11.30 – 1.00 | SESSION ONE

The Anthropo:scene
Chair: David Schlosberg

Who Will Form The Anthropocene?
Prof John DRYZEK (University of Canberra)
Dr Jonathan PICKERING (University of Canberra)

In the Anthropocene, the first virtue of political institutions is reflexivity, the opposite of path dependencies entrenched in institutions established in the Holocene. Reflexivity must be ecological, not just in incorporating signals from the non-human world (no longer quite so non-human), but also in an ability to anticipate and prevent catastrophic state shifts in socio-ecological systems. The need for this capacity is especially pressing at the global level. If the Anthropocene requires re-making international political structures and practices - including arrangements for allocating power and material resources under conditions of global instability - the obvious question is what kinds of agents will re-make them. Ecological reflexivity highlights agents capable of giving new form and meaning to values such as justice, democracy, sustainability, conservation, development, security, and participation. This formative agency is a necessary accompaniment to reflexivity. Agents can be individuals (citizens, activists, political leaders) or organizations (states, international organizations, advocacy groups, corporations). Formative agency may also need to apply to international scientific assessments: what do conservation, preservation, and restoration mean in the context of a nature no longer conceptualized in terms of fixed reference points, but instead ever-changing? This paper will examine the capacity of different sorts of agents to contribute to necessary re-thinking, with special reference to climate and biodiversity governance.

John Dryzek is Australian Research Council Laureate Fellow and Centenary Professor in the Centre for Deliberative Democracy and Global Governance, Institute for Governance and Policy Analysis. He works in democratic theory and practice and environmental politics. One of the instigators of the ‘deliberative turn’ in democratic theory, he has five books in this area with Oxford University Press, Cambridge University Press, and Polity. His environmental work ranges from green political philosophy to environmental discourses and movements to global climate governance, and he has published five books in this area with Oxford University Press, Cambridge University Press, and Basil Blackwell.

Thinking Transversally About (Environmental) Expulsions
Dr Erin FITZ-HENRY (University of Melbourne)

Since the early 1970s, environmental justice activists have carefully explored the systemic links between institutionalized racism, poverty, corporate cost-cutting, and environmental contamination. Some four decades later, however, as growing numbers of social theorists are pointing out, we still lack sufficiently integrated responses to the inter-linked crises of militarized capital accumulation, a massive debt economy driven by financial speculation, an increasingly precarious and fractured global labor force, and a rapidly intensifying expansion of both urban and rural "sacrifice zones" (Salleh 2016). Drawing on ethnographic work with "rights of nature" activists in Ecuador and the United States, this paper offers a series of theoretical reflections on the challenges of environmental organizing at a time that sociologist Saskia Sassen has recently characterized as marked by "expulsions" of all kinds - "from life projects and livelihoods, from membership, [and] from the social contract at the center of liberal democracy" (Sassen 2014: 29). Taking primary inspiration from climate activist Naomi Klein and anthropologist Ghassan Hage, I highlight the need to think more systematically about the interconnections between deepening environmental degradation and widening democracy deficits of all sorts - deficits that are powerfully exacerbating social schisms along the lines of class, ethnicity, and nationality. By tracing
the ways that both movement participants and critics of the movement articulate (or fail to articulate) the linkages between these different forms of expulsion, I argue for more careful attention to the framing of environmental justice claims to better respond to these multiplying social schisms.

Erin Fitz-Henry is a Senior Lecturer in Anthropology and Development Studies at the University of Melbourne. Her current research focuses on movements for the "rights of nature" in Ecuador, the US, and Western Europe.

Rethinking Environmental Justice In The Anthropocene: Constraints And Opportunities In The Global Biodiversity Regime
Dr Jonathan PICKERING (University of Canberra)

Under the unstable ecological conditions of the Anthropocene, it is imperative for political institutions to rethink the meaning of foundational values such as justice and democracy. An ability to rethink the meaning of environmental justice - along with that of justice writ large - could now be seen, as Schlosberg (2007) and Holland (2014) argue, as an essential human capability. Protecting that capability becomes in turn a requirement of justice.

But how should such a capability be protected and cultivated, especially when addressing prominent concerns raised by the Anthropocene may require deliberation and action at a global level? I address this question by examining the global governance of biodiversity under the UN Convention on Biological Diversity (CBD). In her analysis of the CBD’s landmark 2010 summit, Marion Suiseeya (2014) finds that, despite indigenous and local communities’ calls for justice, deliberation 'focused [...] on debating how to deliver justice rather than debating the meaning - or underlying conceptions - of justice'. The problem runs even deeper: while existing research and policy debate on the CBD has addressed justice for Indigenous peoples or for the global South, very little has explored other dimensions of justice, including those relating to future generations, animals and ecosystems.

Drawing on interviews, observation of intergovernmental negotiations, and documentary analysis, I assess the biodiversity regime’s capacity to rethink justice along these latter dimensions. I then explore possible avenues for opening up deliberation about the meaning of biodiversity justice, drawing on comparisons with efforts to advance global climate justice.

Jonathan Pickering is a Postdoctoral Fellow at the University of Canberra, Australia, based at the Centre for Deliberative Democracy and Global Governance. He is currently working with Professor John S. Dryzek on an Australian Research Council-funded project entitled 'Deliberating in the Anthropocene'(2015-19). In 2014, he received his doctorate in philosophy from the Australian National University (ANU). His thesis explored opportunities for reaching a fair global climate agreement. His research has been published in Critical Review of International Social and Political Philosophy, Ethics & International Affairs, Ecological Economics, Global Environmental Politics and World Development.

Decolonising EJ
CHAIR: Kyle Whyte

Decolonizing Environmental Justice: Lessons From The Klamath River
Dr Kari Marie NORGAARD (University of Oregon)

Environmental justice is commonly understood as emerging in the late 1970s and early 1980s in the United States as pioneering scholar-activists and legal voices such as Dr. Robert Bullard, Benjamin Chavez, Charles Lee and Luke Cole began identifying and working with communities of color facing disproportionate siting of toxic facilities, and highway redevelopment projects. Early legal strategies and communities’ conceptions of desired outcomes reflected a civil rights discourse that emphasized unequal burdens of environmental harm such as toxins on the one hand, and disproportionate access to environmental goods such as clean air and water on the other. While these early self-identified environmental justice efforts included important indigenous activists, it has taken longer for the centuries long fact of indigenous resistance to colonialism to be understood as environmental justice struggles,” and longer still for indigenous values, worldviews or goals to be reflected in broader conceptions of environmental justice.

This paper details how the Karuk Tribe’s struggles along the Klamath river in Northern California
emphasizes relationally, kinscentricity, responsibility, and the notion of nature as animate. Rather than language about equality or "rights" to clean water or air, Karuk visions are framed as caretaking responsibilities that are disrupted by natural resource policies of the settler-colonial state. Nature in the form of salmon or acorn trees is more than a platform for human action, but a treasured relative. We can understand this reframing process as the decolonizing of the environmental justice movement.

