

## NORWICH DECLARATION ON ENVIRONMENTAL JUSTICE:

### Money Can't Buy Environmental Justice

10/07/2013

THIS DECLARATION EMERGED FROM A WORKSHOP HELD AT THE UNIVERSITY OF EAST ANGLIA IN NORWICH, ENGLAND ON JUNE 20-22, 2013, ON GLOBAL ENVIRONMENTAL JUSTICE.

WE, AN INTERNATIONAL GROUP OF ACTIVISTS, ACADEMICS AND RESEARCHERS, OBSERVE THAT ENVIRONMENTAL INJUSTICES ARE PROLIFERATING ACROSS THE GLOBE.

CASES OF ENVIRONMENTAL INJUSTICE ARE HOWEVER FREQUENTLY BEING ADDRESSED BY GOVERNMENTS, MULTINATIONAL CORPORATIONS AND MULTILATERAL INSTITUTIONS AS PROBLEMS THAT CAN BE RESOLVED THROUGH TECHNICAL OR MONETARY MEANS.

SUCH NARROW UNDERSTANDINGS OF ENVIRONMENTAL JUSTICE NORMALISE THE PERPETRATION OF INJUSTICE. INSTEAD WE BELIEVE IT IS ESSENTIAL TO ADVANCE AN APPROACH TO ENVIRONMENTAL JUSTICE FOUNDED ON FUNDAMENTAL PRINCIPLES OF CITIZENSHIP, POLITICAL AND CULTURAL RIGHTS, DEMOCRATIC DECENTRALISATION, RULE OF LAW, ACCESS TO DUE JURIDICAL PROCESSES AND TRANSPARENT, DEMOCRATIC AND ACCOUNTABLE GOVERNANCE.

**Recognising that** globalised economic activity, growing demand for natural resources, and the continued absence of transparent, democratic and accountable governance have enabled unprecedented levels of resource capture across multiple scales, rendering environmental injustices ever more politically complex and ideologically sophisticated;

**Acknowledging that these** conflicts typically lead to calls for environmental justice on the part of the local people affected by the negative impacts of outside interest on their local resources;

**Asserting that justice entails** righting the wrongs committed (sometimes through compensation), restoring the environment, and promising to cease and desist harmful activity, as well as preventing further wrongs through strengthening participation in decision-making over the use of resources;

**Recognising that calls** for environmental justice relate to recognition of rights to customary resources, territories, and cultural difference, fair negotiation processes and fairness in the distribution of benefits and costs, both within society and inter-generationally;

**Concerned by the fact that** those seeking to secure resources and manage these burgeoning conflicts (e.g. governments and corporations) are increasingly turning to solutions based on compensation payments for disadvantaged communities for losses incurred by expropriation, resource use, pollution and environmental degradation [i];

**Troubled by the fact that** these initiatives are based on the premise that payments make the distribution of outcomes more equitable, and therefore presume that such measures produce just outcomes [ii];

**We assert** that global calls for environmental justice are multi-dimensional, concerned not solely with equity in the distribution of environmental risk and benefits, but equally with recognition of the diversity of people and cultures, and citizenship-based participation in political processes which create, manage and implement environmental policy [iii];

**We argue** that these plural, contextual notions of injustice are inevitably insufficiently dealt with by compensatory approaches (apart from a very narrow range of cases, for example, where historic liability and punitive damages are concerned). We identify the following reasons why compensatory approaches fall short of redressing injustices and serving justice:

- (1) The focus on outcomes deflects attention from the root causes of injustices [iv]. Compensation is an ‘end-of-pipe’ intervention that may address distributive outcomes but not the underlying distribution of assets and political-economic power [v].**
- (2) Compensation is founded on particular conceptions of distributive justice [vi]. Many people experience injustices in ways that cannot be redressed via compensation, or they demand other forms of redress than compensation [vii].**
- (3) The focus on compensation may become coercive in contexts of stark economic inequality and political power asymmetries. Furthermore, compensation can reinforce inequalities among communities as well as engender new forms of conflict and corruption [viii].**
- (4) Compensation only serves justice where affected people can enjoy democratic rights and have access to legal recourse [ix], yet even under these circumstances, experience has shown that powerful vested interests are able to evade payment of compensation through the use of lengthy and costly legal**

**appeals, or that even when it is granted, compensation rarely reaches those entitled to it.**

**We therefore:**

**Express our solidarity** with global movements of environmental justice and the struggles of disadvantaged local communities to secure justice;

**Assert that** there is a need for strategies to bring about environmental justice that effectively address the distribution of assets and outcomes as well as issues of democratic participation, recognition and environmental integrity. Such strategies should be founded on principles of: citizenship, rights to customary resources, territories and cultural difference, democratic decentralisation of powers to local bodies, rule of law, access to due juridical processes and transparent governance [x];

**Demand that governments hold perpetrators of environmental injustice** culpable for their actions through local and global mechanisms of global governance, and act to prevent further future injustices;

**Call upon companies, governments and multilateral organizations** to acknowledge that some values (such as loss of identity and culture, sacredness) can never be compensated for, and cease the co-opting of injustices through compensatory measures that more often than not serve corporate interests over long term community needs;

**Support** the application of compensation or payments of ecological debt, within an integrated strategy for transformative / restorative reforms [xi].

