

Welcome to this week's presentation and conversation
hosted by the
Canadian Association for the Club of Rome,
a Club dedicated to intelligent debate and action on global issues.

Crimes Against the Planet?

Our speaker today is Dr. Delon Omrow, Post-Doctoral Fellow in Social Science & Humanities at Ontario Tech U. He worked with Conservation International Guyana on the country's first community-owned conservation area & wrote *A History of Discursive Violence*. His work explores racialized ecologies, the androcentric-anthropocentric symbiosis of trauma, & how lived experiences of the disempowered & marginalized are evident in environmental discourse. Criminology defines crimes against the environment either by the legalist approach adopts a rigid definition or the holistic social approach to documenting harms vs the planet. The failure to hold climate & carbon criminals accountable has garnered the attention of the international community. However, we have a long way to go before "ecocide" is added to the International Criminal Court's statute. What makes things worse is state-corporate environmental violence. We may need help from other international frameworks of human security and environmental security, both of which are adopted by the UN.

Dr. Omrow's presentation will be followed by a conversation, questions, and observations from the participants.

CACOR acknowledges that we all benefit from sharing the traditional territories of local Indigenous peoples (First Nations, Métis, and Inuit in Canada) and their descendants.



2022 July 20

Zoom #108

Crimes Against the Planet?

Competing Perspectives and Positions



Agenda and Learning Outcomes

- ▶ Ontological specifications of "environmental crime"
- ▶ Competing perspectives when defining these crimes
- ▶ Ecoviolence
- ▶ Ecocide and legislation
- ▶ State-corporate crime as a framework
 - ideology
 - denial
 - climate crime
 - case studies
- ▶ Emerging and trending topics



As the Earth heats up, high-temperature records are being broken more often



Climate change has increased the frequency of extreme weather events

CBC News · Posted: Jul 18, 2022 5:40 PM ET | Last Updated: 6 hours ago



WHAT'S IN A NAME?

The Dark "Green" Figure of Crime

- ▶ Social Constructionism
- ▶ "Victimless crime"
- ▶ The complexity of victimization - in terms of time, space, impact, and who or what is victimized
- ▶ Environmental crime is one of the most profitable and fastest growing areas of international criminal activity
- ▶ International law
- ▶ Member States debate as to how to define "environmental crime"
- ▶ Uncertainty in definition results in difficulty in categorizing victims neatly by type of victim and type of damage suffered



Competing Perspectives

- ▶ Strict legalist perspective: views crimes against the environment (eco-crime) as “an unauthorized act or omission that violates the law and is therefore subject to criminal prosecution and criminal sanction” (Situ and Emmons 2003:3)
- ▶ Social legalist perspective: 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

“Environmental Crime”

- ▶ Criminal law focuses on individual victims whereas environmental legislation describes environmental harm as an offence against public interest
- ▶ The same kind of “harmful consequences” can result whether the offence is classified as a crime, a regulatory offence or negligent action




From Social Deviations to Consensus Crimes

- ▶ Classifying what is an environmental crime will involve a complex balancing of:
- ▶ Communities' interests in jobs and income
- ▶ Ecosystem maintenance
- ▶ Biodiversity and sustainability



CONSENSUS CRIMES

- The Canadian Environmental Law Association (CELA)
- Casework focuses on:
 - Air and water pollution
 - Environmental rights
 - Environmental assessment
 - Administrative and constitutional law

A close-up photograph of a white ceramic bowl filled with a vibrant green, finely textured powder. A light-colored wooden spoon is partially submerged in the powder, with its handle extending towards the top left. The powder has a clumpy, crystalline appearance. The background is dark and out of focus.

Power and Positionality

- ▶ Environmental harms are social constructions heavily influenced by social locations and power relations in society
- ▶ The term green has been utilized by two diametrically opposed groups:
- ▶ Corporate actors and environmental justice actors



'Eco-terror'

- ▶ Corporatist definitions of eco-crimes entails acts of sabotage and destruction of agricultural and chemical sites, in the name of protecting the environment
- ▶ Terms such as 'eco-militants' and 'eco-terrorists' is a direct result of such narrow definitions of crime
- ▶ Eco-friendly protest groups are labelled as criminals in the eyes of law enforcement organizations

Defining “Environmental Crime”

- ▶ A narrow interpretation: environmental crime is that it covers only activities prohibited by current criminal law
- ▶ "Green Washing"
- ▶ Definition should include activities which are “lawful but awful”



CASE STUDY

- Greenwashing in Canada
- Alberta "Tar Sands"
- 'Tar sands', rather than the less-dirty-sounding term 'oil sands'



Case Study 2: “Normal Social Practice”

- ▶ Environmental risk come from “normal social practice”
- ▶ The question then is whether environmental harm can fit neatly into the existing criminal justice system
- ▶ The Nutella Dilemma

Figure 6. The Nutella® global value chain





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OUR COMMITMENTS FOR SUSTAINABILITY

OUR VISION

At Nutella®, selecting only quality ingredients that respect our commitments to sustainability is a serious and continuous pledge. Discover more.



