CHAPTER 1

Transnational Ecoviolence and Crime: Revisiting Environmental Justice and Human Security

Violence comes in many forms, including road traffic and industrial accidents, gender-based sexual abuse, sexual harassment against women, self-inflicted suicides, and violence due to organized crime. Like infectious diseases, many of these harmful behaviors are ‘socially contagious’ – transmitted through imitative behavior, promoted by the mass media, and perpetrated by transnational criminal networks.

Gahr Store et al., 2003: 71

Combining financial and economic values, illegal logging, fishing, and wildlife trade has an estimated full global economic value of about $1 trillion to $2 trillion per year. More than 90 percent comes from the estimated value of ecosystem, regulating and cultural services that are not priced by the market. It is double or more the global risks of counterfeiting and piracy, which are estimated at $509 billion, or 3.3 percent of world trade in 2016.

World Bank Group, 2019: 18

INTRODUCTION

If there is a common theme across dimensions of social thought today, it is that great change is upon us; that the environment, which sustains us and grants us the ability to even think of enjoyable, wonderful futures, is in a form of peril that could only be eclipsed (perhaps) by the advent of full-scale thermo-nuclear war or a calamitous meteor impact. To be
clear, it’s not Earth itself that is at stake here. It’s the thin layer of life we call the biosphere and, more particularly, the species homo sapiens which, for better or worse, inhabits it. Climate change (and the heated political discourse on doing something about it) is the most visible manifestation of a broader crisis in the human-environment relationship, but biodiversity loss, massive natural resource consumption, the interlinked oceans crises, toxic pollution, ozone layer depletion, and many other concerns are all related, global in scope, local in destruction, and caused in some manner by human conduct (see Stoett 2019). The rapid spread of the zoonotic novel coronavirus COVID-19 in 2020 may have been linked to live wildlife markets in China that have been linked to the illegal wildlife trade (Yu 2020; Vidal 2020), and it’s widely accepted that habitat destruction and climate change will induce more newly emerging and re-emerging infectious diseases in the future (see Morens and Fauci 2013; Daszak et al. 2001; and various IPCC reports).

People have done this. No one hurls the lightning bolts that start forest fires, but we certainly helped dry out the forest surface so that it burns so quickly and bright. No one decides how often and when endangered species will mate and propagate, but we have certainly made their survival in the wild increasingly difficult, if not impossible. Human agency is at the causal heart of our ecological footprint and any attendant angst over our continued collective survival is well-deserved. Meanwhile, we continue to exploit not just the natural environment, but each other. One can plausibly argue that great advances in human dignity, freedom, and equality have been made since the days of feudalism and slave economies, but it is impossible to deny the continuation of a global political economy based on mass exploitation. We are in the midst of a massive act of violence against nature, and attendant crimes against humanity: the socio-legal structures that facilitate this bear scrutiny and must be reformed if we are to get off this path.

This book is focused primarily on one particular aspect of this contextual challenge: the rise and expansion and fight against both formal (legislated) and informal (uncodified directly, but equally harmful) transnational environmental crime, which we broadly label transnational ecoviolence, and the human suffering that accompanies it. Typically, “ecoviolence” has referred to violence that results from conflicts over natural resources and/or resource scarcity (or abundance) amid growing population pressure, a theme explored by Thomas Homer-Dixon and others (Homer-Dixon and Blitt 1998; de Soysa 2002; Gleditsch and
Urdal 2002); but we use the term to connote agential and structural violence, as discussed later in this chapter, which cotermrously affects both nature and people, and which may or may not take place during conflict. Our use of the term is thus closer to Laura Westra’s employment of it in her often overlooked 2004 book Ecoviolence and the Law: Supranormative Foundations of Ecocrime (Westra 2004). We are emphatic about the linkage between environmental justice and human security: there are few forms of environmental crime that do not involve human suffering, exploitation, fraud, or some other wrong against individuals or communities. Treating ecoviolence otherwise—removing the element of human pain—is an empirical and, one can plausibly argue, strategic error. The reverse is often the case, as well: many crimes against humanity, and cases of severe economic exploitation including that of children, are accompanied by cumulative environmental harm, much as warfare is not only bad for the people it kills and maims, but it also destroys the trees, rivers, and wildlife that sustain them. Many forms of transnational ecoviolence are also linked historically to the imperialist projects that have themselves perpetrated extreme exploitation (also known as super-exploitation in some Marxist circles) in the periphery of the global economy (Smith 2016).

This volume is rooted firmly in the premise that we must look at environmental harms as clusters of ecological, social, and economic damage; ecoviolence (whether it crosses borders in its transmission or not) is a threat to both environmental justice and human security. And it can also be seen as a violation of the inherent rights of nature (see Humphreys 2016; Maloney and Burdon 2014), if that conceptual lens is adapted. If nature has rights, and we openly think it should, then violations of those rights are a form of violence, just as violations of human rights are usually regarded as violent acts as well. When ecoviolence breaks laws and involves actors in more than one country, this is labeled formal transnational environmental crime; when it does not break any formal law but violates what we could consider to be the inherent rights of nature and the human rights to environmental justice and human security, this is labeled informal transnational environmental crime. In order to include both these variants, and to pay homage to the progressive development of an Earth Jurisprudence that assigns inherent rights to nature, we prefer to use the term transnational ecoviolence.

This book is thus inspired by previous efforts in political science, human geography, international law, environmental science, criminology,
and other disciplines; it is an inherently interdisciplinary exercise. We are not claiming novelty here, but are seeking to convey a new way of looking at things. Much of what has come to be known as “green criminology” is not altogether a new academic enterprise, though it continues to be treated as novel in some circles. An edited book published in 2007 integrated previously published work on the general theme (Beirne and South 2007). However it is mainly concerned with wedding “the movements in green environmentalism and in animal rights” (xiii). Boyd and Menzies edited a text on “toxic criminology” in 2002; Del Frate and Norberry edited one on environmental crime in 1993; Williams published an article on “an environmental victimology” in 1996. The term “greening of criminology” was used in a textbook published in 2004 (Carrabine et al. 2004), which generated some debate (see Halsey 2004); Robert White has been presenting a framework for studying green criminology in various guises since 2010, including an “eco-global criminology” (White 2011). As thematic subjects, environmental crime and green criminology are in themselves worthy pursuits, but their own interdisciplinary nature means that scholars from a vast array of other fields, including history, anthropology, sociology, political science, chemistry, geography, legal studies, biology, journalism, and many others, must contribute to their evolution (see Elliott and Schaedla 2016). We’ve tried to integrate various disciplines in the discussions and analyses that follow, and to supersede our own disciplinary callings in the process.

At the same time, given the extent of the disasters unfolding before our eyes and the preponderance of failure in efforts to mitigate it, a critical perspective is highly warranted here. We live in an age characterized by the public anxieties discussed above, but the specific anxieties of wealth (or, more directly, the frets and concerns, both understandable and exaggerated, of the wealthy) continue to plague both established and emerging public discourses over security. Indeed, the privatization of security provision, and the adaptation to environmental change afforded only by wealth, are two of the key themes of this century (both of them began much earlier, of course). Everything from prison systems to neighborhood watches to pandemic responses have been privatized and militarized and made profitable in many parts of the world. Conservation, meanwhile, is increasingly subject to securitization as a response within the neoliberal framework that accepts and indeed promotes privatized and militarized protection as a market commodity. One of the bigger debates raging within the conservationist community is whether a heavily
weaponized approach to “saving” nature is warranted under a consequentialist ethics given the extremity of the biodiversity crisis. We will return to this theme throughout this book, but it partly derives from a critical criminology popularized by Hillyard (2004) and others and has been picked up by many engaged in the green criminology enterprise (Wyatt 2013). It is just one aspect of the set of circumstances we face in what is widely labeled the anthropocene (see Dalby 2020).

