

Green Criminology: An Introduction

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ABSTRACT

On a daily basis, plants, animals, and ecosystems are subject to the dire consequences of anthropogenic environmental degradation.

Green criminology is a branch of criminology that involves the study of harms and crimes against the environment. This broadly includes the study of environmental law and policy, the study of corporate crimes and the environment, and environmental justice from a criminological perspective. Criminology is simply the study of crime and criminal behavior.

Presently, there are now several varieties of green criminology which was originally proposed as a political economic approach for studying environmental harm, crime law and justice. This paper provides an introduction to green criminology.

KEYWORDS: *Corporate crimes, Environment, Environmental justice, Environmental law, Green criminology, Green victims, Ecological withdrawals, Ecological additions*

INTRODUCTION

Damages that are caused by manufactured ecological destruction varies, due to ecological withdrawals (dangerous extraction of natural resources, such as fracking or deforestation), or ecological additions (dangerous introduction of environmental hazards into the environment, such as pollution). The above practices are the result in millions of victims, and a small (but growing) group of criminologists who are studying the victimization experiences associated with environmental crimes [1]. The experts in this field are known as “green criminologists”, are concerned with:

1. Recognizing the full scope and impact of environmental crime,
2. Avoiding victim blaming, and
3. Generating a comprehensive victimology literature, of which criminologists must recognize environmental crime victims.

HISTORY OF GREEN CRIMINOLOGY

Green criminology (also known as environmental or ecological crime) was developed to address environmental issues and to study environmental crime. Lynch coined the term in 1990, while himself

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and Stretesky 2014 in an effort to address the need for this type of criminological research [2].

The environmental justice movement is important to the United States, having created the possibility for criminologists to study both crimes against the environment, and how pollution may be seen as evidence of environmental racism as shown in Figure 1. This movement grew out of the Civil Rights Movement, beginning a discussion about the environment and a nationwide public discourse on political action and constitutional rights [3]. The political concept of “environmental racism” was introduced after a United Church of Christ study was conducted in 1983, showing connections between poverty and pollution. For the past fifty years, crimes against society have been addressed by the passing of a number of important acts. For example, the Civil Rights Act of 1964 which was enacted to address the inequalities in American civic life, and played a role in raising awareness about the differences in amenities, living quarters, working sites, loans, schooling, and government assistance services. The 1964 National Environmental Policy Act led to the

Council on Environmental Quality, which “became one of the first efforts to address the state of the environment while taking into account its specific impact on inner city residents.” The Federal Resource Conservation and Recovery Act (FRCA) of 1976, was created to hold corporations accountable for illegal dumping of hazardous wastes, giving the federal government the power to criminally prosecute corporations for dumping toxic substances as shown in Figure 2. The Federal Government between 1970 and 1980 passed fifty acts to protect the environment from polluters and poachers. President Bill Clinton in 1994 signed the Executive Order 12898, which was intended to ensure “that no group of people, either because of their race or income, are burdened disproportionately by environmental health risk resulting from industrial, municipal, and commercial operations and planning decisions” [4].

WHAT IS GREEN CRIMINOLOGY?

Green Crime (GC) was first proposed in 1990 by Lynch. Thirty years later, there is still no agreement with respect to the definition of the term “green crime”. Beirne and South, explained some behaviors which illustrate the many ways in which green crimes occur, at the political economic level as the [5]:

“abuse and exploitation of ecosystems, including animal life; corporate disregard for damage to land, air and water quality, as shown in Figure 3; profiteering from trades and practices that destroy lives and which leave a legacy of damage for subsequent generations; military actions in war that adversely impact the environment and animals; new challenges to international treaties and to emerging field of bioethics, such as bio-piracy; illicit markets in nuclear materials; and legal monopolization of natural resources (e.g. privatization of water, patenting of natural products, etc.) leading to the division between the resources of the rich and resource impoverished and the prospects of a new form of conflict, harm, injury and damage.....the institutional, socially acceptable human domination of animals in agribusiness, in slaughterhouses, and abattoirs, in so-called scientific experimentation and, in less obviously direct ways, in sports, colleges and schools, zoos, aquaria and circuses”.

From the political economic approach (PEG-C) to green crime (GC), green crime is defined as “acts that cause or have the potential to cause significant harm to ecological systems for the purpose of increasing or supporting production” – the definition draws on political economic theory in environmental sociology and arguments concerning the ecologically destructive tendency of capitalism [6]. The PEG-C definition includes both legal and extralegal

environmental harms, related to the assessment of ecological destruction. Schnaiberg opined that green crimes in the treadmill approach are identified by the fact that they cause “ecological disorganization” [7].