Our commitments by ingredient

Activate Windows
Go to Settings to activate Windows.

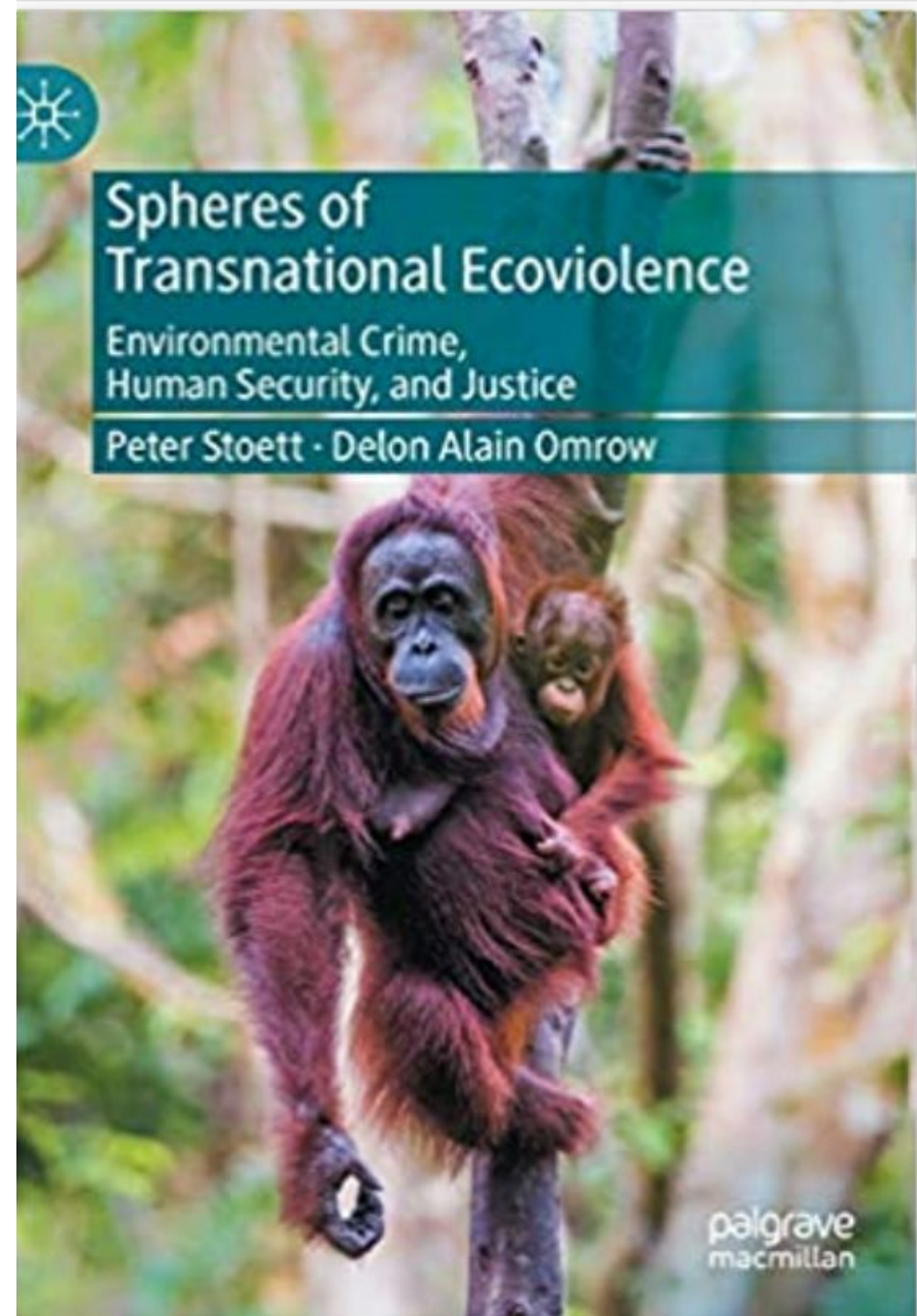
The Challenge

- ▶ The challenge for victims includes:
- ▶ Convincing the authorities that the harm actually has taken place
- ▶ Quantifying the level and extent of harm
- ▶ The causal connection to the illegal act
- ▶ Identification of all victims poses a logistical problem
- ▶ Environmental victims



Ecoviolence

- ▶ Ecoviolence explores links between environmental scarcities of key renewable resources and violent rebellions, insurgencies, and ethnic clashes
- ▶ Human Security
- ▶ Environmental Security



