

ECOVIOLENCE STUDIES

Ecoviolence, defined broadly as the intersection between human–human exploitation and the destruction of nature, is one of the defining features of our time. This book collects 10 case studies examining the intersection between the exploitation of human beings and environmental harm. Topics discussed include the wildlife trade, ecoviolence at sea, natural resource exploitation in Latin America and Africa, human trafficking induced by extreme weather events, climate change-related language death, and the confluence of drug cartels and environmental destruction. The book argues that ecoviolence studies has emerged as an expanded, multidisciplinary field in its own right, and that policy responses and the search for environmental and social justice should reflect accumulated knowledge in this area. It is an insightful volume for researchers and graduate students working in green criminology, Earth system governance, environmental politics, human rights, environmental and international law, and related areas.

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Human Exploitation and Environmental Crime

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Contents

<i>List of Contributors</i>	page vii
<i>Foreword</i>	ix
SHELDON JORDAN	
<i>Foreword</i>	xiii
RUDOLPH C. RYSER	
<i>Preface and Acknowledgments</i>	xvii
1 Ecoviolence Studies and Human Security	1
PETER STOETT AND DELON ALAIN OMROW	
2 The Links between Human Trafficking and Wildlife Trafficking	21
MICHELLE ANAGNOSTOU AND DAAN VAN UHM	
3 Preventing a Secondary Disaster: How Emergency Management Agencies Can Prepare and Respond to Disaster-Linked Exploitation	40
BENJAMIN THOMAS GREER	
4 Ecoviolence at Sea	56
MATILDA PETERSSON AND SOFIA KÄLL	
5 <i>There Will Be Blood</i> : The Return of the Frontier Logic in Guyana and Hyper-Exploitation in the Mining Sector	86
DELON ALAIN OMROW	
6 Artisanal Gold Mining in Uganda: Towards Formalization as Remediation of Dignity and Rights	101
JULIUS KAKA	
	v

7	Searching for Shelter in the Climate Crisis Era: Ecocide and Migration	121
	ASCENSIÓN GARCÍA RUIZ	
8	Climate Change, Violence and Ecocide	139
	ROB WHITE	
9	Sea of Cortez Region: Crime and Ecosystem Crossroads	158
	FRANCISCO CUAMEA AND DELON ALAIN OMROW	
10	Minority Languages as Collateral Damage in the Climate Crisis: The Incidental Result of Ecoviolence on Y Gymraeg/Welsh Language	170
	LOWRI CUNNINGTON WYNN	
	<i>Index</i>	183

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Foreword

SHELDON JORDAN

People are remarkably adept at building siloes of specialization to take on “wicked” problems – issues that have many components and no simple solutions. Ecoviolence – and responses to it – are no exception.

Human-influenced climate change is an example of what Michael Toman, the World Bank’s former Lead Economist on Climate Change in the Development Research Group and Research Manager of the Sustainability and Infrastructure Team, once described as the “wickedness” of climate change – in terms of the deep uncertainties, profound ethical issues, and even lack of agreement on how best to mitigate shifts in temperatures and weather patterns resulting from human activities (Toman, 2012). Despite overwhelming evidence that greenhouse gas emissions pose significant threats to environmental sustainability and human security, coordinated efforts to address these risks in a timely manner seem few and far between. Indeed, the wickedness of this problem has much to do with political and institutional apathy mixed in with competing social and economic interests at many levels. Likewise, we tend to overlook the deeply wicked problem of ecoviolence when we speak of environmental issues.

Not everything that is harmful is illegal – this is illustrated in Yingyi Situ-Liu and David Emmons’ (2000) distinction between the *strict* legalist perspective and the *social* legalist point of view. While the first views environmental crime as an unauthorized act which violates the law and therefore subject to prosecution and sanction, the second reveals that certain acts may not violate the letter of the law, but may warrant the popularly understood label of ‘crime’ because of their deleterious effects on the environment and human beings. But what of harm and ecoviolence? We often look at criminalizing – or regulating – harms based on their parts rather than their sums. It often comes as a frustration to practitioners who are trying to take on an issue, knowing they are only one tool among many others that are also required to fix the problem.