Ecological disorganization occurs when pollution is added to the ecosystem (i. e. called ecological additions) or when resources are withdrawn from nature for production (which is called ecological withdrawals). Globally, these complex green crimes are related to forms of ecological disorganization caused by metabolic rift (withdrawing, using, redistributing, and polluting with energy-related materials produced by the labour of nature such as fertilizers and fossil fuels, and global ecologically unequal exchange (EUE) of resources and pollution [8].

GREEN VICTIMS

The Crime Victim Rights Act (CVRA) enacted in 2004 was triggered by victim’s rights activism and lawmaking in the 1980s and 1990s. It was also stated by Jarrell and Ozymy, that, “the primary purpose of the CVRA is to empower crime victims, expand the role of the victim in federal criminal prosecutions, and provide more clearly defined roles for victims in court proceedings.” As a result of the complexity of prove of injury by an environmental crime, majority of green victims do not enjoy the protections offered under the CVRA, coupled with the large numbers of victims included in the case. Hence, victims in most cases had to file a request for a writ just to express their opinion, or to create a record of their distress about incidents that had an intense effect on their lives.

It is opined that green crimes are the greatest source of disorder, harm, and disease among citizens than all conventional crimes combined, yet green crimes are often viewed as crimes without victims [9]. Jarrell and Ozymy also stated that “laws are social constructions, thus, behaviors legally recognized as green or environmental crimes include only those behaviors that law-makers and the law-making process determines should be criminalized. How can lawmakers choose what is deemed “criminal”, when lives are at stake? [9].

It is a known fact now that green crime and environmental harm affects all, making everyone possible victims, especially when the crimes may end in ozone depletion, air and water pollution, acid rain, and global warming [10, 11, 12].

Any bodily harm committed or inflicted upon someone by another person, who is well aware of the consequences before the crime or act is committed should be considered criminal. Laws seem too lax, or

negotiable when those high status break them. For example, in the case United States v. Brightwell, in which toxic substances were illegally released into a parking lot storm drain. The storm drain leads to the Potomac River, used as a popular fishing source, water supply, and wild life zone for many animals – it was estimated that 1,000 citizens could have become sick or died due to exposure or from consuming the toxins. Brightwell had a punishment of ten months in prison and reimburse \$270,667 for the river’s restoration.

According to Kremer, low-income citizens and minorities are the most majority of environmental victims, and at higher risk of environmental pollution. Studies conducted showed that African Americans were more likely to live near dangerous pollutants than other races [13, 14].

CHALLENGES REGULATING ENVIRONMENTAL CRIME

A major challenge or barrier to the prosecution of environmental crime concerns the funds available to the Environmental Protection Agency (EPA) to regulate and prosecute those who commit acts against the environment. It is stated that “the difficulties inherent in presenting environmental crimes, are limited resources of EPA and DOJ (Department of Justice) to do so, and the many alternatives available to criminal prosecution suggest those cases that do go forward are likely major offenses that involve potentially serious harm to victims. There is also the lack of staff to fulfill the tasks of protecting the environment – the EPA has fewer than 200 special representatives to investigate cases of environmental crime. In Nigeria, there are the following challenges of: inadequate policies for coordination and monitoring the relationship between environmental management and sustainable development, most of the enforcement strategies and mechanisms are poor and not being implemented, lack of adequate fund, threats from powerful individuals and groups challenging effective environmental law enforcement, lack of modern technology, corrupt and bad governance, low-level constitutional provision, undue adherence to legalism by the courts, role conflicts in environmental management by existing agencies, lack of experts in the environmental field, failure in stating the punishment and penalties for the violation of guidelines and regulations, among others [15].

There is the need to integrate environmental and criminal law to help protect victims from those who display no fear of prosecution for their actions. Both the state and federal government are to work to pull resources together so as to strengthen and protect the rights of vulnerable citizens.

Another challenge faced by green criminologists is the study of the effects toxins and pollutions have on the victims of environmental crime. Apart from causing disease and death, environmental toxins leads to “deviant behavior, mental illness, or other mental health and psychological problems”. Lynch and Stretesky described “green behaviorism” as the idea “that exposure to environmental toxins can change [and] can be employed to help explain factors that generate crime and affect its distribution” [16].

Environmental crime is interrelated with the corruption at all levels and unless corrupt officials are tackled, efforts to combat environmental crime will be impeded – a fact that should be acknowledged within cross-cutting resolutions on environmental crime of the United Nations and within the UN Convention against Corruption [17].

The shortcomings of environmental protection system is seen in facilitating the incurrance of damage within a weak regulatory framework, there is the need to recognize inherent rights of the environment, of the species and water itself, outside of their usefulness to humans [18]. Communities must recognize and address environmental crimes as a serious threat to peace and sustainable development, as shown in Figure 4, and strengthen the environmental rule of law at all levels. In the case of low-awareness, governments in collaboration with the media must ensure citizen’s awareness of environmental crimes through mass education. There are also the challenges due to “access to justice” mechanisms, and lack of self-identification as victims [19, 20].

