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Chapter 1 : On processes of conflict "environmentalization" and its participatory dilemmas

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ABSTRACT This article deals with the environmentalization of social conflicts underlying the construction of a new social question, a new public issue. Like other analogous processes, the historical process of environmentalization implies changes both in the State and in the behavior of people at work, in their daily lives and leisure. Such processes are analyzed in order to frame the environmental issue as a new source of legitimatization and argumentation in conflicts. Introduction In this paper I will resume a long-term development undertaken in a previous work, focusing this time on more recent specificities and dilemmas of citizen participation in environmental issues. This paper, however, aims at calling attention to a long-term process of invention, consolidation and enrichment of the environmental agenda also evinced by conflicts, contradictions, internal constraints, as well as reactions, recoveries, and restorations. In this process of genesis and consolidation, I noticed the importance of professionals and experts implementing interdisciplinary topics in public policies and State institutions, as well as the participation of social groups ranging from entrepreneurs to vulnerable and endangered populations. I also noted how, as an effect of disputes within or between professional fields, the environment as a theme is made up by and connected to particular traditions pertaining to different specific fields. Mention was also made of how the previous history of social movements attached to different social groups shapes how such topic is appropriated and related to previous conflicts, which are then recast under the new idiom. Corporate business splits between two poles: These two poles are bookends for a range of in-between practices, which pragmatically use one or other element characteristic of the antipodean ideal-types as part of the strategies available within the field. Both workers and some of the population victimized by environmental damage begin likewise to use the environment as part of their own repertoire of interests and claims. Such is the result of the process of "environmentalization" of social conflicts I will describe in the first part of this paper. The success of this process leads to various reactions, counter-attacks, restorations and adaptations. These range from non-inspected illegal and illegitimate environmentally primitive accumulation to the sweet violence of environmentally-correct language and procedures overshadowing socially irresponsible business practices. These will be approached in the second part of this paper. In the final part, I will discuss how population "participation" in issues related to citizenship and life quality, especially as prescribed in environmental recommendations, has at once increased and met with constraints inherent to the forms whereby they are implemented. Such considerations derive from two recent investigations. The first focused on population involvement in the control of industrial pollution. The other tackled diverse Agenda 21 experiences of participation in environmental issues. Although situated in urban-industrial settings, these research outcomes served as a first stimulus for reflection by colleagues with broad experience in socio-environmental issues, working in different social contexts. The handling of empirical facts eventually suggested that they could be approached from the perspective of a historical process carrying a particular, albeit contradictory, meaning. For over thirty years, a new public issue has been configured internationally and in Brazil, bearing particular appropriations and various dimensions: Thus, the terms "industrialization" or "proletarization" the latter used by Marx indicated new phenomena in the nineteenth century. Similarly, one could speak of tendencies towards "de-industrialization" and "sub-proletarization" since the late twentieth century. The suffix common to all these terms indicates a historical process of emergence of new phenomena, associated with a process of internalization by people and social groups. In the case of "environmentalization", internalization concerns different facets of the public issue of the "environment". Such an incorporation and naturalization of a new public issue can be noticed through the changing forms and languages of social conflicts and its partial institutionalization. It is assumed that such an issue was originally framed by industrial developed countries, in the context of large-scale

