



# Environmental Crime *and its Victims*

## Abstracts of the Conference

September 17-18, 2012

Delft University of Technology & Police Academy of the Netherlands

Mekelweg 8 – 10, Delft

This volume contains the abstracts of the plenary and contributed papers of the Conference on Environmental Crime and its Victims, hosted by the Delft University of Technology, September 17-18, 2012. We hope it may contribute to an exciting conference and a pleasant stay.

The organizers: Toine Spapens, Rob White & Marieke Kluin  
Organizational support: Halise Aydin & Hinke Andriessen

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# PROGRAM

## Environmental Crime *and its Victims*

<b>Time slot</b>		<b>Activity</b>
<b>Day 1 (17 September)</b>		
8.30	9.40	Welcome and registration
9.40	9.45	Opening remarks by Toine Spapens
9.45	10.00	Opening by the chairperson Pieter Tops (Member of the Board of Executives, Police Academy of the Netherlands)
10.00	10.40	Green criminology perspective Rob White (University of Tasmania, Australia)
10.40	11.00	Coffee break
11.00	11.40	Criminological perspective Matthew Hall (Sheffield University, United Kingdom)
11.40	12.20	Criminal justice perspective Mary Clifford (St. Cloud State University, USA)
12.20	13.30	Lunch
13.30	15.00	1st Round of parallel sessions
15.00	15.20	Coffee Break
15.20	16.50	2nd Round of parallel sessions
16.50	17.00	Closing remarks by the chairperson
17.00	19.00	Drinks at the Foyer Culture

# PROGRAM

## Environmental Crime *and its Victims*

<b>Time slot</b>		<b>Activity</b>
<b>Day 2 (18 September)</b>		
9.00	9.30	Welcome, coffee/tea
9.30	9.40	Opening by the chairperson Ben Ale (professor in Safety Science and Disaster Abatement, Delft University)
9.40	10.20	Corporate and State crime perspective Ron Kramer (Western Michigan University, USA)
10.20	11.00	Practical law enforcement perspective Toine Spapens (Police Academy of the Netherlands)
11.00	11.20	Coffee break
11.20	12.00	Communities as victims/sociological perspective Melissa Jarrell (Texas A&M University-Corpus Christi, USA)
12.00	12.40	Victimological perspective/victim support Antony Pemberton (INTERVICT, Tilburg University, the Netherlands)
12.40	13.45	Lunch
13.45	15.15	3rd Round of parallel sessions
15.15	15.35	Coffee break
15.35	16.35	Panel discussion on the way forward. Participants: Dutch Public prosecution service, Interpol, Environmental Investigation Agency and University of Tasmania.
16.35	16.45	Closing remarks by the chairperson and conference organisers

# PANEL SESSIONS

## Environmental Crime *and its Victims*

*Panel Session 1, Monday 17 September, 13.30 - 15.00*

<b>Illegal Logging #1</b> <i>Panel Session 1-1, Room 230</i>	
Full panel on Illegal Timber Trade: Examples and Solutions	Annemiek Tubbing (Tubbing Milieu-Advies), Jaap van der Waarde (World Wildlife Fund), Deborah van Boven-Flier (NEPCON) and Pauline Verheij (Consultant)
<b>Crimes Against Animals</b> <i>Panel Session 1-2, Room 234</i>	
Camouflage Collar Crime: An Examination of Wildlife Crime and Characteristics of Poachers in Florida	Tara O'Connor Shelley, Paul Stretesky & Matthew Crow (University of Colorado)
On the Relationship Between Animal Victimization and Stigmatization of Ethnic Groups: the Case of Ritual Slaughter	Janine Jansen (VU Amsterdam)
Is the International Consortium on Combating Wildlife Crime making a difference?	Tanya Wyatt (Northumbria University)
<b>Policing Environmental Crime</b> <i>Panel Session 1-3, Auditorium</i>	
Full panel organized by the National Environmental Crime Expertise Center of the Police Academy of the Netherlands	Roel Willekens (Dutch Police), Davyth Stewart (Interpol).