## Signatories:

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[i] Such compensation takes various forms, for instance as payments for exposure to pollution or dispossession from land and forests, funds provided to enhance adaptive capacity against large-scale stresses (e.g. climate change), and payments for environmental services (e.g. water and carbon) and benefit-sharing arrangements (e.g. in protected area management and the mining sector).

[ii] This also underpins mainstream thinking about the Green Economy. This asserts that economic growth and environmental sustainability can go hand in hand if rights to natural resources and clean environments are allocated to economic agents, who then interact in old and new markets to optimize environmental management and resource use, and compensate potential losers through payments.

[iii] Schlosberg 2004 Defining Environmental Justice (OUP: Oxford)

[iv] For example, strong local resistance to the eight-fold increase of [Durban's port and petrochemical complex](#) reflects not only municipal/national planning overriding community needs, but of a much deeper dependency on imported oil and a debilitating vulnerability to a volatile world economy. Local peoples' dispossession from forests and protected areas across the Global South reflects the effects of colonialism and particular conceptions of people-nature relations, even if this may not be too apparent to people involved in place-based struggles.

[v] Even where the key injustice is one of inequitable distribution, compensation does not create a long-term solution. For example, the Indian government has long sought to placate local communities' demands for access to land and forests by promising them a share in the benefits derived from participatory forest management. Yet, this did not redress the underlying injustice springing from historical local ownership rights to forest lands, which was only addressed when the 2006 Forest Rights Act recognised forest dwelling communities [rights to customary resources and territories](#). Offering people a share in resource benefits on an ad hoc basis is different from redistributing assets and possibilities to them in order to create a secure basis for people to enjoy resource benefits in the long term.

[vi] Compensation may be appropriate in some contexts but is not relevant in other contexts. Compensation assumes general agreement on the involved agents (i.e. the polluter and those adversely affected), on the harm, loss or risk at stake, and on the presence of a reasonably level playing field. Such agreement cannot be assumed to exist where people assert diverse collective identities, have different understandings of what is at stake and deal with other on the background of entrenched economic, political and cultural inequalities. In such circumstances, efforts to tackle distributive issues need to be preceded by interventions promoting the recognition of marginalized groups and their democratic participation<sup>1</sup>.

[vii] For example, the [Pemón indigenous people in Venezuela](#) seek recognition for their cultural knowledge of land management, in particular the customary use of fire. Financial compensation would not help to redress the injustices they have experienced by state interventions that have sought to reduce the use of fire,, and more generally marginalize their cultural knowledge and lifestyles. In Vietnam, Thái villages demand recognition of their historical authority over agricultural fields, in particular the capacity to re-allocate fields periodically in response to demographic changes – something that has nothing to do with compensation.

[viii] Poor villagers at the margin of physical survival may not feel that they have much of a choice when offered financial compensation, even if they had in return to give up justice demands of high immaterial importance. For example, Batwa communities are allowed to participate in tourism-based revenue sharing arrangements around protected areas of Uganda only if they consent to their exclusion from their own spiritual sites. Yet, few of them are in the position to deny such financially lucrative offers due to their impoverishment, even though the involved money amounts to only a marginal share of overall tourism profits. This is why the [Ogoni people in the Niger delta](#) see compensation as a palliative that does not serve justice. They instead demand recognition of their ownership of resources in their territory as well as an urgent clean-up of extreme pollution there.

[ix] Where populations cannot hold the governments and companies accountable that are causing harms, risks or losses, compensation is poorly positioned to serve justice. For example, people in Sudan and Ethiopia lack access to most fundamental information about the dam projects planned along the [Nile](#). In China, most villagers are not aware of the legal rights granted to them by the central government, as strong as those rights may look on paper. Singaporeans affected by the haze due to forest fires in Indonesia similarly possess no means to hold the logging companies and agro-industrial plantations to account.

[x] There are many examples of what form such strategies can take, such as Indian mobilisations for the recognition of customary rights to resources and territories. Other examples come from the campaigns for the recognition of cultural rights to seed and customary knowledge in [Latin America](#) and struggles for community rights to land, forests and self-determination in [Nepal](#). All these mobilisations demonstrate that environmental justice requires attention to issues of distribution, participation and recognition, linking individual economic and political rights with collective powers of self-determination and self-governance.

[xi] Restorative justice, in contrast to retributive justice that focuses on the law, tries to engage those who are harmed and affected communities, offering them a voice in processes and stressing dialogue and negotiation

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<sup>1</sup> see Sikor, T., Fisher, J., Few, R., Martin, A., Zeitoun, M. 2013. The justices and injustices of ecosystem services. Pp. 187-200 in Sikor, T. (ed.) The Justices and Injustices of Ecosystem Services. Earthscan, London, 2013.

among the major parties with a stake in the dispute, in search of solutions that promote repair, reconciliation and the rebuilding of relationships<sup>2</sup>. Demands made by plaintiffs (including members of the [EJOLT](#) project) that BP leave the same quantity of oil in the soil as was spilled in the Gulf of Mexico, is an example of a call for restorative, versus reparative, justice.

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<sup>2</sup> See [EJOLT Report No. 6. May 2013](#)