Kari Marie Norgaard (B.S. Biology Humboldt State University 1992, M.A. Sociology Washington State University 1994, PhD Sociology, University of Oregon 2003) is Associate Professor of Sociology and Environmental Studies at University of Oregon. Over the past fifteen years Dr. Norgaard has published and taught in the areas of environmental sociology, gender and environment, race and environment, climate change, sociology of culture, social movements and sociology of emotions. She currently has two active areas of research 1) work on the social organization of denial (especially regarding climate change), and 2) environmental justice work with Native American Tribes on the Klamath River.

Fresh Water In Aotearoa: Finding Justice For Wai Māori
Ms Claire BROWNING (New Zealand Law Foundation)
Dr Mike JOY (Massey University)
Claims made by New Zealand’s indigenous Māori people to the Waitangi Tribunal in NZ have much in common with EJ movement claims. For example, one important claim addressed mana Māori (Māori authority) in environmental management, from participation to partnership and self-governance, and ways in which environmental law has alienated Māori and perpetuates injustice. Recent legal recognition in NZ of the former national park Te Urewera, and Te Awa Tupua the Whanganui River, as whole living beings with legal standing and interests to participate, reflect Māori understandings of them as ancestors and kin and are the result of Māori settlement negotiations with the NZ Crown.

Māori have struggled for recognition of injustice done to fresh waters and Māori wellbeing, through the PĀkehā treatment of them. Dr Mike Joy has long been speaking out against the collapse and devastation of freshwaters, and injustice to their human and non-human communities. His presentation, drawing on recent work as an expert witness before the Waitangi Tribunal and with Māori tribal group Raukawa, will look at past and present environmental injustices in freshwater management, and water as a site of future claim and restoration. It includes proposals to take water back by removing responsibility for it from the government.

Claire Browning is a former lawyer and policy analyst, whose recent work includes environmental advocacy, policy and strategy for NZ’s oldest and largest conservation charity, Forest & Bird, and senior adviser to the New Zealand Law Commission on law reform projects. Her work in 2017 funded by the New Zealand Law Foundation takes environmental justice as the departure point for looking at environmental law and injustice, and emerging ecological justice ideas in New Zealand, and is the first comprehensive look at environmental justice from a New Zealand perspective.

Dr Mike Joy is a widely regarded advocate based at Massey University where he researches and teaches in ecology and environmental science. Author of Polluted Inheritance: New Zealand’s Freshwater Crisis (BWB, 2015), Mike is an outspoken advocate for environmental protection in New Zealand, and the inaugural recipient in 2017 of a new Critic and Conscience of Society Award, to “a full-time or part-time academic staff member of a New Zealand university who, in the opinion of a panel of three independent judges, has done more in the past two calendar years than any other applicant to act as the critic and conscience of society”.

Post-hegemonic Futures: Decolonising Intergenerational Environmental Justice
Ms Christine WINTER (University of Sydney)
Intergenerational Environmental Justice (IEJ) examines the obligations of the living to structure actions in the present to limit environmental harms to future generations. IEJ may be said to be hegemonic when theorists drawing solely on Western epistemologies and ontologies to structure their responses to this challenge offer their solutions as a universal framework. That is, when they assume some universality for all or some of such culturally specific concepts as neoliberalism, individualism, time and
anthropocentrism. Bounded by these parameters EIJ becomes mired in a web of seemingly intractable problems to the West itself, but more importantly here, to other communities. For instance, it becomes unworkable at the intersection with indigenous communities for whom epistemological and ontological boundaries are drawn from different philosophical foundations. Drawing on some Aotearoa Māori and Australian Aboriginal philosophic approaches to IEJ highlights two things: Western IEJ does not make sense in these indigenous communities; and if we invert the perspective by de-colonising IEJ some seemingly intractable problems within Western IEJ may be resolved.

Christine Winter is a PhD student at the University of Sydney. She has a BA in coastal geomorphology, from Victoria University of Wellington and an MA (Professional & Applied Ethics) with Honours from ANU. Her PhD research interest is in decolonising intergenerational environmental justice. Christine is looking at how intergenerational obligations and duties are manifest in some Aboriginal, Māori and Amerindian communities and how that may influence how intergenerational environmental justice is framed.

Climate Justice & the Law
CHAIR: Susan Park

Climate Justice In The Paris Agreement: New Wine In Old Bottles?
Dr Peter LAWRENCE (University of Tasmania)

This paper compares notions of climate justice and equity 20 years ago with notions of climate justice as embodied in the Paris climate agreement. Meanings of "equity" in the Paris agreement are explored in light of the established meanings of "equity" reflected in both philosophical "climate justice" and international law literature, as it has evolved over the last 20 years. On one view, the Paris agreement spells the deathknell of equity in the global climate regime. Prior to the Paris agreement, it was well-established that the UN climate regime embodied the notion of "common but differentiated responsibilities" which imposed particular responsibilities on wealthier states to take the lead in taking action to address climate change. The Paris agreement arguably has replaced this concept with "self differentiation" in the form of "nationally determined contributions" (NDCs) which allows states to individually decide on their (voluntary) levels of mitigation action. This paper argues that equity will nevertheless continue to have an important role in the Paris agreement albeit in a new form, constituting "new wine in old bottles". Thus individual countries will take into account notions of what is equitable in determining their NDCs. Moreover, parties will need to interpret the provisions relating to the global stocktake which is to be undertaken on the basis of equity and sound science. The paper makes proposals as to how "equity" should be interpreted, drawing on common elements of theories of climate justice as well as international law notions of equity, set against an effectiveness framework.

Peter Lawrence is a Senior Lecturer at the University of Tasmania Law School, and author of Justice for Future Generations, Climate Change and International Law (2014). In 2016 Peter was a visiting research scholar at the University of Utrecht Ethics Institute working on intergenerational justice issues.

Neoliberalism, Climate Justice And Disasters
Prof Rosemary LYSTER (Sydney Law School)

Climate Justice encompasses a range of ideas: emissions reductions responsibilities; adaptation responsibilities; and notions of disaster risk reduction and compensation for climate disaster losses. There is also a procedural element to Climate Justice - that the public should be engaged in an impartial reasoning process about the regulatory (including laws and policies) responses that are needed. This paper applies a Distributive Justice frame, grounded in the Capability Approach, to question the appropriateness, at a time of escalating disasters, of the neo-liberal ideology of small government, reduced environmental regulation (the cutting of 'red
tape’), and diminished social security services. Consequently, the aim of the paper is four-fold: to catalogue the dangers of a ‘post-truth’ world for formulating regulatory responses to climate disasters; to identify and catalogue the regulatory retreat of various governments, especially in Australia, in this area; to propose a preferred ‘public goods’ approach to building resilience; and to emphasise the importance of evidence-based public reasoning at a time of increased climate disasters. Indeed, the hypothesis of the paper is that in the face of climate disasters there is a need for: effective and coordinated multi-level governance frameworks; legally mandated departmental climate adaptation and preparedness planning; extensive environmental planning and assessment, climate change adaptation and disaster risk reduction regulations, including building codes; regulations that facilitate protective ‘hard’ and ‘soft’ infrastructure; innovative insurance solutions supported by law; and the need to pay attention to the distribution outcomes that are not recognised in a purely market approach.