*Panel Session 2, Monday 17 September, 15.20 - 16.50*

<b>Illegal Logging #2</b> <i>Panel Session 2-1, Room 230</i>	
Interpol and Illegal Logging	Davyth Stewart (Interpol)
The Illegal Trade in Tropical Timber in a European Trade Hub: an Analysis of Its Governance Reality	Lieselot Bisschop (Ghent University)
Tackling the Trafficking of Illegally Logged Timber: Experiences from the Netherlands	Cees van Duijn (Harbour Police Rotterdam-Rijnmond, the Netherlands)
<b>Environmental Harm</b> <i>Panel Session 2-2, Room 234</i>	
Does Environmental Enforcement Slow the Treadmill of Production?	Michael Long (Oklahoma State University), Paul Stretesky (University of Colorado), Michael Lynch (University of South Florida)
Mainstreaming Green Criminology	Gary Potter (London South Bank University)
Olympic Games Hosting: a Clear Case of Green Harm or an Opportunity for the Ecological Modernisation of the Host Nation?	John Karamichas (Queen's University Belfast).

<b>Types of Environmental Crime</b> <i>Panel Session 3-1, Room 230</i>	
Environmental Rule Violations of Chemical Corporations.	Marieke Kluin & Ellen Jagtman (Delft University of Technology)
Carbon Fraud - the Politics and Regulation of Emissions	Reece Walters (Queensland University of Technology)
Oil Spills, a Persistent Problem	Coen van Gulijk (Delft University of Technology)
Environmental Crime in the Netherlands	Wim Huisman (VU Amsterdam) & Judith van Erp (Erasmus University Rotterdam).
<b>Illegal Waste Trade</b> <i>Panel Session 3-2, Room 234</i>	
Prosecution of Illegal Waste Trade in the Netherlands: Practice and Research.	Joost van Onna (Public Prosecution Service, the Netherlands)
Waste streams to Africa en the Far East and Environmental Crime.	Rudie Neve (National Police Services Agency, the Netherlands)
Go with the Flows. Illegal E-waste Transports and a European Trade Hub.	Lieselot Bisschop (Ghent University)
The Fight Against Illegal Waste Transports: The Challenge for (Inter)national Cooperation and Coordination	Huib van Westen (Inspectie Leefomgeving en Transport, the Netherlands)

# KEYNOTES

## Environmental Crime *and its Victims*

### **Criminal justice perspective**

**Clifford, Mary C.**

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St. Cloud State University, USA

The idea of corporate accountability has been a central focus in early discussions about preventing environmental harm and prosecuting environmental crimes. Centering her exploration on the role of the criminal justice system in both the perpetuation and elimination of environmental destruction, Dr. Mary Clifford reviews several obvious, easily observable examples of systemic harm often rendered invisible throughout U.S. history but present within the psyche of both the offenders and the offended, the oppressors and the oppressed, alive and well at both the micro and macro levels of analysis. Mainstream America, like the criminal justice system and the corporate structure of exclusive entitlements it has created and supports, is both the victim and villain. Attention is given to the role each of us plays in making the hidden aspects of exploitation visible and the connection each of us has to creating a broader conceptualization of social justice and social responsibility for ourselves, our global community, and the natural environment. We must demand accountability from more than the corporate structure. History offers opportunities to see the expression of entitlement and exploitation while also creating a culture of power where people in power easily remained blind to collective as well as individual acts of harm. Consideration is given to the idea that reducing acts of aggression and bullying, specifically, might also reduce the commission of environmental harm in general.

### **Criminological perspective**

**Matthew Hall**

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To be announced.

### **Corporate and state crime perspective**

**Ron Kramer**

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Western Michigan University, USA

To be announced.

### **Communities as victims/sociological perspective**

**Melissa Jarrell**

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Texas A&M University-Corpus Christi, USA

### **Communities as Victims of Environmental Crime: Lessons from the Field**

Environmental victimization is a serious social and political problem that transcends national boundaries. Yet victims are rarely able to address the courts or speak to their governments about the consequences of their victimization, as most environmental crimes will go undetected, escape criminal prosecution, and receive little to no media attention. Researchers and activists studying this topic and fighting for proper representation of victims face enormous challenges. This presentation (and subsequent paper) encapsulates these challenges with an overview of environmental victimization in Corpus Christi, Texas; highlighting the

plight of one of thousands of communities that live in industrial “sacrifice zones”. I conclude with a discussion of how social scientists are in a unique position to advocate for victims in their communities through teaching, research, and activism.

