ARTICLE

Environmental justice movements and restorative justice

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Abstract

The worldwide existing environmental conflicts have also given rise to worldwide environmental justice movements. Using a diversity of tools that range from petitions to legal actions, what such movements have often shown is that environmental conflicts rarely find a satisfactory resolution through criminal judicial avenues. Given this reality, the important question then is whether there is a place within environmental justice movements for a restorative justice approach, which would lead to the reparation or restoration of the environment and involve the offenders, the victims and other interested parties in the conflict transformation process. Based on the analysis of environmental conflicts collected by the Environmental Justice Organizations, Liabilities and Trade project (EJOLT), and more specifically on two emblematic environmental conflict cases in Nigeria and in Ecuador, the argument will be made that it is essentially due to the characteristics of environmental conflicts, and due to the fact that they almost never find a satisfactory resolution through traditional judicial avenues, that environmental justice movements ask for a restorative approach, and that restorative justice is a sine qua non condition to truly repair environmental injustices, as long as the worldview and nature of the victims is taken into consideration.

Keywords: restorative justice, environmental conflicts, environmental justice movements.

1 Introduction

Worldwide, thousands of environmental conflicts exist over sites deteriorated by human activities related to resource extraction, pollution and contamination or climate change. At the same time, different actors resist, organise and act against such activities, giving rise to worldwide environmental justice movements. These movements are diverse and use a diversity of tools that range from petitions to

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legal actions. While sometimes successful, what such movements have often shown is that environmental conflicts rarely find a satisfactory resolution through traditional judicial avenues. Given the evidence, the question then is, is there a place within environmental justice movements for a restorative justice approach, which would lead to the reparation or restoration of the environment and involve the offenders, the victims and other interested parties in the conflict transformation process?

The theses made by this article are that environmental justice movements ask for a restorative approach, and that restorative justice is a *sine qua non* condition to truly repair environmental injustices. To find out whether these theses are true, three series of questions will be addressed in the article: (1) What are 'environmental conflicts' and how are they explained by academics and by the impacted communities? (2) What do environmental justice movements demand from political and judicial authorities in order to redress what they perceive as environmental injustices? (3) From the perspective of the impacted communities, are these conflicts reasonably resolvable by a restorative justice approach?

The article consists of three parts, each one intended to answer one of the three questions. The first part is based on the analysis of environmental conflicts based on the data collected by the Environmental Justice Organisations, Liabilities and Trade project (EJOLT), which provide the information necessary for the study of these conflicts as a whole. This analysis is complemented by the illustration of two environmental conflict cases, in Nigeria and in Ecuador, which have been going on since the 1990s, revealing the complexity of these conflicts. The second part examines the political and judicial requests put forth by civil society. These data will enable the corroboration or invalidation of the theses made in the article. The third part discusses the results.

2 'Environmental conflicts' in a nutshell

The characteristics of environmental conflicts and the fact that they almost never find a satisfactory resolution through traditional judicial avenues are key elements in understanding how restorative justice can be of help in such cases. I will go through these elements before answering whether or not environmental justice organisations ask for restorative justice and whether the latter would be an appropriate solution to such conflicts.

2.1 Environmental conflicts, definitions and numbers

The expression 'environmental conflict', as used here, refers to any conflictive manifestation of discontent expressed by the inhabitants of sites that have been deteriorated by human activities. This ranges from conflicts over resource extraction, which entail pollution and contamination, to struggles related to climate change. These manifestations of discontent may take various forms such as petitions, civil lawsuits, demonstrations, occupations of the concerned site or even armed attacks against the perpetrators of the environmental degradation. In the vast majority of cases, the perpetrators are corporations (especially

multinational and transnational corporations) and sometimes national administrations. The inhabitants denounce what they believe to be injustices related to the environment, or 'environmental injustices'.

A good overview of existing worldwide environmental conflicts was made by the Environmental Justice Organisations, Liabilities and Trade (EJOLT)[1] project, a five-year project (2010-2015) launched by a network of academics from seven universities and activists from fifteen non-governmental organisations (NGOs) from different places in Europe, Africa, India and Latin America, and led by the Universitat Autònoma de Barcelona. The project was funded by the European Union (EU)[2] but was global in scale, being the largest project in which environmental justice organisations and environmental justice movements from all over the world have participated.

The project was spurred by its members' assumption that local struggles were in fact all connected to each other, that other people (yet unknown) were experiencing similar circumstances and that these people would all benefit from connecting and sharing information, especially regarding good practices. The EJOLT founders aimed at strengthening and developing a global network of environmental justice organisations. They also intended to create and analyse a database of case studies and disseminate the conclusions not only among environmental activists or journalists, but also among parliamentarians and business and government representatives.

The EJOLT is interesting insofar as its main outcome is the creation of an online interactive map, providing detailed information on the environmental conflicts that it has identified. The site is supplied on a bottom-up basis. Individuals and organisations that are involved in an environmental conflict can contribute to the site and insert data about their case. Additionally, the map also shows what the environmental justice movements are, where they are and what type of environmental damage they are concerned about. The database is constantly updated, and the number of cases is expected to continue increasing. As of October 2020, the EJOLT database registered 3,282 cases of disputes over the environment across 183 countries, reported by civil society. EJOLT has spotted about twenty types of 'resisting actors', ranging from various sorts of specialised workers (artisanal miners, farmers, fishermen, landless peasants, pastoralists, industrialised workers, informal workers, local scientists, waste recyclers) to experienced activists (civil rights activists, feminists and international organisations such as Greenpeace or Amnesty International, etc.). Some conflicts gather multiple types of resisting actors simultaneously and over

1 The main official website of the project is www.ejolt.org/. The database is retrieved from https://ejatlas.org/ (last accessed 4 October 2020), and the analyses produced by EJOLT members on the basis of the data they collected can be found at the following address: www.ejolt.org/section/resources/reports/ (last accessed 4 October 2020). The final report of the project is to be found at https://cordis.europa.eu/project/id/266642/reporting (last accessed 4 October 2020).

2 The project was funded under the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013), in particular by the Specific Programme 'Capacities', area 'Science in society'. See website: https://cordis.europa.eu/programme/id/FP7-SIS (last accessed 4 October 2020).

one-third of the movements are composed of indigenous peoples, traditional communities or ethnically discriminated groups. Although the initial data collection did not explicitly reveal this point, women's involvement in these conflicts was observed very strongly by further EJOLT analyses (Temper, Del Bene & Martinez-Alier, 2015).

The industries and practices at the heart of these conflicts are related to the extraction of crude oil and gas, the production of nuclear energy, the setting of industrial tree plantations and the grabbing of lands, as well as mining and waste disposal. The most disputed resources are land (1,039 cases, making up 32 per cent of the 3,282 reported cases), water (674 cases, 21 per cent) and electricity (583 cases, 18 per cent). The commodities that generate most of the conflicts are oil (312 cases, 10 per cent), gold (285 cases, 9 per cent) and coal (263 cases, 8 per cent), to which we need to add 50 other contentious resources, ranging from diamonds to coffee.[3] Needless to say, these categories are not mutually exclusive as the same conflict can include several resources at the same time, with an average of nearly three resources per conflict. An oil company, for instance, can pose a problem to those who live in the area not only in relation to oil, but also to the land and water that it monopolises or pollutes for its own activities.

