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Theoretical Evolution of Green Victimology: An Assessment in the 21st Century

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Abstract

Human beings have harnessed the environment and contributed immensely to its development. These anthropogenic activities often result in pollution, deforestation and, species decline, and are understood as Green Crimes. Although they threaten natural resources and public welfare, they are not dealt seriously as traditional crimes. The contemporary theory of Green Criminology has justified the inclusion of the harms caused due to green crimes/environmental crimes within the periphery of mainstream criminology. Furthermore, Green Victimology, as a recent development in the area of Green Criminology, contributes to the notion that human beings, nature, and non-human elements in nature are not recognized as victims of crimes even though they are victims of environmental harm. Green Victimology has posed a challenge for maximum criminal justice systems as victims of environmental harm are not categorized or accepted as victims in the traditional victimological approach. Through the study, a modest attempt has been made to explain the evolution of the theory of Green Victimology and assess the theoretical foundation for the inclusion and recognition of environmental crime victims under the meaning of traditional victims of crime.

Keywords: *Green Crime, Green Victimology, Victims*

1.0 Introduction

The environment is the natural world where plants, animals, human beings, and microorganisms reside and interact. The term "environment" commonly indicates the natural surroundings, that is it "covers the physical surroundings that are common to all living beings and include air-space, water, land, plants, wildlife i.e. flora-fauna, etc." (Paranjape, 2015, p. 1). According to Black's Dictionary "Environment in its widest sense includes an aggregation of all those economic, social, cultural and natural conditions and facts which influence human life and other living organisms." Green crimes tamper with the environment through air pollution, water pollution, illegal transportation, storage and disposal of hazardous waste, deforestation, species decline, and threatening natural resources and public welfare. Often detected as victimless and of the least priority, such crimes frequently fail to gain the required response from the government and law enforcement agencies. These crimes heavily affect nature and human beings. Yielding evidential loss in revenues and assets for several developing countries, the over-exploitation of natural resources and illegal trade potentially harm the livelihood of the communities dependent on the natural resources, adversely affect food security, and threaten to damage various ecosystems

2.0 Green Crimes in the Perspective of Green Criminology: An Explanation

Green Crimes though connoted as victimless crimes, have a transnational, universal impact. The smuggling of plants and animals beyond national border channels along with the risk of communication of diseases may adversely affect human health by even turning life-threatening. Zoonotic

diseases, such as bird flu, Swine flu, ebola, and anthrax can spread through the food web, resulting in mass culling of livestock herds. Green crimes have a collective influence and global impact on living organisms. As quoted by the United Nations Inter-Regional Crime and Justice Research Institute, "The level of organization needed for these crimes indicates a link with other serious offences, including theft, fraud, corruption, drugs and human trafficking, counterfeiting, firearms smuggling, and money laundering, several of which have been substantiated by investigations. Therefore, environmental crimes represent today an emerging form of transnational organized crime requiring more in-depth analysis and better-coordinated responses at national, regional, and international levels" (UNICRI 2025).

The focus of Green Criminology is on the notion of addressing the harm that expands beyond criminal prosecution as an automatic response to offences and includes "the use of Civil sanctions and alternatives to criminal justice as applied to wildlife (Nurse, 2016, p. 6). Lynch and Stretesky (2014) identify the growing awareness amongst criminologists regarding the grade of environmental harm and degradation, and its current status of being recognized by the mainstream criminology and criminal justice policy to address these issues. These awareness and presumptions have led some criminologists to concentrate on these environmental issues (Nurse, 2016, p. 8). Crimes against the environment require acute attention as they are not restricted to jurisdiction, boundaries, geographical borders or social divisions. Green Criminology has garnered the spotlight in recent years, evolving within a relatively short period. The first approach in criminology was the Traditional approach which focuses on the Green Crimes that have broken environmental laws.