### **Victimological perspective/victim support**

**Antony Pemberton**

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Tilburg University

### **Environmental victims and criminal justice: proceed with caution**

It is safe to say that the burgeoning field of environmental criminology (in its green rather than its geographical sense) has yet to pay much attention to those that fall victim to environmental harms and crimes. In the 16 years since an issue of the journal *Social Justice* launched the term Environmental Victimology (e.g. White, 1996), not much has happened (see Hall, 2012).

This lack of any sustained interest is particularly stark when contrasted with the large and growing academic interest to victims of other types of crime (e.g. Hoyle, 2011) and indeed other types of misfortune, for instance large scale disasters (Neria et al, 2011). Part of this undoubtedly due to the fact that much victimologically relevant research is not carried out under the flag of victimology. The fragmented nature of the field of victim studies, means that for instance academics in the fields of traumatic stress and clinical psychology, as well as scholars in the fields of transitional justice and human rights often embark on victimological studies without any reference to victimology, the latter being more often than not the domain of lawyers and criminologists studying victims (see for this observation, Pemberton, 2010, Groenhuijsen and Pemberton, 2011).

This qualification does not apply to the area which is most squarely the remit of victimologists: the perspective of victims of crime concerning (criminal) justice systems. Here the lack of academic interest is particularly stark (Cardwell et al, 2011, Hall, 2012). This means that, particularly within the European scene, academic research is playing a distant second to policy. Within the European Union twin developments are converging on a probable development of the position of victims of environmental crime in the near future: the first is the EU Directive 2008/99/EC on the protection of the environment through the criminal law, and the other is the almost adopted EU Directive on minimum standards for the rights, protection and support of victims of crime (see Pemberton and Groenhuijsen, 2012). Although the former Directive makes no mention of victims per se, the wide ranging remit of the latter is likely to offer victims of environmental crime an inroad into the criminal process.

This paper aims to offer some preliminary views on this development, summarized in the warning to proceed with caution. As a rule victims’ participation in criminal justice as a decidedly mixed blessing, meriting equal consideration to so-called secondary victimization (Laxminarayan, 2012) as to the benefits of participation (Lens, Pemberton and Bogaerts, 2012). In the emergence of ‘new’ groups of victims and their quest to be fully recognized as such (e.g. Best, 1999) however, a far more optimistic view of the benefits of participation and rights in the criminal justice prevails. This is noteworthy as their experience diminishes rather than increases the chances of any substantial benefit arising from participation in the criminal justice process. The paper will flesh this out by sketching some characteristics of victims of environmental crimes, and drawing on recent similar analysis of the position of victims of international crimes (Drumbl, 2007; Letschert, De Brouwer, Haveman, and Pemberton, 2011) as well as ongoing work into the capabilities and limits of the European Union concerning victims of crime (Pemberton & Groenhuijsen, 2012; Pemberton, forthcoming).

### **Practical law enforcement perspective**

**Toine Spapens**

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Tilburg University / Police Academy of the Netherlands

### **‘Invisible’ Victims: the Problem of Investigating Environmental Crime**

Some types of environmental crimes are clearly visible. When, for example, the breaking of environmental rules and regulations by a chemical factory leads to a huge fire and extensive pollution of the site, the police will have no trouble with starting an investigation. In many cases, however, environmental crimes will not involve immediate victims who report the crime to the police. Instead, law enforcement agencies themselves



need to gather information proactively in order to start criminal investigations. In practice, the latter proves to be difficult for three main reasons. First, many cases start when uniformed police officers patrolling the streets observe something unusual or receive indications of a crime, for example when routinely checking a vehicle. This is more complex in cases of environmental crime. If one sees a cloud of red smoke, for instance, is that an indication of a crime being committed? A second source of information is informers, often criminals themselves, who secretively report illegal activities to the police. Informers usually come from the circles of ordinary criminals, such as thieves and drug dealers for example, and consequently they have far less information on the perpetrators of environmental crimes, who are sometimes highly respected members of society. Thirdly, law enforcement agencies gather information through routine or specific checks, for instance of factories, ships and trucks. Here we observe two problems. The first is that the detection of environmental crimes requires a high level of specialist knowledge, also because of complex rules and regulations, of which most police officers do not possess. The second is that other government agencies often have specific tasks in this field and a coordination of efforts and exchange of information is often difficult to achieve. In this paper, I will focus on these and other structural problems regarding the investigation of environmental crime, and discuss a number of possible solutions.