A BRIEF HISTORY OF ECOCIDES

- Environmental impacts of Agent Orange in the Vietnam War

Acts of business:

- - oil extraction in North America
 - - mining in Central America
 - - deforestation in South America
-
- Russia's attacks on Ukraine [nuclear facilities](#)



ECOCIDE

- There are currently four core international crimes:
- Genocide
- War crimes
- Crimes against humanity
- Crime of aggression
- These crimes are dealt with by the Rome Statute of the International Criminal Court (ICC)

Ecocide

1. *For the purpose of this Statute, "ecocide" means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.*
2. *For the purpose of paragraph 1:*
 - a. *"Wanton" means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;*
 - b. *"Severe" means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;*
 - c. *"Widespread" means damage which extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings;*
 - d. *"Long-term" means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;*
 - e. *"Environment" means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space.*

ECOCIDE

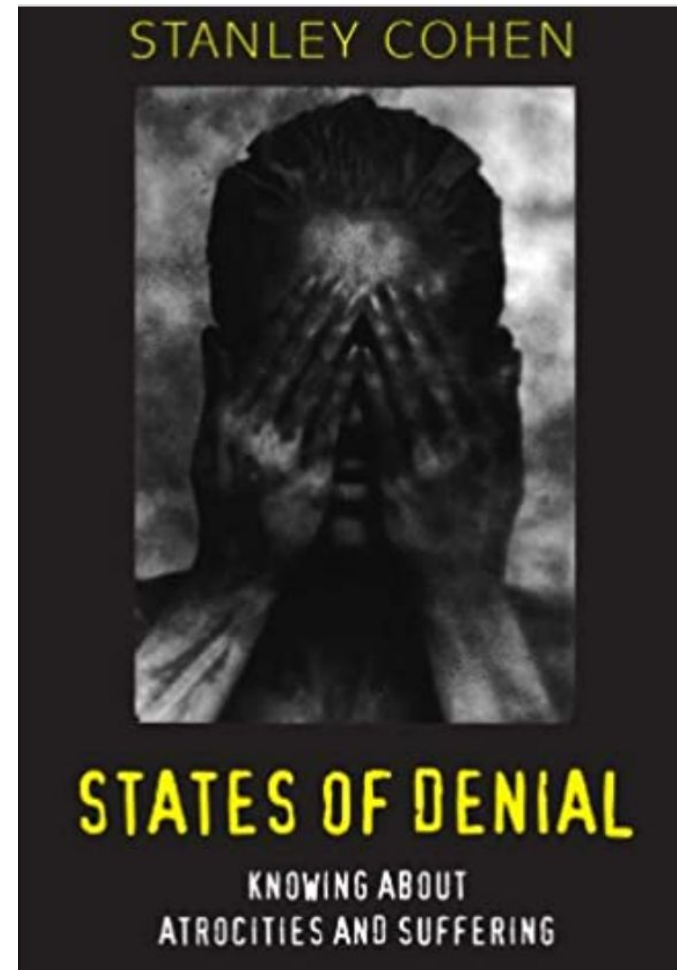
CHALLENGES

- If the amendment is approved, states could nonetheless choose not to ratify it, placing limits on the ICC's ability to exercise jurisdiction over their territories and nationals
- The Panel's criminalization of "wanton acts" could introduce a subjective "cost-benefit" analysis, in which prosecutors would need to prove that the ecocidal act was clearly excessive in relation to the social and economic benefits anticipated
- The ICC's lack of jurisdiction over legal persons (i.e., corporations) will limit the impact of a new crime
- A court's limited resources
- Investigation "operational selectivity" (access to evidence and state cooperation)



SYMBIOSIS: STATE AND CORPORATE CRIMINALITY

- Stanley Cohen
- Strategies of corporate criminals:
 - Stealthy misdirection
 - Misinformation
 - Paying for legal harassment
 - Media control



CASE STUDY 3

- The 2010 Gulf of Mexico oil spill
- Deepwater Horizon explosion
- State-facilitated corporate cover up of the environmental crimes in the Gulf



CASE STUDY 4: THE STATE-CORPORATE CRIME FRAMEWORK

- Political Economy Perspective on blameworthy harms
- Politics of denial
- 'The Tropic of Chaos'



CLIMATE CRIMES AND STATE-CORPORATE ENVIRONMENTAL VIOLENCE

- Climate crimes and carbon criminals
- State-corporate environmental violence



FOUR CLIMATE CRIMES

- (1) Crimes of Continued Extraction of Fossil Fuels and the Emissions of Greenhouse Gases
- (2) Crimes of Political Omission or the Failure to Reduce Emissions of Greenhouse Gases
- (3) Crimes of Socially Organized Denial
- (4) Climate Crimes of Empire