Transnational ecoviolence, as a concept, opens many doors to a broader understanding of criminal activity: beyond the individual, since entities such as corporations and governments are generally the chief culprits; beyond the legal, since even severe environmental harm is often quite lawful in character; beyond the tendency to avoid focusing on systemic corruption as a major factor in crime (much as political science struggles to deal with it as a sustained aspect of governance). But it does not, nor should it, deflect from what is arguably the central preoccupation of those concerned with crime, which is the reduction of harm, in this case to both the environment, and to nature (distinguishing these is not simple, but one includes city skies and the other doesn’t). Hauck (2007), in a discussion of illegal fisheries in South Africa, makes this point clearly: “interestingly, in the green criminology literature, there seems to be little direct reference thus far to the discourse on human security, non-traditional security, or more specifically, environmental security....” Another way of putting this: the question of what constitutes violence, as a concept, remains central to an understanding of the politics (international, national, local) of environmental crime, when we take human security as one of our main concerns. We turn to a discussion of this question next.

**Defining Violence**

If we are linking human security and environmental crime, one of the most obvious overlaps is the existence or threat of violence. But what do we mean by “violence”? The focus on ecoviolence differentiates our present concerns from the much broader study of international relations, ecopolitics, environmental politics, political geography, or even political ecology. It obviously entails more than just violence against nature,

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1 Parts of this section have been taken from Stoett (2012).
but what analytic path does it take us down? Again, we are moving beyond the popular employment of the term “ecoviolence”, which refers mainly to armed conflicts that have resulted from population pressure and resource scarcity (Homer-Dixon and Britt 1998), though those situations are certainly violent, to the inclusion of environmental crimes, formal and informal. Why do we want to expand the term in this way, and what would a broader conception look like? We can begin with a short discussion of the root concept of violence itself.

The word violence means many things to many people, of course. Violence is ugly, inflicted, a violation; it can be beautiful, choreographed, even emulated. It is unfortunate, disproportionate, random, personal, political, epistemic, structural, mechanical. Violence is pain, it is release; it is oppressive, it is liberating; it is shamed, it is commercialized. It is the core human reflex; it is the result of institutional cultural construction; it is unleashed rage or calculated sadism. Violence echoes in the collective soul, the murdered demanding revenge. Violence takes and frees slaves, and forces labor as well as progressive change.

And yet a definition, or at least an employable typology, of ecoviolence is central to the task of understanding how it can affect those who are, as the African saying has it, caught on the grass between feuding elephants. We would simply refer to eco-conflict if all we implied was contestation, or the clash of interests, over natural resources. The use of the term violence certainly implies that some form of injury or violation of persons or norms has occurred, or could occur, as a result of factors present in the physical environment, beyond the mere existence of social conflict. The case studies generated by interdisciplinary analysts tend to assume that ecoviolence is the potential dependent variable, but they rarely actually discuss the meaning of the term itself. Such a discussion raises ancillary questions about the meaning of human conflict, human-nature relations, structural oppression, human security, and a plethora of other factors which together constitute the conceptual landscape of ecoviolence. It will also raise the perplexing fact that the fight against ecoviolence can, in itself, be quite violent in nature, whether it is the dispossession of people dependent on natural resources for conservationist purposes, shoot-on-sight park ranger policies in response to poaching, or the use of coerced labor to extract the rare Earth minerals necessary for producing battery-operated vehicles (Church and Crawford 2018).

Despite its centrality to the raison-d’être of the human sciences, violence has been notoriously difficult to hunt down in definitional terms. (No surprise: most definitions, even the more widely cited within the
social sciences, are openly vague, offering tantalizing avenues for further exploration.) For example, Audi defines violence as “the physical attack upon, or the vigorous physical abuse of, or vigorous physical struggle against, a person or animal; or the highly vigorous psychological abuse of, or the sharp, caustic psychological attack upon, a person or animal; or the highly vigorous, or incendiary, or malicious and vigorous, destruction or damaging of property or potential property”. However, he fully admits that this definition is “seriously vague” (1974: 49), though the inclusion of the term “animal” is welcome. Wolff conceptualizes violence as “the illegitimate or unauthorized use of force to effect decisions against the will or desire of others. Thus, murder is an act of violence, but capital punishment by a legitimate state is not; theft or extortion is violent, but the collection of taxes by a legitimate state is not” (Wolff 1969: 606; italics in original). Wolff argues that it is wrong “to restrict the term ‘violence’ to uses of force that involve bodily interference or the direct infliction of physical injury” (ibid.) as this definition is too limited in scope and excludes a variety of non-physical actions that may still cause personal harm, but his emphasis on state legitimacy is curiously ethnocentric. Lee (1996) examines the literature related to definitions of violence and determines that, while there is a consensus among scholars that violence causes harm to people (though some would include non-humans), there is robust debate as to whether a definition of violence must include an act of physical force or not (and if it does not, then can human systemic impoverishment or poverty not be included in the definition?). Lee then distinguishes between positive rules (social and legal rules enforced by the state through its legitimate power) and “ideal” rules regarding morality and justice in society. As poverty is a violation of society’s “ideal” rules, Lee argues that it should be included in a definition of violence, as both direct personal violence and structural violence cause harm and are therefore equally immoral. Jackman combines vagueness with endless possibility: he defines violence as “actions that inflict, threaten, or cause injury. Actions may be corporal, written, or verbal. Injuries may be corporal, psychological, material, or social” (Jackman 2002: 405). Turpin and Kurtz argue against a minimalist definition of violence, since “[t]he tendency to see violence as the consequence of aberrant behavior committed by deviant individuals at the margins of society obscures the central roles violence plays at the very foundations of the social order and the fundamental dilemmas that humans face” (Turpin and Kurtz 1997: 207).
Michel Foucault’s work in *Discipline and Punish* (1977) and elsewhere seeks out the complex relationships between a poststructural understanding of power, institutional, personal, and epistemic violence, and normalization (indeed the opening pages of *Discipline and Punish* may provide as good an antidote to Wolff’s barometer of state legitimacy as any in Western literature). Garver (1975) argues that, in human affairs at least, violence “is much more closely connected with the idea of violation than with the idea of force. What is fundamental about violence is that someone is violated”. However, this violation could be a permanent condition, made possible by structures of power (force), and not a one-time affair. Meanwhile, Bufacchi (2009) offers a succinct literature review of definitions of violence from philosophy and sociology texts and categorizes these definitions into two separate concepts: violence as an intentional act of excessive or destructive force (Bufacchi labels this the “Minimalist Conception of Violence” or MCV) and violence as a violation of rights (labeled the “Comprehensive Conception of Violence” or CCV). And then there is the “bio-psycho-social” approach: “[w]e can define disease, broadly enough to include violence, as any force or process at work within an organism or species that tends to cause the death of the organism, or, especially, the extinction of the species”. Extinction could certainly be seen as a supreme act of violence against nature. Gilligan refers to violence as “the infliction of physical injury on a human being by a human being, whether oneself or another, especially when the injury is lethal, but also when it is life-threatening, mutilating, or disabling; and whether it is caused by deliberate, conscious intention or by careless disregard and unconcern for the safety of one-self or others” (Gilligan 2004: 6). The latter part of this broad definition would certainly include the “externality costs” of pollution that often result from legal and illegal natural resource extraction and production activities.