The EJOLT database has identified 99 companies (mainly private companies, but some state-owned), each involved in at least four of the 3,282 conflicts.[4] About 31 per cent of the 3,282 environmental conflicts identified by EJOLT in the database concern multi-recidivist companies, while 69 per cent of cases concern public administrations (so far there exist no figures on public administrations alone). On average, each of these companies is involved in eight conflicts but some are well above this figure. The six multinational corporations (MNCs) involved in the greatest number of environmental conflicts are: Royal Dutch Shell (77 cases), Chevron Corporation (45 cases), Vale (30 cases), Monsanto Corporation (25 cases), Rio Tinto (24 cases) and Exxon Mobil Corporation (22 cases). Together, these companies generate nearly 6 per cent of the environmental conflicts identified by EJOLT. Of these six companies, three are oil companies, two are mineral extraction businesses and one is an agrochemical and agricultural biotechnology corporation.

2.2 Two emblematic cases of environmental conflicts

The two conflicts presented here are considered emblematic by all the environmental justice movements for several reasons, such as for having attracted international media attention, having conducted major multinational corporations before the courts and for being related to oil extraction. Conflicts involving oil corporations are particularly intense, as the economic interests at stake are huge and vital both for the corporations and the state wherein the

3 These data are constantly updated, and can be consulted by browsing by 'commodity' on the interactive map available at the following address: https://ejatlas.org/ (last accessed 4 October 2020).

4 These data are constantly updated, and can be consulted by browsing by 'company' on the interactive map available at the following address: https://ejatlas.org/ (last accessed 4 October 2020).

extraction takes place. Huge is also the extent of the environmental deterioration caused in the process of oil extraction. And finally, huge is the violence used by the government to repress environmental justice defenders. Therefore, they reveal, in an exacerbated way, the patterns at stake, although perhaps less visible, in many other smaller environmental conflicts. Moreover, as they both involve the same commodity – oil – they are easy to compare, as similarities and variations will be easier to identify.

2.2.1 Shell's pollution in the territory of the Ogoni people, in Nigeria

The oil company Royal Dutch Petroleum has been present in Nigeria since 1956. Between 1976 and 1996, while extracting oil, it generated 4,647 oil spill incidents. The overall extent of the damage was evaluated at 2,369,470 barrels of oil lost in nature, of which only 23 per cent were recovered. Between 1997 and 2001, the situation worsened, as an average of 419 oil spills were reported every year.

Between 1993 and 1995, the Ogoni people's movement peacefully called for environmental justice, both at the national and international levels. The Nigerian government of Sani Abacha violently repressed the movement, and Shell was accused of complicity with the government. Many international stakeholders, such as the United Nations, the African Commission for the Human and People's Rights, Friends of the Earth International, Amnesty International and academics have taken part in the debates on the environmental destruction and human rights abuses related to Shell's activities. Shell has been brought to trial in Africa, the US, the UK and in the Netherlands. The case is deemed emblematic for environmental justice organisations, as some of the courts' decisions have had an impact on the judicial and political systems both in Africa and in Western countries.

This environmental conflict not only raises attention to the suffering caused by polluting multinational companies, which needs to be addressed globally, but also shows how the legacy of the Westphalian international order is holding back the resolution of conflicts with a transnational aspect.

As early as 1995, Ben Naanen, one of the main protagonists of the 'Movement for the Survival of the Ogoni People' (MOSOP) and a professor specialising in economic history, development studies and political economy at the Port-Harcourt University (Nigeria), opined that the environmental conflict occurring between the Ogonis and Shell had three essential aspects: a) it is political and structural, b) it was caused by the hegemonic position of some ethnicities within the Nigerian state and the various regions and c) it was made possible because of the complicity of greedy and unscrupulous corporations such as Shell (Naanen, 1995). In Naanen's opinion, the Ogonis' environmental conflict is part of a national issue whose fundamental element is the ethnic factor.

> Possibly the biggest issue facing Nigeria today is the so-called national question, which has been described as 'a code name for all the controversies, doubts and experimentation that surround [Nigeria's] search for stability'. A

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> critical aspect of this national question is the problem of ethnic domination (Naanen, 1995: 46).

The 'national question' is still central today, since the prevalence of people of the same ethnicity in the federal government is yet again perceived as an obstacle towards national peace and the full achievement of Nigeria's democratisation (Anikpo, 2018; Jaja &Agumagu, 2017; Usuanlele & Ibhawoh, 2017; Yakubu, 2017).

Naanen claims that the violence occurring in Ogoni land is the result of the political elite's desire to secure its privileged access to the oil money. In Nigeria, the dominant groups are Hausa and Fulani (Muslim, in the Northern region), the Igbo (Christian, in the South-East) and the Yoruba (Muslim, Christian and Animist, in Lagos). The domination by the three largest ethnicities has been an issue for a long time, and expressed very early on by the minorities. In 1953, the British officials even published a report on it – the Willink Commission report (1958). Southern minorities feel that they are the 'ultimate losers' of this tripartite repartition of Nigeria. In the Niger Delta, the minorities fear domination by the Igbo people (Akubor, 2017). The Hausa and Fulani, in the north, are the largest of the major ethnic groups. They have been politically dominant since Nigeria's independence from Britain in 1960. The rising political importance of the Northern group since 1960 has been referred to as 'northernisation'. In its first version, the word meant the eagerness of the inhabitants of Northern Nigeria to keep the Southern parties away from their governing bodies. However, since oil has been discovered in the south, northernisation also means the (so far successful) desire of the Northern Nigerian groups to control the rest of the country. Of course, this success did not come without resistance; 'the desire to control the central and regional political arenas not unexpectedly engendered ethnic competition' (Naanen, 1995: 51). Ken Saro-Wiwa used, in that regard, the term 'ethnic hegemonism' (Osha, 2006: 18).

The desire of the Northern major ethnic group to control the entire country should be seen in conjunction with the process of decolonisation. In 1960, Nigeria was created from an artificial federal state, composed of about 300 ethnicities in competition since the British rulers had favoured some over the others for 50 years. Despite such artificiality, the new rulers made it their priority during the process of independence to maintain the state as it has been created by the British in 1914 and based on the model of the Western nation states. Such an aspiration had two motives. First, the prevailing belief was that without a strong national cohesion, the Nigerian citizens could fall again prey to foreign domination. The military regimes (1966-1979 and 1983-1998), notably, sought to drop federalism in order to shape strong central governments relying on the unilateral relationship between the centre, that was sending commands, and the periphery, expected to receive them, just as in the military system in general. Second, the petroleum industry was growing in the national economy, and it was necessary to protect it from the post-colonial powers and corporations (Naanen, 1995).