industrial accidents, amplified risks, and its institutionalization. Hence, the Stockholm conference in was proposed by Sweden, concerned with the pollution of the Baltic Sea, acid rain, pesticides and heavy metals found in fish. Such pollution was claimed as caused not only by national industries, but also by those based in neighboring countries; thus environmental problems contributed to the emergence of "global issues". In developed countries, growing modernization and the application of science to an already-existing industrial foundation led authors such as Anthony Giddens to define such societies in terms of processes of "artificial uncertainty" and "reflexive modernization". Others, such as Ulrich Beck , dare classifying them as a new social type, "risk society". Such macro-sociological characterizations based on risk are relativized by Mary Douglas Douglas; Wildawsky, , who reframed modern conceptions of risk within the context of capitalistic and individualistic ideology. Be that as it may, it is possible to notice, not only in developed countries, the increasing differentiation of societies and the growing importance of field effects Bourdieu, , the role of experts and professionals, as emphasized by Pollak , and the economistic application of science and technology to industry in both capitalist and socialist countries resulting in more risks and dangers: This seems to be part of the "great transformation" Karl Polanyi speaks about: Environmentalism can provide such forms of controlling capitalism, or express one of its possible transformations. This is what I will attempt to show next. Such transformations have to do with five factors to be discussed here: On the one hand, SEMA was a response to demands for environmental control by a versed minority of governmental technicians. On the other hand, it provided an institutional seal conducive to obtaining international funds which require environmental guarantees. Within this overall framework, the figure of "environmental licensing" was created as a permit for industrial activities, construction works, and services having potential "impact" on nature, urban patrimony, or public health. What seems to have occurred was a conversion of sanitary as well as chemical and industrial engineers to a wider conception of their profession, coupled with the progressive creation of new expertises from existing occupations such as environmental economists and jurists not to mention biologists and geographers, and, later on, public health personnel. Besides the creation of new institutions, the overall character of the environmental problem helped revalue existing professions. This federal decree was prompted by a local social conflict over the judicially-mandated closing of a polluting cement factory in the industrial city of Contagem, state of Minas Gerais. In the aftermath of demonstrations against pollution by those living near the factory, supported by the local parish priest, several of them were arrested for suspected "subversion". Reaction by authorities outside the security apparatus had veiled popular support. The federal government reacted by issuing the aforementioned decree, which concentrated at the federal level the power to shut down factories whose production was regarded as of national interest for ecological and pollution reasons. It is worth noticing that, following Brazilian re-democratization, current jurisprudence is to allow for more strict norms at the local level, that is, environmental-control laws can be more rigid within states and municipalities. Institutional demands by environmentalists and technicians involved in environmental administration gained momentum. Such piece of legislation aimed at "disciplining Public Civil Action for liability for damage caused to the environment, to consumers, to goods, assets and rights bearing artistic, aesthetic, historic, tourism, and landscape value". It also created public funds from payment of fines and compensations. Juridical precepts for new "diffuse rights" were being thus formulated. In , CONAMA established a national policy for assessing environmental impacts which demanded studies and public hearings for licensing potentially polluting activities. Study and Report of Environmental Impact EIA-Rima were introduced into the licensing mechanism, together with a classification of the activities or enterprises subjected to it mining, industry, construction, services, hauling and transportation, agricultural and cattle-breeding activities, use of natural resources. During previous preparations, great attention was paid to the issue by non-specialized NGOs, social movements, residents associations, business federations, and government institutions. Many environmental NGOs and entities were then constituted. During the conference, worthy of note were the parallel meeting of NGOs and popular associations, on the one hand; and, on the other, the commitment by signatory governments to Agenda 21, a lengthy document made up of four

