



Environmental Crimes and the Role of Green Criminology: New Model for Sustaining Mother Earth

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Article History	Abstract
Received: 06 June 2023 Revised: 05 Sept 2023 Accepted: 16 Dec 2023	<p><i>Green criminology, an emerging field of study that focuses on the intersection of environmental harm, crime, and justice. International law is increasingly being used to address green crimes. It is important for green criminology as it provides a framework for addressing crimes that cross national borders and affect the global environment. To address environmental crimes in a number of ways, like to create international conventions that set standards for environmental protection and criminalize environmental harm, to create regional and international tribunals that can hold individuals and corporations accountable, to create international organizations like the United Nations Environment Programmed (UNEP) and the International Criminal Court (ICC) to investigate/prosecute environmental crimes. Increased use of international law in green criminology is a positive development, in providing mechanism for holding individuals and corporations accountable. However, still many challenges that need to be addressed in order to ensure that international law is effective in protecting environment. Like, lack of international consensus, lack of resources for international tribunals, and the lack of accountability for those who violate international laws. Many environ-crimes are not reported, current research is often limited to a few specific countries or regions. This makes it difficult to draw general conclusions about the causes and consequences of environmental crime. The authors in this paper will primarily focus on the role of green criminology in preventing environmental crimes and sustaining the mother earth for better place of living. The role of national policies and international norms in mitigating natural disaster.</i></p>
CC License CC-BY-NC-SA 4.0	Keywords: <i>Green criminology, environmental crimes, sustainable living</i>

1. Introduction

Green criminology is an emerging field of study that focuses on the intersection of environmental harm, crime, and justice. As the field evolves, international law is increasingly being used to address green crimes.

International law is the body of laws, rules, and principles that govern the relations between nations, states, and other entities. It is important for green criminology because it provides a framework for addressing crimes that cross national borders and affect the global environment.

International law has been used to create international organizations such as the United Nations Environment Programmed (UNEP) and the International Criminal Court (ICC)¹ that can investigate and prosecute environmental crimes.

The authors in this paper will primarily focus on the role of green criminology in preventing environmental crimes and sustaining the mother earth for better place of living. The role of national policies and international norms in mitigating environmental crimes.

Meaning and Key Concepts of Environmental Crimes

Environmental crimes are illegal activities that harm the environment, wildlife, natural resources, or public health. These crimes are committed by individuals, organizations, or corporations and can include acts such as pollution, contamination, illegal wildlife trade, illegal logging, crop burning, dumping of hazardous waste, or other activities that damage the environment. Environmental crimes

are global problems that can have severe consequences for ecosystems, species, and people. The goal of preventing these crimes is to protect the environment and ensure sustainable use of natural resources for future generations.²

International Conventions and organization define environmental crimes as a range of illegal activities that harm or exploit the environment, natural resources and wildlife. These crimes can be committed by individuals or groups and have significant negative impacts on the environment, as well as human health and well-being.³ Examples of environmental crimes include illegal logging, illegal fishing, wildlife trafficking, dumping hazardous waste, and polluting air, water, and soil. International conventions and organizations have been established to address these crimes, including:⁴

- the United Nations Convention on Transnational Organized Crime,
- the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and
- the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Definition of Environmental Crimes

Environmental crimes are defined by various international treaties and conventions as offenses committed against the environment, including the air, water, soil, flora, and fauna. These crimes include illegal dumping of hazardous waste, transportation of hazardous materials, pollution of the atmosphere, waterways, and land, destruction or alteration of protected habitats, and illegal trade of endangered species.

The United Nations Environmental Programme (UNEP) defines environmental crime as:

“Any conduct that violates international environmental law or domestic environmental laws with the intent to cause damage or harm to the environment.”⁵

Definition of Green Criminology

The exact definition may vary depending on who you ask, but international institutions and scholars generally agree that green criminology is the study of environmental and ecological harms committed by individuals, corporations, and governments, and the ways in which these harms intersect with social injustice and inequality.

The United Nations Office on Drugs and Crime states that green criminology examines:

“The nature and extent of criminal activities that impact the environment, such as illegal logging, wildlife trafficking, and unlawful dumping of hazardous waste, among others.”⁶

Similarly, *the International Criminal Court* (ICC) has recognized environmental crimes as crimes against humanity, and defines them as:

“Acts committed with the intent to cause widespread or long-term damage to the environment, the health of the population or natural resources, which are protected by international law.”⁷

Overall, Green criminology aims to shed light on the often hidden and underreported crimes against the environment, hold perpetrators accountable, and advocate for more sustainable and just solutions.

Role of Green Criminology in Environmental Crimes

Green criminology is an interdisciplinary field that examines the relationships among human behavior, environmental issues, and criminal justice. It aims to prevent environmental crimes and sustain Mother Earth for a better place of living by identifying and addressing the root causes of such crimes.

