

ARTICOLE

Analysing discrimination and environmental racism through
the lens of environmental justice

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Abstract: In recent years, the scope and understanding of environmental protection have expanded significantly beyond the traditional goal of preserving natural resources for future generations. The concept of environmental justice has emerged as a response to the phenomenon of environmental racism and may be understood as an international movement that advocates for environmental, economic, and social justice by highlighting the interconnections between economic inequality, environmental degradation, and public health.

In this sense, environmental justice encompasses legal norms, policy interventions, regulatory frameworks, and value-based approaches aimed at promoting sustainable economic development while addressing environmental racism and structural inequities.

Environmental racism—defined as the disproportionate exposure of racialized communities to environmental hazards—remains a pressing issue today and is increasingly associated with the broader phenomenon of neo-colonial capitalism. The underrepresentation of racial and ethnic minorities in decision-making processes, their limited access to essential public services, and the systemic

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marginalization of these communities contribute to this enduring form of environmental injustice.

This paper examines the overarching concepts of discrimination, environmental racism, environmental justice, and neo-colonial capitalism. It also provides an overview of the core principles of environmental justice and outlines selected measures taken at the European level to combat environmental racism—such as the initiatives of the Environmental Network against Racism and the European Green Deal Strategy—particularly in the context of the ongoing pandemic and climate crises.

Keywords: environmental justice, racism, discrimination, environmental policy, climate crisis

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Introduction

In recent years, the international community has become increasingly aware of the pressing reality of the climate crisis—an existential threat¹ that transcends national borders and impacts ecosystems and societies across the

¹ H. SAEVEROT, *Meeting the Challenges of Existential Threats through Educational Innovation*, Routledge: New York, 2022, *passim*.

globe. However, a deeper analysis of the complex and multifaceted nature of environmental degradation has led scholars to identify and discuss a phenomenon often referred to in the literature as “*climate racism*”.

Closely tied to the dynamics of the climate crisis, climate racism underscores the unequal distribution of environmental harms, disproportionately affecting racialized and marginalized communities. In the academic literature, this phenomenon is frequently associated with historical and structural factors, including the legacy of *(neo)colonial economic systems*²—a system that may contribute to an uneven distribution of environmental burdens across different social groups.

This contemporary manifestation of structural inequality, not only intensifies the effects of climate change, but also contributes to the perpetuation of neocolonial economic and political relations. One particularly visible outcome of this phenomenon is the increasing displacement of communities, due to environmental degradation, leading to the emergence of so-called *environmental migrants*³—individuals forced to relocate due to climate-induced disruptions. Environmental racism, as a specific expression of these systemic injustices, is characterized by the disproportionate exposure of marginalized groups to environmental hazards. These communities are often situated in close proximity to polluting industrial zones, toxic waste sites, or areas highly susceptible to natural disasters. These patterns are often interpreted in the literature as reflecting long-standing forms of socio-economic inequality and structural disadvantage. Empirical studies suggest that such communities tend to experience higher rates of health problems,

² A. RAMANUJAM, *The Climate Crisis is a (Neo)colonial Capitalist Crisis*, *European Network Against Racism*, 2020, p. 11.

³ I. ANGRUS, S. BUTLER, *Too Many People? Population, Immigration and Environmental Crisis*, Ed. Haymarket Group, Chicago, 2011 p. 132.

including respiratory diseases, and a diminished quality of life due to persistent environmental pollution.

In contrast, the concept of *sustainable development*⁴—which seeks to balance economic growth, environmental protection, and social equity—aims to meet present needs without compromising the ability of future generations to meet their own. However, the continued existence of environmental racism may pose challenges to the effective implementation of sustainable development objectives, by perpetuating both environmental and social injustices, thereby obstructing efforts toward achieving true sustainability.

Addressing issues described in the literature as environmental racism is increasingly considered an important component of sustainable development strategies. It involves recognizing and rectifying historical and ongoing injustices, ensuring equitable access to clean air, water, and a safe environment for all communities, regardless of their socioeconomic status or racial background. By actively addressing and dismantling environmental racism, societies can move closer to realizing the goals of sustainability and fostering a more just and inclusive world for everyone.