Rosemary Lyster is the Professor of Climate and Environmental Law at Sydney Law School, The University of Sydney. In 2013, Rosemary was appointed a Herbert Smith Freehills Visiting Professor at Cambridge Law School and was a Visiting Scholar at Trinity College, Cambridge in 2009 and in 2014. In the area of Environmental Law, Rosemary specialises in Energy and Climate Law, Climate Disaster Law and Water Law. She has published four books with Cambridge University Press in the area of Energy and Climate Law the latest of which is Rosemary Lyster Climate Justice and Disaster Law (2015).

Climate Justice And Climate Litigation: The Need For A Paradigm Shift
Mr Daniel NOONAN (Sydney Law School)

For over 20 years, climate litigation in Australia has been singularly focussed on judicial review actions alleging administrative error in approving fossil fuel development. This process-oriented narrative is vulnerable on three fronts. First, the intricate and legalistic nature of these actions are challenged from the right as vexatious and illegitimate. Second, these actions are increasingly disconnected from and difficult to reconcile with popular narratives against government inaction and the social licence of the fossil fuel industry. Third, the inherently piecemeal nature of these actions is at odds with the systemic challenges of climate change.

Recognising these vulnerabilities, this paper proposes a paradigm shift in Australian climate litigation based on the experiences of Atmospheric Trust Litigation in the United States. The first part of this paper outlines the proposed paradigm shift, situates it within the broader climate justice movement, and draws a critical contrast between the strategies underpinning the new and old paradigms. The second part of this paper responds to existing critiques of Atmospheric Trust Litigation that have been raised by Australian practitioners and academics. The third part of this paper proposes additional reasons as to why this paradigm has yet to be tested in Australia, including structural challenges (e.g. financial considerations and homogeneity within the Australian public interest environmental legal sector) and competing counter-narratives. The paper concludes that, in spite of the challenges, a paradigm shift in climate litigation is needed in order to properly integrate legal processes into the broader climate justice movement.

Danny Noonan is a final-year juris doctor candidate at Sydney Law School. In 2015 Danny spent four months as a volunteer law clerk for the U.S. climate litigation non-profit Our Children’s Trust, where he assisted with local, state, national and international legal actions. These actions included the landmark federal case Juliana v. United States and the Washington state case Foster v. Department of Ecology. Danny has previously interned with Environmental Justice Australia and The Aurora Project, continues to volunteer his time with Our Children’ Trust, and currently works as a paralegal for Maurice Blackburn Lawyers in Sydney.

Promoting EJ Through The Courts: Negligence-based Claims Against The State In Australia
Mr Timothy BAXTER (Melbourne Law School)

In mid-2015, news of Urgenda Foundation’s purported success in holding the Dutch government to account for climate negligence sped around the world. The case spawned renewed interest in taking first steps toward climate justice through litigation and has led to climate negligence cases being run in many other...
countries. To date, these copycat cases have been largely restrained to civil law jurisdictions where the legal principles are more readily transferred across borders.

In Anglo-Australian jurisdictions, a direct analogue to the case - where the government is held to account in negligence - was largely dismissed as unworkable by practitioners and academics at the earliest stages. This was premature. There would need to be considerable tweaking of the Dutch claim to fit within the terms of Anglo-Australian law, but the logic of the claim transfers to this context using existing, but under-used, Australian laws.

Several specific hurdles to success in Australia, as well as proposed solutions, will be noted. For reasons that will become clear, they will be considered out of the traditional order. They include: choosing remedies; selecting the plaintiff; the duty of care and its breach; and causation; and proving damage.

With the right claimant, the right evidence and the right legal team, a case on the grounds described would merit serious consideration by the Court. While a blunt tool with which to pull governments toward environmental justice principles, it might nonetheless prove a tipping point in the consideration of those principles by the common law courts.

Timothy Baxter's research interests are diverse but centre around climate change law, broadly construed to include corporate social responsibility, torts, planning law and administrative law, as well as the more traditional concern with United Nations Framework Convention on Climate Change-led processes and domestic climate politics.

Communities & Collaboration
CHAIR: Sophie Webber

Landfilled: Community-lawyer Collaboration For Environmental Democracy In The Shadow Of Waste Mountain
Dr Chris ATMORE (Environmental Justice Australia)
Mr Harry VAN MOORST (Western Region Environment Centre)

Environmental Justice Australia has a strong track record of advocacy, litigation and research, undertaken on behalf of community-based organisations to try to achieve environmental justice. Recently EJA has begun to develop a more ‘embedded’ model in which lawyers collaborate with community groups for systemic legal advocacy. One of these projects involves working with Western Region Environment Centre, an organisation in Melbourne's west. In this presentation, we (EJA and WREC) consider the political and economic climate underpinning recent Victorian environmental decisions concerning waste management. The present position of local communities in that decision-making makes for only limited engagement, with access to environmental justice being at best largely procedural rather than substantive. The project attempts to achieve genuine community influence in - and more importantly, on - the present environment regulatory system. A critical aspect of the project is ‘learning by doing’ - incorporating reflective practice to develop and evaluate a new model of service delivery from both legal practice and community client perspectives. Producing this co-presentation provides us with another opportunity to think about the challenges and tensions of the project alongside the meaning of environmental justice. In the context of current reforms to Victoria's Environmental Protection Act, to what extent will communities be able to move towards genuine environmental democracy, and by what means? For both EJA and WREC, how much effort should go to achieving influence within the environmental protection framework, as opposed to changing its fundamental structure? Is the framework like Waste Mountain - ‘it has to go somewhere’?

Chris Atmore is a lawyer with Environmental Justice Australia and has a long history of advocacy in community legal centres.

Harry van Moorst has been a community activist for many years. He is Director of the Western Region Environment Centre in Werribee, Victoria.
A Conceptual Model Of Environmental Justice
Mr Alistair NAIRN (EPA Victoria)

Environmental Justice can be characterised as a narrative of contested legitimacy. In the public sphere, civil actors argue the legitimacy of their claims against business and government, and governments too may wish to assert their democratic and institutional legitimacy. Beyond this, Environmental Justice must somehow reconcile the needs of human populations with the environment.

My conceptual model explores the dynamic interplay between key aspects of environmental justice: distribution, participation and recognition, to which I've added an additional element: context.

I posit that context exists beyond the structures of state distribution even though it is affected by them. It is the state of the environment - as well as the individual - from which notions of Environmental Justice emerge. According to the model, Environmental Justice in context is sensed; in recognition it is conceptualised; in participation it is engaged; and in distribution it is manifested.

The model also poses a dualism between subjective and objective positions relevant to each separate aspect of Environmental Justice, also revealing how reflexive governance might address such concerns.

There are several aspects of the model I hope to explore:
→ As the material environment is shaped by a range of elements beyond those imposed through state intervention, can it be adequately represented by distributive justice?
→ Can the dualism posed in the model between subjective and objective standpoints elucidate the roles that legitimacy and reflexivity might play in addressing Environmental Justice?
→ Can the development of ‘culture’ and cultural practice within government and business ameliorate issues of misrecognition?

Alistair Nairn I have worked for EPA Victoria for nine years as a community advisor and facilitator. I recently wrote a paper for EPA on Environmental Justice.