### **Green criminology perspective**

**Rob White**

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University of Tasmania, Australia

### **Eco-Justice and the Importance of Problem-Solving Approaches to Environmental Crime and Victimisation**

Environmental crime involves transgressions against humans, specific environments and animals. Not all environmental harm is seen to be criminal, however. Moreover, even when harm has been criminalised, sanctions and remedies have tended to be inadequate and insufficient. This paper discusses the basic conundrums of environmental law enforcement and the quest for approaches to environmental harm that address the core issues of social and ecological justice. It begins by outlining key tenants of eco-justice and describing the socio-economic context which underpin the formulation of legal definitions of, and institutional responses to, environmental crime. The paper then discusses the development of innovative practices and principles of formal justice which are rapidly re-shaping environmental jurisprudence in some jurisdictions. Based upon problem-solving models, such approaches are giving applied credence to concepts such as 'public interest', 'precaution' and 'restoration'. They also open the door for greater acknowledgement of and compensation to environmental victims. The paper concludes with observations about the urgency of and demand for new laws, new procedures and new remedies in the face of massive environmental damage worldwide and the burgeoning impacts of climate change.

## PANEL SESSIONS – CONTRIBUTED PAPERS

### Environmental Crime *and its Victims*

#### Illegal logging #1

*Panel Session 1-1, Room 230*

Annemiek Tubbing

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Tubbing Milieu-advies

Jaap van der Waarde

WWF

Debora van Boven-Flier

Nepcon

Pauline Verheij

Advisor environmental law and enforcement

Jaap Reijngoud

Reijngoud Concept

#### Illegal timber trade: examples and solutions

##### Victims of illegal logging

Illegal logging is a pervasive problem of major international concern. It poses a significant threat to forests as it contributes to the process of deforestation and forest degradation, which is responsible for about 20 % of global CO<sub>2</sub> emissions, threatens biodiversity, and undermines sustainable forest management and development including the commercial viability of operators acting in accordance with applicable legislation. It also contributes to desertification and soil erosion and can exacerbate extreme weather events and flooding. In addition, it has social, political and economic implications, often undermining progress towards good governance and threatening the livelihood of local forest-dependent communities, and it can be linked to armed conflicts. *Source: consideration 3 of EUTR 1995/2010.*

##### Presentation WWF (World Wide Fund for Nature)

##### Examples:

1. Illegal logging, Cameroon: ‘informal tax system’. Research from CIFOR has shown how illegally harvested timber is confiscated by the state and resold in public auction to the same company, essentially legalizing the timber. Data from CIFOR. General data on importance of local-international markets.
2. Cameroon community forestry. In an attempt to provide an alternative to illegal logging, an increasing number of villages apply for a ‘Community Forest’ title, allowing them to commercially exploit their forest to produce legal timber. Graphs and data from the DACEFI project in Gabon and Cameroon, video from CF in Cameroon.
3. Forest certification. International logging companies certify their forest management operations under FSC, producing timber that is both legal and sustainably sourced.

##### Issues:

- Can the FLEGT-VPA (Voluntary Partnership Agreement) closed between EU and the country of origin prevent this, as this timber is strictly speaking legal? What is the incentive for countries to regulate their internal timber market if most timber export to the EU is already secured through FSC certified operations? What assurances will the EU get that this timber is not imported into the EU?
- Does Community Forest timber comply with the EUTR (European Timber Regulation) and FLEGT? Are the rules too complex for these community based initiatives?
- Will the VPA and EUTR legality demands shift attention of producers and consumers away from sustainability?

#### Presentation Nepcon.

1. Existing types of certificates: differences between certificates proving legality (EUTR) and those who prove sustainability (FSC). How do these certificates address the three abovementioned issues?
2. Cooperation between monitoring organisations and competent authorities.

#### Presentation Tubbing Milieu-advies, Reijngoud Concept and Pauline Verheij

1. What do the by the EUTR required documents prove in the 3 abovementioned examples? Do they prevent the import of illegally harvested timber on the European market?
2. Gaps in the enforcement of the EUTR and how to repair them without asking too much of the forest sector.