This paper aims to examine how the concepts of climate racism, environmental injustice, and neocolonial economic structures are defined and analyzed in the academic literature, and to assess their implications for vulnerable populations and sustainability policies

⁴ See for more details on the subject: V. REBREANU, Sketching the ‘Sustainable Development’ Concept in the Volume of the International Conference ‘Dezvoltare durabilă: utopie sau realitate?’, Sfera Juridică: Cluj-Napoca, 2010, p. 8.; V. REBREANU, ‘Sustainable Development: Utopia or Reality?’ in *Ibidem*, p. 334 and following.

I. From Climate Change to Environmental Racism and Environmental Justice – Key Concepts

According to a growing body of literature on the climate crisis, these phenomena are often examined in connection with structural factors, including forms of (neo)colonial capitalism,⁵ which are considered by some scholars to contribute to patterns described as environmental and climate racism. The environmental justice movement is frequently presented in the literature as providing normative and policy-oriented frameworks aimed at addressing these inequalities. The following section aims to clarify the meaning of these key concepts, alongside other terms such as environmental migration

The term '*climate crisis*' is commonly used to describe a severe and urgent global issue largely associated with human activities. The concept encompasses a range of interconnected environmental, social, and economic challenges⁶ commonly associated with a range of processes, including: the rising of global average temperatures, due to the accumulation of greenhouse gases in the atmosphere, attributed to the burning of fossil fuels (coal, oil, and natural gas), deforestation, and industrial processes; various environmental problems (melting of polar ice caps and glaciers, acidification of oceans, coral reef bleaching, severe wildfires, droughts, and floods); increase in extreme weather events, such as hurricanes, typhoons, heatwaves, and heavy rainfall, which can result in significant property damage, loss of life, and economic disruption); rising sea levels, posing a threat to coastal communities, infrastructure, and ecosystems; altering weather patterns affecting agriculture; disruption of economies, through damage to infrastructure,

⁵ A. RAMANUJAM, *op.cit.*, p. 4.

⁶ J. BARNETT, M. BOUW, *Managing the Climate Crisis*, Island Press: Washington, 2022, p.. 23.

reduced agricultural productivity, increased healthcare costs; increasing competition for scarce resources, like land, water, and food, with the consequence of mass displacement of populations.

The term climate change, should be distinguished from related terms such as climate change and respectively, climate disruption⁷. The term, *climate disruption*, refers to the chaotic impacts of changes in climate patterns. Is used to emphasize that climate change may involve not only gradual warming but also disruptive and non-linear effects, including extreme weather events, altered precipitation patterns, shifting ecosystems, and more. Climate disruption suggests describes that these changes can have profound and often unpredictable consequences. On the other hand, *climate change* is a broader and more neutral term, used to describe the long-term alteration of climate patterns on Earth, including both natural and human-induced changes in temperature, precipitation, and other climate indicators. As such, Climate change does not inherently convey urgency or crisis, but is rather a scientific descriptor of the phenomenon.

*Environmental or climate racism*⁸ is commonly used in the literature to describe patterns of disproportionate exposure of racialized communities

⁷ W. K. Al-DELAIFY, V. RAMANTHAN, M. SANCHEZ SORONDO, *Health of People, Health of Planet and our Responsibility. Climate Chsnge, Air Pollution and Health*, Springer: California, 2020, p. 352.

⁸ The origins of discussions about environmental racism can be traced back to the establishment of the environmental justice movement. In the 1970s, the predominantly Black community of Warren County, North Carolina, mobilized against an effort to relocate soil contaminated with polychlorinated biphenyl (PCB) waste to their local landfill. This grassroots protest marked the inception of official recognition of the correlation between hazardous waste sites and communities primarily composed of Black or ethnic minority residents in the United States. See for details, E. Sample, R. M. Paulose, *Climate Change and Systemic Environmental Racism*, Stanley Centre for Peace and Security, available at: <https://stanleycenter.org/wp-content/uploads/2021/10/CRCC-SPC21-ClimateChange-SystemicEnvironmentalRacism.pdf>.

to the negative effects of environmental degradation and climate change. It includes both the physical consequences (e.g., higher rates of pollution-related health issues) and the political marginalization of these groups through their exclusion from environmental decision-making processes. This concept is often applied in relation to communities that are identified as marginalized or racialized.