3.0 Environmental Justice, Ecological Justice, and Species Justice: Recognizing Green Victims

The Environmental Justice concept cites the distribution of environments concerning access and utilization of natural resources. As identified by Rob White (2008), "environmental justice is concerned with the environmental rights as an extension of human and social rights, Inter-generational responsibility, environmental justice as equity for present and future generations, environmental harm which is an idea constructed with anthropocentric notions of value and use" (Nurse,2016, p. 13). The idea of environmental justice identifies human beings as living organisms at the centre of analysis of a human-centred notion that visualizes human beings as both the focus of environmental issues as being a victim of a relatively poor environment and also as the key instigator of environmental damage. In the discourse of racial progress and Civic Activism, the term environmental Justice was used to denominate the racial and ethnic inequalities in vulnerability to environmental hazards like pollution, dumping of toxic wastes, and flooding. Simultaneously, the exclusion of Minority groups like African Americans, Hispanics, and Native Americans from the decision-making process and application of national environmental policies is an essential element in this context (Finger & Zorzi, 2013, p. 222). Within the environmental justice discourse, several commentators have incorporated the term environmental racism to denote how the groups of ethnic minorities and Indigenous people suffer in disparity from deficiency of access to environmental resources. Ethnic Minorities are additionally affected due to the emplacement of factories discharging toxic wastes, pollution along with waste sites located in the neighbourhood and visible environmental degradation.

Ecological Justice explains the interdependence and interconnection of all living beings on Earth, acknowledging the responsibility of human beings to co-exist in harmony for the Earth's welfare. Ecological Justice tends to support equity concerning the environment for the existence of both present and future generations equally for human and other living beings (Alrøe, 2005, p. 406). Ecological justice promotes fairness in the common environment for both present and future generations and both human and other living beings. The perspective communicates that human beings are simply a small portion of the planet and irrespective of the system of justice, the comprehensive biosphere and nature-dependent species need to be considered. Thus, Ecological Justice suggests animals and other nonhuman living beings on earth are equally important, and deserving protection and respect as humans. Thus, employing a utilitarian and consequentialist perspective, it can be concluded that wherever imperative, human activities that have adverse effects on the environment and nonhuman animals must be averted in places where they cause some inconvenience to human interest. Ecological Justice perspective in Green Criminology contends that it is necessary to consider

the crimes perpetrated against animals along with the environment and not only human beings. Such an idea has led to the formulation of species justice which has been constructed as a theoretical discussion within ecological justice (Nurse, 2016, p. 17, 23).

Species Justice highlights the range of issues about animal rights, the abuse of animals, and the connection between animal abuse and interpersonal violence. Animal Rights is an integral part of green criminology which is linked to ecological justice and species justice. Species Justice deals with the specific issues of the question of whether animals, domestic and wild need to be protected through Criminal Law and how they should be defended from exploitation. Animals are often viewed as the property of humans, used for consumption, trade, pets, and entertainment. The protection of animals is also considered to be commensurate with human interests. Thus, animal rights activists have tried to redress the balance, trying to provide them with a certain amount of protection from over-exploitation. Wildlife laws are intrinsic to species justice and furnish a way through which contemporary criminal justice can extend beyond the conventional human concept of justice as a "punitive" or "rehabilitative" construct to bring in the mutual idea of restorative and reparative justice between humans and animals. Animals, especially in the wild are viewed for their profitable benefits. So, it has been contended that legal protection for wildlife often exists only up to the idea that wildlife use relates to human interest in utilizing animals for commercial exploitation (Nurse, 2013).

4.0 Green Victimology: A Recent Development in Green Criminology

Green Victimology has emerged as one of the recent developments under the theory of Green Criminology, contributing to the idea that human beings, nature, and the components of nature could be the 'Green Victims' which are often not regarded as victims of crime Johnson, D. S. (2017). The theorists also claim that along with humans, the non-human components of nature are the worst sufferers of such victimization but are rarely recognized as victims. It has been stressed how human victims of environmental harm are not widely recognized as 'victims of crime' and the non-human environmental victim is seldom worthy of attention (White, 2018). Despite the growing concern for environmental harms that it poses to nature and its elements, environmental crimes often fail to grab a prompt response from the government, law enforcement, and the public. The status of it being generally connoted as 'victimless crimes' with usually no immediate large-scale impact, the harm is diffused or may even go undetected environmental crimes are often an outcome of a legal act and take place with the consent of the society. Hence, victims of green crimes are not categorized or accepted within the traditional victimological approach.