From Naanen's perspective, the environmental conflict between Shell and the Ogoni is thus rooted in Nigeria's colonial history, and is only possible because of the willingness of the dominant ethnic groups to assert their control over the entire national territory, let alone territories teeming with oil.

This dimension, which is not peculiar to the Nigerian case, will have to be taken into account when thinking about restoring justice in cases of environmental conflicts, such as the one to follow.

2.2.2 Chevron-Texaco's contamination in the Amazonian region of Ecuador, El Oriente

Between 1967 and 1990, the US oil company Texaco, which has since merged with Chevron, was alleged to have caused the spill of over 60 billion litres of toxic waste and approximately 650,000 barrels of oil in an area in Ecuador, which is home to Kichwa, Achuar and Shiwar Indians (Sawyer, 2004).

This case has also generated a dozen equally emblematic trials. In Ecuador, the victims were granted their cases: in July 2018, Ecuador's Constitutional Court upheld the $9.5 billion judgment of the Provincial Court of Justice of Sucumbíos against the company (after previous procedures before the National Court). Unfortunately, the corporation refused to comply with the Ecuadorian judgment, withdrawing entirely from the country. The plaintiffs have tried to enforce the judgment in other states (Canada, Brazil, Gibraltar, the Netherlands), but have so far failed to do so. The plaintiff's lawyers have been accused of corruption and fraud. In January 2020, one of them, Steve Donzinger, was put under house arrest by a US federal judge.[5]

Like the Ogonis' case, the outcome of this particular case is still seen as a source of hope for environmental justice defenders of all over the world. Moreover, it contributed to the deep political changes that characterised the Ecuadorian society and its political system. This led, *inter alia*, to the drafting of a new constitution in 2008, in the drafting process of which indigenous peoples were involved, and which includes two terms from indigenous culture (*pachamama* and *sumakkawsay*) (Becker, 2011; Brites Osorio de Oliveira, 2018).

2.3 Characteristics of environmental conflicts

The first characteristic of environmental conflicts is that they have a collective dimension. Such conflicts involve many stakeholders, usually belonging to three main categories: the impacted communities, one or more private companies and a public actor as an interested party (the state, region or local administration of a country).

As a consequence, and despite their appellation, such conflicts are not only related to the environment. They are also deeply social and include a strong dimension of social justice. More often than not, the victims of pollution are less

5 Sharon Lerner, 'How the Environmental Lawyer Who Won a Massive Judgment Against Chevron Lost Everything.' (The Intercept, 29 January 2020. Retrieved from https://theintercept.com/2020/01/29/chevron-ecuador-lawsuit-steven-donziger/?fbclid=IwAR37rwlFM3nHiehOP_5iWkqnkGChl2DQUY5SCmsrRKhaBp4xViG19MCrrzI) (last accessed 4 October 2020).

wealthy than the companies causing the pollution.[6] The activities of the industries generate unfairness insofar as they exacerbate a pre-existing situation of inequality. On the one hand, the people living in the vicinity of the industry see their situation worsen, because they are in contact with toxic substances that invade their environment and thus their food, air and water. On the other hand, the industry's shareholders, who are not in contact with the pollution engendered by their industry, improve their condition as the industry generates economic benefits. Because of environmental damages therefore, the wealth and privileges, which were already unequally distributed between these two groups, are even more unequally distributed.

Second, environmental conflicts reveal social tensions that are rooted sometimes in past historical events. It has been argued that the ravages of the environment occur against a background of unequal development, which creates injustice among and within the countries, and that this is the consequence of the colonial era (Newell & Roberts, 2017). As Newell (2017: 250) notes, the 'history of the expansion of capitalism can be told through war, conquest, colonialism and accumulation through dispossession', especially the dispossession of natural resources. Not only were they confiscated by the colonial powers at the time, but they continue to be exploited or polluted by multinational companies from the former colonising countries, which sometimes still benefit from conditions negotiated during the colonial era. Some theorists have not hesitated to describe these practices as 'neo-colonial' (Epstein, 2017: 5).

Third, environmental conflicts are global in nature. They are not limited to one state or region but occur across the world. In fact, the similarities between the cases of worldwide environmental degradation, documented by the Blacksmith Institute's reports (2012, 2016), suggest without doubt that we are facing a global phenomenon. For the experts in environmental conflicts, this phenomenon is inherent to the development of a global economy and threatens the future of humanity itself (Martinez-Alier, 2016; Muradian, Walter & Martinez-Alier, 2012; Newell & Roberts, 2017).

The fourth characteristic of environmental conflicts is their long-term dimension; the toxic substances that are trapped in water, air and land will continue to affect the people who come into contact with them until they are removed. In the case of Ecuador, the pollution dates back to the 1970s and has still not been fully addressed. In addition, past exposures may have generated diseases that continue to evolve, sometimes years later. Chevron's pollution in Ecuador has already harmed three generations of inhabitants and has a high potential of harming future generations too. The same is true for Shell's pollution in Ogoni land, which has been going on since 1956. As such cases are common, environmental justice movements often refer to the need to restore the environment for the benefit of the present and future generations.

Fifth, these conflicts sometimes reveal rivalry in the conception of the world and nature. They sometimes are based on a fundamental difference of value. This

6 It is not excluded that the victims may be wealthier, but these circumstances happen so infrequently that they can be considered as exceptions and disregarded in this study.

is especially true when it comes to conflicts that involve tribal communities, who see parts of their lands as sacred places while public agents or private companies see natural resources as the raw material necessary to create financial value and eventually develop the country's GDP.

In fact, the relationship between the environment and collective identity may sometimes be very strong. Because identities are constructed in specific places, the threats against the environment can be perceived as attacks against one's identity and even personal integrity (Peña,1998). In these cases, the quest for environmental justice is a fight to preserve the communities' survival. This is particularly visible in the case of Native Americans, who intensely perceive threats to the environment as threats to their families and communities, for they relate it to the genocide that they have experienced, which is still at the centre of their cultural identification (Krauss, 1994). More generally, indigenous people claim that, as communities, they are disproportionally hit by the impacts of environmental degradation.

The national environmental policies fail to protect indigenous communities because they do not recognise their particularities. Winona LaDuke, a prominent Native American activist, provides an example of this (LaDuke, 2002). According to her, the standards of the US Environmental Protection Agency (EPA) regarding the release of dioxin from paper mills into rivers and streams is based on the average consumption of fish. Yet, it does not take into account the fact that Native Americans consume larger quantities of fish than the average American. The standards are thus too high, not adapted to Native consumption behaviour. As a result, Native Americans ingest a high quantity of dioxin because the EPA's policies are based on a lack of recognition and acknowledgement of Native American practices of subsistence fishing (Schlosberg, 2009).