Social Dialogue For Environmental Justice: Civil Forums On Nuclear Waste In Taiwan
Prof Wen-Ling TU (National Chengchi University)

After Japan’s Fukushima nuclear incident, Taiwan has been committed to move toward nuclear-free homeland. However, the stifling nuclear waste treatment and disposal issues are still too hard to handle. The pending low-level radioactive waste disposal site selection and renegoting on the commitment to relocate the nuclear wastes from Orchid Island reveal the policy dilemma.

In 2016, the "National Nuclear Abolition Action Platform" that comprised of numerous anti-nuclear groups held the "Civil Forums on Nuclear Waste" for areas that are intimately affected by the nuclear waste policies to mobilize dialogues between the civil groups and the affected communities via the democratic deliberation process. By adopting action research method, the project team worked with National Nuclear Abolition Action Platform to design the public deliberation procedures, facilitate the meetings, and professionally document the meeting discussions. The consensus statements highlighted the nuclear waste disposal policies should be made based on environmental justice principles that recognize multiple values, indigenous rights, fairness of risk distribution, and community right to know.

By analyzing the transcripts collected from these forums, this paper argues that the local people have been concerned about environmental injustice that often leads the nuclear waste siting invariably occurred in rural, low-income or indigenous areas. The previous siting process demonstrates the deficiencies of technocratic decision making that mainly consider the scientific safety measures. In response to the affected communities' unavoidable "sacrifice" frustration, the paper suggests that the nuclear waste policy should address the responsibility bore by whole society together instead of selected social vulnerable communities.

Wen-ling Tu, of the Department of Public Administration, National Chengchi University, Taiwan, received her Ph.D. in Environmental Planning from the University of California, Berkeley. Her research focuses on science and environmental governance, risk communication, and public participation. She is an active organizer of citizen deliberative forums on various kinds of policy issues in Taiwan. She also serves as a
committee member or adviser for many environmental justice groups in Taiwan.

2.00-3.30 | Session TWO
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Activists & Movements
CHAIR: Linda Connor

Spatializing Climate Justice: The Practice And Possibility Of Climate Activism In The Asia-Pacific
Dr Sara FULLER (Macquarie University)

Climate justice activism emerges in multiple spaces, with individuals and groups pursuing strategies ranging from traditional organised activities to more diverse and spontaneous forms of ‘everyday’ activism. Much of this action has sought to articulate the connections between climate change and human rights, while also drawing attention to questions of rights and responsibilities. Theoretical perspectives on NGO climate action often seek to understand how mobilisation occurs within complex, multi-level governance systems. However there is also a need to understand the multiplicity of sites and spaces associated with climate activism, and the implications for climate justice. This paper draws on empirical research with activist and advocacy organisations in Hong Kong and Singapore - cities which offer unique political and institutional environments for mobilisation around climate justice. The paper reflects on the inherent contradictions associated with climate justice activism in these cities, and how questions of rights and responsibilities are considered. The paper argues that the power of ‘everyday’ action and activism should not be overlooked but that such explorations should be framed by a more nuanced understanding of how space and place come to matter in not only enabling urban climate activism but also in capturing dynamics of justice and responsibility in the city.

Sara Fuller is Senior Lecturer in the Department of Geography and Planning, Macquarie University. Her research explores concepts and practices of justice and democracy in the field of the environment, with an empirical focus on grassroots, community and activist responses to climate change.

Place Or Mine?: Environmental (In)justice In Myanmar And Australian Activism
Dr Johanna GARNETT (University of New England - Armidale)

In 2012 a battle raged on sacred land at James Price Point in northern Western Australia between the multi-national Woodside petroleum, and local Goolarabooloo aboriginal people. Woodside, backed by the WA state government, was developing a $45 billion liquefied natural gas project. Opponents were determined to save the iconic site from desecration, protect local flora and fauna, thereby preserving it for future generations. In 2013 Woodside abandoned the project with activists claiming victory. But Woodside had merely shifted its focus, to an exploration ‘hotspot’ off the west coast of Myanmar in South-East Asia. Woodside now has plans to sell gas to China and Thailand, utilising pipelines that are cutting a swathe through indigenous lands within Myanmar. Myanmar has an appalling human rights record and local people suffer a range of environmental injustices, in particular pollution, loss of land and traditional livelihoods with little or no compensation. Ethnic peoples lack the resources and political freedom to agitate for protection or policy change. Our environmental gain is their loss. Using Woodside Petroleum as an example, this paper asks a number of pertinent points regarding environmental justice in the Anthropocene. Should Australian activism consider ‘others’? Should we prepared for compromise? If our activism results in victimisation, are we responsible? If we are responsible, how should we respond? Considering our interconnectedness and interdependence what relationships should we be forming?

Johanna Garnett lectures in Peace Studies at UNE. Her research focus is environmental peacebuilding, youth and peacebuilding, grassroots social movements and Myanmar. She has presented papers at UII University, Jogyakarta and within Australia. She has published in the Peace and Conflict Review, Food Studies Journal and New Community Quarterly.
Social Movement Participation And Climate Change: Analysing The Research Field

A/Prof James GOODMAN (University of Technology Sydney)

The corollary of the wide public acceptance of climate science is the emergence of a new form of self-aware climate agency. What kinds of deliberate social action that arise from climate agency has become the critical question of our era. Ongoing failures of climate governance extend the crisis into multiple fields of social life, reconfiguring human justice and ethical well-being. A genuine social movement, we are taught from history, is a transformative force capable of remaking social and political relations. It remains unclear, but what are the emergent dynamics of climate movement participation that address the systemic challenge posed by climate change? A wave of scholarship addressing these issues has recently emerged, although the field remains underdeveloped.

Climate change can disrupt deeply held assumptions about the relationship between social movements and capitalist modernity, and can force a reconsideration of the role of social movements across developmental hierarchies. Such rethinking can be theoretically challenging, and can force new approaches into view that reflect the broader challenges to political culture posed by climate change. This paper surveys research agendas on climate movements, covering debates on the scope of the crisis, the role of climate science, the issue of social embedding, and the role of justice in the movement. It analyses interpretations that characterize the movement as a 'transition' movement, a 'post-political' movement, and as an 'anti-systemic' movement, suggesting avenues for deepened research in the area.

James Goodman conducts research into social change and global politics, with a special focus on global justice and climate justice. He draws from a disciplinary background in political sociology, international relations, political economy and political geography, and he has published more than eight books, including as co-author for “Justice Globalism: Ideology, Crises, Policy” (Sage, 2013) and “Climate Upsurge: An Ethnography of Climate Movement Politics” (Routledge 2014). He is an Associate Professor in the Social and Political Change Group of the Faculty of Arts and Social Sciences at the University of Technology, Sydney, where he has been based since 1996.