5.0 Evolution of Green Victimology: Revisiting the Past Victims of Green Crime

Through Green criminology, the power imbalances inherent in the labelling of certain polluting activities as 'criminal' have been depicted, which is tied up with the economic goals of corporate actors and states as a whole. Victims of such green crimes have been identified through Green Victimology which may often involve a large group or community of victims, perhaps with competing interests. Through Green Victimology several issues have been highlighted namely

- Lack of Recognition of victims of Green Crimes: For much of history, environmental harm was not widely recognized as a form of victimization. Environmental Crimes or Green Crimes were not considered under the ambit of crime but rather damage caused due to rapid development. Harms of these kinds were often seen as a byproduct of industrial progress rather than a serious issue affecting individuals and communities. As a result, victims were often overlooked or not formally acknowledged. In certain cases, there was tortious liability established, but no criminal liability of the offender and thereby no punishment.
- Limited Legal Framework: In the past, legal frameworks for addressing environmental harm were underdeveloped. Environmental regulations were sparse, and there were few legal mechanisms in place to hold perpetrators accountable or to compensate victims for the damage they suffered.
- Disproportionate Impact on Vulnerable Populations: Historically, marginalized and economically disad-

vantaged communities were more likely to bear the brunt of environmental crimes. These communities often had less political power and fewer resources to advocate for themselves or seek redress.

6.0 Green Crimes in the Present Scenario: Recognizing Green Victimization

Green Victimology, a relatively recent study, emphasizes the social, political, and environmental factors contributing to the victimization of nature and people. Green victimology examines both direct and indirect victimization due to green crimes and in the present times, due to the emergence of Environmental Law, there has been gradual development of environmental protection and mitigation of harm. These laws and regulations help combat green crimes by aiding in punishing offenders of green crimes and also provide adequate reparation for victims of environmental harm. Activism and advocacy efforts played a crucial role in bringing attention to environmental issues and their impacts on communities. The disparity existing within communities concerning the distribution of earth's resources often brings us to identify Environmental Justice. By the late 20th century, the concept of environmental justice gained prominence. This movement emphasized the need to address the disproportionate impacts of environmental harm on marginalized communities and to ensure that all people have a right to a healthy environment. With legal and policy advances, Today, many countries have more robust environmental laws and frameworks in place to address environmental crimes and protect victims. There are also mechanisms for compensating victims and holding perpetrators accountable. However, the effectiveness and enforcement of these laws can vary widely. Despite advancements, many victims of environmental crimes still face significant challenges. These include inadequate enforcement of environmental regulations, lack of access to legal resources, and ongoing disparities in how environmental harm is distributed and addressed. There are ongoing global and local efforts to improve the status of victims of environmental crimes. International agreements, such as the Paris Agreement on climate change, aim to address broader environmental issues, while local initiatives focus on community empowerment and legal support for affected individuals.

7.0 Legal and Policy Frameworks in Recognizing Victims of Green Crimes

Several countries now have comprehensive environmental laws and regulations designed to address environmental harm and provide mechanisms for victims to seek redress. For instance, regulations on air and water quality, hazardous waste management, and environmental impact assessments have become more robust. Legal reforms are needed to protect victims of environmental crime. The combination of civil law and criminal law when dealing with environmental cases offers the same protections to environmental crime victims as those that exist for victims under the traditional meaning of crime (Johnson, 2017).

8.0 International Agreements in response to victims of Green Crimes

Green victimology even though a relatively new study, has identified victims of green crimes transcending borders with both human and nonhuman actors. Global efforts reflect a growing recognition of green victimization and aim to protect communities from environmental harm. Some of the international instruments devised to respond to green crimes and victimization are:

i) *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),1973*. The gist of CITES is to "promote the sustainability of wildlife trade while offering protection to species which are threatened with extinction". The parties to the treaty specifically acknowledge that international cooperation is primarily for the protection of certain species of wild fauna and flora as opposed to over-exploitation through international trade. "Live specimens of wildlife are traded for zoos, for research, for breeding, and as pets; wildlife products are traded even more extensively as luxury goods, medicine and pharmaceuticals, food delicacies, and raw materials. The parties also recognize, however, that international wildlife trade is a multi-billion-dollar business" (Baker, 1999, p. 23).

ii) *The Convention on Migratory Species of Wild Animals (CMS), 1983:* "Convention on Migratory Species of Wild Animals provides a global platform for the

conservation and sustainable use of migratory animals and their habitats as an environmental treaty of the United Nations. It brings together the States through which migratory animals traverse, the Range States, and lays the legal foundation for internationally coordinated conservation measures throughout a migratory range." Being the sole global convention that specializes in the conservation of migratory species, their habitats, and migration routes, CMS co-operates with many other international organizations, NGOs, and partners in the media as well as in the corporate sector. Migratory species threatened with extinction are listed in Appendix I of the Convention. CMS Parties strive towards strictly protecting these animals, conserving or restoring the places where they live, mitigating obstacles to migration, and controlling other factors that might endanger them. Migratory species that need or would significantly benefit from international cooperation are listed in Appendix II of the Convention(cms.int).