sections, forty chapters, and two annexes the Brazilian edition, published by the Federal Senate, has pages. It states the objectives, activities and considerations on how to implement and plan international cooperation and national and local actions aiming at development, fighting poverty, and protecting the environment. This document reverberated within signatory countries such as Brazil, where it triggered the construction of a Brazilian Agenda 21 by means of a common effort of specialists, NGOs and other entities. State and municipal governments as well as local consortia also carried out local planning. In , a new Federal Act regulating environmental crimes and prescribing severe sanctions increased the siege laid against devastating and polluting activities. This process of law-making and institutional enhancement persists up to this day. Social conflicts at the local level and its effects on the internalization of new practices This research was carried out in Rio de Janeiro, and secondarily in Minas Gerais and Argentina. I have already remarked on the importance of conflicts underlying the very promulgation of federal laws. This paper will focus on the events taking place in the city of Volta Redonda, state of Rio de Janeiro, since it presents a uniquely illustrative case. Extreme cases such as this may have the advantage of calling attention to phenomena which may be present but are downplayed in other instances. They can thus suggest more general trends. During the Military Rule, the city became a national security area and, as such, its mayors were appointed by the federal government. CSN exerted its influence over the city by providing an educational and professionalization system to its employees and their dependents Lask, ; Morel, This triggered a series of other actions against water and atmosphere pollution attributed to the company. The company had been hitherto spared from surveillance since it shared with the municipality wherein it was based its character of national security area. Thus, from on, CSN had accumulated a staggering amount of environmental fines and penalties. Their monetary and symbolic values increased with the growing strictness of environmental legislation. The acknowledgement of such disease, and thus of deaths previously naturalized as the outcome of a lifetime of excessive hard work, was the result of public health assistance provided by the Santos SP labor union and extended further to the Volta Redonda union. The high tide of union action dwindled when the state-owned state-run steel company began to be prepared for privatization between and It lent support to the privatization plan, provided workers became company stockholders and were given perspectives of immediate gains although with broader losses for the entire class and its future. PST was associated with the unions, and performed an almost underground role within the state apparatus. In the case of Volta Redonda, it attempted to make CSN sign a Term of Agreement regarding labor and environmental health problems, particularly leucopenia. It was as if, at the very moment when the company tended to disengage from the city itself, its mobilized population demanded new compensations for the changes in the implicit pact between the company and the city. It thus unveiled a hitherto "naturalized" aspect in the form of this "discovery of pollution". Public hearings were held. Several administrative agencies, actors and stakeholders involved in the legal entanglement with CSN united to pressure the company: Through an insurance system, the company would be forced to pay high amounts to the municipal and state governments if it did not reach the agreed-upon goals and targets. Not only was CSN heavily besieged by national institutions and actors, but environmental claims could make it lose commercial opportunities, given the requirements for environmental certifications and approval stamps currently demanded in the international market. Simultaneously, at the local level social movements mobilized different previous struggles around the common goal of setting up a municipal Agenda The Volta Redonda case is a textbook example of the historical process whereby intense major conflicts around labor issues championed by unions and concentrated within a factory turn into an environmental conflict between a city and a company over industrial pollution. In Angra dos Reis RJ , we followed up a conflict between the company in charge of the nuclear plants Eletronuclear and local institutions and environmental movements the city administration included. This ranged from the "Hiroshima Never Again" movement to the Public Hearings on the Angra 2 nuclear plant licensing and its subsequent developments, among which a negotiation for environmental compensations to be provided by the company. In Betim, Barreiro a Belo Horizonte borough and Sete Lagoas, all three in the state of Minas Gerais, challenges were also faced by local industries when environmental

demands were incorporated at the state level by means of a representative and deliberative council. In this context of low institutionalization by the State and of a legitimating offensive by corporations, they were supported by juridical and university mediators. Environmental education as a new individual and collective code of conduct If on the one hand social-environmental conflicts promote internalization of environmental rights and claims and pressure for state controls and laws while being simultaneously fed by such institutional devices, on the other environmentalization as a process of internalization of behaviors and practices occurs through "environmental education". This is an explicitly pedagogic or para-pedagogic school-type activity which is also diffused by mass communication media. Environmental education aims at providing codes for correct daily behavior, such as how to use water in bodily hygiene procedures, how to wash dishes and do the laundry, how to correctly dispose of garbage. This normatization of daily conduct is accompanied by information on the natural world, ecological chains, and threats to nature, to landscape, human health and urban quality of life. Such normatization resembles the "etiquette handbooks" emerging during European Renaissance analyzed by Norbert Elias , as well as their role in controlling emotions and stylizing conduct through the internalization and naturalization of certain behaviors. Environmental education seems to share such aspects of self-help public handbooks acting through individual conduct. A study of such process was carried out by Carvalho , Chapter 5 , who also presents an analysis of the typical paths traversed by environmental educators Carvalho, , Chapter 4. The environmental issue as a new source of legitimacy and argumentation in conflicts This factor can be detected in the following instances: New legal fields Within the specialization and development of Environmental Law, a salient feature is the category of "diffuse rights", which encompasses consumer rights, protection of the landscape and historical patrimony, and rights of children and adolescents.