CONCLUSION

Green crimes is a relatively new emerging form of transnational crime which requires more analysis and better responses. There is the urgent need for legal reforms to protect victims of environmental crime. Civil law and criminal law should be integrated in dealing with environmental cases so as to offer the same protection to environmental crime victims as those that exist for conventional crime victims. Green criminology is of critical concern to the health and welfare of the most vulnerable in all countries, more so, that everyone without exemption is exposed to the adverse effects or consequences of environmental crimes. Therefore, the strict regulations of industries/corporations should be given to states, local governments and law enforcers. To this effect, the security agencies must be well trained to respond to green crimes and recognize the immediate needs of victims. The environmental Protection Agency (EPA) and other sister agencies must be well funded, as well as properly empowered to enforce all environmental laws and regulations, with no sacred cows.

Environmental law offenders must be prosecuted and severely dealt with, hence our judicial system need wake up to administer justice.

Corruption by itself is a crime. According to former President Olusegun Obasanjo, corruption: “.....compromises national development, contaminates collective morality and values, distorts national planning, corrodes integrity and discipline, and destroys the foundation of creativity, innovation and democratic structure and development” [21].

We humbly submit that corruption in any guise or form whatsoever, committed by any person, groups of people or an industry should be seriously sanctioned.

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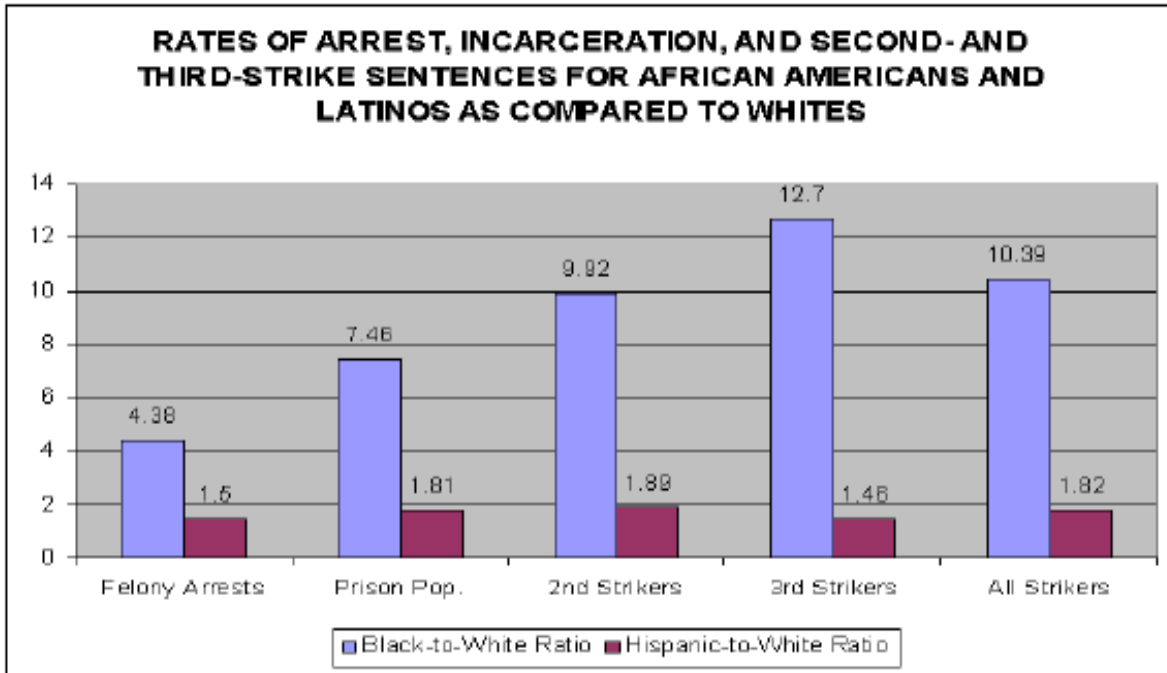


Figure 1. Race and crime.

Source: https://en.wikipedia.org/wiki/Race_and_crime_in_the_United_States



Figure 2. Dumping of toxic waste substances.

Sources: https://en.wikipedia.org/wiki/Toxic_waste



Figure 3. Damage to land, air and water.

Source: https://en.wikipedia.org/wiki/Environmental_degradation



Figure 4. Sustainable Development Goals.

Sources: https://en.wikipedia.org/wiki/Sustainable_Development_Goals_and_Nigeria#/media/File:Sustainable_Development_Goals.svg