His usual succinct brilliance in hand, Charles Tilly provides three prevalent and competing views of the meaning of violence, as propensity-driven behavior, as instrumental interaction, and as cultural form:

Treatments of violence as propensity-driven behavior locate its causes within the actor, calling attention to genetic, emotional, or cognitive peculiarities that incline a given individual, group, or category of persons, to damaging behavior more than others. Portrayals of violence as instrumental interaction characterize everything from petty assaults to all-out warfare as means (however inefficient and self-defeating) to power, wealth, prestige, or other ends. To call violence a cultural form – as in the claim that because
of the frontier, slavery, or capitalist competition the United States has an exceptionally violent culture – argues that the ready availability of certain ideas, practices, models, and beliefs itself promotes violent action. (Tilly 2000: 3)

This ushers us toward the inevitable old chestnut in international relations (IR) theory, the agent-structure debate; the tricky question of *intent* is central to all three of these conceptions. Within the broader IR and development literature, the study of war (Waltz 1959) and the brutalities of imperialism(s) (Long and Schmidt 2005) have put violence on the center stage of world history; at the very least certain types of violence have received privileged attention as political thought and politics have evolved, a condition itself of epistemic violence recognized by feminist scholarship both within and outside of IR (Shephard 2009). Common sense would dictate that war and extreme exploitation cannot be nonviolent, but there is much less consensus about the ethical acceptability of such strategic or instrumental violence (means versus ends or consequentialist arguments) and how all this relates to nature and ecology. Even this brief discussion makes it clear that consensus would be impossible to achieve on this specific question. We face the additional question, however, of how all this relates to the environment, and to a political geography of violence. It should be clear at the outset that even the less direct terminology often employed, “environmentally induced conflict” is regarded by many as “fundamentally flawed, as it relies on preconceived causalities, intermingles ecocentric with anthropocentric philosophies, and neglects the motivations and subjective perceptions of local actors” (Hagmann 2005: 2). Yet it does direct our attention toward possible links between violence and environmental degradation, which is obviously an important association if we value either human life or nature (or both), so we had better have some sort of common understanding about what the former term means.

We begin however with what we suggest it does not mean: there are still strong tendencies to conflate nature and violence as similar or mutually symbiotic concepts. On the one hand, it could be suggested that this simply reflects the violent nature—the predator-prey symbioses—of nature itself. This is a theme close to the hearts of instinctivists, or sociobiologists, and part of the broader discussion of the origins of war, territorial and interpersonal aggression and predation, and imperialism (see Waltz 1959, for a classic treatment on the origins of war at
the individual, national, and international levels). Ecoviolence committed by human beings may simply be the order of things, and interventions (humanitarian or not) are therefore counter-productive in the long run, merely delaying the inevitable. Paul Robbins explains the logic of what he terms “crude Malthusianism”: “since famine and starvation were essential to controlling runaway human populations, such events are ‘natural’ and inevitable” (2020: 14). So too is our onslaught against nature as we struggle to survive as a species; if this onslaught results in our collective demise then that will be the best gift we can impart to nature.

This perspective carries little promise for advancing human or environmental security, but, after a short leap guided by the lifeboat ethics of Garrett Hardin (1968) and company, does push us closer to a modern social Darwinism fixated on fantasies about population control. Invasive species, predatory killers, stalking lionesses, charging rams, blood-thirsty bats, flesh-tearing sharks: no shortage of film footage here, much of it genuine but much more orchestrated to accommodate the camera. The need to cull herds on occasion for the sake of future generations of genetic winners is a common theme in both biological and political terms. Ecoviolence is not a problem, inherently, and it is often a good thing, and not only because of its evolutionary inevitability; after all, if the specter of ecoviolence can add prescriptive urgency and pragmatic value to the promotion of environmental protection, it can help raise the awareness needed to save our own species from destroying the nest.

While deliberately avoiding the hostile arena of debate over original sin, sociobiology, or psychoanalysis, we can argue that this perspective is, thankfully, the antithesis of the normative project which animates most research in the area of environmental crises and social conflict today. Though it may well be that “[w]e and the beasts are kin” (Seton 1898: 12; see also Noske 1997), the ethical questions raised by invasive species offer an interesting example of how futile a perspective which equates humans with them actually is: while they are certainly problematic for the indigenous species they overcrowd, overshadow, devour, or out-mate, this does not mean bio-invaders have anything but the best of intentions—survival. It is difficult to pin moral agency on them, but fairly impossible by most understanding to not pin it on humans. Adding to the metaphor, invasive species are often the result of either accidental or purposeful introductions by human beings, usually through trade and tourism, but also often through military activity (see Stoett 2007; this concern is amplified by ongoing climate change, widespread plastic pollution, disease transmission, land degradation, and other variables which can exacerbate
the spread of IAS—Stoett and Vince 2019). On the contrary, we have a vested interest in protecting ourselves from microbial invasions and this extends to the protection of local ecosystems from exogenous bio-assault. (Though many technical responses to bioinvasion can be ecocidal in nature, they are deemed by most observers to serve the greater good of conserving biodiversity.) We may revert to petri-dish ethics in relation to human population movements, but the array of moral ascriptions is hardly uniform. Moral agency remains both foundational and optically fundamental.

More to the point perhaps, scarcity itself is not a trustworthy independent variable. As Conca and Wallace suggest, “...much of the eco-conflict literature has invoked ‘scarcity’ without paying attention to how social relations create the conditions for resource capture or other forms of social scarcity”. Conversely, “... the precise mechanisms by which resource wealth may induce or sustain violence remain disputed” (both quotes Conca and Wallace 2009: 488). Other studies have suggested there is limited explanatory power to what some label as “eco-scarcity theory”, but poverty and “dysfunctional institutions” remain central independent variables (Theisen 2008). Another widespread assumption, that conflict over natural resources is key to explaining the “new wars” (i.e., civil wars involving a broad range of stakeholders we want to distinguish from the decolonization phase), has also hit obstacles when subject to empirical analysis; Welsch (2008: 503), for example, found that resource conflict did matter, but that the “negative effect of agricultural resources on conflict probability is almost twice as large as the positive effect of mineral resources” (in other words, scarcity matters, but more in terms of agricultural productivity as a mitigating factor than mineral wars as a causal factor). To be fair to Homer-Dixon and others, they are well aware of the variations on the theme, and we are certainly not equating the scarcity research agenda with social Darwinism. Nor do we wish to enter an empirical debate at this stage but merely to accentuate the fact that, while humans are likely to fight over diminished life-sustaining resources, basing an entire subfield of scholarly enquiry on this easy presumption does not provide us with any prescriptive value other than the obvious need to avoid situations where life-sustaining resources are threatened with extinction (an imperative already dictated either by the quest for survival or humanitarian concern). We still need an overarching view of what constitutes violence and justice to give this analytic context and normative animation.
AGENTIAL AND STRUCTURAL ECOVIOLENCE

The widely-referenced World Health Organization (WHO) definition of violence is emblematic of an agential position: “The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation” (WHO 2002). The keyword here, of course, is intentional. Structural understandings of mass atrocities often split on this point, since not all participants are intending the visible outcome of the event. Interpersonal violence “refers to violence between individuals, and is subdivided into family and intimate partner violence and community violence. The former category includes child maltreatment/abuse, intimate partner violence, and elder abuse, while the latter is broken down into acquaintance and stranger violence and includes youth violence, assault by strangers, violence related to property crimes, and violence in workplaces and other institutions” (WHO 2002: 5–6). Collective violence “refers to violence committed by larger groups of individuals and can be subdivided into social, political and economic violence” (WHO 2002: 5–6). According to Tilly, collective violence

refers to episodic social interaction that a) immediately inflicts physical damage on persons and/or objects (“damage” includes forcible seizure over restraint or resistance) and b) results at least in part from coordination among persons who perform the damaging acts. At one edge, such a definition excludes strictly individual, private, impulsive, and/or accidental damage to persons or objects. At the other, it excludes long-term, incremental damage such as communication of infectious disease, cumulative wear and tear, exposure to toxic substances, and death hastened by neglect or social pressure. (Tilly 2000: 4)

There are at least three subtypes of agential ecoviolence (or purposeful infliction of harm) on ecosystems: ecocide, ecological sabotage, and the deliberate or neglectful harm of animals. The last falls within the category of psychopathic behavior and/or is a manifestation of the mass food industry which, while quite violent to some, is considered quite routinized and even beneficial to others. The animal rights literature is vast, challenging, and beyond the scope of this book, though it is implicit throughout that we are concerned with animal welfare (see Regan 1983);
though this is not always accepted by analysts and activists alike, animal lives can be viewed as an implicit component of one of our key themes, environmental justice.