## **Crimes against animals**

### *Panel Session 1-2, Room 234*

Tara O'Connor Shelley, Paul Stretesky & Matthew Crow

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Colorado State University

#### **Camouflage Collar Crime: An Examination of Wildlife Crime and Characteristics of Poachers in Florida**

Fish and wildlife crime is an understudied area of criminology and criminal justice and when it is the focus of research, it tends to be characterized by small samples and a lack of multivariate analyses. This study examines the nature and extent of cited fish and wildlife offenses and characteristics of offenders through quantitative analysis of 15,657 incidents of cited fish and wildlife offenses in Florida, United States. The results indicate that a viable typology of wildlife crime is emergent and that there are important racial and ethnic differences across types of wildlife offenses.

Janine Jansen

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VU University Amsterdam

#### **On the relationship between animal victimization and stigmatization of ethnic groups: the case of ritual slaughter**

Muslims as well as Jews practice the prohibition against eating flesh with blood in it. Following tradition an animal that will be eaten should be killed by a single cut to the throat so that the animal will die quickly due to loss of blood. Nowadays the ancient practices of halal and koosjer slaughter have become heavily debated. One of the key issues in this public discussion is the aspect of animal welfare: to what extent are animals that are being slaughtered for human consumption in a ritual manner unnecessarily suffering and therefore victimized? The debate tends to be very emotional. Some even seem to understand ritual slaughter as a pars pro toto, meaning that this practice that is labeled as being cruel and not modern symbolizes the cruel and uncivilized character of the ethnic groups that still do practice these principles of slaughter. In this presentation will be dealt with the following issues: what are the main differences and similarities between halal and koosjer slaughter? How are these practices discussed in the Dutch debate on animal welfare? What outings are being made regarding the concerned ethnic groups? To what extent is animal welfare a tool for stigmatizing these groups? What suggestions could be made for developing a more constructive way of discussing and researching animal welfare and victimization in relation to ritual slaughter?

Tanya Wyatt

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Northumbria University

### **Is the International Consortium on Combating Wildlife Crime making a difference?**

Wildlife trafficking is a multi-billion Euro black market that involves hundreds of millions of plants and non-human animals annually. This has finally begun to gain the attention of academics and law enforcement communities, who are collaborating with environmental and conservation non-governmental organisations in developing strategies to reduce this violent, environmentally destructive green crime. Key to this is raising the global awareness of the prevalence and impact of wildlife trafficking and to coordinate law enforcement operations, which is the aim of the International Consortium on Combating Wildlife Crime. ICCWC is a collaborative effort of INTERPOL, the Convention on the International Trade in Endangered Species of Fauna and Flora (CITES), the World Customs Organisation (WCO), the World Bank, and the United Nations Office on Drugs and Crime (UNODC) that aims to bring coordinated support to national wildlife law enforcement agencies and enhance the awareness of this green crime. This research presents the initial findings of how effective ICCWC's efforts have been in achieving this since its creation in November 2010. To do so media articles were collected from Lexis Nexis in all languages from 24 July 2002 to 24 July 2012 that contained the terms wildlife trafficking, illegal wildlife trade, and/or ICCWC. This was used to gauge the amount and nature of the coverage for the public regarding wildlife trafficking. Additionally, through the cooperation of INTERPOL, the amount and nature of requests for information and non-confidential law enforcement operations were collected to gauge law enforcement's possible change in awareness and engagement. This paper will share the preliminary findings.

## **Illegal logging #2**

*Panel Session 2-1, Room 230*

Lieselot Bisschop

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University College Ghent - Ghent University

### **The illegal trade in tropical timber in a European trade hub: an analysis of its governance reality**

By analysing the case of illegal transports of tropical timber in a European trade hub (port of Antwerp), this study responds to the call for more research about transnational environmental crime. It addresses the question what the governance consequences are of controlling and preventing this transnational environmental crime flow. Relating back to the responsive regulatory pyramid and networked governance, this study makes several observations about the governance reality of illegal flows of timber. In order to provide the necessary contextualization for the governance framework, this study briefly addresses its social organisation. The data analysis reveals various legal-illegal interfaces throughout the flows and illustrates how this flow needs to be contextualized within the global reality of origin, transit and destination locations. This study is based on a qualitative multi-method research design combining a document analysis and 36 interviews with key informants. The analysis triangulates government, corporate and civil society perspectives.