No problem walks alone. When we speak of ecoviolence, we often refer to the act of putting bad things into the environment (e.g. pollution) or taking good things out (e.g. illegal harvest/trade). The intersection between ecological destruction (or ecocide) and the exploitation of human beings requires new paradigms to address the wickedness of ecoviolence. The policy goal governments have is to reach a balance that is “sustainable” enough to generate wealth without depleting the resource to the point that it cannot regenerate itself.

In my view, ecoviolence and its mitigation is interesting to look at as a wicked problem. It is most often committed for money: either *to make it*, such as harvesting and marketing fish or timber illegally – or *to avoid spending it*, like not installing due diligence systems (and backups) for controlling polluting emissions. However, a constant challenge is that environmental law enforcement agencies are typically small, with a tightly defined and narrow mandate that does not include every harm (or collateral issues caused by the harm). This can be a challenge. For example, while environmental crimes generate massive amounts of money globally (estimated upwards of USD 250 billion in 2016), expertise in the sister area of financial investigations is usually housed in money laundering police units or in taxation departments, that usually have different enforcement priorities than environmental crime agencies. Wicked problem, meet siloed approaches.

In another example, overfishing by fleets in international waters is often done using vessels under a third country’s “flag of convenience” and too often involves modern slavery, along with a lot of other shadowy practices. But taking this on is too complex for one agency or even one jurisdiction (assuming that there *is* a political will in a jurisdiction to take it on). Even Interpol, which I was involved with for over a decade, struggles with some of these challenges as it most often receives donor funding to help countries (usually developing) with certain “crime types,” period. Environmental enforcement programs are not funded to address the underlying issues of organized criminals responding to market demand for inexpensive food, by any means possible including a multiplicity of other legal and unlawful practices.

There are also other impacts of environmental harms that are not – or cannot be – regulated or criminalized. The clearing of the vast plains of North and South America in the nineteenth and twentieth centuries in the name of developing sufficient food production has had huge environmental impacts, changing ecosystems forever. It also condemned Indigenous communities to being marginalized to this day, both geographically (on reserves; in poverty) and culturally (structural and social racism). Again, a wicked environmental problem with collateral consequences that no one tool can hope to find solutions to. And while the environmental damage, and the *ecoviolence*, are not illegal in this example – in fact it was encouraged by multiple governments for over a century – its offspring include

a host of social, economic, and other issues – often resulting in criminalized behaviors – that plague local societies to this day.

That is not to say things are lost: there is an increasing recognition of the benefits of reaching across silos. As an example, in the 2010s, Canada was under a great deal of scrutiny with regards to its management and trade in polar bear, a species that is threatened by climate change but is of significant cultural and economic importance to the Inuit peoples of the Arctic. In short, there was pressure from numerous countries and (mostly European) civil society groups to stop the international trade in this species under the Convention on the International Trade of Endangered Species of Wild Flora and Fauna (CITES). While the economic and conservation effects of a trade ban would be minimal by global economic standards, under CAD 2 million annually in 2019, the impact on thousands of people in remote communities, where subsistence and guided hunting is a necessity while other economic opportunities are rare, would be tremendous. To complicate matters, between 2009 and 2013, the price of good-quality polar bear pelts at auction in southern Canada more than quadrupled from CAD 5,000 to nearly CAD 25,000, increasing the incentive for unlawful actors to engage in illegal trade (the prices have since fallen significantly). Also, there was the recent memory of European bans on the import of seal pelts, which had devastating impacts on the local economy further increasing suspicions of communities that polar bear trade bans were targeting them unfairly. To take on this issue, Federal, provincial, and territorial governments engaged with Indigenous communities to collaboratively improve species science and management, better track kills and trace trade, as well as improve compliance and enforcement to ensure that the resource would be there both now and for the future. It took a lot of work, and there were challenges and disagreements along the way, but in the end, this has been a real success story with better-informed conservation strategies for sustainable harvest and tightly managed legal trade to help identify cases of noncompliance.

A second example is the International Coalition to Combat Wildlife Crime (ICWC), which brings together the expertise of five intergovernmental organizations to help countries implement strong legal frameworks, augment enforcement capacity, and support multilateral operations. The UN Office on Drugs and Crime is responsible for developing high level analysis to influence policy discussions, such as legal frameworks around environmental exploitation internationally and in member countries. It also trains members of the judiciary and prosecutors to ensure the impacts of environmental crime are taken into account when cases are brought to court. Interpol and the World Customs Organization provide support to frontline officers through training, information sharing, assisting in investigations as well as through coordinating global operations, such as the annual Operation Thunder law enforcement campaigns launched in 2017 (which, in addition to countering wildlife

and forestry crime, often result in collateral investigations into illegal drugs and currency crimes). The CITES Secretariat provides overall coordination to the Coalition as well as expertise on trade in goods under that Convention. Efforts such as ICCWC would not exist were it not for visionary people thinking outside of silos, to create polyvalent approaches to help reduce multipronged problems. We need more of them.