The term *racialized communities* (also referred to as *visible minorities*) encompasses individuals who groups that are socially constructed and perceived as distinct on the basis of race or ethnicity⁹. Similarly, the expression “communities of colour” is used in academic and policy contexts to refer to groups that share experiences of racialization, for example, African Americans, Indigenous peoples, Latino communities, Asian and Pacific Islanders, Middle Eastern populations, Slavic and Roma communities, and others who experience systemic racial marginalization.

A deeper understanding of climate racism requires distinguishing between colonialism and neocolonialism¹⁰:

- *Colonialism* refers to the historical practice whereby a foreign power exerts direct political, legal, and economic control over a territory and its population, often often associated with processes of economic exploitation¹¹ and political domination.

⁹ A. CUNNINGHAM (Ed.), *Environmental Racism and Classism*, Greehaven Publishing: New York, 2017, p. 46.

¹⁰ A. RAMAJAM, op.cit., p. 11; D. B. SCHIRMER, St. ROSSKAMM SHALOM, *A History of Colonialism, Neocolonialism, Dictatorship and Resistance*, South End Press: 1987, p. 35.

¹¹ The exploitation of natural resources is frequently referred to in the literature as *extractivism*, a concept used to describe the large-scale extraction of natural resources, often for export and with limited domestic processing or value addition. E. Gudynas, “*Extractivisms: Tendencies and Consequences*,” în M. Lang, D. Mokrani (ed.), *Beyond Development: Alternative Visions from Latin America*, Rosa Luxemburg Foundation, Quito, 2013, p. 62.

- *Neocolonialism*, by contrast, is generally understood as operating through indirect economic, political, and cultural mechanisms that may sustain forms of influence over formerly colonized or less developed countries. These mechanisms include debt dependency, trade imbalances, foreign investment conditions, and the cultural dominance of former colonial powers. Rather than establishing direct political control, neocolonial powers often exert influence through economic, cultural, or political means. This influence can include economic exploitation, manipulation of local governments, or cultural dominance, allowing the neocolonial power to maintain control without formal colonial rule.

As we have seen above, from the perspective of climate racism, we are interested by the phenomenon of *neocolonial capitalism*¹², is used in the literature to describe forms of economic and political relations through which influence may be exercised by industrialized or economically powerful nations over less developed or formerly colonized nations, in a way that perpetuates or extends the legacy of colonialism.

Key characteristics of what is described in the literature as neocolonial capitalism are typically presented as including elements such as economic asymmetries, whereby economically developed states may benefit from access to resources, labour, and markets in less developed regions; patterns of economic dependency shaped by historical and structural inequalities; forms of political and institutional influence exercised through diplomacy, international organizations, or financial mechanisms; as well as cultural influence and significant external debt relationships. It is often argued that

¹² L. LOWE, D. LLOYD, *The Politics of Culture in the Shadow of Capital*, Duke University Press: 1997, p. 24.

such dynamics may contribute to the persistence of global inequalities, exacerbating poverty, and limits the self-determination and development of periphery countries.

As we have seen before, some authors argue that these dynamics may be linked to patterns described as environmental, which as well can contribute to the appearance of *environmental migration*. *Environmental migrants*, or environmentally displaced people are generally defined as individuals who are compelled or driven to migrate¹³, due to the fact that their means of sustaining their livelihoods have become untenable. This often occurs as a result of increasing natural disasters, or due to the irreversible deterioration of environmental resources, caused by gradual phenomena like rising sea levels and desertification. Environmentally induced migration is a multifaceted phenomenon, involving a combination of social, economic and environmental factors. It can be related not only to resource scarcity as mentioned above, but also to related livelihood loss. The concept encompasses both cross-border migrants and as well, internally displaced persons.¹⁴

II. The Origins and Principles of Environmental Justice and its relationship with Fundamental principles of Environmental Law

As previously discussed, *environmental justice* is generally understood as a social and ethical concept that emphasizes the idea that all individuals and communities, regardless of socio-economic status or race,

¹³ D. V. IVANOV, D. K. BEKYASHEV, *Environmental Migration in International Law*, Cambridge Scholars Publishing, Cambridge, 2016, p. 11.