## **Environmental harm**

*Panel Session 2-2, Room 234*

Michael Long, Paul Stretesky & Michael Lynch

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Oklahoma State University

### **Does Environmental Enforcement Slow the Treadmill of Production**

Treadmill of Production (ToP) Theory was developed by Schnaiberg in the late 1970s to draw attention to the causes of ecological disorganization. While ToP is recognized as an important theory within environmental sociology, it has not been extensively examined in the context of green criminology. This research examines ToP in relation to the proposition that the state may place limits on the treadmill through enforcement. Specifically, we examine whether large monetary penalties administered against treadmill actors by the state slow ecological disorganization. To empirically test this proposition we examine the association between emissions and penalties over time within companies. We use fixed-effects regression to hold constant any unchanging company attributes that may introduce significant specification error into our models.

Gary Potter

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London South Bank University

### **Mainstreaming Green Criminology**

Although increasingly established, Green Criminology (GC) still struggles to be accepted by many 'traditional' criminologists as much more than a niche specialism within pre-existing frameworks of established criminological branches (e.g. corporate crime). However, as environmental problems become more pressing, and as our understanding of the interplay between the environment and society become more developed, it becomes clear that an ecological perspective is increasingly important to understanding an ever-broader range of criminological concerns. GC has largely focused on damage committed to the environment and victimisation as a result of such damage. Narrow definitions of green criminology encompass such events which result from a clear breach of criminal law or other legal instruments; broader definitions take a zemiological approach and are concerned with such events whenever they result in harm whether or not criminal (or other) laws have been broken, but are subject to criticism from criminological realists for precisely this reason. As such, green issues are still seen by many criminologists, particularly the 'realists', as beyond the remit of criminology. This theoretical/conceptual paper argues that environmental harms are increasingly relevant even to traditional (narrow, mainstream) criminological concerns. GC components of criminology courses, textbooks, conferences and journals should become the norm rather than the exception. Firstly we recognise that the (criminal) law itself is increasingly used to regulate damage to the environment. Secondly, and significantly for this paper, crimes are increasingly committed as a response to or result of environmental harm. In short: increasingly, environmental harm is crime (whether broadly or narrowly defined) and increasingly, environmental harm causes crime (whether broadly or narrowly defined). Both types of crime have victims; both increasingly demand criminal justice responses. GC should be increasingly seen as part of the criminological main-stream, not some niche area.

John Karamichas

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Queen's University Belfast

### **Olympic Games Hosting: a clear case of green harm or an opportunity for the ecological modernisation of the host nation?**

The prospect of hosting an Olympic Games edition has been the recipient of multiple responses. In particular, environmentalists have acted as outright opponents or critical monitors of the environmental dimension of this sport mega-event in all of its phases (pre-event, event and post-event) and in the most recent editions ENGOs have served as important advisors and facilitators. Still, those against hosting the

Games tend to highlight the insuperable environmental damage caused by Olympic related infrastructural projects. This paper offers a brief overview of how these issues were manifested in relation to a number of Olympic editions up to the point where the International Olympic Committee (IOC) recognised the environment as the third pillar of Olympism. Evidently, nowadays Olympic Games and other sport mega-events take immense efforts to showcase their environmental credentials. The core aim of this paper is to compare and contrast the environmental legacies that have been bequeathed to four recent Olympic host cities and nations, beginning with Sydney in 2000 (host of the first Green Summer Olympics) and culminating with London in 2012, via Athens in 2004 and Beijing in 2008. In particular, it offers an appraisal of the extent to which hosting an Olympic Games leads to the Ecological Modernization (EM) of the host-nation, an outcome that is strongly promoted by the International Olympic Committee (IOC). In this direction, six post-Olympics ecological modernisation (EM) indicators have been put to the test. The paper concludes by arguing that irrespective of the high score achieved by Beijing 2008, no causality can really be identified between Olympic Games hosting and improvements in the EM capacity of the host nation.