But even the successes in creating strategies against ecoviolence only take into account part of the problem. There are no global strategies to counter human exploitation in the illegal fisheries, mining, and forestry sectors. Gender impacts of the illegal wildlife trade is just beginning to gain attention (Seager, 2021). And despite being the focus of lots of attention during the first months of the global COVID-19 pandemic, global health and environmental crime appear not to be joined in the public discourse very much anymore.

Crime and other harms frequently converge in the field of the environment, with often devastating effects for individuals, for local communities and for the Earth itself. Policy responses, being crafted by humans (who are good at building silos), are often directed to individual issues in the hope that it has some impact on the wicked problem that the policymaker knows exists, but likely has limited resources and/or mandate to take on. I had the good fortune, in my former role as Director General of Wildlife Enforcement for the Canadian Government, to participate in the 2021 event organized on human exploitation and environmental crime that inspired my colleagues to write this book. I hope that the information in the chapters motivates you to look at issues of environmental crime and ecoviolence horizontally. These are complex situations, and we need all the tools possible to understand them so that we can take them on successfully – to reduce the harm they cause.

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Foreword

RUDOLPH C. RYSER

For the last 60,000 years, the human species has emerged as the most successful of the animal kingdom, outlasting thousands of species, many of which have gone extinct in just the last 100 years. The Paradise parrot in Australia, the Sicilian wolf, the Tasmanian tiger, and many others are extinct due to the destruction of habitat, overhunting, poaching, deforestation, climate change, disease, environmental change, and more resulting from human rapaciousness.

As the world's Indigenous peoples occupied new lands and eventually began to colonize already settled lands unfamiliar to the immigrants, new rules of conduct governing behavior and political authority were introduced. Customary laws of the original occupants of the world's lands evolved due to the dynamic human interaction with the environment based on the Earth's capacity to restore life naturally. With the spreading industrial revolution, however, customary laws were pushed aside in favor of laws that expanded consumption and human demand. Laws promoting consumption, expansion, and population growth became the forces for destroying the balance between human needs and Earth's capacity to restore life – a process now called “ecocide” – the foundation concept of ecoviolence studies.

Writing in his 1975 book introducing the concept of ecocide, Scottish biologist and activist Arthur Galston turned to the spirit of ancient laws and wrote with alarm:

Ecocide is not only a new concept for criminology, it is also a new challenge for international law. It requires a new approach to the relationship between humanity and the natural world, a recognition that we are part of a larger ecological system and that our actions have consequences that extend far beyond our own immediate interests. It requires us to think not only about our rights but also about our responsibilities, to recognize that we have a duty to protect and preserve the natural world for future generations. (1975, p. 14)

Galston introduced into contemporary consciousness the necessity for the more than 300-year assault on Mother Earth to end. Moreover, Galston's words called attention to the necessity for humanity to self-control through the institution of laws

and measures to enforce laws to halt what, by all measures, constitutes a form of mass suicide – a concept recognized in ecoviolence studies.

The Scottish barrister, author, and environmental lobbyist, Polly Higgins (1968–2019) introduced a proposed law in 2010 for the international community to recognize and institute “ecocide” as a crime against humanity. When she sought political support for an ecocide law building on Galston’s work to amend the Rome Statute (2002) she described “ecocide” as the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished (Higgins et al., 2013, p. 9).

Her efforts were met with objections and derision; a law against ecocide was considered unenforceable by international lawyers and officials of international organizations and governments. Proclaiming the often used “protection of sovereignty and territorial integrity” defense by states and the incorrect assertion that ecocide has little or nothing to do with “genocide,” Higgins’ courageous efforts were stalled and even blocked. Higgins wanted Indigenous peoples to join her efforts, and some leaders did, as did I. For a brief time before her death Polly Higgins worked with my organization, the Center for World Indigenous Studies, to actively establish an international mechanism to prevent ecocide and hold accountable extractive industries exploiting Indigenous nations and their ancestral territories. The obstacles posed by state bodies, and the narrow conceptions of genocide offered in the 1948 Genocide Convention on which the Rome Statute is based, joined corporations and governments asserting that the economic wealth produced by the exploitation of oil, minerals, metals, forests, grasslands, rivers, and oceans far outweighed the need to make destruction of the environment and human societies a crime.