Ecological sabotage refers largely to terrorist activity (conducted by individuals, states, or other actors) designed to harm or frighten human populations, but the term is often used to refer to the actions of radical ecologists who resort to the sabotage of property to protect the natural environment itself. There really isn’t much of this going on, despite numerous Hollywood depictions; far more likely is the murder of peaceful environmental activists and/or human rights activists in biodiversity hotspots such as the Amazon region. Violence against activists or resisters or protectors (the terms vary across regions) is revisited in Chapter 7 of this book, where we argue that governments must do more to protect these brave people from the violence associated with environmental crime—and in the case of some governments, including those of Western advanced capitalist societies, state oppression is the main threat they face. There is also another side of the proverbial coin when discussing ecological sabotage: climate sabotage. This form of sabotage is used to describe a nation’s inability to uphold its commitments to curb the emission of greenhouse gases, as evinced through certain countries’ egregious failure to ratify international agreements such as the Kyoto protocol and the Paris Accord, and the spread of misinformation on the drivers and impacts of climate change itself (an issue further explored in Chapter 6). It is such acts of sabotage which undermine the human security of citizens and unborn generations, placing all of humanity in the most perilous of circumstances.

Maximalist and minimalist definitions of ecocide have been used widely in the literature (see Stoett 2000, for a discussion). The former includes everything from driving SUVs, flying to academic conferences, and eating dubiously farmed salmon. The latter refers exclusively to the deliberate destruction of nature as part of a military strategy aimed not at destroying nature, but at subjugating an enemy: classic agential violence (regardless of the “just war” question) in which ecosystems suffer, but the end result is of course the prolonged suffering of human populations, and thus an act of indirect collective violence is also committed. In between we have military preparation, which was an especially deleterious activity during the heights of the Cold War and remains a significant factor today, especially if we include incidentals such as greenhouse gas emissions resulting from military production and weapons shipments, problems related to
stored toxic wastes, and others. Arguably, ecocide would be easier to define if we simply viewed it as any violation of the rights of nature, a theme we will return to in Chapter 7; there is a movement afoot to use ecocide and the main organizing principle behind international law, spearheaded by Polly Higgins, who led an active campaign in this direction, and others (Higgins 2010). Regardless of the difficulties inherent in translating this into a concrete legal regime, the publicity generated by Higgins’ tireless efforts was priceless.

The study of ecocide spikes on occasion, reflecting events: the US Vietnamese war campaign emerged as a justice issue, and two decades later, photos of burning oil wells in Iraq following the US liberation of Kuwait were on many front pages. While most of the ecoviolence literature has focused on the Homer-Dixon route (also referred to as the Toronto School in some publications), or “whether and why environmental scarcity, abundance, or dependence might cause militarized conflict, less research has focused on the environmental impacts of violent conflict, war or military activities” (Khagram and Saleem 2006: 395). Post-conflict analysis has certainly provided empirical evidence of the environmental costs of war. In the early 2000s, the UNEP’s Post-Conflict and Disaster Management Branch identified numerous sources of concern in the 17 states it investigated, from depleted uranium weapons in Iraq and Bosnia and Herzegovina to hazardous wastes in Somalia to illegal forestry in Afghanistan (see Conca and Wallace 2009). There is also an established body of literature on the impact of the ecological costs of displacement resulting from warfare, including competition over local resources between refugees and host communities (Martin 2005). This includes the long-term psychological damage caused by displacement from traditional lands, which “harms the ecological self and therefore creates an internal sense of alienation” (Ramanathapillai 2008: 114), further blending the line between agential and structural violence.

Which is where we are headed here: it is a fine line, indeed, between the agential and the structural, especially for social scientists looking at events/contexts from afar (less fine, no doubt, to those in the immediate grip of agential violence, but they would themselves be likely to refer to the injustice of the situation to contextualize it). One of the foremost theorists on structural violence, Johanne Galtung paints a “violence triangle” which consists of direct violence (an event), cultural violence (a
permanent phenomenon, as it only changes as cultures change) and structural violence (a process, which fluctuates with power shifts) (1990: 294). He argues that “violence can start at any corner in the direct-structural-cultural violence triangle and is easily transmitted to the other corners” (208). Violence is defined as “avoidable insults to basic human needs, and more generally to life, lowering the real level of needs satisfaction below what is potentially possible” (Galtung 1990: 292). The keyword here may well be “avoidable”. Again, this raises justice-related questions, since we may not have a concept of justice if we assumed that injustice was unavoidable.

Furthering the theme, Uvin argues “the concept of structural violence draws our attention to unequal life chances, usually caused by great inequality, injustice, discrimination and exclusion and needlessly limiting people’s physical, social and psychological well-being” (Uvin 1998: 105). And Coomaraswamy, quoting Govind Kelkar, in reference to gender-based violence: “A narrow definition of violence may define it as an act of criminal use of physical force. But this is an incomplete concept. Violence also includes exploitation, discrimination, unequal economic and social structures, the creation of an atmosphere of religiocultural and political violence. While violence against women is part of general violence found in the social structures such as class, caste, religion and ethnicity, and in the way the state controls people, it also encompasses aspects of structural violence and forms of control and coercion exercised through hierarchical and patriarchal gender relationships in the family and society” (1995: 21; quote is from Kelkar 1992). How else do we characterize illegal but ongoing and firmly entrenched cocoa production, clearly supported by numerous states involved in the supply chain, in Cote d’Ivoire and Ghana, which employs anywhere between 100,000 and 400,000 children under 18 in backbreaking work often labeled slave labor (Hinch 2019)?

Adding to the complexity of the discussion, we note that it is often difficult to gauge complicity in the bigger picture of violence against nature. Many observers hold the World Wildlife Fund in high regard, given all it has done to share the message of conservation and promote specific projects acclaimed by celebrities and others. Yet its intimate relationship with many of the corporations that have contributed immeasurable damage to the environment raises interesting questions about agency and consequentialist ethics. As a stinging treatment of the WWF released originally in 2012 suggested, “a conspicuously high number of the WWF’s corporate cohorts have distinguished themselves in the areas of
environmental pollution and the ruthless exploitation of natural resources: British Petroleum, Exxon Mobil, Marine Harvest, Shell, McDonald’s, Monsanto, Weyerhaeuser, Alcoa and the world’s largest palm oil company, Wilmar. The panda makes them look good” (Huismann 2014: 14). WWF has also done a great deal of good, particularly in terms of spreading awareness of conservation needs and issues and in protecting habitat; its collaboration with the Global Initiative Against Transnational Organized Crime has produced some excellent analysis of the ecoviolence discussed in this book (see WWF and GIATOC 2015). Such is the complexity of the global governance of environmental security and justice.