The current form of 'development' does not acknowledge the existence and specific needs of indigenous people, and therefore threatens them. The 'resource extraction, practices such as bioprospecting (or bio-piracy) and the patenting of indigenous knowledge for corporate profit, and the militarization and violence that come with such development' (Schlosberg, 2009: 84) lead to the displacement of many tribal communities. This phenomenon is not insignificant, since there are about 370 million indigenous people in the world, who occupy one-fifth of the Earth's territory (SUNPFII, 2010). On the one hand, economic activities such as the creation of large dams, mines or even tourist parks have resulted in the displacement of numerous indigenous communities. In Asia, it is often the commercialisation of palm oil, rubber and timber that force the indigenous people to renounce to their lands. This is the case, for instance, of the Orang Asli community in Malaysia.[7] On the other hand, some indigenous communities are constrained to leave simply because their land is rendered unusable by industrial activities. In many cases in Ecuador and Colombia, for example, indigenous people had to migrate because the oil had contaminated the

7 This information has been retrieved from the website of the United Nations University 'Our world', with the entry 'Displaced Indigenous Malaysians face an uncertain future'. Retrieved from https://ourworld.unu.edu/ (last accessed 4 October 2020).

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ground and water (Terminski, 2015). The situation is tense, notably because, as the United Nations Permanent Forum for Indigenous Issues claims, 'when indigenous peoples have reacted and tried to assert their rights, in most instances they have suffered physical abuse, imprisonment, torture and even death'.[8] The central concern of many environmental justice groups is the 'community and cultural survival in a system where recognition is denied, and communities and cultures are thoroughly devalued' (Schlosberg, 2009: 62).

Finally, women often have an important role in these conflicts. EJOLT records 681 cases of environmental conflicts all over the world that involve groups of women among those who resist local environmental deterioration. This is more than one in five cases. In fact, women are reported to be more affected than men by environmental damage, due to their function within the societies. Most of the time, women ensure that sufficient and quality food is provided to their family and community, and especially to the children. This is evident, for example, in the case of the 'Mothers of Los Angeles', who, while fighting for the preservation of the environment, were seeking, first and foremost, to protect their families and children (Pulido, 1996). Moreover, today some feminists analyse environmental degradation through the prism of male domination: women are often dependent on the environment, as they are often in charge of feeding their household, making them particularly vulnerable to environmental destruction (Kelly, 1993; Shiva, 1989; Shiva & Mies, 2014).

3 Environmental justice movements and their claims for justice

The link between environmental conflicts and environmental justice movements lies in the concept of 'injustice'. Injustice can be, at a very basic level, described as the absence of justice, and this is what these movements see in environmental conflicts: a lack of 'environmental justice', which they passionately call for.

In scientific literature, environmental justice movements (EJMs thereafter) are presented as civil society groups that protest against what they perceive to be environmental injustices. As mentioned earlier, the issues to which these groups are opposed are emerging around the world. These associations are therefore not limited to a defined geographical area. While they may be quite different, depending on their geographical location, they all have in common their grassroots origin and relatively small size, unlike other environmental movements, which can be institutionalised and be a part of political systems (Sicotte & Brulle, 2018). It is, above all, the question of survival that motivates their claims; their aim is not to protect untouched and wild nature, but rather to

8 For the secretariat of United Nations Permanent Forum for Indigenous Issues, 'one of the most significant threats facing indigenous peoples identified in the publication is the displacement of indigenous peoples from their lands, territories and resources'. The publication details several examples of displacement, separation and eviction, including in Malaysia, Indonesia, Thailand, Hawaii, Rwanda, Burundi, Uganda, Democratic Republic of the Congo and Colombia (Secretariat of United Nations Permanent Forum for Indigenous Issues (SUNPFII), 2010).

defend people's health, subsistence and welfare, which depend on their environment.

This implies that their struggle may address multiple types of disputes, sometimes simultaneously. They can be, for example, at the same time against the creation of a nuclear power plant, the pollution caused by a local company, the national poor air quality and the transnational economic activities that lead to climate change.

Another distinctive aspect of these groups is the overlap between their efforts and other social battles, including movements for racial equality, for the rights of indigenous people or class movements of poor communities, farmers and workers. This is perhaps the most interesting feature of environmental justice movements. It was in the 1970s in the US that it was first realised that there was a clear link between poverty, skin colour and the likelihood of being exposed to chemical plants, waste facilities and smelters' pollution. The link was made by environmental activists and civil rights activists, but it has been studied extensively in academia, particularly in the field of sociology. On this subject, the sociologists Robert Brulle, David Pellow, Bunyan Bryant, Paul Mohai and Robert Bullard (deemed to be the 'father of environmental justice') have written extensively (see Brulle, 2008, 2010; Brulle & Jenkins, 2010; Bryant, 1995; Bryant & Mohai, 1992; Bullard, 1990, 1993a, 1993b, 1993c, 1994, 1999, 2000, 2001, 2005; Bullard, Johnson & Torres, 2000, 2004; Rootes & Brulle, 2011). After conducting sociological and geographical studies throughout the US national territory, they concluded that the choice of sites for toxic substances disposal revealed, almost systematically, an insidious form of institutional racism. In other words, to use their slogan, 'green issues are black and white' in the US.

It is necessary to specify that the terms 'poor' and 'poverty' do not refer in my analysis to a particular level of poverty (it does not refer, for instance, to the people living with less than $1,90 a day, taking the example of the World Bank). Rather, it must be understood more generally, as the opposite of the 'wealthy people'. Likewise, 'marginalised' does not refer necessarily to the communities that are being oppressed systematically (for instance, the Palestinians or the Rohingya) but rather to the communities whose uniqueness is not recognised as much as they would like it to be (such as the US Native Americans). The representatives of these communities claim that little attention has been drawn to them so far – they are being impoverished, sometimes under-educated with respect to the national standard (such as, for instance, the uncontacted tribes in the Amazon) or politically marginalised.

As for the indigenous communities, the importance they give to the defence of the environment in which they live is evidenced by the Indigenous and Tribal Peoples Convention of 1989[9] (Articles 4, 7, 13, 32). In addition, the '17 principles of environmental justice' proclaimed by the 'Peoples of Color' in 1990 refer to the defence of workers and people of colour, composed of the indigenous communities associated with the African American populations (People of Color, 1990).

9 Retrieved from www.nrdc.org/sites/default/files/ej-principles.pdf (last accessed 4 October 2020).

Those involved in the EJMs feel that the communities that they represent are at the intersection of different forms of oppression and exclusion, of which environmental degradation is only one symptom. The nature of the oppression depends on the historical circumstances. For instance, in countries that have experienced some forms of apartheid, like the US or South Africa, the EJMs see the environmental degradation as a result of racial issues; in Latin America, it is usually related to the legacy of colonialism (Urkidi & Walter, 2011); in the UK, the environmental degradation is associated with social class inequality (Walker, 2012) and in India, with the system of caste (Williams & Mawdsley, 2006).