The role of green criminology in preventing environmental crimes and sustaining Mother Earth for a better place of living includes⁸

1. Conducting research on the causes of environmental crimes and taking preventive measures to stop them at their source.
2. Raising awareness about environmental crimes and their impact on the environment, wildlife, and human health.
3. Advocating for policy changes at local, national, and international levels to promote sustainable development and reduce the risk of environmental crimes.
4. Developing and promoting environmental education programs to increase awareness and encourage action among the public.

5. Supporting law enforcement agencies in their efforts to investigate and prosecute environmental crimes.
6. Collaborating with environmental organizations, communities, and stakeholders to prevent environmental crimes and promote sustainable practices.

Overall, the role of green criminology is to promote a more sustainable society that prioritizes the health of the environment, wildlife, and humans.

Issues and challenges for Implementing Green Criminology

The following are the issues and challenges for implementing green criminology:⁹

1. **Lack of awareness:** One of the biggest challenges for green criminologists is the lack of public awareness of the harmful effects of environmental crimes. Most people are not aware of the negative consequences of environmental pollution, and understanding the issues is essential for advancing green criminology causes.
2. **Regulatory gaps:** Another challenge of green criminology is the regulatory gaps in government law enforcement agencies. Laws governing environmental crimes often have inadequate enforcement and are seldom enforced, even when violations occur.
3. **Limited resources:** Green-criminologists often face financial and logistical challenges due to specialized research and investigation methods. This issue can cause delays in gathering evidence, and it may take longer to establish environmental crimes.
4. **International boundaries:** Environmental crimes often take place across international boundaries, which pose a challenge for law enforcement, especially when countries have different laws governing environmental issues.
5. **Overlapping issues:** Green-criminology often deals with issues that overlap with other areas of criminology, such as socio-economic and political issues. These overlapping issues often result in conflicts of interest, which can make it challenging to address environmental crimes.
6. **Climate change deniers:** Climate change deniers pose a massive challenge to green criminologists, and without the acknowledgement of the serious ecological consequences, it becomes difficult to develop solutions to the problems.
7. **Corporate influence:** Corporations often exert their influence on government officials, limiting their ability to enforce environmental laws, and green criminologists must be aware of this challenge so that they can address it properly.
8. **Corruption and lack of political will:** Another challenge of green criminology is corruption and lack of political will in many countries. These issues often result in the inadequate enforcement or neglect of environmental laws.
9. **Building support:** Similar to other criminologist, it is a challenge to get support from stakeholders and the public. With green criminology, there is a need to build support, which might require some understanding from other sectors of society.
10. **Lack of communication:** Poor communication between government agencies, other criminologists, and green criminologists can hinder progress in tackling environmental crimes. There is a need for more effective communication to ensure that all parties involved are aware of the issues and are working towards solutions.

International Norms and Agencies for the Prevention of Environmental Crimes

International law on environmental crimes refers to a set of legal principles, agreements, and obligations that have been created between nations to address the issue of environmental harm. These laws protect the environment, natural resources, and vulnerable wildlife from damage caused by human activities such as pollution, deforestation, and overexploitation.¹⁰

There are several international conventions and treaties that deal with environmental crimes, such as:

1. **Convention for the Protection of Birds Useful to Agriculture, 1902:** It is perhaps the first international environmental agreement related to wildlife conservation. **Article 1** states that the purpose of this Convention is to protect birds in the wild state.¹¹
2. **International Whaling Commission (IWC), 1948:** This commission regulates the hunting of whales and aims to ensure their conservation and protection.¹²

3. **International Union for Conservation of Nature (IUCN), 1948:** This organization sets standards for conservation and sustainable use of wildlife and ecosystems.¹³
4. **Ramsar Convention on Wetlands, 1971:** This treaty aims to conserve wetlands, which are critical habitats for many wildlife species.¹⁴
5. **United Nations Conference on the Human and Environment, 1972:** This declaration sought to bring a new coherence to a body of international law in relation to protection and conservation of environment.¹⁵
6. **World Heritage Convention, 1972:** This treaty seeks to protect natural and cultural heritage sites of outstanding universal value. Many of these sites are home to endangered wildlife species.
7. **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973:** This treaty regulates the international trade in live wild animals and plants and their parts and products. It aims to prevent unsustainable and illegal wildlife trade.¹⁶
8. **Bonn Convention Conservation of Migratory Species of Wild Animals, 1979:** This treaty aims to protect migratory wildlife species that cross international borders.
9. **Bern Convention on the Conservation of European Wildlife and Natural Habitats, 1979:**
10. the United Nations Convention on the Law of the Sea, 1982
11. **Convention on Biological Diversity (CBD), 1992:** This treaty recognizes the intrinsic value of biodiversity and aims to protect it. It also recognizes the importance of sustainable use of biological resources and the need to share the benefits that are derived from them.
12. The Rio Declaration on Environment and Development, 1992
13. the United Nations Framework Convention on Climate Change, 1992
14. **World Summit on Sustainable Development, 2002:** It adopted global diversity challenge for the reduction in the current rate of biodiversity loss.

These agreements outline certain obligations that nations must adhere to in order to preserve and protect the environment.