Chapter 2 : Examples of Public Policy

2 government (Hood) to steer (Lundquist ;) the implementation of EU public policy (specifically, the directives 1 on public procurement 2) between and

This normative development may be detected in multiple signs. Foremost, in the frantic law-making endeavors permeating international life: Additionally, also in the several international disputes where water is invoked as the main subject-matter and the unprecedented swathe of decisions which take water and international water law as their casus decidendi and rationale6. This hectic normative development is, moreover, of a much diversified character. Mirroring trends which had already been at the origin of the formidable development of International law at large, more broadly over the last seven decades, and which had led a leading scholar to adroitly proclaim the post-ontological hour of international law Franck, , it seems arguable that this progress has in general been happening by cross-fertilizing the traditionally rather impermeable body of international water law with other fields of international law7. The Environmentalization of International Water Law The environmentalization of International Water Law passes firstly through the normative apprehension of the reality of water bodies as it really happens: Several legal documents advocate that catchment areas or other analogous integrating concepts be used as the water management units This then permits and facilitates a more realistic or effective legal discipline: Protecting the environment or ecosystems of watercourses, water quality, as well as the fight against diverse forms of pollution, thus become main concerns and normative areas of the newer international water legal disciplines Correspondingly, the scope of the obligations comprehended is equally enlarged: They all explain the consecration of procedural duties, ranging from notification of planned measures to consultations and negotiation18, from simple obligations of access to information to a general duty to perform environmental19 and strategic impact assessments, sometimes ex post even This wider approach becomes the more necessary as one acknowledges the crucial relevance of water in the ongoing conditions of scarcity21 and climate change Both realisations call for actions and measures23 that have a broader and cyclical time reference. These developments are in line with the concept of integrated water resources management as defined by the Global Water Partnership and based on the Dublin Statement on Water and Sustainable Development. The Humanization of International Water Law International Water Law has equally been witnessing a move towards including more legal personae within the remit of participating legal subjects. This move concerns its traditional legal subjects, first: Increasingly, the new international water law advocates that all those States, riparian to a particular shared watercourse, participate in the corresponding legal discipline24, thus matching at this level an effort at ensuring that the said legal discipline corresponds to reality, and that it therefore may prove more efficient. Moreover, in a few instances, international law equally calls on the participation of coastal States adjacent to the riparian ones25, in a legal development which again evidences an attention to natural reality and the real dynamics of impacts. Secondly, the newer international water law equally concerns intergovernmental organizations and institutions of very different structures and functions26, Their establishment or revival28 reflects the perceived need of States to enhance cooperation to manage shared water resources over several territories Their existence facilitates the recurring dialogue between the riparian States as to the activities that each of them purports to promote within its jurisdiction, particularly with regard to the sharing of rights and benefits deriving from the development of the waters as well as the prevention, reduction and control of risks of damages. They especially allow for an institutional process of communication, made of different procedural acts which permit the assessment of the effects of planned or existing measures or projects Finally, they also enable the carrying out of joint activities. In some cases, international organizations or international commissions are equally called to complement the action of the States by providing financial and technical assistance34, or working as instances for the prevention and settlement of disputes35 All of them, thus thereby find their way to voice their concerns, grievances, interests, information, expertise Simultaneously, they obtain some legal status in the processes of decision-making or

