Justice and Sustainable Development: Compatibility or Conflict? A Scottish Case Study

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I. Introduction

This paper considers the compatibilities and conflicts between environmental justice and sustainable development. There is a considerable and growing literature on the relationship between these two concepts, which emphasises in equal measure the synergies and inconsistencies. Agyeman and others have furthered a notion of ‘just sustainability’ as an egalitarian and holistic interpretation of sustainable development, which incorporates environmental justice as, not only a compatible characteristic, but an essential element of sustainability. The purpose of this paper is to examine their compatibility. Land reform in Scotland provides a useful example of the application of both concepts in policy and in law. The paper begins with a description of the political context in Scotland. It sets out the characteristics of environmental justice before outlining the main components of the concept in the Scottish context. It then provides an outline of sustainable development followed by specific examination of the application of the principle in Scottish policy. The case study explores the role of environmental justice and sustainable development in Scottish land reform. It concludes by discussing both in the light of Scottish experience and considers that the relationship between environmental justice and sustainable development in Scotland is complex, confused by vague terminology, political rhetoric and changing political preferences.

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2 Agyeman, Bullard and Evans, above n 1, 79.
II. Background

Scotland has had a Parliament since 1999, when the UK Parliament devolved specific law making powers to it, without relinquishing its own sovereignty. The Scotland Act 1998 reserves powers over particular aspects of government to HM Government at Westminster. Thus, the Act sets out which areas are not devolved, rather than itemising the specific areas of competence of the Scottish Parliament. Most aspects of law and policy relating to land ownership and control are devolved. The Parliament is now in its third session. The first two administrations were Labour/Liberal Democrat coalitions and their programme for government was set out in a Partnership Agreement. Following the 2007 elections, a minority administration was formed by the Scottish National Party. Its central and overarching purpose is to focus the government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The Scottish Government has five strategic objectives for Scotland to become: wealthier and fairer; greener, smarter, safer and stronger and healthier.

Scotland has a fairly small and ageing population - the latest population estimate was 5,168,500 in June 2008 – and, although it is expected to rise to 5.37 million by 2031, it is expected to fall to under 5 million by 2076. 19% of the population, and 21% of children, live in poverty, prompting the Scottish Government to take steps to tackle income inequality. Life expectancy in Scotland remains low compared with most Western European countries and life expectancy in deprived areas is considerably lower than in Scotland overall. There has been a strong historical social division within Scotland.

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3 Ss. 28–30 and Schedule 5 of the Scotland Act 1998. Foreign affairs, defence and taxation are all examples of matters reserved to the UK Parliament.

4 Throughout this paper reference is made to both the Scottish Executive and the Scottish Government. Reference to the Executive refers to the administration in office prior to May 2007 and reference to the Government refers to the administration in office subsequent that date.


6 Ibid., 3.


9 These figures represent the percentage of individuals living in relative poverty, i.e. 60% below the median income in the same year: The Scottish Government, *Scottish Households Below Average Income 2006/7*, 10 June 2008, 1. Available at www.scotland.gov.uk/Resource/Doc/226557/0061262.pdf.
