



RESTORATIVE JUSTICE & ENVIRONMENTAL CRIME

Socio-legal implications of
restorative dialogues in
relation to strategic
litigation for climate change
and environmental rights:

**Voices and sounds to assess
needs, rights, sustainability,
welfare and wellbeing**

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UPV EHU

THE DIVERSITY AND COMPLEXITY OF HARMS

FROM THE STANDPOINT OF
GREEN CRIMINOLOGY AND
GREEN RESTORATIVE JUSTICE
(AND VULNERABILITY
THEORY)

Crimes against the environment and against
animals

Environmental harms and harms against animals
(beyond a positivist and anthropocentric notion)

(RESTORATIVE JUSTICE FOR CRIMES AGAINST THE ENVIRONMENT AND
AGAINST ANIMALS: DESIGN OF PREVENTION, INTERVENTION AND REPARATION
PROGRAMS WITHIN A GLOBALISED FRAMEWORK), FINANCED BY THE SPANISH
MINISTRY OF SCIENCE AND INNOVATION, 2020 CALL I+D+I PROJECTS - PGC
TYPE B, REFERENCE NUMBER PID2020-114005GB-I00 (AREA: LAW).

	Traditional Criminology	Green Criminology
Scope	Anthropocentric – Focus on humans, as perpetrators and victims	Non-speciesist – includes environment and animals, both human and non-human
View of Crime	Examines breaches of the law as the problem	Moves beyond the Criminal Code and regulatory laws, questions the role of power, and asks who is breaking the law and how the justice system responds.
Harm	Narrow definition of harm – focus primarily on harms resulting from acts deemed illegal	Zemiological – study of social harms, including harms resulting from both legal and illegal actions. Asks who determines what is harmful and what is criminal
Justice/Injustice	Crimes seen as acts committed against the state; does consider marginalization in	Focus on injustices resulting from actions or inactions of corporations, governments, and individuals. Calls attention to injustices disproportionately experienced by marginalized groups.

HOW TO BE RESTORATIVE BEYOND BEING HUMAN?

GREEN JUSTICE

QUESTIONING THE LANGUAGE OF VOICES,
NEEDS/RIGHTS, HEALING, WELLBEING, RESTORATION
BUT ALSO THE LANGUAGE OF LAW



An interactive discussion on children's access to climate justice

4 November 2021
12:00 - 13:30 GMT
On Zoom

Online side event to COP26

CRIN CHILD RIGHTS INTERNATIONAL NETWORK



HOW TO BE RESTORATIVE WITH AN INTERGENERATIONAL FRAMEWORK?

RISKS OF
POLITICAL/ECONOMIC/CULTURAL
ABUSE OF POWER AND TRIVIALIZING
THE HARM IN THIS REALM: THE NEED
FOR A RADICAL AND URGENT
RESPONSE

**Is it possible a legal
activism for climate and
green justice claiming
restorative justice instead
of punishment?**

The case of the EU Directive and the new
international crime of ecocide



THE CASE OF CLIMATE AND GREEN JUSTICE THROUGH COURT LITIGATION

BY CHILDREN AND YOUNG GENERATIONS

BY THE ELDERLY

BY CLAIMING NATURE AND ANIMAL
RIGHTS. THE CASE OF THE MAR MENOR
(SPAIN). LEARNING FROM INDIGENOUS
COMMUNITIES

ENVISAGING MEANINGFUL
RESTORATIVE JUSTICE CIRCLES ?

BEYOND THE NOTION OF IMPUNITY AND
TOWARDS JOINT RECOVERY FROM THE
ACTUAL AND CONCRETE INJUSTICE AND
HARM

NAMING, CLAIMING AND BLAMING

3. HOW TO DEVELOP RJ? RESTORATIVE CIRCLES

VICTIMS AND RESPONSIBLE PERSONS

-Individual or multiple victims (human and nonhuman animals) and human perpetrators (including companies)

SUPPORT PEOPLE

-Companions and expert spokepeople as members of the affected community

CO-FACILITATORS

-With special training in the field

SCENARIO AND TOOLS

-Restorative walking or itineraries in meaningful places (habitat, traumatic or significant places)
-Use of visual and sensorial methods

PRE-CIRCLE(S)

Identifying the harm, its meaning and the affected ones who might be willing to participate or be witnesses somehow

CIRCLE(S)

Encounter on the past and the still on-going consequences of that harm and on how to repair them

POST-CIRCLE(S)

Supervision of reparation agreements with the horizon of transformation

SOME BACKGROUND REFERENCES CONSIDERED IN THIS PRESENTATION:

IVAC/KREI audiovisual dictionary on green Victimology: <https://www.ehu.eus/eu/web/ivac/hiztegia>

EFRJ Working Group at <https://www.euforumrj.org/en/working-group-environmental-restorative-justice>

-Bernuz, M. J. (2020). ¿Castigos (eficaces) para delitos contra los animales? Repensando la respuesta al maltrato animal. *Indret, Revista para el Análisis del Derecho*, (1), 1-14.