¹⁴ REFUGEE STUDIES CENTRE, *Environmentally displaced people. Understanding the linkages between environmental change, livelihoods and forced migration*, University of Oxford, 2008, available at: <https://www.rsc.ox.ac.uk/files/files-1/pb1-environmentally-displaced-people-2008.pdf>.

should have equal access to a clean and healthy environment and should not be disproportionately exposed to environmental hazards.¹⁵ The accent is placed on issues of equity, fairness, and inclusivity in environmental decision-making¹⁶, concepts frequently associated with the protection of the rights of marginalized communities. It is often linked to principles such as public participation, transparency, and the integration of social and economic considerations into environmental decision-making.

The emergence of the environmental justice movement in the United States dates back to the 1970's and 1980's, arising in a socio-political context in which African-American communities began to contest what they perceived as the disproportionate siting of waste facilities and other environmentally hazardous developments in their neighbourhoods¹⁷. These practices were increasingly interpreted by affected communities as reflecting systemic inequalities and patterns of racial discrimination. One of the earliest documented examples of environmental injustice, frequently cited in the scholarly literature, occurred in Northwood Manor, Houston (USA). In this case, a waste facility was approved for construction in a predominantly African-American neighbourhood—despite the fact that a nearly identical proposal had been rejected by local authorities just eight years earlier, when the same area had a majority white population. This case is frequently cited in the literature as illustrating the potential role of race in environmental

¹⁵ Please consult in this regard: K. SHRADER-FRECHETTE, *Environmental Justice. Creating Equality, Reclaiming Democracy*, Oxford University Press: Oxford, 2002, p. 45.

¹⁶ B. EVANS, J. AGYEMAN, R.D. BULLARD, *Just Sustainabilities. Development in an Unequal World*, Eartscan Publishing, London, 2003, p. 169.

¹⁷ C. W. WELLS, *Environmental Justice in Postwar America*, University of Washington Press: Seattle, 2018, p. XIII.

decision-making processes and served as a catalyst for the mobilization of grassroots movements advocating for environmental equity¹⁸.

During the 1990's, the environmental justice movement gained momentum through local activism, grassroots organizing, and community-based campaigning, contributing to increased national attention to localized environmental struggles and systemic inequities. This period marked a significant expansion of the movement's influence and the development of a more comprehensive understanding of environmental justice within the United States. Nowadays, in the USA the concept of environmental justice is commonly including elements such as the equitable distribution of environmental harms (distributive justice), access to information and participatory decision-making (procedural justice), recognition of minority groups, and broader considerations related to ecological justice¹⁹.

In Europe the origins of environmental justice is often linked to the development of the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters²⁰. The Aarhus Convention was adopted during the Fourth Ministerial Conference in the 'Environment for Europe' initiative on June 25th, 1998. Article 1 of the Convention outlines its objective, which is "to contribute to the protection of the right of every person, present and future generations, to live in an environment that supports their health and well-being' and it aims to 'guarantee the rights of access to information, public participation in decision-

¹⁸ J.D. BULLARD, 'Environmental Justice for All' in D.R. KELLER, *Environmental Ethics. The Big Questions*, Wiley-Balckwell, Oxford, 2010, p. 491.

¹⁹ A. RAMANUJAM, *op.cit.*, p. 12.

²⁰ See for details, Ch. BANNER, *The Aarhus Convention. A Guide for UK Lawyers*, Bloomsbury Publishing: London, 2015, p. 126.

making, and access to justice in environmental matters in accordance with the provisions of this Convention."²¹

The fundamental principles of environmental justice were proclaimed by the Delegates to the First National People of Colour Environmental Leadership Summit held on October 24-27, 1991 in Washington DC, and are commonly presented in the literature as including the following:²²

- The principle of economic unity and interdependence of all species;
- The principle of mutual respect, justice and non-discrimination in public policy
- The principle of ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things;
- The principle of universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing;
- The principle of political, economic, cultural and environmental self-determination of all people;
- The principle of strict responsibility of producers in what regards the cessation of the production of all toxins, hazardous wastes, and radioactive materials;
- The principle of participation in decision-making;
- The principle of safe and healthy work environment;
- The principle of full compensation and reparations for damages and access to quality health care;
- The principle of qualifying governmental acts of environmental injustice a violation of international law;
- The principle of fair access for all to the full range of resources
- The principle of informed consent and halt to the testing of experimental reproductive and medical procedures and vaccinations on people of colour;
- The forbidding of destructive actions of multi-national

²¹ I. BERETTA, 'Some Highlights on the Concept of Environmental Justice and its Use' in *E-cadernos CES* no. 17/2012, available at: <https://journals.openedition.org/eces/1135>.

