



THESIS - Vol. 12, No. 1, 2023

International Research Journal

ISSN: 1848-4298 (Print)

ISSN: 2623-8381 (Online)

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How to cite this article:

Murhula, P. B. B. & Singh, S. B. (2023). Solving Environmental Crimes through Restorative Justice Approaches. *Thesis*, 12(1), 55-75.



Published online: September 20, 2023.



Article received May 24, 2023.
Article accepted July 28, 2023.



Conflict of Interest: Authors declare no conflict of interest.

Solving Environmental Crimes through Restorative Justice Approaches

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Abstract

Environmental crimes pose a grave threat to our everyday lives, our planet, and future generations. Environmental crimes are any illegal trade in wildlife, forestry and fishery, illegal dumping of waste including chemicals, smuggling of ozone-depleting substances and illegal mining. Protecting and improving the quality and safety of our environment is one of our critical outcomes aimed at ensuring that the current and future generations will continue to enjoy their right to an environment that is not harmful. However, the traditional criminal justice approach has challenges in establishing culpability in environmental crimes and does not always make it possible to repair the injustice done by the wrongdoers. Using case studies from Australia, the findings of this study demonstrate that the use of a restorative justice approach makes it possible to resolve the multidimensional nature of environmental injustices and help to implement different needs of victims such as reparation, recognition, participation in Court proceedings and assistance. Furthermore, it places the justice process in a transformative logic that makes it possible to prevent future injustices.

Keywords: Restorative Justice, Environmental Crimes, Victims, Global South, Criminal Justice

Introduction

Environmental crimes pose a grave threat to our everyday lives, our planet, and future generations. Protecting and improving the quality and safety of our environment is one of our critical outcomes aimed at ensuring that the current and future generations will continue to enjoy their right to an environment that is not harmful.

The environment provides the very foundation of sustainable development, health, food security, and economies. Ecosystems provide a clean water supply, clean air, secure food, and ultimately both physical and mental well-being. Natural resources also provide livelihoods, jobs, and revenues to governments that can be used for education, health care, development, and sustainable business models. The role of the environment is recognized across the internationally agreed seventeen sustainable development goals adopted in 2015. Yet despite the fact that environmental crime poses a growing threat, it remains a low priority for the international enforcement community (Banks, et al., 2008).

Environmental crimes can be broadly defined as illegal trade in wildlife, forestry and fishery, illegal dumping of waste including chemicals, smuggling of ozone-depleting substances and illegal mining. Illegal mining is not limited to illegal extraction of resources, it also has severe environmental impacts, whether from mercury pollution from artisanal gold mining (Hilson, Hilson, & Pardie, 2007), or destruction of natural flora and fauna, pollution, landscape degradation and radiation hazards, with a negative impact on arable land, economic crops and trees (Aigbedion & Iyayi, 2007). A broad understanding of environmental crime includes threat finance from the exploitation of natural resources such as minerals, oil, timber, charcoal, marine resources, financial crimes in natural resources, laundering, tax fraud and illegal trade in hazardous waste and chemicals, as well as the environmental impacts of illegal exploitation and extraction of natural resources (Interpol & UNEP, 2014).

Although the definition of environmental crime is not universally agreed, it is often understood as a collective term to describe illegal activities harming the environment and aimed at benefitting individuals or groups or companies from the exploitation of, damage to, trade or theft of natural resources, including serious crimes and transnational organized crime (Banks, et al., 2008). As Hall and Farrall (2013) point out, the criminalization of environmentally harmful activities reflects public and professional attitudes about what activities should be seen and treated as criminal as much as the intrinsic harm related to specific activities. It follows that the more the public becomes aware of environmentally harmful activities, the more such activities will likely be subject to criminalization. With an increase in both actual environmental problems and awareness of the extent and nature of harms stemming from them, it seems likely that the criminalisation of environmentally harmful activities will continue to expand (Spapens, White, & Kluin, 2014).

However, difficulties have emerged around the world, about how best to introduce criminal sanctions and derive coherent sentencing policies. The competing requirements of deterrence, punishment and environmental restoration may result in overlapping and contradictory objectives (Germani, 2004). Some prominent legal scholars argue that existing environmental law cannot be effective in addressing environmental crimes (Moore, et al., 2018). Furthermore, according to Hall (2017), traditional criminal justice mechanisms are fundamentally ill-equipped to identify, prosecute and sentence in a manner proportionate to the full range of environmental victimizations emanating from many environmental crimes. The majority of criminal justice systems across the world are not geared up to deal with mass victimizations of the kind that are often a feature of environmental offending. Therefore, this paper explores the potential for the use of the restorative justice approach in dealing with environmental crimes that yields benefits for the victim, offender, community, and environment.

This paper proceeds as follows: the introduction section provides the definition of environmental crime and discusses key issues in establishing sanctions on people responsible for environmental crime.