-Greenpeace. (2018). *Holding your Government Accountable for Climate Change. A people's guide*. Greenpeace.

-Harvey, M. (2021). *Climate Emergency: How Societies Create the Crisis*. Emerald Publishing.

-Niehaus, M., & Davies, K. (2021). Voices for the voiceless: climate protection from the streets to the courts. *Journal of Human Rights and the Environment*, 12(2), 228-253.

-Pali, B & Aertsen, E. (2021). Inhabiting a vulnerable and wounded earth: restoring response-ability. *The International Journal of Restorative Justice*, 4(1) , 3-16.

Forsyth, M., Pali, B., & Tepper, F. (2022). Environmental Restorative Justice: An Introduction and an Invitation. In *The Palgrave Handbook of Environmental Restorative Justice* (pp. 1-23). Cham: Springer International Publishing.

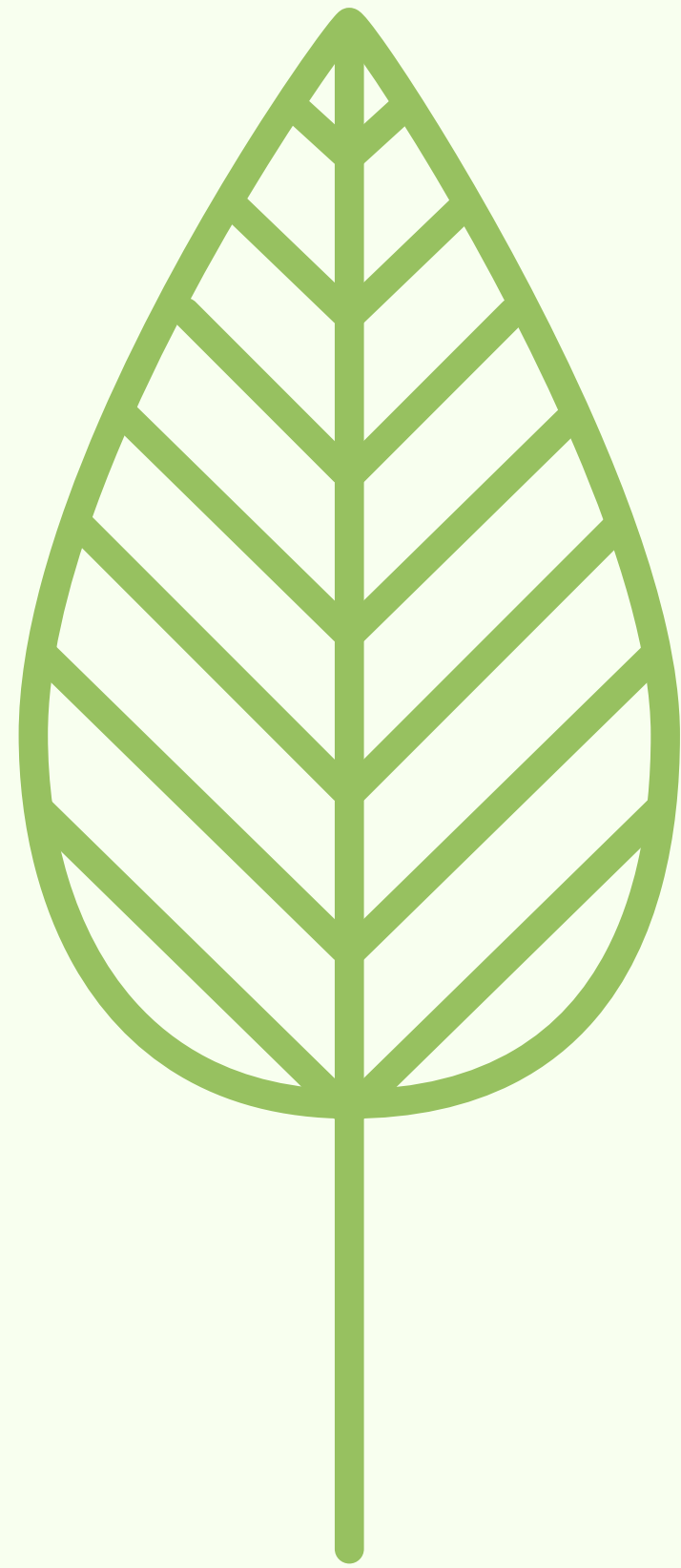
-Varona, G. (2020a). Restorative pathways after mass environmental victimization: Walking in the landscapes of past ecocides. *Oñati Socio-Legal Series*. Link: <https://doi.org/10.35295/osls.iisl/0000-0000-0000-1044>.

-Varona, G. (2020b). *Victimidad y violencia medioambiental y contra los animales: Retos de la Victimología verde*. Granada: Comares.

-Varona, G. (2024, in press). Merging indigenous, interspecies and restorative justice. *Revista de Estudios Vascos*.

See also the 2023 monographic volume in Spanish and English at:

<https://www.huygens.es/journals/index.php/revista-de-victimologia/issue/view/19/showToc>



OBRIGADA

THANK YOU



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