Audi argues that what Garver defines as “quiet institutional violence” (such as systemic social inequalities) should not be defined as violence since “it confuses the issue to use the emotively loaded word ‘violence’ when the grievance can be better described and treated under another name”, such as inequality, because “misnaming the disease can lead to the use of the wrong medicine – or none at all” (1974: 37–38). Yet the meaning of violence itself is framed by dominant elites who control media outlets, educational systems, and life opportunities of vulnerable populations. Ridgeway and Jacques (2002) refer to the 1994 Zapatista uprising in Chiapas, Mexico, in this light: the uprising was portrayed as violent, but the poverty and marginalization which preceded it was not, since it was structural and not direct violence. Of course, widespread sympathy for the Zapitistas was perhaps evidence of the open recognition of the pernicious nature of structural violence in the first place, as well as its ecological impacts. Yet the support was only a major factor after the violent response to NAFTA’s demands became a mass media event. Surely the outrage over the ineffective response of Burma’s (Myanmar’s) military government to Cyclone Nigris in 2008, and the revealed helplessness of the Haitian government following the massive earthquake there in 2010, can serve as other prominent examples of how state oppression or ineptitude constitute conditions that exacerbate suffering and thus are inherently violent. State-sponsored Environmental destruction is no less violent in this regard.

**Environmental Justice and Human Security**

Only by defining ecoviolence as environmental injustice that also threatens human security do we capture both the agential and structural violence, with or without direct intent, described above, while emphasizing the importance of links between humans and ecosystems,
differentiated spatial and virtual communities, and universal needs and individual responsibilities. Of course, environmental justice has been defined in competing fashions as well (see Schlosberg 2007) but the crux of the concern here is that certain populations (or individuals) are more likely to be harmed by or suffer the risks associated with environmental problems than others, and this social question needs rectification if we are to deal effectively with those problems. In a concise survey of GIS-related efforts to provide empirical data on this barometer of fundamental inequality, Maantay defines environmental injustice as the “disproportionate exposure of communities of color and the poor to pollution, and its concomitant effects on health and environment, as well as the unequal environmental protection and environmental quality provided through laws, regulations, government programs, enforcements and policies” (2002: 161). Let us add violence to this equation: agential, when deliberate harm is caused to ecosystems, as well as structural, as when oppressed people suffer disproportionately when environmental conditions worsen by indirect change. Indeed all of Tilley’s categories of violence (propensity-driven, instrumental, and cultural) apply here. Le Billon (2001), for example, writes of the vulnerability resulting from resource dependence (rather than conventional notions of scarcity or abundance) and the opportunities it presents to those prone toward violent assertion of their superiority (including opportunities of armed insurgency). Most of the estimated 250 million children trapped in bonded labor toil on farms that lack both decent facilities for workers as well as environmental protection; the sea slavery described in Chapter 4 is almost always taking place on boats that are fishing illegally and unsustainable. And as Patrick Hossay writes, the “extensive and brutal slave system that produces the charcoal that feeds Brazil’s steel industry makes clear the link between the devastation of human beings and the devastation of the environment. Rainforests aren’t the only thing being destroyed in Brazil; with the forests go the communities, traditions, and lives of countless impoverished people … People who once lived in harmony with the surrounding forest are forced through desperation and violence to destroy it” (Hossay 2006: 139–140). Indeed the plight of colonized indigenous peoples has been marked by both agential and structural violence on a global scale.

Maantay’s definition is typical of the American environmental injustice movement, much of which has been focused on race as a (if not the) determinative factor (see also Rajan [2001] for a treatment of the
concept in a global context with reference to the 1984 Bhopal, India industrial calamity). While it would be problematic to speak categorically of an environmental justice movement, and while racial inequality remains a central organizing concept, the last several decades have seen the rise of increased concern over the fairness implications of pollution, before and especially after the advent of what Ulrich Beck has famously referred to as the “risk society” where risk producers suffer less than risk victims, or those more vulnerable to its deleterious effects (1992). The pursuit of environmental justice is also associated with achieving intergenerational justice (Almond 1995; Haughton 1999) and interspecies justice (Hayward 1994; Low and Gleeson 1998), but it is mostly associated with “debates about distributional inequalities and the actions needed to address them” (Illsley 2002: 70). Definitions vary: environmental justice is considered “the fair treatment and meaningful involvement of all people regardless of race, colour, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies” (Bullard 1999: 7); more succinctly, it refers to the habituation of a “just distribution of environmental goods and bards among human populations” (Dobson 1998: 20; see also Dobson 2003).

The parameters of environmental justice have been widened by scholars such as Bryant (1995), who suggests that environmental justice extends beyond environmental equity and the equitable application of environmental laws. Pellow (2002) expands the environmental justice framework by exploring the system-level structures of power responsible for acts of environmental racism. Paying particular attention to the historical context of environmental racism, the impact of stakeholders, and the role social stratification plays in environmental conflicts, Pellow’s work opens new terrain for exploring the globalization of hazardous waste and what is often referred to as bio-apartheid. Others have suggested that it is vital to view the loss of ethnic identity alongside the loss of biodiversity when approaching conservation-related decision-making, taking a “biocultural approach” (see Gavin et al. 2015).

Taylor (2014) also weighs in on the discussion of environmental (in)justice, outlining that factors such as racial zoning; market dynamics of mobility; contemporary housing discrimination; and internal colonialism drive the siting of hazardous waste facilities near communities populated by people of color. A comprehensive review of the environmental literature by Zilney et al. (2006) uncovers prominent themes and issues for
environmental justice scholars to grapple with: the spatial distribution of hazards, environmental discrimination, public health and risk, environmental law and policy, globalization and sustainability, and philosophies of justice. A move toward environmental justice would encompass international norms, behaviors, regulations, and policies that promote global sustainability and safe environments. This, we maintain, can only be achieved through global, democratic decision-making and the elimination of ecoviolence in communities across the planet.

Much of the environmental justice literature links racism with differentiated environmental policy (Westra and Lawson 2001), while some borrows from feminist literature (Di Chiro 1992) and some is more driven by concerns with income and class. When taken as the critical examination of norms, it is fair to say that applying the concept to an international perspective that is enhanced by various critical theories of global politics is an obvious step, one already taken by many analysts concerned about the long-term impact of colonialism and imperialism, the cultural impact of market economies, the effects of various forms of discrimination on life opportunities, the environmental impact of globalization, the necessity of social networking innovations (on rhizomatic organizing see Schlosberg 1999) and a plethora of other questions. Political ecology may be added to this formula, since it seeks to understand, in Peluso and Watts’ words, “ways that specific resource environments (tropical forests or oil reserves) and environmental processes (deforestation, conservation, or resource amelioration) are constituted by, and in part constitute, the political economy of access to and control over resources” (2001: 5; parenthesis in original). The environmental justice approach is based largely on the conceptual acceptance of structural violence as both cause and outcome of inequality. This mirrors the “environmental conflict thesis” put forth by political ecologists, perhaps best summarized by Robbins, and reminds us of Homer-Dixon’s discussion of resource capture:

Increasing scarcities produced through resource enclosure or appropriation by state authorities, private firms, of social elites accelerate conflict between groups (gender, class, or ethnicity). Similarly, environmental problems become ‘socialized’ when local groups secure control of collective resources at the expense of others by leveraging management interventions by development authorities, state agents, or private firms. So too, existing and long-term conflicts within and between communities are ‘ecologized’ by
changes in conservation or resource development policy. (Robbins 2020: 19)

So we are to some extent back to human rights (social responsibility, equity, post-conflict justice, and other themes), and this concerns not only present rights (including entitlements and obligations), but must reflect past justice issues and possible future scenarios, which raises untidy questions about the applicability of reparations and intergenerational justice explored by international environmental ethicists such as Steve Vanderheiden (2008). Indeed, spurred by the climate change debate—where international and intergenerational dialogue is unavoidable—many authors are treating ecopolitics as an aspect of environmental justice, at the local to global levels (Boyle and Anderson 1998; Athanasiou and Baer 2002; Roberts and Parks 2007).