## **Types of environmental crime**

*Panel Session 3-1, Room 230*

Marieke Kluin & Ellen Jagtman

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Delft University of Technology

### **Environmental rule violations of chemical corporations**

The aim of the research in this presentation is to explain compliance and rule violation in the framework of the interaction between field-level inspectors and regulatees. We focus on the enforcement practices of regulation by field-level inspectors from three different inspectorates. This presentation has its focus only on the Environmental Protection Agency and on all violations of environmental regulations by chemical corporations. It reports on the results of a questionnaire and a trend analysis that is part of a broader research project. One method of investigation was a questionnaire handed out to employees involved in the yearly Seveso inspection of chemical corporations in the Netherlands. Elements that were studied were their perception of the inspector's behavior, the reaction of the corporation to the inspector's visit and general views of the respondent on the rules and regulations. It was administered on-line after the inspection was completed. Respondents were approached directly via a personalized email message with reference to the concerned inspection. The other method of investigation, a more objective method, is a trend analysis for a period of 10 years that is performed with data gathered by the Environmental Protection Agency in international chemical corporations in the Netherlands. The data includes violations of environmental regulation by chemical corporations and in some cases enforcement of the Environmental Protection Agency as a result of the rule violations.

We combined both data resources and will describe the differences and similarities of the on the one hand a more subjective method, the questionnaire with the perception of chemical corporation employees on environmental regulations and a more objective method, the trend analysis with an overview of rule violations for a period of 10 years. The results will show if the perception of the corporations are in line with the findings of the inspectorate regarding compliance of environmental regulation by these corporations.

Reece Walters

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### **Carbon Fraud - the politics and regulation of emissions**

“Interpol warns of carbon fraud”

“Carbon Markets Rocked by Credits Fraud”

Such is the mood of concern and foreboding over the potential criminological impacts of the developing carbon markets. Driven by the doctrine of green economics, and influenced by established government

trade practices, the Kyoto Protocol formally accepted the use of a system of carbon credits to assist those nations unable to meet Kyoto's carbon emission goals of reducing GHG by 5.2% on 1990 levels by 2012. This process of certification gives states and corporations legal permission to release emissions into the atmosphere, with one carbon credit equalling one tonne of carbon dioxide. The Kyoto Protocol established upper limits or 'emission caps' for all 170 signatory countries. Large polluting nations, such as China and the US, however, have refused to agree to mandatory caps, while the UK is widely reported to exceed its projected carbon emission target (Harvey, 2011). Moreover, polluting countries can participate in reforestation initiatives or the creation of 'carbon sinks' as a contribution to reducing emissions. This paper explores the commodification of carbon and concomitant acts of fraud and environmental harm. It examines the politics, inequities and harms of a market-based approach to regulating corporate pollution.

Coen van Gulijk

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Delft University of Technology

### **Oil spills, a persistent problem**

The catastrophe with the Deepwater Horizon has sparked many discussions about controlling oil-spills. This particular incident is researched widely today but in fact we are uncertain about frequency and size of oil-spills. This paper aims to reduce that uncertainty by analyzing historic oil-spill data from NOAA (National Oceanic and Atmospheric Administration of the US). Publicly available data from NOAA was used for the analysis. NOAA published a report on US and international spills in September 1992 and annual reports from 1992 to 1999 about their activities in oil-cleaning operations. About 32 years are covered in the reports. Though the information is dominated by relatively small spills in the US and large spills in the world it gives an indication about the frequency of oil-spills. The spills were analyzed with a technique called fN plotting. These curves represent spill sizes as function of frequency-of-spills per year. fN plots combine oil-spills in one or more groups. At the cost of detailed information about oil spills and their causes; including limitations to the use of historic data; frequencies are found that help understand just how unique an incident like the Deepwater Horizon spill was. There are more than one opportunities to improve the analysis that is presented in this paper. But the current data is useful in discussions about the actions to be taken to prevent future oil-spills and acceptability of oil-exploration.

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### **Environmental crime in the Netherlands**

This paper uses the results of a cross-case analyses of 23 criminal investigations of environmental crime in the Netherlands to identify some key characteristics of environmental crime. It addresses the characteristics of the offenders, the types of crimes, the modus operandi and the motivations that provide an explanation of the cases. It also addresses the opportunities and constraints provided by regulation and enforcement by both public regulatory actors and private parties, such as auditors and interest groups.