Scientists In The Streets: Environmental Justice, The March For Science And The Politics Of Knowledge

Dr Rachel MORGAIN (Australian National University)

In the days following Donald Trump’s Presidential inauguration, US government scientists established rogue blogs and twitter accounts and called for a ‘March for Science’ to be held on Earth Day, April 22. As reports circulated about the removal of climate science resources from administration websites, a freeze on environmental protection grants and the imposition of ‘gag’ orders in government scientific and environmental agencies, this added fuel to already highly-charged debates on climate science and environmental regulation. The call for protests has been echoed around the world. In Australia, scientists have organised marches across the country. Prior to this, a long history of activism has seen many environmental scientists demand recognition for their science. A year earlier, scientists gathered to protest severe cuts to climate science divisions at CSIRO. Yet this new call presents a novel configuration, placing environmental science activism within a broader movement for science literacy, policy, communication and funding. It has reignited debates within the science community about the relationships between science and politics and the role of values within scientific discourse. More subtly, it raises enduring questions as to the appropriate place of science in society, the relationship of science to broader justice issues, and whether scientific knowledge should be made more accountable to public scrutiny. This paper will consider these shifting dynamics of environmental science justice in the light of populist critiques of climate science, political resistance to environmental regulation and broader debates on the democratisation of science.

Rachel Morgain is an anthropologist whose work in the US, Australia and the Pacific has sought to uncover changing dynamics of social relationship between humans and with the world beyond-the-human. She has undertaken research on social and religious movements, and the opportunities these present for generating novel and experimental social configurations. Her recent work has focused
on human-environment relations, science-art links and the social dynamics of science. She currently works as a knowledge broker in the Fenner School of Environment and Society at the Australian National University.

**EJ Australia**
**CHAIR: Dinesh Wadiwel**

**Terania Creek: Environmental Justice As An Australian Export**
*Dr Vanessa BIBLE (University of New England)*

This paper focuses on the first forest blockade to take place in Australia, and perhaps the world. In 1979, a campaign to prevent the logging of rainforest at Terania Creek in Northern NSW erupted into a spontaneous, organic, and innovative nonviolent direct action blockade. In examining the Australian case, this paper explores how Australian environmental activism has been at the forefront of the global movement, and how it has responded to new challenges, and why it continues to be relevant, and critically important, in the era of the Anthropocene.

*Vanessa Bible* lectures in Peace Studies and History at the University of New England, Australia. Her research interests lie broadly within the field of the environmental humanities, with a specific focus on activist history, human-nature relations and the nature/culture divide, environmental peace, confronting the Anthropocene, and cultivating peaceful futures.

**Disparities In Measurements Of Pollution And Exposure: Identifying Environmental Injustice In Mt Isa, Queensland**
*Mr Nathan COOPER (University of New South Wales)*
*A/Prof Donna GREEN (University of New South Wales)*

Traditional quantitative environmental justice studies typically analyse the proximity to polluting sources or the spatial distribution of pollution concentration data. It is assumed that these measures are useful proxies for communities’ exposure to pollutants and by extension, to health outcomes. Recently however, researchers have questioned this assumption, raising concerns that traditional methods of analysis may not be useful for identifying environmental injustice. This analysis explores the validity of this assumption via a case study of Mt Isa, Queensland. Mt Isa, a large regional city with a high proportion of Indigenous people, was chosen as our area of study as a significant number of children have been documented with high blood lead levels. These reports found that a disproportionate number of children with high blood lead levels were Indigenous. We assessed whether traditional environmental justice analyses would detect similarly disproportionate risks to Indigenous communities from lead pollution. We analysed the relationship between Indigenous status in Mt Isa with proximity to the nearby smelter and the concentration of lead in soil. We found that Indigenous status had minimal or negative correlations with lead concentration and proximity to the smelter. Our results contrast with prior reports analysing blood lead level, suggesting that exposure to lead in Mt Isa is related to social factors not accounted for by traditional analyses such as poorer housing. Our analysis demonstrates that traditional environmental justice analyses can disguise the presence of environmental injustice, by failing to account for other factors which influence the risk of exposure.

*Nathan Cooper* is a PhD candidate at the Climate Change Research Centre at the University of New South Wales. His dissertation explores quantitative environmental justice in the Australian context, with particular reference to the methods used to measure environmental hazards and disadvantaged populations.
Living With Coal – Environmental Injustice In Australian Coal Communities
Ms Nicola RIVERS (Environmental Justice Australia)

In Australia, communities living in regions with coal-fired power stations and coal mines experience significant environmental injustice from air pollution impacts. This issue was starkly highlighted when the Hazelwood mine in the Latrobe Valley Victoria caught on fire in 2014 and blanketed the community with toxic smoke for 45 days, and the significant health impacts being experienced by the community were dismissed by the Government. With state environmental regulators telling communities that 'everything is fine'; the federal government touting the benefits of coal to humanity; and many people in the community depending on the jobs that the coal facilities bring, pollution affected communities have a very hard time achieving change.

Environmental Justice Australia has been working to address the health and regulatory problems associated with coal fired power stations and coal mines for pollution affected communities particularly in the Latrobe and Hunter Valleys, to assist those communities achieve environmental justice. The panel will include community members from the Latrobe and Hunter Valleys to give their perspective on living with the environmental burden and what they want for the future of their communities, as well as members from EJA’s coal and health team on how EJA is trying to support those communities to transition to a healthier future.

Nicola Rivers is Director of Advocacy and Research at Environmental Justice Australia. She leads EJA’s clean air campaign, engaging with grassroots environment groups and local communities around Australia to protect rights to clean air. She has also lead EJA’s advocacy on a range of issues such as climate, water and biodiversity laws. She has previously worked with the Federal Government and State Governments advising on international marine policy, climate change and water and as a solicitor at the EDO in Western Australia. Nicola is the co-founder of The Riparian Project, a public art initiative that raises concern about river health.

Competing Notions Of Environmental Justice Amongst Australian Climate Campaigners: Moving From International Justice To Pro-poor Policies
A/Prof Cassandra STAR (Flinders University)

This paper explores competing notions and understandings of environmental justice, specifically climate justice, expressed by Australian environmental movement activists. The paper draws upon empirical investigation of these competing notions via in-depth semi-structured interviews conducted in three rounds between 2005 and 2015.

The findings indicate a significant shift in expressed understandings of climate justice in the ten year period. In 2005, the key notion of environmental justice expressed and evident in ENGO campaigns is one with an international character, reflective of a connected and global understanding of climate justice, especially in relation to Australia’s neighbours in the Asia-Pacific. In contrast, findings from 2014-2015 demonstrate a shift to a domestic perspective on climate justice. In this later period, the focus of expressed notions of environmental justice and their inclusion in campaigns, stressed a focus on the promotion of carbon reduction policies that were pro-poor, emphasising a domestic, insular focus on notions of environmental justice.

I argue that the findings demonstrate the implications for activist campaigners of significant changes to domestic political circumstances, circumscribing significantly the space available to define and campaign for specific political ideas in civil society. The domestic political sphere crowds out the space available to campaigners in which to conduct their campaigns and to engage citizens in civil society. This has implications for both academics and practitioners in terms of effective campaigning and advocacy for environmental justice.