²² Delegates to the First National People of Color Environmental Leadership Summit, *Principles of Environmental Justice*, Washington, DC, October 24–27, 1991, available at: <https://www.ejnet.org/ej/principles.html>.

- corporations;
- The forbidding of military occupation, repression and exploitation of lands, peoples and cultures, and other life forms;
- The principle of education of present and future generations with emphasize on social and environmental issues;
- The principle of consumption and waste reduction.

The movement of environmental justice is often analysed in connection to the principle of prevention, the principle of precaution and sustainable development²³.

The *principle of prevention*²⁴ is generally understood as referring to the adoption of proactive measures to avoid or mitigate environmental harm. It involves identifying potential risks or environmental threats and implementing measures to prevent these risks from materializing. Prevention also involves setting standards, regulations, and guidelines to control pollution, protect ecosystems, and ensure public health. The principle focuses on avoiding harm from occurring in the first place through careful planning and risk management.

On the other hand, *the precautionary principle*²⁵ is commonly defined as a principle according to which an activity, policy, or technology has the potential to harm the environment or public health, and there is scientific uncertainty about the extent of that harm, precautionary measures should be taken. It implies that lack of scientific certainty should not be used as a reason to postpone action to prevent environmental degradation or protect human

²³ For more details related to the principles of Environmental Law consult, Ph. SANDS, J. PEEL, A. FABRA, R. MACKENZIE, *Principles of International Environmental Law*, Cambridge University Press: Cambridge, 2012, *passim*.

²⁴ L. A. DUVIC-PAOLI, *The Prevention Principle in International Environmental Law*, Cambridge University Press: Cambridge, 2018, p. 9.

²⁵ *Ibidem*, p. 10.

health. The precautionary principle aims to avoid irreversible or serious damage to the environment and human health, by acting in advance of conclusive proof of harm.

The principles of precaution and prevention are often considered relevant for advancing environmental justice. As such, when prevention measures are applied, they aim to protect all communities, including those that are vulnerable and marginalized. From this perspective, environmental justice considerations are engaged where proactive steps are taken to prevent harm to disadvantaged communities, with the aim of avoiding disproportionate burdens by environmental pollution and hazards. As well, the precautionary principle aligns with environmental justice by emphasizing *a proactive and cautious approach*. It recognizes that marginalized communities often face heightened risks and vulnerabilities. When there is scientific uncertainty about potential harm, the precautionary principle encourages decision-makers to prioritize the protection of these communities by taking preventive action.

Both the precautionary and prevention approaches emphasize the importance of public participation and transparency in environmental decision-making. Public participation is intended to ensure that the concerns and perspectives of vulnerable communities are considered when applying precaution and prevention measures.

The relationship between sustainable development and environmental justice²⁶ can be regarded as complex. In what regards the relationship between sustainable development and environmental justice it can be regarded as complex. While there are theoretical differences between the two concepts, there is also common ground and a growing recognition that

²⁶ A. RAMANUJAM, *op.cit.*, p. 32.

they can coexist and they are often considered capable of complementing each other, especially in practical policy applications.

Sustainable development is widely recognized and influential concept in environmental regulation and policy-making. *Sustainable development typically emerged from international diplomacy*²⁷, whereas *environmental justice initially developed with a focus on local issues and struggles*. Both sustainable development and environmental justice emphasize the importance of public participation and transparency in environmental decision-making. The concept of 'just sustainability' has been developed in the literature, emphasizing the interdependence of social justice, economic well-being, and environmental stewardship and seeks to bridge the gap between sustainable development and environmental justice.