Given my analysis and the existing data on environmental conflicts and EJMs, it can be therefore concluded that environmental conflicts are often, but not always, exacerbated by pre-existing social inequalities, which may be of any kind. As a result, the form of justice that is demanded by EJMs is dictated by political and social circumstances more than by an ideal to implement optimal environmental conditions. Their version of 'environmental justice' is a state of affairs in which the social inequalities that they experience are eradicated, and in which the environment on which they depend is preserved from the destruction perpetrated by their oppressors or by the allies of the oppressors.

In addition, given the complexities involved in environmental conflicts, it is evident that traditional judicial structures and justice systems struggle to deliver the justice demanded by environmental justice movements, although very few studies have been devoted to the subject (EJOLT, 2014). In many cases, no financial reparation can be obtained by many citizens in their own countries for political reasons, especially with regard to conflicts resulting from oil complexes in which states and companies are partners. When this happens, resolving environmental conflicts involving an international dimension would require the help of courts from countries where the environmental damage did not occur, such as the court of the country where the polluter has its headquarters. And yet, this goes against the classical understanding of the court's jurisdiction, which is limited to a particular geographic area, most of the time within its own national territory. Multinational corporations are still benefitting from some sort of immunity for the environmental and social harm that they perpetrate, even though the 'polluter pays' principle is unanimously accepted. Nevertheless, this immunity is increasingly threatened by a rising number of plaintiffs taking legal actions, and also because some judges show a willingness to challenge their traditional jurisdiction.

Of course, solutions can also be provided by courts with 'broader' jurisdiction, such as regional courts, international courts or national courts with universal jurisdiction for the grave violation of international humanitarian law.[10] In the case of the environmental conflict in Ogoniland, the court of the Economic

10 See for example, Belgium: Loi du 16 juin 1993 relative à la répression des infractions graves aux Conventions internationales de Genève du 12 août 1949 et aux Protocoles I et II du 8 juin 1977. Retrieved from www.ejustice.just.fgov.be/cgi_loi/arch_a1.pl?sql=(text+contains+(%27%27))&language=fr&rech=1&tri=dd+AS+RANK&value=&table_name=loi&F=&cn=1993061636&caller=archive&fromtab=loi&la=F&ver_arch=003 (last accessed 4 October 2020).

Community of West African States (ECOWAS)[11] and the African Commission on Human and Peoples' Rights[12] have brought some relief to the victims. The International Criminal Court, for its part, cannot yet deal with environmental cases in the strict sense, although it is possible that there will be developments in this direction in the future.[13] There are also national legal tools that are highly valued by environmental (and human rights) justice activists. The best-known example is the *Alien Tort Statute* (ATS; also known as the *Alien Tort Claims Act*, ATCA)[14] in the US, which allows a US judge to consider a crime committed outside US national territory, and without the persons involved in the crime (victims and perpetrators) necessarily being US citizens. However, the United States' Supreme Court's most recent judgments[15] on the interpretation of the ATS have limited its scope to cases that touch and concern the United States with sufficient force to overcome a presumption against the US extending jurisdiction extraterritorially. One of these judgments, besides, concerns precisely the case of the environmental conflict in Ogoniland.[16]

The main obstacles for the victims of environmental damage are therefore, in reality, political (due to the economic importance of the corporations for the economy of the former colonised state) or related to procedural law (due the spatial limitation of the courts' jurisdiction or regarding the enforcement of foreign judgments). In fact, as even the corporations themselves underline, many environmental conflicts go far beyond a simple clash between the corporations and the inhabitants. They are connected to more structural tensions between the leaders of the nation states and the marginalised communities, are rooted in the colonial era and result from the economic policies of states and international bodies. Moreover, in cases of environmental deterioration generating human rights abuses, the financial compensation demanded by a few plaintiffs is not sufficient to repair the harm made to a whole community, especially when the well-being of future generations is at stake.

11 See *Socio-Economic Rights and Accountability Project v. Nigeria* Judgment no. eCw/CCj/jud/18/12 (14 December 2012). Retrieved from http://environmentalrightsdatabase.org/ (last accessed 24 January 2021).

12 See *The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria* (Communication No. 155/96) [2001] ACHPR 34 (27 October 2001).

13 According to the recent statement from the Prosecutor: 'The Office will also seek to cooperate and provide assistance to States, upon request, with respect to conduct which constitutes a serious crime under national law, such as the illegal exploitation of natural resources, arms trafficking, human trafficking, terrorism, financial crimes, land grabbing or the destruction of the environment' (Source: '*Policy paper on case selection and prioritization*' (2016), issued by the Office of the Prosecutor of the International Criminal Court. Retrieved from www.icc-cpi.int/itemsDocuments/20160915_OTP-Policy_Case-Selection_Eng.pdf) (last accessed 4 October 2020).

14 The Alien Tort Statute refers to 28 U.S.C. § 1350, granting jurisdiction to federal district courts 'of all causes where an alien sues for a tort only in violation of the law of nation or of a treaty of the United States'. Since the 1980s, it is perceived by some as a statutory instrument for gaining universal jurisdiction over violations of international law.

15 *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108 (2013) and Jesnerv. Arab Bank, PLC, No. 16-499, 584 U.S. (2018).

16 *Kiobel v. Royal Dutch Petroleum Co.,* 569 U.S. 108 (2013).

Due to these reasons, and as long as judicial systems remain the same, it seems that the national courts' decisions will never be sufficient to address environmental conflicts thoroughly. They must be complemented by additional solutions with a view to eventually reply to the demand of marginalised communities to be allowed to participate more actively in the political processes, control the natural resources on which they depend and protect their cultural identities.

4 The value of a restorative justice approach for environmental conflicts

Given the limitations identified above of the conventional justice system to respond adequately to environmental conflicts in light of the characteristics of such conflicts and the justice claims of the environmental justice movements, it cannot be denied that in principle, a restorative justice approach would have much to offer, insofar as it 'offers offenders, victims and the community an alternative pathway to justice' (UNODC, 2020: 4). Moreover, restorative justice has proved to be effective in addressing the underlying causes and in generating solutions to many contemporary social problems: building and repairing social relations, generating mutual understanding between antagonistic individuals or groups and strengthening personal responsibility to respect the feelings, needs and values of others.[17]

In the last decades, restorative justice has only been occasionally used in cases of environmental crimes. Restorative justice differs from conventional justice in at least three aspects (Lecomte, 2012) that are interesting when considering its application to environmental conflicts. First, in conventional justice, victim reparation is primarily considered in material terms. This, as we have seen, is unsatisfactory in the case of environmental conflicts, since the mere financial compensation of the victims, who are plaintiffs in a lawsuit, is not enough to resolve the conflict, which often affects entire communities and may involve a multi-generational dimension. In restorative justice, on the contrary, victim reparation is a central objective and is primarily moral and emotional. Such an approach also makes it possible to extend the concept of victimhood not only to the plaintiffs in a lawsuit, but also to those who cannot afford such a lawsuit. In the restorative justice context, the victims are defined in the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power as:

> persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are

17 Retrieved from www.euforumrj.org/en/restorative-justice-nutshell (last accessed 4 October 2020).

> in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.[18]

From this perspective, all victims of environmental degradation could be taken into account, as called for by environmental justice movements and not only those who took part in the trials.