The subsequent section offers a brief overview of victimhood in environmental crime. Ostensibly, it would seem that everyone or each country suffers the impact of environmental crime equally. However, patterns of environmental crime victimization reflect broader patterns of inequality in the world: poor countries (global South countries) suffer more from the impacts of environmental crime compared to global North countries. The next section explores the challenges faced by the traditional criminal justice system in establishing culpability in environmental crimes. Identifying the perpetrator in environmental cases and establishing criminal liability can be extremely difficult as the chain of causation from perpetrator to harm can be long and complex. With these shortcomings in the current legal system in mind, especially in the context of environmental crime, the next section introduces the reader to the concept of restorative justice and to its significance in resolving environmental crime. It draws upon two case studies from Australia where restorative justice has been in use since the early 2000s to address environmental issues. The final section concludes by combining the insights of previous sections to assess the efficacy of restorative justice in the context of environmental crime.

Victims of Environmental Crimes

At first glance, it would seem that everyone suffers the impact of environmental crime equally. However, several studies show that global South countries face higher levels of environmental crimes than the rest of the countries in the world (Pellow, 2004). This can be justified by the fact that the contemporary climate emergency is directly traceable to colonial activities commenced on indigenous territories, continued under postcolonial regimes, with the active support (material and logistic) of the former colonial powers (Douglass & Cooper, 2020). These practices stimulated demand for products, treated territories as resource hotbeds, and ignored the human rights of indigenous peoples who were treated as objects rather than subjects of law, and resulted in the systematic destruction of habitats hastening the breach of planetary boundaries (Rockstrom, Steffen, Noone, & Persson, 2009).

Global South Countries as Victims

The European colonization of Africa, Asia, and the Americas devastated indigenous societies and wreaked havoc on the flora and fauna of the colonized territories through logging, mining, and plantation agriculture (Ponting, 2007). European colonization transformed self-sufficient subsistence economies into economic outposts of Europe that produced agricultural commodities, minerals, and timber, and purchased manufactured goods. It also paved the way for contemporary social and economic inequality by dispossessing indigenous farmers, uprooting and enslaving millions of Africans, and importing indentured workers to provide cheap labour for their colonial overlords (Ponting, 2007).

Scholars and activists have argued that global North countries owe an ecological debt to the countries and peoples of the global South for centuries of economic exploitation, decades of ill-advised “development” programmes, and consumption patterns that have devastated the planet’s ecosystems (Mickelson, 2005). The North incurred this debt through “resource plundering, unfair trade, environmental damage and the free occupation of environmental space to deposit waste” and through the displacement of Southern peoples and the destruction of their “natural heritage, culture and sources of sustenance” (Paredis, Goeminne, Vanhove, Maes, & Lambrecht, 2008).

Furthermore, the continuing illegal dumping and trade of wastes by global North countries has resulted in global contamination of air, land, water systems (including water tables and river systems) and threatened local ecosystems, affecting animals and plants in addition to human health (Interpol & UNEP, 2014). Waste trafficking originates mainly in developed countries, with the European Union and the United States of America are commonly identified as the main exporters of illegal waste shipment. The main destination continents for illegal waste trafficking are Africa (Côte d’Ivoire, Ghana, Guinea, Nigeria, Sierra Leone, Tanzania, Togo, Benin, and Senegal) and Asia (China, Hong Kong, Indonesia, India, Malaysia, Pakistan, and Vietnam) (Interpol & UNEP, 2014). The illegal production and consumption of chlorofluorocarbons, hydrochlorofluorocarbons, and

other ozone-depleting substances also fall under this category. These substances affect animal immune systems, creating vulnerability to infectious diseases and reduced productivity in plants and phytoplankton.

The Environment as a Victim

Considering the environment as a victim focuses on how the illicit behaviour harms the biodiversity and ecological integrity of the planet rather than human beings. Adopting this approach would broaden the environmental protection regime and impact the concept of victimization. Our environment is often treated as a virtually unlimited resource that can be exploited without grave consequences. Yet the harms can be irreversible, such as the extinction of species, destruction of natural landscapes, climate change, as well as harm to humans. Benidickson (2009) looked at different ways to measure the “value” of the environment and therefore the extent of its victimization. Examples of determining the value could include: looking at the cost of replacing it or of restoring it to its original condition, or trying to determine the monetary value people place on non-market items such as threatened species, free-running streams, and clear skies (Benidickson, 2009).

Appreciating the extent of victimization of the environment will depend on the perspective one takes. The traditional anthropocentric perspective sees non-human nature as an instrument for humans, “something to be appropriated, processed, consumed and disposed of in a manner which best suits the immediate interests of human beings” (Halsey & White, 1998). In this view, victims are people, whether this is defined as individuals victims or communities or seen as future generations, through the principle of intergenerational equity, which requires the present generation to ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations and for the concept of sustainable development, which means development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Halsey & White, 1998).