Cassandra Star’s research centres on environmental politics and policy, with a focus on the politics of climate change and on the role, actions and influence of non-government organisations in this arena. She is particularly interested in both the political influence of the movement, but also the formal and informal networks and social learning that occurs between groups in the non-government sector around climate change issues.
The Potential Of Sentencing And Punishment Mechanisms In New South Wales Environmental Law To Facilitate Environmental Justice

Ms Sarah WRIGHT (School of Law, University of Wollongong)

The first generation of New South Wales (NSW) environmental laws provided limited sentencing tools for offences, offering only fines and (sometimes) imprisonment as penalties. These laws aimed to provide ‘justice’ for environmental crimes mainly by punishing the offender, usually through a monetary penalty paid into consolidated revenue. Many of the newer generation of environmental laws introduced a wider range of sentencing and punishment mechanisms which encompass greater potential to facilitate environmental justice through instruments aimed at restoration of the environment and providing reparation to the community harmed by an offence. These instruments include sentencing orders such as remediation orders, environmental projects, restorative justice activities and environmental audits (which can be imposed in addition to or as an alternative to traditional penalties for criminal offences), as well as court enforceable undertakings which can be used instead of prosecution. This paper begins by examining what it meant by 'environmental justice' in the context of breaches of environmental laws and the criminal and other punishment mechanisms used to address those breaches. It then explains the alternative sentencing and punishment mechanisms that have been incorporated into NSW environmental laws before examining the potential of a number of these instruments to contribute to achieving environmental justice and whether this can be enhanced in the future. Particular focus is placed on the use of these mechanisms in NSW pollution law - one of the first areas in environmental law to incorporate these instruments. Examples are also drawn from other environmental laws, such as indigenous cultural heritage offences.

Sarah Wright is a Lecturer with the School of Law, University of Wollongong (UOW). Subjects taught include environmental law, pollution law, and administrative law. Sarah is near completion of her PhD which focuses on the effectiveness of the pollution regulatory system in NSW, including the sentencing of pollution offenders. Prior to entering academia Sarah worked as a solicitor with the NSW Office of Environment and Heritage and as Tipstaff to the Hon. Justice Nicola Pain of the Land and Environment Court of NSW. She holds a BSc (Environment with Distinction)/LLB (Hons) (UOW) and MEL (USyd).

Embedding Environmental Justice Into Environmental Regulatory Practice

Ms Deborah HOLLINGWORTH (Environment Protection Authority)

A retrospective assessment on whether Australian governments and environmental agencies have incorporated environmental justice objectives within legislation and regulatory practice reveals a patchy scorecard - with some of the central elements of environmental justice in practice and some absent. Looking forward it is challenging to identify what constitutes a holistically environmental justice regime particularly the essential legislative underpinnings necessary to provide the authorizing legal framework.

EPA Victoria is undergoing a rapid reform. The Environment Protection Act 1970 is being overhauled following a public inquiry in 2015. The Inquiry recommendations have substantially been supported by the Government. Both the Inquiry report and recommendations identify environmental justice opportunities.

A key challenge for legislative and organizational design is the identification of the essential ingredients of environmental justice principles. While these have been articulated within international agreements and declarations (and implemented by many countries as part of their environmental commitments and in some instances, enshrined into their constitutions), the absence of an inherent and uncontested meaning results in uncertainty.

Drawing on the 2016 EPA Mark Payton Scholarship on Environmental Justice (a collaborative piece of work) which sought to identify the 'critical design elements', there are three conceptual streams:

→ Distributional Justice
→ Procedural Justice
→ Justice
This presentation will explore three critical foundational and connecting elements within each of these three streams of environmental justice: decision making processes, information and knowledge, and flexible conferencing models that tie in with decision making within a holistic legal and organizational framework.

Deborah Hollingworth has been employed at EPA Victoria since 2013. She is currently on secondment at the Department of Environment Land Water & Planning working on the overhaul of the Environment Protection Acts and was the 2016 recipient of the EPA Mark Payton Scholarship examining environmental justice in regulatory practice. In 2000, she completed a Masters of Law (Melbourne University) and has since held a range of senior management and practice positions in community legal centre, legal aid and local government. In 2005-2013 she worked in the energy efficiency / carbon markets for two start-up companies (Easy Being Green P/L and Low Energy Supplies & Services) as a regulatory adviser.

Environmental Justice And The Governance Of Extractive Development In New South Wales: Issues And Implications For Reform

A/Prof Amanda KENNEDY (Australian Centre for Agriculture and Law, University of New England)

At the heart of many current disputes over extractive development in Australia - including unconventional gas and coal mining - are concerns about environmental justice. Most recently articulated in the 2016 Australian Senate Interim Report on Unconventional Gas Mining, many communities - and agricultural landholders in particular - express feelings of powerlessness and a lack of control over their land and livelihoods under current regulatory regimes. These experiences of injustice have fuelled broader conflict over extractive development.

Drawing upon case studies of land use conflict in New South Wales, this paper explores some of the specific environmental justice issues which have emerged in the context of extractive resource development. These include: the limited opportunities to participate in land use decision-making processes, the power of industry proponents to frame the scale of project assessment and evaluation, the narrow scope to challenge development decisions, and the marginalisation of those opposed to development.

The case studies reveal that governance arrangements for extractive resource development assessment and approval in New South Wales are characterised by an inadequate notion of environmental justice. In particular, they restrict the ability of landholders and communities to effectively articulate - as well as maintain - social and emotional connections to place. This can have lasting impacts upon place attachment, and the capabilities of individuals and communities to control their future.

This paper concludes with a consideration of options for governance reform that will better integrate environmental justice into policies, laws and institutions, including strengthening mechanisms for public participation, and more robust social impact assessment processes.

Amanda Kennedy has been the Deputy Director of the Australian Centre for Agriculture and Law since 2008. Between 2012-2016, she completed an Australian Research Council Discovery Early Career Researcher Award (DECRA) funded project exploring environmental justice and conflict over the development of coal and gas resources. In 2017 she will publish a monograph of this work, entitled 'Environmental Justice and Land Use Conflict: The Governance of Mineral and Gas Resource Development'.

Making Environmental Justice Real In Victoria

Mr Brendan SYDES (Environmental Justice Australia)

The use of the term "environmental justice" in Australia has grown significantly in recent years, with the term now being used in contexts ranging from community activism, academia and even in government policy commitments. Although the principles behind the term have a long history here, the recent upsurge in framing community campaigns, research projects and government policy commitments explicitly in terms of "environmental justice" warrants reflection. This paper will offer a perspective on these developments from my organisation’s exploration of the applicability of the term to our work and the campaigns of the communities that we work with over the last six years. This perspective will be combined with a critical review of the parallel
development of Victorian government policy commitments to develop and adopt environmental justice principles in a range of policy contexts. I will show how the explicit adoption of "environmental justice" by Australian community groups and non-government organisations has been a fruitful development that has seen the beginnings of an emergence of a distinctively Australian conception of environmental justice. By contrast, the translation by governments of environmental justice principles into policy and programs of substance has proved much more challenging. The result is that it appears that community driven environmental justice demands are on the rise, government and policy makers still have some way to go in translating these combined environment and social justice demands into real policy and programs.