Though some deep ecologists and animal welfarists remain critical of the anthropocentrism of international human rights law (see Redgwell 1998), it is fairly widely accepted that the right to a safe environment is a fundamental human right. As Dinah Shelton suggests, a human rights approach to environmental protection seeks “to ensure that the natural world does not deteriorate to the point where international guaranteed rights such as the rights to life, health, property, a family, a private life, culture, and safe drinking water are seriously impaired. Environmental protection is thus instrumental, not an end in itself” (2003: 1). However, one can position this in opposite terms, suggesting the “legal protection of human rights is an effective means to achieving the ends of conservation and environmental protection” (Anderson 1998: 3). Water is a prime example: access to clean water is often recognized as a human right of the first order, and its denial, whether through occupation, usurpation, or privatization, is at the root of an increasingly visible, if politically limited, water justice movement. Arguments have repeatedly surfaced, for example, for an international agreement that explicitly guarantees water as a universal human right in order to reduce looming water-related conflicts (see Davidson-Harden et al. 2007; Sultan and Loftus 2019).

Obviously, access to natural resources is necessary for survival, and a conducive habitat should be the first order of the survival business; this theme is commonly employed in studies on the injustice of colonization/assimilation/displacement of indigenous peoples (Pallemaerts 1986), but can also apply to the links between multinational corporations
and repressive governments for the purpose of resource extraction (most notably perhaps, oil—see Obiora 1999, and our chapter on hazardous waste in this volume), but also unemployed resource workers who have lost their livelihood due to overexploitation driven by global markets, indigenous peoples cheated of the benefits gained from exploitation of local genetic plant material, or children inadvertently poisoned by pesticides sprayed on banana plantations. In the age of the anthropocene, any serious thought about what it means to be human, and to have corresponding rights and obligations, cannot escape the basic fact that we have also redefined what it means to be natural (see Dalby 2020), and some recalibration of survival pathways is in order, but the inequity of risk and ecological harm is a self-evident travesty. As Val Plumwood (who preferred the term environmental classism to racism) writes, in a polity where the “socially privileged have the main or central role in social decision-making, decisions are likely to reflect their relatively high level of consequential, epistemic, and communicative remoteness from ecological harms” (2005: 621).

We are equally concerned with environmental rights (including animal welfare) as factors proscribing certain types of human behavior, and prescribing obligations toward those most affected. As Steiner and colleagues suggest, “These claims may be based either upon the specific attribution of responsibility to the countries of the North for the carbon emissions which are responsible for global warming, or upon a human rights-based claim that the wealthy must assist those who are at risk of large-scale rights deprivation and are effectively unable to help themselves” (Steiner et al. 2007: 1454) such as tropical islanders displaced by rising sea levels. The failure to pursue environmental justice at an international level can only lead us further on the path toward a world defined by bioapartheid; a systemic physical separation of people who have suffered the deleterious impacts of the interlinked health threats related to climate change, infectious diseases, and even the malnourishment resultant from absolute poverty, from those with the means to escape these threats to human security, who are free to roam wherever their transnational capital and privatized security can take them. This may or may not involve the application of military power to maintain such separation; it may or may not overlap with religious war; it may or may not assume a visibly racial character. In some cases, such as the COVID-19 outbreak of 2019–2020, a pandemic affects people from all walks of life, in every country; but some
were nonetheless much better equipped to deal with the outcome than others.

Which brings us back to the need to adopt a human security perspective in addition to that of environmental justice. Cao and Wyatt (2016) adroitly comb over the green criminology literature, recognizing challenges and gaps in the field—namely, the absence of tenable conceptual frameworks for contextualizing instruments of green victimization. The authors proceed by proposing a human security approach to advancing our understanding of green victimization. Developed by the United Nations Development Program (UNDP) in the early 90s, human security emanates from the broader concept of “security” in the field of security studies. Spread out across a continuum of various definitions, the term has come to mean many things (see Stoett 2000). King and Murray (2001: 7) define security as “freedom from various risks”, while Baldwin (1997: 13) interprets “security” as “a low probability of damage to acquired values”. Others view human security as more of a paradigm and theory guiding the governance and enforcement of international norms (Newman 2010; Tadjbakhsh and Chenoy 2007). At the international level, the human security perspective aims to address the threats faced by marginalized peoples in our interconnected, globalized world (Dodds and Pippard 2012; Stoett 2000), earmarking human and financial resources for poverty alleviation initiatives (Kerr 2007).

The compatibility between environmental justice and human security, then, should be clear because both are concerned with the green victimization of individuals from marginalized communities. The typology of green victimization though dimensions of human security presented in Table 1.1 requires multidisciplinary applications when researching transnational ecoviolence. In our globalized and interdependent world, the conceptual and ontological specifications of policing, (bio)security, domestic and national security, and community safety have at least partially dissolved, leaving the future of international crime control to the relatively vague confines of global governance and a largely privatized and commercialized multinational security provision industry. Thematically, much of the intellectual labor of linking security studies to environmental crime has already been done, especially by scholars such as Cao and Wyatt (2016), who have documented the seven security dimensions of green crimes. For the purposes of fighting transnational ecoviolence, human security policy must ensure that the individual’s biological integrity, as well as the resilience of their community and the ecosystems that support
Table 1.1  A conceptual framework for examining green victimization and transnational ecoviolence through dimensions of human security, adapted from UNDP (1994) and Cao and Wyatt (2016)

| Dimensions          | Aspects of victimization                                                                                                                                                                                                 |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Economic security   | Loss of income and livelihoods derived from work, the public, environmental resources, or reliable social safety nets, opportunity costs due to lost tourism, lost ability to engage in funded carbon sequestration, etc.; loss of government revenue to corruption |
| Food security       | Loss of physical and economic access to basic foods; loss of biodiversity leading to simplification of diets and loss of “food sovereignty” (reliance on outside markets); possible collapse of ecosystem services due to large-scale environmental disturbances related to ecoviolence such as deforestation and mining, illegal fisheries |
| Health security     | Loss of protection from infectious or parasitic diseases, access to personal health care and protective public health regimes; direct threats to human health from agential and structural violence involving various sets of actors (states, cartels, corporations); loss of medicinal plants and knowledge; loss of medicinal plants; diseases spread through wildlife trade and climate change |
| Environmental security | Loss of access to a healthy living environment, functional ecosystems, safety from natural disasters and access to basic resources such as water and land, loss to future generations of right to stable environment via climate change and other anthropogenic environmental changes |
| Personal security   | Loss of physical safety due to agential and structural violence; increases in anxiety; inability to progress in personal development; gender discrimination and sexualized violence often accompanies organized crime; enslavement or forced labor and child labor in activities also constituting ecoviolence |
| Community security  | Loss of membership in a community with cultural identity and values, and safety from oppressive community practices and from ethnic conflict; threats to indigenous identity; loss of species with strong cultural affiliations |
| Political security  | Loss of freedom from state oppression and abuses of basic human rights; imprisonment and other forms of abject cruelty by the state, as well as propaganda efforts to encourage discrimination against certain groups, state-sponsored terrorism of environmental stewards and activists, state-cartel and state-corporate collusion in committing ecoviolence |
it, is protected; this protection at the individual level is key to maintaining both national and global security (Newman 2010; Hampson 2008).

Perhaps newfound concerns about health and environmental justice following a traumatic global event such as the COVID-19 pandemic will spur transformational thinking and steer citizens away from a reflexive turn to nationalism and authoritarianism. Perhaps. Yet similar arguments have been made about ecological crises throughout the past half-century. Previously, the advent of nuclear weapons was considered by many to be the technological change that would lead invariably to major alterations of the international system (see Herz 1959). The ecological crises may lead to a similar deconstruction of the rigidities of the state-based system, though there is a decidedly mixed bag of evidence of this transformation. While these were no doubt cases of grandly designed carts dragging reluctant horses, the idea that large-scale changes in natural and technological conditions can change social realities is as old as the study of history itself.