iii) Convention on Biological Diversity: The objectives of this Convention, to be "pursued following its relevant provisions, are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding"(cbd.int).

iv) Convention on Wetlands: The Convention's mission is "the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development throughout the world". Wetlands are among the most diverse and productive ecosystems. They provide essential services and supply all our fresh water. However, they continue to be degraded and converted to other uses. Under the "three pillars" of the Convention, the Contracting Parties commit to: work towards the wise use of all their wetlands; designate suitable wetlands for the list of Wetlands of International Importance (the "Ramsar List") and ensure their effective management; cooperate internationally on transboundary wetlands, shared wetland systems and shared species. The Convention uses a broad definition of wetlands. It includes all lakes and rivers, underground aquifers, swamps and marshes, wet grasslands, peatlands, oases, estuaries, deltas and tidal flats, mangroves and other coastal areas, coral reefs, and all human-made sites such as fish ponds, rice paddies, reservoirs, and salt pans. www.ramsar.org

v) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal: The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes and other wastes requiring special consideration. Its scope of application covers a wide range of wastes defined as "hazardous wastes" based on their origin and/or composition and their characteristics, as well as four types of wastes defined as "other wastes" - household waste, 9incinerator ash, certain plastic wastes and certain electronic and electrical wastes (https://www.basel.int/)

vi) Minamata Convention on Mercury: The Minamata Convention draws attention to a global and ubiquitous metal that, while naturally occurring, has broad uses in everyday objects and is released to the atmosphere, soil, and water from a variety of sources. Controlling the anthropogenic releases of mercury throughout its lifecycle has been a key factor in shaping the obligations under the Convention (minamataconvention.org/en).

9.0 Implications of Green Victimology: Challenges and the Way Forward

With improved avenues for victims to seek legal redress, including environmental courts and tribunals, and increased availability of public interest litigation, there is improved access to justice in cases of environmental crimes. However, access to justice can still be limited by factors such as cost, complexity of the legal system, and political or corporate influence. Further, with improved legal frameworks, enforcement remains a significant challenge In addition to wildlife, vulnerable and marginalized communities often continue to face the greatest risks of victimization. The status of victims can vary widely depending on the region. While some countries have advanced legal and support systems, others, particularly in low-income regions, may still struggle with inadequate protections and resources. The impacts of climate change and emerging environmental issues, such as plastic pollution and biodiversity loss, introduce new challenges for human and nonhuman victims. On the contrary, Environmental NGOs and

grassroots organizations continue to play a crucial role in raising awareness about environmental crimes and supporting affected communities and species. Media coverage and public awareness of environmental issues have increased, leading to greater scrutiny of environmental practices and heightened pressure on governments and corporations to address environmental harm. Some countries and organizations have established programs to support victims of environmental harm, including health monitoring, financial compensation, and community development projects. However, there remains a greater need for recognition of health and environmental impact assessments to understand and address the effects of environmental crimes on affected populations.

10.0 Conclusion

The harm caused by Green Crimes and its victims has been often ignored in the social as well as legal parlance. Many environmental disruptions are legal and take place with the consent of society. It is often difficult to draw the necessary lines of causation (to the criminal standard of proof) between perpetrator and victim, leading some to dismiss environmental crime as 'victimless'. Historically, victims of environmental crimes have often faced significant challenges in terms of recognition, support, and justice. The status and treatment of these victims have evolved, but several key issues have persisted. The status of victims of environmental crimes has evolved from being largely unrecognized and unsupported to increasingly acknowledged, with legal and advocacy frameworks in place to address their needs. However, challenges remain, and continued efforts are necessary to ensure justice and support for all affected individuals. With scarce literature however, the recent development of Green Victimology has exposed the challenges which is faced by maximum criminal justice systems across the world about victimization resulting from environmentally destructive activities (Hall, 2017, p. 2). Green Victimology has struck down the idea of environmental harms as "victimless crimes" and has identified the impact of harm on nature and the Human and non-human actors in nature and advocates their inclusion and recognition under the meaning of traditional victims of crime.

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