NETFLIX AND CHILL

IDEOLOGY, DENIAL AND CLIMATE CRIME

- 'Unrecognized blameworthy harms' that are not condemned and sanctioned (Agnew, 2011)
- Climate change appears to fall into this category – how and why?
- The importance of investigating the nation state as ' . . . a major facilitator of harm in its own right, either on its own or in conjunction with specific sectional interests (such as particular transnational corporations)' (White, 2011)



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Journal of Media and Communication
Studies

Full Length Research Paper

**It is not easy being green: A critical discourse and
frame analysis of environmental advocacy on
American television**

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CRITICAL DISCOURSE ANALYSIS AND CLIMATE CRIME

CRITICAL DISCOURSE AND FRAME ANALYSIS

Table 1. Frames for Environmental Advocacy (Based on a Content Analysis of American television sitcoms, 1990 - 2010).

Frame	Explanation
Radical Frame	Portrays environmental advocates as unstable, obsessive and often violent individuals who refuse to entertain and tolerate the opinions of others in their pursuit of environmental justice
Eccentric Frame	Suggests that those engaged in environmental advocacy demonstrates unconventional behaviour, deviating from societal norms and expectations. These individuals are often represented as bizarre, outlandish, wacky, and are often the butt of a joke.
Anti-Development/Progress Frame	Views environmentalists as obstacles to development and progress. Such characters are also seen as compromising the ambitions of a capitalist, pro-consumption culture, opting for a more balanced relationship with nature.
Alarmist Frame	Depicts environmental advocates as sensationalists who exaggerate their opinions in a concerted attempt to incite worry and panic. Their views are also constantly undermined or ridiculed in an attempt to weaken the credibility of their stance
Effeminate Frame	Characterizes environmental advocacy as “unmanly”. The individual’s gender is discursively constructed as the polar opposite of the taken-for-granted assumptions surrounding masculinity. For example, while men symbolize violence, machismo and bravado, the effeminate frame depicts male environmental advocates as passive and weak - in other words, the anti-thesis of conventional expressions of “masculinity”.

LIFE IMITATING ART?



What it says to girls is: no matter what you do, no matter how much you achieve, powerful men will try to cut you down



📷 'Greta must work on her Anger Management problem, then go to a good old fashioned movie with a friend!' Trump tweeted on Thursday. 'Chill Greta, Chill!' Photograph: Cristina Quicler/AFP via Getty Images

STATE-CORPORATE CRIME FRAMEWORK



- State-corporate crime has three useful characteristics:
- It directs attention toward the way in which crime emerges at organizational intersections, in this case the intersection of institutions of accumulation and institutions of governance
- Second, it approaches the state as a nexus of relationships rather than a set of governmental institutional actors
- Third, approaching the state-corporate context as a relational process directs analytic attention to the vertical relationships between different levels of organizational action in government and business.

POLITICS OF DENIAL

- Heartland Institute
- Union of Concerned Scientists
- Denialist arguments (narratives) fall under the following categories:
 - (1) conspiracy theories
 - (2) fake experts
 - (3) cherry picking of data
 - (4) impossible expectations of what research can deliver
 - (5) misrepresentation and logical fallacies.



CRIMES OF COMMISSION

- State-corporate crime
- Crime of commission: it is not a failure to act, but a deliberate attempt to thwart efforts to respond in an effective and just way
- These efforts have indeed been extremely successful in creating doubt and re-shaping public opinion in a way that has hampered any political action on climate change



POLITICAL ECONOMY AND STATE-CORPORATE CRIMES

- The ties between the fossil fuel industry and conservative think tanks
- The ties between the think tanks and the Republican Party that obstructs any attempt to deal with climate change in the political arena
- Political economy stands at the heart of the state-corporate crimes of climate change denial and the failure to mitigate global warming.





PARADIGMATIC SHIFT?

**Environmental
Security**

**Human
Security**

Restorative justice

- ▶ “Green” sentencing options might be more preventive than punishment:
- ▶ Restorative or enhancement of the environment in public places
- ▶ Environmental audits of company activities
- ▶ Publication of the offence
- ▶ Requirements for notification in company annual reports



EMERGING AND TRENDING TOPICS: THE PUBLIC TRUST DOCTRINE




Activate Windows
Go to Settings to activate Windows.

EMERGING AND TRENDING TOPICS: THE PUBLIC TRUST DOCTRINE

The court's ruling cheered environmentalists and sent shock waves through the mining industry, which now must prove that projects don't harm ecosystems or endanger species.



By Katie Surma 
February 21, 2022



EMERGING AND TRENDING TOPICS.

ONTARIO TECH UNIVERSITY'S ENVIRONMENTAL CRIME DATABASE

How policies have shaped the environment

Global View