As we also referred above, sustainable development is generally defined as a concept that "seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs, by balancing economic growth, social development, and environmental protection."²⁸ The focus of sustainability is placed on one side on inter-generational equity²⁹, meaning the responsibility of the current generation to ensure that future generations inherit a planet with resources and ecosystems in good condition. On the other hand, it calls for intra-generational equity, meaning fairness and justice within the current generation, ensuring that the benefits and burdens of development are distributed equitably.

²⁷ B. KJELLEN, *A New Diplomacy for Sustainable Development. The Challenge of Global Change*, Routledge: London, 2008, p. 1980.

²⁸ World Commission on Environment and Development, *Our Common Future*, Oxford University Press, Oxford, 1987, p. 43.

²⁹ C. SIZIBA, Sh. LALANI, Th. COTTLER, *Intergenerational Equity. Environmental and Cultural Concerns*, Brill Nijhof: Amsrerdam, 2019, p. 27.

While sustainable development and environmental justice have distinct focuses, they are often considered to share common elements, such as *the accent placed on equity, fairness, and the protection of environmental resources*.

III. EU Environmental Regulations and Environmental Justice

At the level of the EU, the concept of environmental justice has gained importance since the Aarhus Convention and after several legislative acts adopted in order to tackle environmental challenges in different domains. The mentioning of the fundamental right to the protection of environment represented a significant development in the EU's involvement in this policy area. The recently adopted *Green Deal policy* establish new objectives and indicates new pathways to solve one of the major challenges of the moment, the energetic independence of the EU.

The Aarhus Convention, formally known as the '*Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*,' is a key international treaty that is often considered relevant to environmental justice in the context of the European Union (EU) and beyond. The convention was adopted on June 25 in 1998, in the Danish city of Aarhus, and it entered into force on October 30, 2001.

The *Aarhus Convention* has three main pillars³⁰ or principles, all of them relevant from the perspective of ensuring environmental justice in practice:

- *Access to Environmental Information* - under this pillar, public authorities are required to provide access to environmental information they hold. This information can

³⁰ Ch. BANNER, *op.cit.*, p. 5.

include data on emissions, environmental impact assessments, and other relevant documents. The public has the right to request and receive this information;

- *Public Participation in Environmental Decision-making* - the convention emphasizes the importance of involving the public in environmental decision-making processes. It grants individuals and organizations the right to participate in decisions that may affect the environment. This can include participating in public hearings, consultations, and other forms of engagement;
- *Access to Justice in Environmental Matters* - This aspect of the convention ensures that citizens have access to legal remedies when their rights to access environmental information and participate in decision-making are violated. It enables individuals and environmental organizations to challenge public decisions that contravene environmental laws.

The Convention had played a significant role in shaping EU environmental policies and legislation. The EU is a party to the convention, and its member states are bound by its provisions. As a result, EU institutions and member states are required to incorporate the principles of the convention into their environmental governance.

*The Aarhus Convention Compliance Committee*³¹ monitors the implementation of the convention and handles complaints from the public regarding violations. It has the authority to review cases where individuals or organizations believe that their rights under the convention have been denied.

³¹ United Nations Economic Commission for Europe (UNECE), *Aarhus Convention Compliance Committee*, available at: <https://unece.org/environment-policy/public-participation/aarhus-convention/compliance-committee>.

The Convention is a vital tool for promoting environmental justice in the EU and other signatory countries. It ensures that citizens have access to information, can participate in environmental decision-making, and have access to legal recourse when environmental rights are infringed upon. This framework helps enhance transparency, accountability, and public engagement in environmental matters.

In what regards *the EU Charter of Fundamental Rights*, several provisions within the Charter may be considered relevant from the perspective of granting environmental justice, when it comes to protecting fundamental rights and the environment within the European Union³².

Article 37 of the EU Charter recognizes *the right to environmental protection*. It states that a high level of environmental protection and the improvement of the quality of the environment must be integrated into EU policies, and environmental damage must be rectified at its source.³³ Alongside art. 37, article 24 focuses on the rights of the child, including the right to a healthy environment, where children have access to clean and safe environment.

On the other hand, *article 21* of the Charter *prohibits discrimination on various grounds, including racial or ethnic origin*. Environmental justice often intersects with issues of environmental racism and discrimination, where marginalized communities are disproportionately affected by environmental harm.