adjudicating the manifold issues of water management38, The Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters41, in the UNECE universe, stands out in such context as a prominent illustration42, The humanization of international water law is evidenced then, in the adoption of a human right to water and sanitation44, which corresponds to the satisfaction of the most basic human needs45,46 and overcomes a blatant lacuna of the International Bill of Human Rights. Be as it may, it equally implies a certain number of consequential obligations for the States, namely obligations to respect, protect and fulfill It is equally certain that the human right to water does not hinder the State to perceive payment for the services rendered. This applies, moreover, to not only the State but also other actors, which may, in particular, intervene in the provision of water services or waste treatment services This intervention seems justifiable: In any event, the interface between this right and a kind of water management more economically-driven is, doubtlessly, one of the areas where international water law may need further development and clarification. The Economicisation of International Water Law The third vector of renewal of international water law contends with the integration of the economy and its international legal disciplines. The departing point is parallel to the ones seen in regard to the aforementioned strands of evolution of this body of rules: This development is propitiated by several factors: This approach is epitomized in some policy documents from the nineties of last century, like the Agenda , the Dublin Declaration66 or the World Water Vision of the World Water Council Similarly, an apparently growing stream of legal thinking seems to be devoted to wondering whether there may be merit in applying international trade law and the WTO agreements, GATT and GATS foremost 68 as well as international investment law the myriad of regional agreements and BITs 69, as well as the corresponding institutions, to relevant water operations and what may be the consequences of such course of action. It wonders, next, whether there is anything specific to water73, justifying, if not imposing, that these principles governing international trade be derogated the principles of most favored nation, of non-discrimination or instead that it compels certain water-rich countries to envisage exporting water resources in abundance Equally, it is asked whether it would be sensible to depend on the adjudicatory mechanisms of the WTO dispute settlement system for pursuing such policies In regard to water and wastewater services and the applicability of GATS, the main queries regard, besides classification issues80, the possibility of carving out water public services in case of opening up the market to other foreign or domestic service providers It does not seem, however, that the concession contracts or build-operate- transfer contracts that are frequently used for ensuring water services should be considered public procurement In substantive connection to such debate, albeit not in terms of the legal instruments at stake, appear the discussions on investment solutions in the water sector. They derive from the apparent growing recognition of the financial crisis of the State. The effort is at striking the right balance between the powers seeking the protection of public interest and serving corresponding obligations like those correspective of a human right to water or those related to the protection of the environment, on the one hand, and those directed at the protection of international investments, on the other hand. A number of awards through ICSID dispute settlement85 may be viewed as indicative of progress in such direction Concluding Remarks The protrayed newer leanings or trends of development of international water law reveal an effort at holistically apprehending and giving normative response to a more complex reality of problems and social expectations than those that used to be addressed by the old international water law, centered on the pure regulation of the uses of water. The changes involved are diverse and numerous. It seems however possible to identify some common threads underlying all the changes and trends identified. A first one is the move towards establishing a creative interface between the traditional core of this body of principles and rules dedicated to water and those other disciplines of international law which more directly address the concerns with the protection of the environment, social equity, and a sensible weighing of the economic values. Internormativity is thus one of the keys for understanding the evolution of international water law and the vigor thereof; the normative dialogue generates cross-fertilisation and renovation of international water law. Another one is the implicit sense of urgency that these proposed changes and trends carry, corresponding only

to the magnitude of the global water crisis. These changes are definitely momentous, as the newer law became much more complex in the normative responses pursued. They are not however deprived of an underlying vision: In the whole, the changes thus amount to true paradigm-shifts Kuhn, But this realisation also alerts us to the uncertainties that are still involved in the progress of international water law. It is of the very nature of paradigm-shifts themselves that they comprehend ambiguities and even elicit resistance. The uncertain harmonisation of the trends for environmentalisation and humanisation of water, on the one hand, and its economicisation, on the other, is in this regard telling. To this, one should add the realisation that these developments are an ongoing process: Assessing the past but also looking ahead, one can not but be reminded of the works of Sisyphus.

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Chapter 3 : European Union - Wikipedia

2 1. Introduction It goes without saying that public financed policies should be subject to sound and continuous public scrutiny, namely on the value added of the associated investments.