**WHAT IS TRANSNATIONAL ECoviOLENCE AND CRIME?**

In light of the discussion above on the meaning of ecoviolence, we can turn now to a general discussion about the identification of transnational ecoviolence, surely one of the most egregious forms of violence on the planet. Put bluntly, transnational ecoviolence involves actors (or agents) in two or more countries, and it hurts both nature (and, to those who accept the terminology, violates the inherent rights of nature), as well as human beings. Typically, transnational ecoviolence is not sporadic or spontaneous; it is agential, but driven by the structural political economy of global markets; it is deliberate and designed and generally profitable with low risk of punishment compared to other crimes and transgressions; and it is facilitated by the structural violence of inequity, racism, sustained conflict, and other forms of human insecurity. Most of the related literature deals with formal transnational environmental crime, so we discuss that first here (see also Stoett 2018).

There is little doubt that the extent of formal transnational environmental crime, even if we are measuring it in conventional terms, is staggering. According to a 2014 United Nations Environmental Program (UNEP) report, the international illegal wildlife trade is estimated at between 50 and 150 billion US dollars per year, and in 2013 alone 25,000 elephants were killed for ivory-related trade. Illegal fisheries are
valued at between $10 and 23.5 billion and illegal logging at between
$30 and 100 billion (or more) per year. These are frustratingly imprecise
figures, but it is understandably difficult to accurately monitor clandes-
tine and closely guarded operations by international criminal consortiums
and/or corrupt governments. If we expand the term to include conven-
tional behavior associated with environmental destruction, then the extent
of transnational ecoviolence is simply unimaginable.

Criminologist Robert White offers what is perhaps the most widely
cited list of transnational environmental crimes:

- Unauthorized acts or omissions that are against the law and therefore
  subject to criminal prosecution and criminal sanctions;
- Crimes that involve some kind of cross-border transference and an
  international or global dimension;
- Crimes related to pollution (of air, water and land) and crimes
  against wildlife (including illegal trade in ivory as well as live
  animals).

However, White goes on to add transgressions that are harmful to
humans, environments and non-human animals, regardless of legality
per se; and environmental-related harms that are facilitated by the state,
as well as corporations and other powerful actors, insofar as they have
the capacity to shape official definitions of environmental crime in ways
that allow or condone environmentally harmful practices. This consider-
ably broadens the agenda and suggests that it can assume the mantle of
universal law (see Charney 1993 for an earlier argument in this direction;
and Westra 2004). More specifically, White lists:

- illegal transport and dumping of toxic waste;
- transportation of hazardous materials such as ozone-depleting
  substances;
- the illegal traffic in real or purported radioactive or nuclear
  substances;
- proliferation of ‘e’-waste generated by the disposal of tens of thou-
  sands of computers and other equipment;
- the unsafe disposal of old ships and aeroplanes;
- local and transborder pollution, that is either systematic (via location
  of factories) or related to accidents (e.g. chemical plant spills);
• biopiracy in which Western companies are usurping ownership and control over plants developed using “traditional” methods and often involving indigenous peoples (note that the CBD’s Nagoya Protocol is intended to address this issue);
• illegal fishing and logging. Interestingly, illegal logging is one of the most injurious crimes related to climate change at this stage.

Crucial to White’s analysis is a palpable tension between what Situ-Liu and Emmons (2000) identify as the strict legalist perspective and the social legalist perspective. The former views crimes against the environment as “an unauthorized act or omission that violates the law and is therefore subject to criminal prosecution and criminal sanction” (Situ-Liu and Emmons 2000: 3). On the other hand, the social legalist perspective suggests certain acts may not violate the provisions of criminal law, but warrant the label of a “crime” because of their deleterious effects on the environment and human beings. The dominant systems for classifying crime privilege strict legalism, obscuring social legalist perspectives. This, of course, diverts attention from the social practices which, although legal, are equally environmentally disastrous and destructive to the environment. We return to this theme throughout the chapters to follow.

Another pioneer in the field, Lorraine Elliott offers an even more detailed list of potential transnational environmental crimes and links it directly with social inequity in much of her brilliant work:

the trafficking of illegally logged timber (sometimes called ‘stolen’ timber), the illegal trade in endangered and threatened species, the black market in ozone depleting substances and other prohibited or regulated chemicals, the transboundary dumping of toxic and hazardous waste, and illegal fishing. Other challenges such as carbon fraud and corruption with REDD projects (Reducing Emissions from Deforestation and Forest Degradation) are also now included under this rather broad heading. (2011: 2; see also Elliott 2012a, b)

The push for criminology to engage in multidisciplinary praxis with environmental justice is imaginatively captured in Situ-Liu and Emmons’ text, Environmental Crime: The Criminal Justice System’s Role in Protecting the Environment (2000). The authors highlight the merit of explanatory models and classical criminological theories to explain and theorize environmental wrongdoing; criminology can enhance environmental justice
by relying on models such as *Opportunity* (Frank and Lynch 1992), *Goal Attainment* (Gross 1978; Needleman and Needleman 1979; Vaughan 1982; Clinard and Yeager 1980), *Legal Doctrine* (Minister 1994; Lewis 1985; Herm 1991); and theories such as *Anomie* (Merton 1938); *Differential Association* (Sutherland and Cressey 1960); *Cultural Transmission* (Cressey 1969); and *Social Control* (Hirschi 1969). The authors, furthermore, provide tangible examples of environmental crimes which can be explained and theorized by adoption of a criminological lens. Such crimes include, but are not limited to: industrial pollution; toxic dumping; hazards in the workplace; nuclear testing; disposal of hazardous waste by the military; and environmental damage during wartime military operations (Situ-Liu and Emmons 2000).

Laura Westra (2004) suggests that environmental crimes or “ecocrimes” can be conceptualized as a form of unprovoked aggression, and offers another list of incidents of ecoviolence, including: increased exposure to ultraviolet rays due to ozone thinning; direct impacts of climate change, including flooding and extreme temperatures; exposure to toxic wastes, and toxic/hazardous byproducts; chemical residues in food and food additives, including long-term low-level exposures; new or renewed infectious diseases; loss of biodiversity; increased presence of particulates; and diminishing supply of fresh water. She also suggests we can link ecocrimes with genocide (see also Shover and Routhe 2005) and has discussed the need to think of the right to health of future generations as well when calculating environmental harm (Westra 2008).

Thus, there are a wide range of definitions and inclusions attached to the transnational environmental crime label, and if we add the climate justice agenda—which we will certainly do later in this book—we widen and deepen them further. Any agentially-driven assault on environmental security (often also termed biosecurity, though that raises some issues) could be seen as ecoviolence. And structural violence which primarily or secondarily threatens environmental security can be viewed as a contextual impediment to the avoidance or mitigation of environmental crime; the debate over whether those who enable, facilitate, and protect that context through active efforts or cognizant negligence are themselves criminals is an open one, which must be balanced with considerations of free speech and other rights. For example, given the harsh consequences of climate change, those actively engaged in climate change denialism might be considered to be aiding and abetting an inherently unjust process, but
to formally charge them as criminals would certainly be an infringement on their civil liberties.