From the perspective of the collection and use of environmental data that may impact individuals' privacy, *article 8* guarantees *the right to the*

³² Ch. BANNER, op.cit., p. 208; G. Di FEDERICO, *The EU Charter of Fundamental Rights. From Declaration to Binding Instrument*, Springer Netherlands: Leiden, 2010, p. 224.

³³ Charter of Fundamental Rights of the European Union, art. 37, *Official Journal of the European Union* C 202, 7 June 2016.

protection of personal data. Other articles of the Convention covering consumer protection, the right to information, education, and the right to be heard, can be relevant when addressing environmental issues related to consumer products or services. As well, from the perspective of the ability to speak out environmental concerns, a crucial aspect of environmental justice the provisions of article 11 of the Convention, protecting the freedom of expression and information is also important.

From a procedural point of view, *article 47 ensuring the right to an effective remedy and a fair trial* can be relevant when seeking legal redress for environmental harm or violations of environmental laws.

While the EU Charter of Fundamental Rights doesn't explicitly address the issue of environmental justice, it does provide a legal framework that can be used to protect fundamental rights in cases related to environmental issues, by ensuring that marginalized and vulnerable communities have equal access to legal remedies, information, and protection of their rights within the broader context of environmental protection.³⁴

At policy level, the *European Green Deal* is generally described as a comprehensive policy framework and initiative introduced by the European Commission in December 2019. It aims to make the EU climate-neutral by 2050, promotes sustainable economic growth and addresses various environmental challenges. Environmental justice is an important aspect of the European Green Deal³⁵, as it seeks to ensure that the transition to a

³⁴ L. Krämer, *EU Environmental Law*, 8th ed., Sweet & Maxwell, London, 2016, p. 73–75; Jan H. Jans and Hans H.B. Vedder, *European Environmental Law: After Lisbon*, 4th ed. (Groningen: Europa Law Publishing, 2012), p. 36–38.

³⁵ G. ALLWOOD, *The EU's Transition to Climate Justice & Gender Equality. How Just and how equal?*, Foundation for European Progressive Studies, June 2022, available at: https://feps-europe.eu/wp-content/uploads/2022/06/FINAL_DIGITAL_21.6.22_How_just_and_how_equal.pdf.

greener economy is fair, equitable, and inclusive for all EU citizens and communities. The EU Green Deal recognizes the need for a ‘just transition’ to a green economy, especially in regions heavily reliant on carbon-intensive industries. It aims to support affected workers and communities by providing funding and resources for reskilling, job creation, and economic diversification.³⁶ The Just Transition Fund is a central component of this effort.

Another objective of the strategy is *Social Inclusion*. The Green Deal emphasizes social inclusion and the reduction of inequalities. It aims to ensure that the benefits of the green transition are accessible to all citizens, including vulnerable and disadvantaged groups. This includes measures to combat energy poverty and improve access to clean energy for all. Also, the strategy acknowledges the importance of fairly distributing the costs³⁷ and benefits of environmental policy and avoiding disproportionately burdening low-income households and regions, while promoting progressive taxation and green financing mechanisms.

Environmental justice is closely linked to *public participation in decision-making processes*³⁸. The Green Deal emphasizes the engagement of citizens, civil society organizations, and local communities in shaping environmental policies and projects. It *supports transparent and participatory governance*. The strategy includes a wide range of initiatives to address climate change and environmental degradation, such as the European

³⁶ European Commission, *The European Green Deal*, COM(2019) 640 final, Brussels, 11 December 2019, p. 2, 16–17.

³⁷ For more details on the principle of equality in fiscal matters see C. F. COSTAȘ, I. S. PUȚ, *Drept fiscal*, Ed. Universul Juridic, București, 2023, p. 54-57; *Idem*, *Drept fiscal și financiar. Caiet de seminar*, Ed. Hamangiu, București, 2024, p. 51-53.

³⁸ G. HAMPTON, *Environmental Equity and Public Participation in Policy Sciences* no. 32/1999, Kluwer Publishing, p. 163.

