

Keywords

- > Environmental Liabilities
- > Evaluation Tools
- > Cost Benefit Analysis
- > Monetary valuation
- > Multi Criteria Analysis
- > Environmental Justice Organisations



Oil pollution in the Niger Delta
Photo: www.environewsigeria.com



Protest against Belene Nuclear Plant in Bulgaria, 2012
Photo: EPA/BGNES



Protest against gold mining in Turkey
Photo: Eject project

The health and environmental damages of fossil fuel exploitation (e.g., oil spills), nuclear waste and radiation, and mining-related pollution represent some of the most well-known effects of the increasing energy and material use of the global economy.

Texaco's activities in Ecuador are a well-known case of **environmental liabilities**. The Supreme Court of Ecuador condemned Chevron (that bought Texaco) to pay compensatory damages for over USD 9 billion. As the victims are still trying to enforce the judgement, after two decades of struggle, we have to ask ourselves: when does counting the damage help environmental justice organizations in their struggle for justice and how to count? That's precisely what this report does, by **assessing economic valuation methods and actual environmental liability calculations**. From this, 10 recommendations for those considering deploying such tools are formulated.

Calculating the costs of environmental damage

One way to deal with environmental injustices is by focussing on their associated damages and then claiming liability for these damages from those who have produced them. There is a cost involved in preventing and remedying or repairing environmental damage, and there are several tools to calculate or otherwise take into account such costs. While a debate on the use of methods still takes place among academics, **Environmental Justice Organisations (EJOs) already employ those tools in real-world cases** of environmental justice struggles. This report presents and reflects upon this EJO experience unveiling the relative merits of three such evaluation tools, namely **Cost-Benefit Analysis (CBA)**, **Environmental Valuation (EV)**, and **Multi-Criteria Analysis (MCA)** for pursuing environmental justice through liability claiming.

The question that motivates this report is: **when and how could evaluation tools be beneficial for EJOs** (including organisations set up by locally affected communities) for

liability claiming in environmental justice struggles? Two issues are central in order to address this question:

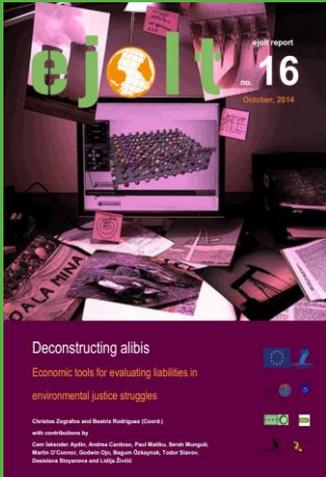
1. What **aspects** of evaluation tools are enabling and what aspects are hampering for EJOs in their project of pursuing environmental justice?
2. Under what **conditions** can the use of evaluation tools be enabling or hampering for EJOs in their struggles and their project of pursuing environmental justice?

Four main dimensions are relevant for answering our question. The first is **context** and **strategy**, which highlights the crucial role of power in determining how and when tools can be used, and outlines the key characteristics of strategic attitudes that are useful to be assumed by EJOs when engaging with the tools. The second dimension looks at specific **aspects** of the tools that can be either enabling or hindering for environmental justice struggles when those tools are employed. The third dimension involves the **conditions** which may hinder or facilitate the beneficial use of the tools and includes a reflection on the type of action EJOs can take in order to help shape such conditions. Finally, a number of **critical concerns** must be taken into account when engaging with evaluation tools for liability analysis in environmental justice struggles.

When to use evaluation tools and how?

In the EJOLT project we experienced **different ways of how to make best use** of evaluation tools. While all cases are different, and no one fit for all, we outlined **ten issues** for EJOs to take into account:

1. First and above all: purpose, purpose, purpose! Do not forget that **the tool should be subservient to your purpose**, i.e. it should be an instrument to achieve your purposes in environmental justice struggles and not vice versa. Purpose has implications on the way in which tools should be used: to open up debate by revealing the different assumptions behind different articulations of "best use" of resources.



The experience of our EJOs:

- In the case of the **opposition to the mining project in Mount Ida, Turkey**, **monetary reductionism** would have **harmed** the **social legitimacy** of other values articulated, such as territorial rights and access to resources.
- The experience with CBA against **sugarcane plantations in the Tana Delta, Kenya** shows that this has been an important and **powerful advocacy tool** and should be used as part of the evidence supporting lobbying and advocacy.
- The results of the CBA were used **to inform the citizens** about the real cost of the **Belene Nuclear Power Plant project, Bulgaria**, in the light of a referendum on the future of a nuclear power plant.
- A recent study indicated between **USD 16 to 51 billion as corporate liabilities for the destruction in the Niger Delta, Nigeria**, related to oil spills by five multinational oil companies, without taking into account punitive costs and compensation.

Before engaging with the tool

2. Is **“reason” relevant for taking decisions in your case** of environmental struggle? Are policy-makers, communities, and other relevant actors and stakeholders likely to listen to the “voice of reason” that the evaluation tool will base its results and arguments?
3. **Be strategic**: ask yourself if the tool can help you move towards a more level playing field or if dedicating effort and resources to more conventional activity (e.g. organise a conference with experts, disseminate material, etc.) could serve this purpose better.
4. Engage also in less conflictive **interaction with policy-makers during “peace times”**. Use the opportunity not only to learn about future, potentially harmful developments but to also familiarise policy-makers with the tools and their contribution.
5. Consider the **background conditions**: are they mostly hindering (e.g. is there data availability) or facilitating (e.g. is it early in the process)?
6. The **compensation issue** (relevant mostly for CBA and EV): is there a danger that by developing the tool you help remove prevention of risk and damage and encourage damage compensation that weakens the role of environmental regulation? In short, could you be helping polluters to buy themselves out of environmental justice?

During the development of the tool

7. **Prepare yourself to be questioned**: ensure the credibility of results by collaborating with professionals whose

expertise and independence is not questionable and by using data whose validity is well established.

8. Develop the tool in such a way that it **reveals the trade-offs and dilemmas of public decisions**; avoid using the tool to provide a single, optimal choice – do not use the tool to oversimplify reality.

After developing the tool

9. Use the tool to **engage with the media** but also for **building alliances** with other groups active in broader justice struggles as well as possibly concerned policy-makers. Think of how you can make good use of the tool’s **pedagogical potential**, e.g. as a means to spread knowledge about environmental damage, risk and injustice.
10. Use tool results as a **complementary instrument** (e.g. pursue also public apology for liabilities) to put pressure for addressing environmental injustice. Do not use the tool as a single, all-encompassing pressure strategy, but maintain a number of “battlefronts” open, a portfolio of strategies to contest environmental injustice.

For more information

Economic tools for evaluating liabilities in environmental justice struggles. The EJOLT experience. EJOLT Report No. 16, available at:

www.ejolt.org/reports/

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