Cao and Wyatt (2016) offer a typology of “green crime”, suggesting its definition differs according to the perspective taken from which it is viewed: legalist, socio-legal, ecocentric, and biocentric. Each perspective leads to different definitional foundations (from criminal laws to species justice) and, in turn, definitions of environmental crime. Drawing on the work of Situ-Liu and Emmons (2000), a legalist perspective would focus on the violation of criminal laws designed to protect the health and safety of people, the environment or both; the socio-legal perspective takes us to concerns with any illegal activity or formal rule-breaking, whatever form the rule might be; the ecocentric perspective casts light on acts that have identifiable environmental damage outcomes and originated in human action but that may or may not violate existing rules and environmental regulations; and the biocentric perspective draws our analytic attention to any intentional or negligent human activity that disrupts a biotic system. This is a concise ordering of the perspectives that can accompany the discussion of more specific criminal acts explicated above, but we would argue that it is more parsimonious to simply discuss the human security and environmental security implications (i.e., violence against either or both) that accompanies illegal or unjust activities. This is closer to the ecocentric perspective offered by Cao and Wyatt, since it includes activities that are not necessarily in violation of formal law; yet our focus on human security remains paramount. For example, any contemporary definition of ecoviolence must also include the onslaught of a new generation of “land grabs” being perpetrated across several continents, often with the profitable involvement of multinational agri-businesses, and resulting in the physical displacement of entire communities without adequate compensation (Margulis et al. 2014; Peluso and Lund 2014); even if these land grabs are not necessarily damaging ecosystems at the time of commission, they are certainly harming communities and setting the stage for future activities that could be environmentally deleterious. And yet they are, often, perfectly legal in the conventional sense of that term. While most of the case studies in this text can be located somewhere between the legalist and socio-legal perspectives, we are not disinclined to cross over into the ecocentric and, even, biocentric. Indeed, our main argument is that all of these types of human activity are acts of or manifestations of agential or structural ecoviolence, respectively; and we need
to think in terms of the broad horizon of challenges they present to both environmental justice and human security.

We argue that transnational ecoviolence is always multilayered, encompassing formal transgressions of national and municipal and, more rarely, international law, but also the structural ecoviolence discussed earlier in this chapter. It is not always the case that criminal activity can be attributed to any one individual, corporation, non-state actor such as rebel groups, or governments. Environmental crime is often a cluster crime situation where other types of criminal and/or unjust behavior is either rampant or is insidiously constant. It is a complex mix of structural drivers and opportunistic profiteers; human exploitation (and often super-exploitation) is a standard accompaniment, not a rarity. To understand environmental crimes and ecoviolence, we need to utilize a political economy approach that seeks to unveil the economic motives driving the crime taking place (Lynch 2013a). Within the field of criminology, there have been numerous important developments in the application of political economy (Michalowski and Pearson 1990; Lynch et al. 1994; Kramer 2000; Rigakos and Papanicolaou 2003; Lynch 2013b). Lynch describes it as the search for explanations which unpack the “connection between the economic system and the social sphere, and highlights the influence of economic relations on social relations and institutions” (Lynch 2013a: 138). It can be used in various disciplines to document the economic influences and effects within social systems. More radical articulations of political economy include Marxian analyses of the class-based dimensions of exploitation in global economic and political systems. Despite the criticisms leveled against political economy—namely, that it is reductionist in its analysis of capitalism as a determinant of crime; and that it is anti-empirical and abstract—we contend that it can be used as a method for exploring the unequal class relations and the power dynamics involved in the global economy that both incentivize and facilitate (often through corruption) transnational ecoviolence, enabling us to lay bare the driving forces of harmful and violent behavior by national and international private and public actors; its usefulness lays in its potential to predict and explain criminal behavior as a result of macro-economic processes and structural circumstances. But it is not enough in itself, and we need to frame it within the joint concerns that animate this book: human security and environmental justice.
Moving Forward: Spheres of Transnational Ecoviolence

Throughout this book, we will view spheres of transnational ecoviolence as embedded within the context of the twin imperatives of environmental justice and human security. We develop the spheres according to our own assessment of the major forms of ecoviolence that are occurring today, on land, in water, and against the climate. The twin focus on environmental justice and human security permits readers to acquaint themselves with a normative platform from which we can move on to concrete unapologetic policy prescriptions to remedy situations where chronic inequality or sudden catastrophe has ensured ongoing harm to vulnerable populations. While the more traditional ecoviolence literature typically leads to calls for greater state capacity to “manage” situations, environmental justice concerns typically advocate more fundamental shifts in power relations and access to natural resources to achieve intersectional and intergenerational justice. Though such calls can be unrealistic and even counter-productive if they challenge the entire status quo, if articulated in a measured manner they can be quite reasonable demands based on the enlightened self-interest of all stakeholders. Radical branches of the environmentalist movement might consider this a naïve sacrilegious concession to the rich and greedy. But as political ecology continues its evolutionary curve toward mainstream social significance, and yet capitalism continues to prove its resilience despite economic crises, global pandemics, and technological change, it seems much more like the art of the possible.

Each of the thematic chapters to follow will focus on what we term a “sphere of transnational ecoviolence” (see Fig. 1.1) and will adopt the framework outlined above: we introduce the issue-area, cover contemporary developments, then feature case studies emphasizing environmental justice and human security; we then offer a syncretic case study that brings these elements together. The book will proceed to examine several areas where transnational ecoviolence—defined as human activity that threatens environmental justice and human security, usually (but not always) in violation of formal law, across geopolitical borders—has thrived in recent decades. We unapologetically cut across the legalist and socio-legal, ecocentric and biocentric perspectives outlined by Cao and Wyatt (2016). None of the spheres raised here (and there of course others, most notably in the resource conflict area) are new areas of concern, but
given the backdrop of crises—primarily: biodiversity, oceans, climate—in which they occur, there is a newfound urgency to provide solutions to these problems, reflecting the twin developments of destitution and desperation on the one hand and greed and structural inequality on the other. Throughout this book, our choice of case studies reflects a desire to think outside the conventional box of what constitutes transnational environmental crime; for example, the chapter on hazardous waste does
not only look at trade covered by the Basel Convention, but at northern investments that have resulted in suffering associated with toxic pollution in southern states; and our chapter on illegal fisheries includes a brief description of the fishery reduction industry, which many consumers are not even aware exists.

Five thematic chapters presenting the designated spheres of transnational ecoviolence are followed by a chapter on responses to transnational ecoviolence. The first is focused on the illegal wildlife trade and, in particular, the trade of endangered fauna. This might be the most well-known form of transnational environmental crime, but its origins and scope are often misunderstood. The second thematic chapter covers crimes against the land; more specifically, we look at one of the more egregious forms of transnational ecoviolence: the illegal transport and dumping of hazardous waste, and the devastating toll of international investments in leaky oil extraction activities. Chapter 4 deals with a topic which affects everyone on the planet regardless of where they live and what food they eat: crimes against the oceans are a staple of everyday life, but illegal, unreported and unregulated (IUU) fishing is literally draining the oceans (and of course many lakes) of biodiversity. Chapter 5 covers crimes against flora: surprisingly to most, illegal forestry is one of the more lucrative forms of transnational ecoviolence, and there is an illegal trade and destruction of plant life that is too often overlooked by media and analysts alike. Our final thematic chapter theme is “crimes against climate”, which encompasses not only fraudulent climate change mitigation and adaptation schemes, but the much broader notion of the chronic undervaluation of sincere climate policy by major polluters. We then close with a chapter on responses, which covers various international efforts to curtail and defeat transnational ecoviolence, using combinations of organizational coordination, technology, and social knowledge. We do not claim to offer any permanent solutions to these problems, but aim to provide a stimulating discussion about possibilities.

**Conclusion**

Ultimately, the root causes of both formal and informal transnational ecoviolence—poverty, despair, greed, ignorance—must be overcome if we are to deal with its impacts. Raising awareness about this particular form of violence is therefore central, and we hope this volume helps achieve this task. The pandemic that struck the world community in 2020
revealed the divisions, inequities, fragilities, and interconnectedness of the global political and economic system. If ecoviolence is a permanent feature of this social landscape, then we can expect more of the same. Working against it will reveal fissures and weaknesses, challenging the notion that the human species can overcome its most egregious assaults against nature and itself. Yet this is not the time for disengagement from these momentous and mountainous tasks. Unprecedented knowledge of the consequences of human actions—and of structural and agential violence—now exists; complex networks have evolved to meet the subsequent challenges. It is time to intensify the quest to install human security and environmental justice as the cornerstones of a new world.

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