Brendan Sydes leads the team at Environmental Justice Australia, a not-for-profit legal practice dedicated to justice for people and the planet. Under Brendan’s leadership, the Environmental Justice Australia has grown to become an effective force for change, contributing legal and strategic expertise to the environment movement and grassroots campaigns on issues ranging from air pollution to nature conservation and corporate accountability. With deep roots in the community legal centre movement since his university days and as a former chair of Victoria’s Federation of Community Legal Centres, Brendan has a strong commitment to combining social justice and environmental advocacy.

Just Stories
CHAIR: Killian Quigley

Narrating Environmental Justice Through Speculative Fiction
Dr Ann EL KHOURY (Macquarie University)

This talk examines the prospects for speculative ecological fiction to inform a productive political imagination as well as action for environmental justice, and particularly climate change. I will be focusing upon the importance of scenarios encoded in a number of works of speculative or science fiction (sci-fi) and its contemporary sub-genre climate fiction (cli-fi) which contain environmental justice themes, including recent work by Vandana Singh and Kim Stanley Robinson. The talk considers both older classic works of eco-fiction as well as more contemporary works in keeping with the conference theme. The talk also considers the contemporary solarpunk movement and explores how an examination of fictional possible worlds, alternative futures, human agency and power relations can promote greater awareness, inspire material effects and trends and inform scenario planning. What is the role of narrative, intersubjectivity, intentionality and subjective phenomena in enacting social change for environmental justice? I argue sci-fi and cli-fi can have a critically important role to play in engaging people on social-environmental change in powerful ways rational argument and dry lengthy reports often cannot, especially when the science is sound and is carried along in a compelling story vehicle. The talk is interested in how speculative fiction can help us envision positive and propositional future scenarios and possibilities towards environmental justice as well as caution against dystopian ones. I consider how ecological fiction can contribute to the compelling need to imagine alternatives to help work our way out of urgent problems in the complex transformations ahead.

Ann El Khoury is an interdisciplinary social scientist, with interests in climate justice, science fiction, development studies, future studies, gender and globalization. Ann has a PhD in Human Geography and she was most recently a visiting researcher at the University of Oslo, Norway in the Dept of Sociology and Human Geography. Her book Globalization Development and Social Justice: A Propositional Political Approach, was published by Routledge in 2015 in an International Relations series and intersects with the aforementioned research interests. Ann tweets at @annelkhoury.

Propagules, Pumps And Briny Relations
Ms Susan REID (University of Sydney)

The ocean body and its dynamic systems can take us beneath ethics to myriad enactments and offerings of relationality. As seabed mining frontiers and the effects of climate change gather force, it is especially timely to explore the scientific and juridical imaginaries that enable the ocean to be terraformed and consumed. How might a relational connection with the living ocean be developed? This paper washes against such a question, at least partially, through an imagination of relation that dwells with the concept of a living
The very physical, moving elements of a sticky, briny entity that assembles a personhood more vivid and lively than any corporation. Through a series of conceptual eddies that defract across oceanographic text, new materialism, and legal philosophy, the paper thinks with the ontologically fascinating ocean dynamics that represent motion and a materiality, both past and present. It entails promiscuously thinking with flagellates and propagules, and their generative collective movements, as much as with the big circulatory systems that wind and pump their way around the earth, massaging continents.

The paper draws on new materialist and ecofeminist notions of care to open generative ways of thinking through issues such as ocean resource use and climate change; and to draw out potential approaches to an ocean ethics or relational dispositions of care.

Susan Reid is an arts developer, curator, lawyer, and environmental protector. Her recent curatorial projects in northern Australia engaged artists working in environmentally responsive practices, including artists from Cape York and the Torres Strait Islands who share strong community and storying connections to country and sea. Susan became a lawyer to further her environmental interests and gained an LLM focused on international marine and climate law. Susan’s doctoral research interests are with eco-relationalities, ocean imaginaries, juridical imaginaries and eco-feminist philosophies.

Reimagining Attawapiskat: Mixed Media Storytelling
Dr Sarah Marie WIEBE (University of Hawai'i, Mānoa)

The act of speaking about and representing communities involves language and imagery. Widely circulating discourses, both textually and visually, in turn shape public perception and awareness. This paper draws upon the experience of working on a three-year (2015-2018) collaborative research project “Reimagining Attawapiskat” (see: www.reimaginingattawapiskat.com) with youth artists from the Attawapiskat First Nation, a community that became the focus of widespread media attention following the declaration of a State of Emergency in 2011 widely framed as a “housing crisis”, former Chief Theresa Spence’s high profile hunger strike in 2012-2013 and another State of Emergency declaration due to an escalation in youth suicide attempts in the spring of 2016. Informed by principles of participatory action research, environmental justice and decolonizing research methodologies, this paper develops a Mixed Media Storytelling approach to interrupt mainstream media portrayals and to tell an alternative counter story. Mixed Media Storytelling utilizes a variety of digital communication formats to reframe asymmetrical narratives and restore balance in how we tell stories by inviting participant input at all stages of the collaborative storytelling process. Mixed Media Storytelling involves several multilayered components:

a) **interrogation** of how mainstream media portrays specific communities during times of duress,

b) **dialogue** with communities directly affected by these narrative portrayals in order to unearth what they reveal an what they obscure; and
c) **intervention** on asymmetrical narratives with situated stories with the aim of speaking to a range of audiences and improving policy processes and outputs, though interactive and multimodal media platforms.

Dr. Sarah Marie Wiebe grew up on Coast Salish territory in British Columbia, BC, and now lives in Honolulu, HI. She is an Assistant Professor in the Department of Political Science at the University of Hawai’i, Mānoa where she focuses on environmental sustainability. She has published in journals including Citizenship Studies and Studies in Social Justice. Her book Everyday Exposure: Indigenous Mobilization and Environmental Justice in Canada’s Chemical Valley (2016) with UBC Press won the Charles Taylor Book Award (2017) and examines policy responses to the impact of pollution on the Aamjiwnaang First Nation’s environmental health. Alongside Dr. Jennifer Lawrence (Virginia Tech), she is the Co-Editor of Biopolitical Disaster. At the intersections of environmental justice and citizen engagement, her teaching and research interests emphasize political ecology, participatory policy making and deliberative dialogue. As a collaborative researcher and filmmaker, she worked with Indigenous communities on sustainability-themed films including Indian Givers and To Fish as Formerly.

She is currently collaborating with artists from
Attawapiskat on a project entitled Reimagining Attawapiskat funded through a SSHRC Insight Development Grant. Sarah is also a Project Co-Director for the Seascape Indigenous Storytelling Studio, funded through a SSHRC Insight Grant with research partners from the University of Victoria, University of British Columbia and coastal Indigenous communities.

The Cultural Life Of Plastic Waste: Contemplating Global Environmental Injustice Through Transnational Ecocinema
Dr Kiu-wai CHU (Western Sydney University)

Chinese eco-documentary Plastic China (, dir. Wang Jiuliang, 2016) explores the subject of plastic waste processing by interviewing people who "make money out of trash", namely the plastic recycling companies in the West, and the poor village workers in China who handle plastic wastes as their daily routines. Through these juxtapositions of visual images, we begin to see the invisible connections between the seemingly separate worlds, and the intensifying global environmental injustice and divide that is taking place in a scale never before.

