



## RESTORATIVE ENVIRONMENTAL JUSTICE

The challenges of developing meaningful responses to environmental harm that stop damaging the earth and its inhabitants (human and other-than human), that repair and heal the devastating harms already made, and build different systems that respect ecosystems and the rights of future generations, have never been greater. Restorative justice presents an opportunity to bridge the ineffectiveness of existing environmental responses and the pressing need to correct existing harmful practices and prevent future environmental damage.

### What is environmental justice?

The umbrella term *environmental justice* includes many different perspectives, such as environmental law and activism, environmental regulation and protection, but also the movement to criminalise ecosystem destruction and initiatives to acknowledge the rights of nature and the duty of care for the environment. Emerging from varied social, ecological and economic contexts and pressures over the last five decades, lineages come from different disciplinary homes and focus on different actors as the protagonists of justice work. It is important to talk about environmental *justice* because often it is the most marginalised communities who bear the burden of environmental harms, while being at the same time at the frontline of environmental defence, protection and guardianship.

### What is restorative justice?

*Restorative justice is an approach of addressing harm or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired and justice achieved.*

Restorative justice is an alternative justice paradigm that prioritises the harm done to human relations over the laws that have been broken; participation of citizens in their own conflicts over delegation to others; and reparation of the harm and damage done over punishment for the sake of inflicting pain.

### Environmental restorative justice

The principles that drive restorative justice such as relational definitions of harm, participation, harm reparation and healing, are principles that must be central in conceiving environmental justice. The term environmental restorative justice indicates both how an environmental agenda can contribute to restorative justice and how restorative justice can be used in the context of environmental harm.

At a *philosophical* level, restorative justice is better aligned with ecocentric and indigenous approaches in defining what constitutes environmental harm and to define what constitutes environmental justice. It can create space for alternative narratives, and is more open to redefine and challenge notions of harm and justice. It is possible therefore in restorative processes for stakeholders to define themselves as victims of environmental harm even if they are not so legally defined by the criminal justice system. It is also possible to narrate of a type of harm that is not legally acknowledged.

At a *practical* level, restorative justice has its participatory and dialogic processes to offer which enable all the stakeholders to sit together at a horizontal and respectful level and express grief, anger, fear, explain, clarify, and eventually commit to make amends and move on with new creative and reparative actions.





Restorative processes can be applied within harmed communities, between harmed communities and corporations, between state and activists, but also between humans and other-than humans.

Restorative processes can lead to action plans or restorative contracts which contain a range of commitments to prevent or repair damaged ecosystems. Possible restorative *outcomes* in the case of environmental harm are apologies, restoration of environmental harm, prevention of future harm, compensatory restoration of environments elsewhere if the affected environment cannot be restored to its former condition, payment of compensation to the victims, community service work, environmental audit of the activities of the offending company, and environmental training and education of the company's employees.

## Think about

Environmental harms and injustices raise specific challenges that are not present, or that manifest differently, in the other domains where restorative justice has been used. The following questions are important to consider:

- *How can we identify the victims of environmental harm and who should have a voice in the restorative processes?*
- *Who can speak on behalf of future or past generations and of other-than-human (animals, plants, rivers, land, places)?*
- *What kind of expertise is required to speak adequately for the non-human?*
- *What are the criteria by which judgements around repair and restoration are to be made?*
- *Can irreversible and irreparable environmental degradation be healed and repaired, and if so, how?*
- *How can we ensure that the ones that harm and damage the environment participate voluntarily in restorative processes?*

Restorative environmental justice must be tightly aligned with environmental, civil and political movements, generations of indigenous communities who are at the frontline of environmental defence, community activists, creative judges and lawyers, committed scientists and artists.

## Resource kit

- Biffi, E., & Pali, B. (Eds.) (2019). *Environmental Justice: Restoring the Future*. European Forum for Restorative Justice: Leuven, Belgium. Retrievable on [www.euforumrj.org](http://www.euforumrj.org).
- Video by Brunilda Pali (2019): *Environmental Justice Restoring the Future*. Retrievable on <https://vimeo.com/375217391>.
- Website by Femke Wijdekop: *Earth Restorative Justice: Restorative Approaches to Ecological Harms*. Retrievable on <https://earthrestorativejustice.org/>.
- Network "Restorative justice responses to environmental harm and ecocide" coordinated by Prof. Ivo Aertsen and Brunilda Pali, KU Leuven Institute of Criminology, Belgium.
- Project Victims & Corporations: Rights of Victims, Challenges for Corporations, Potentials for new models of Criminal Justice (2015-2017). Università Cattolica del Sacro Cuore, Milan, Italy

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Reference: European Forum for Restorative Justice (2020). Thematic Brief on Restorative Environmental Justice. Leuven, Belgium.