The most common types of environmental crimes include illegal wildlife trade, illegal logging, illegal fishing, pollution of air, water, and soil, and the illegal dumping of hazardous waste. Several international organizations, such as:

1. the INTERPOL,
2. the World Wildlife Fund and
3. the United Nations Environment Programme (UNEP)

The above organization have been working to combat these crimes and bring the perpetrators to justice.

Indian Law and Institutions for Prevention of Environmental Crimes

The Indian government has enacted several laws to prevent environmental crimes that include:¹⁷

1. **The Wildlife Protection Act, 1972:** This Act is aimed at protecting wildlife and its habitats from poaching, hunting, and trade in endangered species. It provides for the punishment of anyone who violates the provisions under the Act.
2. **The Forest Conservation Act, 1980:** This Act regulates the diversion of forestland for non-forestry purposes. It aims to protect forest cover and maintain the ecological balance. Violations of the act attract penalties, and the authorities can take stringent measures to protect forests.
3. **The Environmental Protection Act, 1986:** This Act governs pollution control and environmental protection. It enables the authorities to take measures to prevent and control environmental pollution and protect public health.

In addition to these, several other laws regulate specific sectors, such as industries, mining, water, air, and waste management, to control environmental pollution and degradation. The government has also established various institutions, such as:

- the Central Pollution Control Board¹⁸

- the State Pollution Control Board, and
- the National Green Tribunal

These institutions ensure that laws relating to environmental crimes are enforced, and offenders are held accountable.

Judicial Response on Green Criminology

There have been several judicial case laws promoting green criminology, which is the study of environmental crimes and harms. In the case of *United States v. Citgo Petroleum Corporation*¹⁹, Citgo was fined \$2 million for violating the Clean Air Act by emitting excess pollutants into the air. In *Exxon Valdez Oil Spill Case*²⁰, Exxon was fined \$1.8 billion for spilling 11 million gallons of crude oil into Prince William Sound, Alaska, causing significant environmental damage. In *State of Alabama v. Exxon Mobil Corporation*²¹, Exxon Mobil was ordered to pay \$100 million in damages for contaminating groundwater in five states with the gasoline additive MTBE. In *Soco International Plc v. Democratic Republic of Congo*²², Soco International was ordered by the UK High Court to stop exploring for oil in a UNESCO World Heritage Site in the Democratic Republic of Congo.

These cases demonstrate that environmental crimes and harms are being taken seriously by the judicial system and that companies and individuals responsible can be held accountable. However, there is still a lack of awareness and understanding of environmental crimes and harms, and many go unnoticed and unpunished. Additionally, the enforcement of environmental regulations is often weak in many countries, which makes it difficult to address these issues effectively. However, some notable cases in India relating to environment and green issues such as *Vellore Citizen's Welfare Forum v. Union of India*²³, this case was concerned about the pollution caused by tanneries in Vellore, Tamil Nadu. The Supreme Court held that it was the duty of the State to protect the environment and directed the tanneries to take measures to prevent pollution.

In the case of *M.C. Mehta v. Union of India*²⁴, it involved pollution caused by industrial units in Delhi. The Supreme Court ordered the closure of polluting industries in Delhi and directed the State and central government to take measures to prevent pollution.

In *Samata v. State of Andhra Pradesh*²⁵, the court observed the destruction of forests in the state of Andhra Pradesh. The Supreme Court held that the State had a duty to protect the forests and tribal communities living in the area.

These cases demonstrate the judiciary's efforts to promote environmental protection and sustainability. However, further research may be required to determine the specific role of green criminology in these cases.

4. Conclusion

It may be concluded that in recent decades at global sphere the use of international law in green criminology is a positive development, as it provides a mechanism for holding individuals and corporations accountable for environmental crimes. However, there are still many challenges that need to be addressed in order to ensure that international law is effectively used to protect the environment. These include a lack of international consensus on how to define and punish environmental crimes, a lack of resources for international tribunals, and a lack of accountability for those who violate international laws.

In India we have plethora of green laws for the protection and conservation of green covers but the implementing agencies are not discharging their duties efficiently and the general public is also not aware and taking green issues casually.

One of the main challenges facing green criminology is the lack of data and research in the field. Many environmental crimes are not reported, and current research is often limited to a few specific countries or regions. This makes it difficult to draw general conclusions about the causes and consequences of environmental crime. Additionally, green criminology is often seen as a niche field, and has yet to be fully integrated into mainstream criminology. Another challenge is the difficulty of enforcing environmental laws. Environmental crimes can often be difficult to detect and prosecute, and many countries lack the resources and expertise to effectively enforce environmental laws. Despite these challenges, green criminology has great potential to help protect the environment and reduce environmental crime.

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Abbreviations

CBD: Convention on Biological Diversity

CITES: Convention on International Trade in Endangered Species of Wild Fauna and Flora

ICC: International Criminal Court

INTERPOL: International Criminal Police Organization

IUCN: International Union for Conservation of Nature

IWC: International Whaling Commission

UK: United Kingdom

UNEP: United Nations Environment Programme

UNESCO: United Nations Educational, Scientific and Cultural Organization