Second, while conventional justice focuses primarily on the just punishment of the perpetrator, restorative justice focuses on the needs of the victim and the responsibility of the perpetrator to repair the injury caused. In cases of environmental degradation, simply punishing the perpetrator of the pollution or destruction of natural resources is meaningless if there is no repair of the damage done to both the environment and human health, nor the assurance that this type of behaviour will not happen again.

Third, according to conventional justice, the more severe a punishment is, the more potential perpetrators will be afraid of being convicted and thus the more they will avoid (re)committing wrongdoing, whereas according to restorative justice, the more offenders feel empathy for victims, the more they will avoid committing wrongdoing again. This is especially the case in environmental conflicts, often caused by companies operating in several countries. It is not so much the fear of possible repercussions in a specific country as the awareness of the suffering that some of their practices may cause that should guide their internal policies.

One of the restorative justice aspects considered paramount in the case of environmental conflicts is the involvement of all stakeholders in a dialogue aimed at exchanging views and reaching a mutual understanding of what happened and its consequences and an agreement on what should be done. Indeed, it is this difference in points of view that gives rise to disputes. Natural resources are perceived in radically different ways by stakeholders. The 'environment' takes on a completely different meaning for the three types of stakeholders involved in environmental conflicts: the corporations, the states and the citizens. For a company, natural resources are the raw materials from which their products will be made, and which must be as inexpensive as possible. Moreover, a corporation has no choice, in the competitive environment generated by capitalism, but to seek to minimise the costs of producing a good. As a result, the expenses that should be allocated to environmental preservation (such as the cleansing of waste waters) are often externalised, as the company deems that this is not its responsibility, especially if it is not requested by the law (Centemeri, 2009; United Nations, 1997). For the state, natural resources are national resources which can lead to the development of the country. For the citizens, and *a fortiori* the indigenous populations, nature is an intrinsic element in their lives, which

18 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, General Assembly resolution 40/34 of 29 November 1985, Art. 1. Worth noting, however, in the context of environmental harm is also Part B, Art. 18 of the resolution, defining 'victims of abuse of power' as affected 'through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights'.

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not only ensures their health and thriving, but which can have a strong cultural or symbolic significance. For instance, the oil is understood by the Ogoni people as the blood of their ancestors who were sold into slavery and died during the sea voyage to the new world.

The case of environmental conflicts in Ogoniland (Nigeria) and El Oriente (Ecuador) have shown that the role of the state in environmental conflicts can be decisive, albeit only appearing in the background. In fact, the state creates or maintains the social inequalities on which the environmental conflicts are grafted. In the case of the Ogoni, Shell's impunity to pollute is understood by the Ogoni people as the will of the two majority ethnic groups in power (the Hausa and the Yoruba) to weaken the Ogoni community and to prevent it from fighting for its independence. In the Ecuadorian Amazonian forests, the oil pollution is perceived by the impacted indigenous communities as an illustration of the government's lack of consideration for them.

At the same time, literature shows that victims of environmental degradation often attribute this latter to the discrimination they face more generally. In the US, environmental degradation is often linked to racism, such that the expression 'environmental racism' – which refers to the disproportionate impact of environmental hazards on people of colour – is now widely used (Bryant & Mohai, 1992; Bullard, 1990, 1993a, 1993b, 1993c, 1994). In the UK, people with lower incomes are believed to be the first victims of environmental degradation (Mitchell, 2019). In many cases, the impacted communities believe that their environment is not preserved in order to maintain a more sociopolitical kind of domination over them. All these elements, which are decisive in the case of environmental conflicts, cannot be ignored if they are to be resolved.

The restorative justice approach here is helpful inasmuch as it allows for the public expression of a narrative: during the meeting, the parties tell their stories, in narrative form, and describe how they see the crime and its consequences. These encounters and narratives allow participants to express their emotions, which they may not be able to express in courts and tribunals. In this way, crime and its consequences are addressed not only rationally, but also emotionally. The expected outcome of this meeting is a better understanding of each other's positions. The victim may not feel particularly positive about the offender, but the offender seems less malicious. Similarly, for offenders, hearing victims' stories not only humanises their victims but can also change offenders' attitudes towards their criminal behaviour.

Another feature of restorative justice is to encourage the voluntary participation by those most affected by the harm, including the victim and the perpetrator. At the end of the restorative justice process, the latter sometimes expresses remorse and acknowledgement of responsibility, and may even commit to undertake reparative actions for the victim or for the impacted community.

In the case of environmental conflicts, some polluting companies are already showing some signs of empathy towards the affected communities, and they may appreciate integrating a programme that allows them to express their remorse and develop initiatives that can truly repair the harm done. Shell, for instance,

despite the disputes in European,[19] African[20] and US[21] courts, has shown a willingness to enter into a dialogue with the Ogoni community. In 2015 and 2016, 120 youths from Ogoniland graduated from a training programme on agricultural entrepreneurship organised by the Shell Petroleum Development Company of Nigeria Ltd operated Joint Venture in an effort to introduce youths in the area to viable means of livelihood.[22] In 2019, the corporation declared it had spent a total of N17 billion (the equivalent of € 36.6 million) on the Global Memorandum of Understanding (GMoU) clusters in Rivers State, 'giving communities a highly valued opportunity to decide and implement projects and programmes that have a lasting impact on people's lives'.[23]

Encounter programmes are aimed at finding a solution that suits the immediate parties rather than focusing on the importance of the decision for future court proceedings. Furthermore, they do so through a cooperative rather than adversarial process, through negotiation that seeks to bring the interests of the victim and the offender together by giving them the opportunity to influence the outcome.

In some cases, such as that of the RENOVA Foundation, a non-profit organisation and large partnership responsible for the mobilisation of the reparation of the damages caused by the collapse of the Fundão tailings dam in Mariana (Brazil) in 2015, communities are directly involved in the process of repairing environmental damage (see also Da Silva, this issue). However, in this specific case, there is only a restricted institutionalised dialogue between the different stakeholders in the drama, in particular the dam's operator company Samarco, owned by the Brazilian mining group Vale S/A and the Anglo-Australian BHP Billiton, and the Brazilian state.[24]

In fact, one of the biggest challenges that restorative justice is facing in the case of environmental conflicts concerns the 'voluntary' involvement of businesses. Although things are not Manichean, many companies still fail to perceive themselves as offenders (or refuse to do so), especially when their actions do not violate the law, *strictosensu*, even if they are ethically questionable. Likewise, governments and public administrations generally show reluctance to engage in dialogue, or to accept their share of responsibility, especially when this

19 *A.F. Akpan v. Royal Dutch Shell, plc*. The official documents of the lawsuit can be found online, https://elaw.org/af-akpan-v-royal-dutch-shell-plc-0 (last accessed 24 January 2021).