Public policy refers to the laws, the actions of the government , the funding priorities and the regulations that reflect given positions, attitudes, cultural ideals or accepted rules. Understanding Public Policy Public policy factors in to how decisions are made. When courts and lawmakers consider whether to pass a law, give something priority or rule in a certain way, they do so because of public policy and they simultaneously shape public policy. When courts and legislatures make the decision to legalize same-sex marriage or to make same-sex marriage legal or illegal, they may take into account what they believe is good for the public as a whole. They may also consider cultural ideas on the issue. Their decision can shape public policy. When courts refuse to enforce contracts related to illegal behavior, such as refusing to enforce a contract for prostitution or a contract to purchase stolen goods, this is an example of a public policy decision. The law in the United States says that a person cannot sell his or her body, including selling organs or selling the body for intercourse. This is a public policy decision. When lawmakers pass legislation protecting workers, instituting wage-and-hour laws and providing enforcement for wage-and-hour laws, this is a public policy decision. The policy is to protect the rights of workers within the society. When lawmakers pass legislation like the Violence Against Women Act, this is an act that shapes public policy. It shows that there is a priority to provide protection for women. When lawmakers impose a progressive tax system, this is based on public policy which indicates that those who make more money should pay more money into the system and those who have less money should pay less into the system. When a state imposes tough restrictions on abortion, this is reflective of a public policy that life should be viewed as beginning at birth. The issue of gun rights is a matter of public policy. When looser gun laws are enacted, this is based on a public policy prioritizing the rights of gun owners and on a belief that that stronger gun laws will not be effective in stopping violence. The statement from each according to his ability, to each according to his need is an example of a public policy where society owns the means of production and each person does the work that he can do and receives the money and resources he needs. These are just some of many examples of public policy and how lawmakers both shape and are shaped by public policy. Understanding the role of public policy is very important and there can be vast differences in public policy positions and outcomes. YourDictionary definition and usage example.

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Chapter 4 : EU watchdog proposes derivatives fix in case of no-deal Brexit | Reuters

Such is the case, for instance, of actions by CSN in the case of Volta Redonda from on, by Eletronuclear in the Angra case after the Angra 2 public hearings, or of marketing actions by steel companies in Argentina.

Area possibly settled up to c. Area settled up to BCE. Europe in the Early Middle Ages Medieval Christendom [30] [31] and the political power of the Papacy [32] [33] are also often cited as conducive to European integration and unity. The objective of the Congress was to settle the many issues arising from the French Revolutionary Wars , the Napoleonic Wars , and the dissolution of the Holy Roman Empire. A day will come when all nations on our continent will form a European brotherhood A day will come when we shall see During the interwar period , the consciousness that national markets in Europe were interdependent though confrontational, along with the observation of a larger and growing US market on the other side of the ocean, nourished the urge for the economic integration of the continent. In , the latter gave a speech in favour of a European Union before the assembly of the League of Nations , precursor of the United Nations. However, the Council focused primarily on values - human rights and democracy - rather than on economic or trade issues, and was always envisaged as a forum where sovereign governments could choose to work together, with no supra-national authority. It raised great hopes of further European integration, and there were fevered debates in the two years that followed as to how this could be achieved. But in , disappointed at what they saw as the lack of progress within the Council of Europe, six nations decided to go further and created the European Coal and Steel Community , which was declared to be "a first step in the federation of Europe". They also signed another pact creating the European Atomic Energy Community Euratom for co-operation in developing nuclear energy. Both treaties came into force in Euratom was to integrate sectors in nuclear energy while the EEC would develop a customs union among members. Nevertheless, in an agreement was reached and on 1 July the Merger Treaty created a single set of institutions for the three communities, which were collectively referred to as the European Communities. In , the first direct elections to the European Parliament were held. In , after the fall of the Eastern Bloc , the former East Germany became part of the Communities as part of a reunified Germany. Seven countries have since joined. With further enlargement planned to include the former communist states of Central and Eastern Europe, as well as Cyprus and Malta , the Copenhagen criteria for candidate members to join the EU were agreed upon in June The expansion of the EU introduced a new level of complexity and discord. In , euro banknotes and coins replaced national currencies in 12 of the member states. Since then, the eurozone has increased to encompass 19 countries. The euro currency became the second largest reserve currency in the world. The same year, Slovenia adopted the euro, [60] followed in by Cyprus and Malta , by Slovakia in , by Estonia.

Chapter 5 : UPDATE 2-EU watchdog proposes derivatives fix in case of no-deal Brexit

EU policies refl ect a balance between European welfare state principles of universal access to public services and social soli- darity, and the competition law principles of market integration and.