 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.

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 environmental inequalities 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 land use plans ('plans de secteur') to housing in rural as well as in urban areas. The aim of public 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. 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 low energy performance of buildings and a 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 central parts of the cities, characterized by a low quality of environment and housing conditions. Housing can, in this respect, be considered as a major factor of environmental injustice at the moment.

Anti-urban Policy in Belgium

Many factors can explain what can be called 'an 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 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 and De Keersmaecker 2002, Nicholls and Beaumont 2004, Halleux 2005). 70 % of households are owners and the ideal of the house in the suburbs has led to 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 in the southern region of Wallonia (around ten million 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 thereof– 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?*” Five main arguments are suggested that give, in my opinion, an added value to this perspective.

First, I believe an environmental inequality approach, albeit almost non-existent in 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.

Second, environmental inequalities suggest a new avenue of research in terms of quality of life and of environment in the city as urban policies fail to integrate social and environmental dimensions, notably towards deprived areas.

Third, environmental inequalities provide new theoretical –new concepts, literature and foreign research– and methodological –quantitative and GIS, as well as qualitative methods– insights into the understanding of urban discrimination dynamics. This specific approach is rooted in a multidisciplinary perspective, getting together political science, sociology, human geography and urban research.

Fourth, 'democracy in the cities' that underpins environmental inequalities 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 focus on activists who are already mobilised and rally to fight environmental and health hazards. In terms of equal access to a quality of life, environmental inequalities 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. I clarified in section 2 the innovative approach permitted by environmental inequality research in terms of investigation of the ordinary and daily life environmental injustices.

Fifth, I ask whether environmental inequality proposes alternative modes of public regulation in terms of 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 to urban regeneration –to build and renovate houses, to manage road infrastructures, public spaces, etc.– and poorly include social aspects of urban action toward central and deprived neighbourhoods. Environmental inequalities interrogate the relevance of tools dedicated to political action on urban areas. The scale of intervention in the cities is today limited to administrative boundaries (municipalities). Relevant urban areas for the management of city dynamics and activities differ however from these relatively old administrative divisions. This issue needs further consideration as city policy will soon become a competency of the regions (federated entities) in Belgium, which 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 recession.

Conclusion

Environmental inequalities research challenges current urban policies in Wallonia and allows 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 be further examined in the Belgian context.

Environmental equality and justice 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 and NGOs (LOS) and confront objective and subjective insights on environmental inequalities phenomenon in Belgium.

An environmental inequalities 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 regions¹⁶. But more specifically, environmental inequalities offer the opportunity to develop a different and maybe complementary perspective to NIMBY literature on environmental conflicts in urban areas by integrating ordinary and daily life environmental injustices into theoretical and empirical research. Economic and employment growth implies a special focus on urban regeneration: environmental quality and quality of life in the cities in general need be restored in a sustainable perspective to ensure liveable cities for the inhabitants of Wallonia. Environmental inequalities scholarship, mainly centred on an anthropocentric approach to environmentalism, could constitute a first step, closely intertwined with people's lives, in the direction of a more sustainable society for all.

Environmental inequalities are a major challenge for the development of the region and provide a theoretical model as well as methods and original empirical evidence to better understand urban inequalities. Further research is needed 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 environmental inequalities methods and concepts.

¹⁶ Decided in 2012, this new competency hasn't been implemented in Wallonia until now. In Flanders as well as in Brussels Region, urban policies are much more elaborated and received much more funding.

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