20 *Social and Economic Rights Action Center and Center for Economic and Social Rights v. Nigeria*; *Socio-Economic Rights and Accountability Project v. Nigeria*. The ruling can be consulted online, www.escr-net.org/sites/default/files/serac.pdf (last accessed 24 January 2021).

21 *Wiwa v. Royal Dutch Petroleum, Anderson, and Shell Petroleum Development Company*; *Kiobel v. Royal Dutch Petroleum*. The official documents of the court cases can be found online, www.business-humanrights.org/en/latest-news/pdf-statement-of-the-plaintiffs-in-wiwa-v-royal-dutchshell-wiwa-v-anderson-and-wiwa-v-spdc/ (last accessed 24 January 2021).

22 Retrieved from www.shell.com.ng/media/2016-media-releases/spdc-jv-funds-businesses-of-young-ogoni-entrepreneurs.html (last accessed 4 October 2020).

23 Retrieved from www.shell.com.ng/media/2019-media-releases/spdc-jv-infrastructure.html (last accessed 4 October 2020).

24 Information on the Foundation can be found in www.fundacaorenova.org/en/the-foundation/ (last accessed 4 October 2020).

latter is indirect. This is particularly the case when conflicts have a political dimension linked to post-colonialism, as in Nigeria and Ecuador.

5 Conclusion

By analysing the characteristics of environmental conflicts and the justice claims made by the environmental justice movements, the aim of this article was to investigate the ways in which these movements ask for a restorative approach, and whether the restorative approach can be used to address environmental injustices.

Based on my analysis, it can be concluded that environmental justice movements are calling for a type of justice that is much closer to the restorative approach than to the traditional judicial approach. Furthermore, restorative justice is probably the best solution at hand when it comes to environmental conflicts, since it aims at repairing damage with the collaboration of all stakeholders, including the victims, the perpetrators and the state. They decide together how best to achieve this reparation. This implies that they can address problems that go beyond the simple issue of environmental deterioration. Thereby, restorative justice can bring about fundamental changes in the relationships between the states, the corporations and the communities and contribute to the restoration of social peace.

Yet, the cases studies in Nigeria and Ecuador (which are considered emblematic by environmental justice movements around the world) showed that restorative justice would only be an adequate solution to these kind of environmental conflicts under three conditions. First, all the different actors who have caused the environmental harm and damage must be identified, whether they are directly involved or not. The two case studies have highlighted the complexity of identifying the entire chain of actors. In addition, anthropological or historical studies on the root causes of environmental deterioration should be carried out beforehand. In Nigeria, for example, the attitude of the Shell company is determined by trade agreements put in place during the colonial period, while the attitude of the Nigerian state towards the Ogoni people is the result of both the colonial and post-colonial history of the country. We could also imagine cases in which proving the origin of environmental damage is difficult – drawing a relation between a higher rate of cancer cases and the activities of a company, for instance, can be tricky. It may require expensive epidemiological studies, carried out over decades. This is also true when the company disappears, either when it merges with another, as did Texaco with Chevron in 2000, or if it withdraws from the country where the tort occurred. Second, close attention should be paid to the most fundamental demand of organisations seeking environmental justice for the victims, starting from the victims' stories to listen to their own understanding of nature and what its destruction means for the various communities. It is important not to build types and forms of justice that are monocultural and exclusively Western, but to remain as open as possible to other understandings of the world. In Ecuador, as we have seen, the conflicts that have arisen between

indigenous people and Chevron-Texaco have contributed to the inclusion in the new constitution of Indians' conceptions of nature (*pachamama* and *sumakkawsay*). This part, too, could benefit from the expertise of anthropologists, enabling the subtleties of non-Western, or non-dominant, cultures to be grasped. Finally, businesses and public administrations must be open to engage in reparation processes and thus acknowledge their responsibility. We have seen that Chevron-Texaco is determined not to acknowledge its wrongs in Ecuador, although the Ecuadorian courts ruled against the company. Likewise, the Nigerian state refuses to accept responsibility for the conflict in Ogoniland, despite the fact that the Ogoni victims clearly identify it as Shell's main accomplice. This last point is certainly the most delicate challenge in the realisation of environmental justice.

References

Akubor, E. (2017). Willink's report, Niger Delta region and the Nigerian state 50 years after: any hope for the minority? In U. Usuanlele & B. Ibhawoh (eds.). *Minority rights and the national question in Nigeria* (pp. 165-182). New York: Palgrave Macmillan.

Anikpo, M. (2018). *Social structure and the national question in Nigeria*. In A. Momoh & S. Adejumobi (eds.), *The national question in Nigeria: comparative perspectives* (pp. 49-67). New York: Routledge.

Becker, A. (2011). Correa, Indigenous movements, and the writing of a new constitution in Ecuador. *Latin American Perspectives*, 38(1), 47-62.

Blacksmith Institute (2012). *The world's worst pollution problems: assessing health risks at hazardous waste sites*. Retrieved from www.worstpolluted.org (last accessed 20 December 2020).

Blacksmith Institute (2016). *The toxics beneath our feet*. Retrieved from www.worstpolluted.org (last accessed 25 January 2021).

Brites Osorio de Oliveira, A. (2018). Les droits de la nature dans le nouveau constitutionnalisme latino-américain à partir du regard de l'anthropologie juridique. *Trayectorias Humanas Trascontinentales*, 3. Retrieved from http://dx.doi.org/10.25965/trahs.921 (last accessed 25 January 2021).

Brulle, R.J. (2008). The U.S. environmental movement. In K. Gould & T. Lewis (eds.), *Twenty lessons in environmental sociology* (pp. 263-282). London: Roxbury Press.

Brulle, R.J. (2010). From environmental campaigns to advancing the public dialog: environmental communication for civic engagement. *Environmental Communication*, 4(1), 82-98.

Brulle, R.J. & Jenkins, J.C. (2010). Civil society and the environment: understanding the dynamics and impacts of the U.S. environmental movement. In T. Lyon (ed.), *Understanding 21st century NGOs* (pp. 73-103). RFF Press.

Bryant, B. (1995). *Environmental justice: issues, policies, and solutions*. Washington, DC: Island Press.

Bryant, B. & Mohai, P. (1992). *Race and the incidence of environmental hazards*. Boulder: Westview Press.

Bullard, R. (1990). Ecological inequities and the New South: Black communities under siege. *Journal of Ethnic Studies*, 17(4), 101-115.

Bullard, R. (1993a). Environmental racism and land use. *Land Use Forum: A Journal of Law, Policy and Practice*, 2(1), 6-11.