Climate Law, the Circular Economy Action Plan, the Biodiversity Strategy, and the Farm to Fork Strategy. These initiatives aim to protect natural ecosystems and biodiversity while ensuring the sustainability of food systems. For example, the *Farm to Fork Strategy*³⁹ within the Green Deal promotes a more sustainable and environmentally friendly agricultural sector. It encourages the use of environmentally friendly farming practices, reduced pesticide use, and improved animal welfare.

The Green Deal includes measures to promote sustainable mobility and reduce emissions from the transportation sector. This includes support for electric vehicles, improved public transportation, and initiatives to make cities more pedestrian and cyclist-friendly.

The *Circular Economy Action Plan*⁴⁰ promotes *resource efficiency* and *waste reduction*. It seeks to minimize the environmental impact of resource extraction and consumption while creating economic opportunities.

In summary, the EU Green Deal recognizes the importance of environmental justice in achieving its ambitious sustainability and climate goals. It seeks to ensure that the transition to a green and sustainable economy benefits all EU citizens and communities, with a focus on social inclusion, fairness, and equitable distribution of the benefits and costs of environmental policies. It also encourages active participation and engagement of citizens and stakeholders in shaping the future of Europe's environmental policies.

On the sight of secondary legislation, the EU has adopted a wide range of environmental directives and regulations addressing various aspects of

³⁹ European Commission, *Farm to Fork Strategy*, COM(2020) 381 final, available at: https://food.ec.europa.eu/horizontal-topics/farm-fork-strategy_en.

⁴⁰ European Commission, *Circular Economy Action Plan*, COM(2020) 98 final, available at: https://environment.ec.europa.eu/strategy/circular-economy-action-plan_en.

environmental protection, including air quality, water quality, waste management, biodiversity conservation, and more. These laws aim to establish standards and measures to protect the environment and indirectly contribute to a healthier environment for EU citizens.

As well, the EU allocates significant funding for projects aimed at improving the environment, addressing climate change, and promoting sustainability. Funding programs such as the *LIFE program*⁴¹ support environmental initiatives across EU member states.

Conclusion - Solutions for ensuring environmental justice in the EU

At the level of the EU environmental injustice is often considered in the literature not to stem from a lack of legal provisions, but rather from the manner in which EU legislation is implemented and applied across Member States. The legal literature generally identifies several avenues toward achieving environmental justice within the context of EU Environmental Law:

- *A reorientation of environmental policy*, often described as involving shifting the focus from economic growth to improving the quality of life for citizens. Strategies may include urban planning that prioritizes the well-being of residents, the reduction of pollution sources in residential areas, and initiatives to make cities more sustainable;

⁴¹ Regulation (EU) no. 2021/783 of the European Parliament and of the Council of 29 April 2021 establishing a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No 1293/2013, *Official Journal of the European Union* L 172, 17 May 2021, p. 53–78.

- *The strengthening of environmental provisions*, including measures aimed to reduce and eliminate waste landfills and developing cleaner industrial techniques;
- *The enhancement of implementation and enforcement practices* in a more consistent and fair manner. Discrimination against minority populations, such as Roma communities or other marginalized groups, within environmental law application is often identified as requiring attention.

The European Commission, responsible for ensuring the application of EU law, is generally considered to play a role in monitoring and addressing situations where minorities face unequal treatment or are disproportionately affected by environmental issues. Member States are expected, under EU law, to take measures to inspect and enforce environmental protection provisions fairly, equitably, and proportionately. The requirement for an 'active and systematic' dissemination of environmental information is required under EU law and is expected to be ensured.

Transparency in reporting on the state of the environment is often highlighted as an area for improvement, with Member States regularly publishing reports and providing citizens with information on the enforcement of environmental laws.

Achieving environmental justice is generally understood as requiring a comprehensive approach involving policy changes, improved provisions, and consistent enforcement of environmental laws. It also underscores the importance of transparency and equal treatment for minority populations within the framework of environmental law.

Environmental justice within the EU context necessitates a multifaceted approach that encompasses policy adjustments, the enhancement of legal provisions, and rigorous enforcement. Additionally, it

requires a commitment to transparency and the equitable treatment of minority populations in environmental matters. These approaches may contribute toward a fairer and more sustainable environmental future for all its citizens.

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