## Illegal waste trade

*Panel Session 3-2, Room 234*

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Public Prosecution Service, Functional Prosecution Service, The Hague

### **Prosecution of illegal trade of waste in the Netherlands: practice and research**

Illegal trade of waste is a major environmental crime problem around the world. The Netherlands play an important role in (illegal) waste shipments from Europe to other parts of the world, (e.g. e-waste to West Africa) as it is home to two of the biggest ports in Europe (Rotterdam, Amsterdam). The Public Prosecution Service for Fraud and Environmental Crime, Functional Prosecution Office (FP), is responsible for the criminal prosecution of these offences in the Netherlands. This presentation describes the activities the FP employs in fighting illegal trade of waste. The main activity is the prosecution of offences but the FP plays also an important role in policy making. Research is used in different ways to improve the effectiveness of policy making. After a short introduction of the FP, the presentation first focuses on the illegal trade of waste from the Netherlands and addresses the extent of the problem and the types of offences. The case of Probo Koala - illegal petroleum waste shipment to Ivory coast- is used to exemplify the problem. The presentation then continues by describing how the FP uses research in policy making by describing three research projects. The first research project is an analysis of facilitating and hindering factors for (international) environmental crime in the Netherlands that is used in strategic policy making (e.g. prioritising). The second project describes a research project that investigated the effectiveness of the prosecution strategy in illegal waste trade cases based on 21 interviews with CEO's of big waste companies and regulatory bodies. Thirdly, the presentation focuses briefly on an on-going research project that deals with the effects of (illegal) waste shipments on Ghanaian society, based on field studies and interviews in the Netherlands and Ghana.

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Netherlands Police Agency

### **Waste streams to Africa en the Far East and environmental crime**

This study is part of the National Threat Assessment on organised crime, that is performed every four years in the Netherlands. With respect to a number of crime forms, such as drug trafficking, trafficking in human beings, money laundering, six basic questions are answered. This concerns the nature, volume, persons and groups involved, adverse consequences, factors of influence and expectations for the near future. For the study on crime related to international waste flows, specific agreements have been made with the Public Prosecution Service's department for Fraud and Environmental Crime from which the assignment comes. Point of departure is the trade chain, in which several parties play a role between the production of waste and the final recycling or dumping. Which opportunities for crime occur for collectors, traders, transporters, shippers and recyclers of waste? A special group of interest is formed by the intermediaries, such as shippers, advisors and surveyors. In what ways do they facilitate environmental crime? Furthermore, an effort was done to get a picture of what happens to waste streams once they have crossed the EU borders. In order to achieve more depth in this descriptive study, it was decided to compare waste exports to African countries to those going to China and neighbouring countries. As a consequence, waste imported to the Netherlands as well as waste streams within the EU were not studied. Also, transports of oil were left out, because they are covered by a parallel study. Field work has been done by interview and analysis of files of criminal investigations by the Environmental and Transport Inspection (Inspectie Leefomgeving en Transport) and police environmental investigation teams. The presentation will discuss the design and method of the study as well as preliminary results.



Lieselot Bisschop

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**Go with the flows. Illegal e-waste transports and a European trade hub.**

This presentation examines the social organization and governance of the illegal trade in e-waste. It analyses the e-waste flows within the local research setting of the port of Antwerp (Belgium) and relates those to the European regulatory framework and globalized trade. This PhD study is based on a multi-method approach of document analysis, 56 interviews and field visits. Both the document analysis and the interviews triangulate government, corporate and civil society perspectives. The field visits occurred in the port of Antwerp (Belgium) and in Accra (Ghana). The presentation briefly discusses the impact of illegal transports of e-waste, before discussing which legal-illegal interfaces exist throughout the e-waste flows and how governments, corporations and individuals (un)knowingly feed into illegal transports of e-waste. The complexity of the issue is further made clear by trying to understand why actors become involved in illegal e-waste flows. The presentation examines how push, pull and facilitating factors in locations of origin, transit and destination together determine the emergence of the illegal transports. Building on these insights, the presentation continues by addressing the governance of e-waste flows. Throughout the departure, transit and destination locations different actors have a governance responsibility. It sheds light on the involvement of corporate, government and civil society actors and to their interactions within environmental governance arrangements. This presentation discusses how the governance framework for illegal e-waste flows is shaped. It provides insights into the facilitating and hindering factors for these governance arrangements, for actors individually and in interaction.

## **PANEL DISCUSSION – ON THE WAY FORWARD**

Environmental Crime *and its Victims*

### **Participants:**

Rob de Rijck – Dutch Public prosecution service

Davyth Stewart – Interpol

Charlotte Davies – Environmental Investigation Agency

Rob White - University of Tasmania, Australia

*Moderator: Professor Ben Ale, Delft University of Technology*