

UNCCPCJ – Crimes that affect the environment

Preventing Environmental Crime – Professor Tanya Wyatt

Environmental crime—activities causing climate change, air, light, noise, soil, and water pollution, deforestation, wildlife crime, including blood sports and non-human animal abuse in addition to wildlife trafficking, illegal logging, timber trafficking, and illegal, unreported and unregulated fishing, illegal mining, waste dumping—are the biggest threat to the planet. Prevention of environmental crimes has two aspects—stopping first offences and stopping reoffending. Both require a fundamental re-thinking and re-structuring of most people’s relationship with the environment.

Stopping first offences – most western legal systems have little regard for the planet. The environment and other beings are natural resources, who are decimated to support continual economic growth. Radical transformation of these legal systems is paramount. Earth jurisprudence or wild law, in part drawing on indigenous people’s relationships with nature, provide a framework for this transformation. In sum, human acts or laws that infringe on other beings’ existence, their habitats, their participation in the evolution of what Cullinan calls the Earth community or what Berry calls the Great Jurisprudence are viewed as violations of the fundamental relationships and principles that constitute the Earth community. Therefore, such actions should consequently be deemed illegitimate and unlawful. Again, as Cullinan proposes ‘human governance systems should at all times take account of the interests of the whole Earth community. All members of the Earth community are subjects before the law’.

Earth Jurisprudence brings me to the second aspect of preventing environmental crime—reducing reoffending. The punishment for environmental crimes needs to restore and repair the damage done to the environment as my colleagues Dr Angus and Professor Rob White have argued. There is limited information about the sanctions given for the far too few cases of environmental violations and crimes that are taken up by administrative and criminal justice systems. We do know that fines are small and do not deter offenders, which are mostly corporations, from repeatedly committing environmental crimes. Corporations should be liable for environmental damage for all of their operations and their partners’ operations throughout their global supply chains. Environmental liability needs to expand to include restorative and reparative justice approaches that require offenders to face their victims—human and non-human, to be made aware of the damage they have caused, to have that damage and the actions to repair it made public, to be forced to commit the time and resources to restoring the environment.

Our global approach to environmental crime needs to be fundamentally rethought. Earth jurisprudence, and restorative and reparative justice can lead the way. Thank you.

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