Bullard, R. (1993b). *Confronting environmental racism: voices from the grassroots*. Boston: South End Press.
Bullard, R. (1993c). Race and environmental justice in the United States. *Yale Journal of International Law*, 18(1), 319-335.
Bullard, R. (1994). *Unequal protection: environmental justice and communities of color*. San Francisco: Sierra Club Book.
Bullard, R. (1999). Dismantling environmental racism in the USA. *Local Environment*, 4(1), 5-19.
Bullard, R. (2000). *Dumping in Dixie: race, class and environmental quality* (3rd ed.). Boulder: Westview Press.
Bullard, R. (2001). It's not just pollution. *Our Planet*, 12(2), 22-24.
Bullard, R. (2005). *The quest for environmental justice: human rights, and the politics of pollution*. San Francisco: Sierra Club Books.
Bullard, R.D., Johnson, G.S. & Torres, A.O. (2000). *Sprawl city: race, politics and planning in Atlanta*. Washington DC: Island Press.
Bullard, R.D., Johnson, G.S. & Torres, A.O. (2004). *Highway robbery: transportation racism and new routes to equity*. Boston: South End Press.
Centemeri, L. (2009). Environmental damage as negative externality: uncertainty, moral complexity and the limits of the market. *E-cadernos CES* [Online], 05. doi: https://doi.org/10.4000/eces.266. Retrieved from http://journals.openedition.org/eces/266 (last accessed 25 January 2021).
EJOLT (2014). *Legal avenues for EJOs to claim environmental liability*. EJOLT Report No. 4. Retrieved from www.business-humanrights.org (last accessed 4 October 2020).
Epstein, C. (2017). *Against international relations norms. Postcolonial perspectives*. New York: Routledge.
Jaja, J.M. & Agumagu, J.E. (2017). Ethnicity, politics and national development. *Elixir Social Studies*, 110, 48325-48332.
Kelly, P. (1993). *Thinking green! Essays on environmentalism, feminism, and nonviolence*. London: Parallax Pr.
Krauss, C. (1994). *Women of color on the front line*. In R.D. Bullard (ed.), *Unequal protection: environmental justice and communities of color* (pp. 256-271). San Francisco: Sierra Club Books.
LaDuke, W. (2002). *The Winona LaDuke reader: a collection of essential writings*. Stillwater: Voyageur Press.
Lecomte, J. (2012). La justice restauratrice. *Revue du MAUSS,* 40(2), 223-235.
Martinez-Alier, J. (2016). *Global environmental justice and the environmentalism of the poor*. In T. Gabrielson, C. Hall, J.M. Meyer & D. Schlosberg (eds.), *The Oxford handbook of environmental political theory* (pp. 547-563). Oxford: Oxford University Press.
Mitchell, G. (2019). The messy challenge of environmental justice in the UK: Evolution, status and prospects, *Natural England Commissioned Reports*, Number 273, 1-16. Retrieved from www.gov.uk/natural-england (last accessed 25 January 2021).
Muradian, R., Walter, M. & Martinez-Alier, J. (2012). Hegemonic transitions and global shifts in social metabolism: implications for resource-rich countries. *Global Environmental Change*, 22, 559-567. doi: 10.1016/j.gloenvcha.2012.03.004.
Naanen, B. (1995). Oil-producing minorities and the restructuring of Nigerian federalism: the case of the Ogoni people. *The Journal of Commonwealth & Comparative Politics*, 33(1), 46-78. doi: 10.1080/14662049508447695.
Newell, P. (2017). *The political ecology of globalization.* In P. Newell & T. Roberts (eds.), *The globalization and environment reader* (pp. 247-261). Oxford: John Wiley and Sons.

Newell, P. & J. Roberts, T. (2017). *The globalization and environment reader*. Oxford: Wiley-Blackwell.
Osha, S. (2006). Birth of the Ogoni protest movement. *Journal of Asian and African Studies*, 41(1-2), 13-38. doi: 10.1177/0021909606061746.
Peña, D. (eds.) (1998). *Chicano culture, ecology, politics: Subversive kin*. Tucson: University of Arizona Press.
People of Color (1990). *Seventeen principles of environmental justice*. Retrieved from www.ewg.org/enviroblog/2007/10/17-principles-environmental-justice (last accessed 25 January 2021).
Pulido, L. (1996). *Environmentalism and social justice: two Chicano struggles in the Southwest*. Tucson: University of Arizona Press.
Rootes, C. & Brulle, R.J. (2011). *Environmental movements*. In D. McAdam & D. Snow (eds.), *The Blackwell encyclopedia of social and political movements* (pp. 608-640). New York: Blackwell.
Sawyer, S. (2004). *Crude chronicles. Indigenous politics, multinational oil, and neoliberalism in Ecuador*. Durham: Duke University Press.
Schlosberg, D. (2009). *Defining environmental justice: theories, movements, and nature*. Oxford: Oxford University Press.
Shiva, V. (1989). *Staying alive: women, ecology and development*. London: Zed Books Ltd.
Shiva, V. & Mies, M. (2014). *Ecofeminism*. London: Zed Books Ltd.
Sicotte, D. & Brulle, R.J. (2018). *Social movements for environmental justice through the lens of social movement theory*. In R. Holifield, J. Chakraborty & G. Walker (eds.), *The Routledge handbook of environmental justice* (pp. 25-36). New York: Routledge.
SUNPFII (Secretariat of United Nations Permanent Forum for Indigenous Issues) (2010). *State of the world's indigenous peoples: press release*. Retrieved from www.un.org/development/desa/indigenouspeoples/publications/state-of-the-worlds-indigenous-peoples.html (last accessed 25 January 2021).
Temper, L., Del Bene, D. & Martinez-Alier, J. (2015). Mapping the frontiers and frontlines of environmental justice: the EJatlas. *Journal of Political Ecology*, 22(1), 255-278. doi: 10.2458/v22i1.21108.
Terminski, B. (2015). *Development-induced displacement and resettlement: causes, consequences, a socio-legal context*. New York: Colombia University Press.
United Nations (1997). *Glossary of environment statistics, studies in methods*, Series F, No. 67, New York: United Nations.
United Nations Office on Drugs and Crime (UNODC) (2020). *Handbook on restorative justice Programmes* (2nd ed.). Vienna: United Nations.
Urkidi, L. & Walter, M. (2011). Dimensions of environmental justice in anti-gold mining movements in Latin America. *Geoforum*, 42(6), 683-695. doi: 10.1016/j.geoforum.2011.06.003.
Usuanlele, U. & Ibhawoh, B. (2017). *Minority rights and the national question in Nigeria*. New York: Palgrave Macmillan.
Walker, G. (2012). *Environmental justice: concepts, evidence and politics*. New York: Routledge.
Williams, G. & Mawdsley, E. (2006). Postcolonial environmental justice: government and governance in India. *Geoforum*, 37(5), 660-670. doi: 10.1016/j.geoforum.2005.08.003.
Willink, H. (1958). *Report of the Commission appointed to enquire into the fears of minorities and the means of allaying them*. London: H.M.S.O.
Yakubu, Y. (2017). Ethnicity, federal character principle and national development in Nigeria: a critical evaluation. *Journal of Nation-building & Policy Studies*, 1(1-2), 7-23.