By drawing from recent ecocritical discussions in eco-cosmopolitanism (Heise 2008); slow violence (Nixon 2011); "transcorporeal subjectivity" (Alaimo 2017) of human/nature entanglements; and ecology as "storied matter" (Lovino & Opperman 2013), this presentation examines the cultural life of plastic waste in the global capitalist world today, and explores how a transnational eco-documentary like Plastic China could raise awareness and facilitate better cross-cultural dialogues on the subject of global environmental justice? How does the film make visible the entangled lives of humans with others, as well as with plastic matters? How can multidisciplinary initiatives between filmmakers/artists and environmental scholars be facilitated, in order to promote transnational environmental awareness?

Looking back - towards the last century where roads to environmental awareness among various academic disciplines hadn't yet crossed; and looking forward - towards better efforts in developing transnational, interdisciplinary studies in global environmental justice, my presentation wishes to address the bigger question: how far have we gone? How much farther can we go? Kiu-wai Chu is a Postdoctoral Fellow in Australia-China Institute for Arts and Culture, Western Sydney University. He was previously SNSF Postdoctoral Fellow in University of Zurich. He earned his PhD in Comparative Literature in University of Hong Kong, and his previous degrees from SOAS, University of London, and University of Cambridge. He was a visiting Fulbright scholar in University of Idaho. His research focuses on contemporary cinema and art in Asia, Ecocriticism and environmental humanities. His work has appeared in Transnational Ecocinema; Ecomedia: Key Issues, Journal of Chinese Cinemas, Oxford Bibliographies and elsewhere.

Negotiating Justice
CHAIR: Sherilyn MacGregor

Environmental Litigation And Capabilities: The Case Of Taiwan
Dr Paul JOBIN (Academia Sinica, Institute of Sociology)

Environmental litigation offers a rich platform to observe the plurality of defining both the 'justice' and the 'environment' of environmental justice (EJ). Yet, so far little attention has been paid to the cultural variations and theoretical implications for EJ of mobilizations surrounding environmental class actions (or toxic torts as they are called in the US). Depending on the legal tradition (i.e., common or continental law) and the cultural and epistemic context of the country where it is launched, environmental litigation provides multiple interpretations of EJ. In this regard, the case of Taiwan is particularly interesting. Since its introduction in Taiwan in the 1990s, the EJ framework has nurtured various mobilizations by aboriginal communities and other victims of exposure to industrial hazards. In addition the victims of environmental and occupational hazards have launched class actions. I argue that, alongside their lawyers, environmental and labor activists, as well as various experts such as epidemiologists and social scientists, the plaintiffs develop capabilities to address the complex valuation of an industrial damage. Borrowing from a large range of legal and scientific references from the Chinese, Japanese and Western traditions, these lawsuits aim at setting new environmental policies by publicizing
the cause of the communities most exposed to industrial hazards. This paper is based on a long-term participating observation and in-depth interviews with the plaintiffs, lawyers and other participants of three major class action suits.

Paul Jobin is currently Associate Research Fellow at the Institute of Sociology, Academia Sinica, Taiwan. He was previously Associate Professor at the University of Paris Diderot, Department of East Asian Studies and Director of the Taiwan Office of the French Centre for Research on Contemporary China. He holds two BAs, in Chinese and Japanese, a MBA from Keio University and a PhD in sociology from Ecole des Hautes Etudes en Sciences Sociales. Focusing on the cases of Taiwan and Japan, his research deals with the sociology of industrial pollution.

(Re)articulating Sustainable Development: The Use Of Environmental Justice Framing In Resistance Against Hydropower Projects In The Brazilian Amazon

Mr Ed ATKINS (University of Bristol)

Hydropower projects are often presented by their proponents as renewable energy projects that contribute to sustainable development agendas, with the roots of such assumptions found in a number of international instruments (such as the Kyoto Protocol’s Clean Development Mechanism). With the construction of hydroelectric complexes often characterised by a confrontational nature, numerous opposition movements have responded to these claims of sustainability by questioning the place of hydropower projects within such understandings.

This paper will explore how opposition movements against the Belo Monte and São Luiz do Tapajós hydroelectric complexes in the Brazilian Amazon region have sought to discredit pro-dam assertions of the sustainability of hydropower schemes. In adopting a framework of environmental justice, it will analyse how opposition groupings have enrolled politicised concepts of just sustainability to dispute the assumptions that underpin the location of hydropower within contemporary sustainable development agendas.

This paper has found that these appeals have focused on the introduction of more-socialised understanding of sustainability (including arguments of population displacement, livelihood destruction and socio-economic problems created by the period of construction) and the location of such schemes within a wider socio-political context of corruption, resource capture and human rights violations. In doing so, these movements have not only questioned the logic that links hydropower projects to notions of sustainable development but have also created a terrain on which a more just sustainability can be defined.

Ed Atkins is a PhD candidate in Environment, Energy & Resilience at the School of Sociology, Politics and International Studies. His research explores the disputed language of sustainability, the politics of water, and the disputes that surround megaproject-construction.

Negotiating Justice: Politics, Institutions And Power In Conflict Resolution In Indonesia’s Oil Palm And Pulpwood Plantation Sectors

Mr Ahmad DHIAILHAQ (Crawford School of Public Policy, Australian National University)

Conflicts and controversies have been prominent features of the expansion of industrial oil palm and pulpwood plantations in Indonesia. Some direct causes of these conflicts include involuntary exclusion of the local communities, destruction of local sources of livelihoods, unfair processes of land acquisition, and the lack (or absence) of free, prior informed consent (FPIC). Despite the recent reforms of resource governance, effective mechanism to resolve land conflicts comprehensively, decisively and fairly are still lacking in the country. As a result, many plantation conflicts between communities and companies have continued for years or even decades. The cross-scale political, institutional and power dynamics underpinning the processes and outcomes of conflict resolution are still rarely analysed in conceptual terms and research is therefore needed to explain the prevailing socio-political conditions generating and constraining positive conflict outcomes.

This research employs political economy inquiry into conflict resolution in oil palm and pulpwood plantation sectors in Indonesia, looking at how politics, institutional and governance arrangement, as well as power relations shape land conflict resolution process and outcomes. Using environmental justice theory, the study also offers
a critical analysis of to what degree has the conflict resolution created new space for amelioration of justice problems thrown up by plantation expansions. Drawing on policy and comparative analysis of four case studies in Indonesia, the study expects to enrich the scholarship and policy debate regarding the socio-political dynamics of agrarian transformation, conflict and justice, offering possibilities for improving environmental justice in industrial plantation sector.

Ahmad Dhiaulhaq is currently a PhD student at the Australian National University. He holds a master’s degree in Environment (M.Env) from the University of Melbourne. Prior to his PhD study, Ahmad worked several years as a forest conflict researcher at RECOFTC—the Center for People and Forests, based in Bangkok, Thailand. In the last few years his research has focused on forest and land conflict transformation, including an analysis of the application of mediation in transforming forest and land conflicts in SE-Asia, especially in Indonesia, Thailand and Cambodia.

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End Day 1