Ecoviolence Studies: Human Exploitation and Environmental Crime continues the process of challenging that narrative. Its chapters demonstrate the validity of Galston’s and Higgins’ prophetic works. Stoett and Omrow have arranged a volume which discusses various aspects of ecoviolence and its intersections with different forms of exploitation, highlighting existing strains of inquiry that examine the confluence of ecocide and (super)exploitation, such as forced migration/environmental refugees, human trafficking, human rights abuses related to resource conflicts, gendered violence related to environmental scarcity and forced labor, illegal fishing and sea slavery, patterns of slavery in mining and agriculture, toxic waste dumping by organized crime, and transnational pollution dumping. The authors conduct wide-ranging research into ecoviolence as a product of resource exploitation, including extraction of subsurface minerals and metals, trafficking of wildlife and resources for profit, and the role of climate change in growing human violence and involuntary migration. The chapters reinforce the notion that these issues are

not isolated but rather are profoundly intertwined, with one fueling the other. Through case studies and analysis, the authors shed light on the consequences of environmental crimes and their impact on human well-being, illustrating significant elements of ecoviolence studies. The book also raises concerns about the impact of “green colonialism” and violations of Indigenous peoples’ rights in pursuing a greener economy.

As a discipline, ecoviolence studies offers potential research pathways and subject areas in the highly nuanced relationship between ecocide and broader social harm analysis – whether in the form of human trafficking and wildlife trafficking; emergency management during and after disasters; forced labor and labor abuses in the sustainable seafood movement; illegal mining; agriculture, urbanization, industrial activities; carbon criminality; and, lastly, minority language death. While seemingly unrelated, these issues are brought together through the field of ecoviolence studies.

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Preface and Acknowledgments

This book was conceived largely during a conference held at Ontario Tech University, where we both teach and research. A previous co-authored book entitled *Transnational Spheres of Ecoviolence* (Palgrave Macmillan, 2021) set the stage for more detailed case study work on the links between violence against nature and the exploitation of human beings and communities. As we explain in Chapter 1, putting these two regrettable aspects of contemporary life together is hardly an innovation, but we are adamant that the time has come to firmly establish an interdisciplinary field dedicated to their formal study, and we hope this text will offer a serious contribution to its development.

We are very grateful to all the authors featured in this text, many of whom have waited far too long to see their work published. Funding for various related projects came from the Social Science and Research Council of Canadian Institute for Advanced Research. Special thanks to the decanal staff at Ontario Tech University and in particular Peter's Executive Assistant, Ms. Kirstie Ayotte. There are far too many colleagues to thank for input and related conversations over the past years, but many of them are cited in these pages one way or another. And as always we thank our own families and partners for their support and inspiration.

We are grateful to the editorial team at Cambridge University Press for their patience and unwavering commitment to the cause, in particular Maya Zakrzewska-Pim, Editorial Assistant for Earth and Environmental Sciences. Thanks also to Martin Tribe for careful yet expeditious copy-editing.

Finally, this volume has an unusual feature: two Forewords, written by two outstanding individuals who have dedicated their lives to conserving nature and protecting the rights of those immediately dependent on it. The first was penned by our dear colleague Sheldon Jordan, former Director-General of Wildlife Enforcement with Environment and Climate Change Canada; he also served on

Interpol's Wildlife Crime Working Group amongst many other considerable achievements. He is a knowledgeable and ferocious opponent of environmental crime.

The second Foreword was written by Rudolph R yser, author of *Indigenous Nations and Modern States* (Routledge, 2012), founder of the Center for World Indigenous Studies, and the Editor in Chief of the *Fourth World Journal*. We were saddened to learn of his sudden passing in October of 2023, and honored that one of the last things he wrote was a foreword to this volume. We dedicate the book to all the Bear Clan and everyone else who sees the protection and security of nature and the communities living in it as their primary priority.