Alternative perspectives include the ecocentric perspective, which views human beings as merely one component of complex ecosystems that should be preserved for their own sake. Here the victim is specific environments and non-human species. Scholars from the animal rights perspective take the position that animals are themselves victims as “individuals”, not just part of nature (White, 2011).

Criminal Justice Challenges in Establishing Culpability in Environmental Crimes

Identifying the perpetrator in environmental cases and establishing criminal liability can be extremely difficult as the chain of causation from perpetrator to harm can be long and complex. Environmental crime can affect more than one country or be considered a global issue. With increasing concern of organized criminal groups involved in transnational environmental crime, these crimes can also involve legitimate corporations and state officials in illegal activity (Pemberton, 2016). The perpetrators can range from small-scale opportunistic activity all the way to large-scale organized criminal groups involving other crimes including, for example, money laundering, human trafficking and corruption. Of particular concern is that this form takes advantage of global South countries that have less stringent environmental regulations than developed countries and that are undermined by underdevelopment, corruption, abuse of power and armed conflict (Spapens, 2016). This adds to the difficulties for the victims and law enforcement in identifying the perpetrators.

Furthermore, some legal scholars argue that existing environmental law cannot be effective in addressing environmental problems or crimes. Attorney David Fortney, for example, proposes objections to the use of contemporary environmental law to prosecute environmental crimes (Fortney, 2003). The first objection addresses the principle of “penalizing the violation of environmental regulations by imposing criminal liability” (Fortney, 2003, p. 1920). Since “the goals and assumptions of environmental and criminal law are fundamentally

irreconcilable”, Fortney (2003) argues that environmental violations should not attract criminal liability.

In order to understand Fortney’s objections, one needs to understand the features of environmental law and compare them with the features of criminal law. Law Professor Richard Lazarus identifies three unique features of environmental law that set it apart from every other branch of law: “(a) the aspirational quality of environmental law; (b) its dynamic and evolutionary tendency; and (c) its complexity” (Lazarus, 1995).

Environmental law is aspirational in the sense that it reflects a nation’s aspirations for environmental quality. It generally aims at changing patterns of behaviour through regulation. Despite the successes that could be credited to the aspirational quality of environmental law, Lazarus (1995) considers such aspirational quality ill-suited for civil and criminal enforcement. He therefore concludes: “The susceptibility of those environmental laws to criminal, rather than just civil, enforcement presents a distinct policy issue” (Lazarus, 1995, p. 2426).

Since environmental law is closely connected to science and politics, it is invariably in a state of constant revision. A review of literature on climate change makes it clear that the predictions about the future based on climate change are constantly changing due to new scientific discoveries (Lazarus, 1995). As a result, environmental law, which is based on scientific information that is constantly changing, is subject to redefinition with each new scientific discovery.

In the same line of thought, environmental law’s close connection to politics results in its constant redefinition as well (Greshko, Parker, & Howard, 2018). In addition to the desired social goals and public opinion, the main controversy surrounding environmental law, according to Lazarus, could be attributed to the fact that it has a “tremendous redistributive thrust” (Lazarus, 1995). By statutory terms, regulations, and enforcement, environmental law imposes costs and benefits on various stakeholders, and in the process creates winners and losers. Given this power, “environmental law is the product of fiercely contested entrepreneurial politics within both the legislative

and executive branches” (Lazarus, 1995). A law that is constantly changing and fiercely contested cannot be used to impose criminal liability in the same way that traditional criminal law is used.

Finally, the complexity of environmental law arises due to various factors. The obvious ones are the scientific and political factors. That the ecosystem is itself complex contributes to the complexity of environmental law. The ecosystem must be studied and understood from multiple perspectives, and all those insights contribute to environmental law (Lazarus, 1995). The complexity of environmental law makes it difficult to master and apply to environmental crime. Criminal law does not share this aspect of complexity. Given the differences between environmental law and criminal law, even though people’s lives, liberty, and property are being threatened with environmental crimes, it seems hard to hold the responsible parties criminally liable using existing environmental law (Motupalli, 2018).

Fortney’s second objection to using environmental law to prosecute environmental crimes pertains to imposing criminal liability upon individual officers without establishing a wilful violation of the law. Culpability is one of the core criminal law concepts, in addition to the concepts of harm and deterrence (Brickey, 1996). Environmental crimes require culpability, and criminal liability requires that the violator act “wilfully,” “knowingly,” or “negligently” (Brickey, 1996). In the case of environmental crimes, however, Fortney (2003) notes that in most cases the necessary factors to prove violators’ culpability is realistically unattainable. Perhaps it is because of the difficulty in establishing culpability in environmental crimes that there is a discrepancy in sentencing. With these shortcomings in the current legal system in mind, especially in the context of environmental crime, one may now turn to the unique contributions of restorative justice to address these issues.

Understanding Restorative Justice

Restorative justice is an evolving concept that has given rise to different interpretation in different countries, one around which there is not always a perfect consensus (United Nations Office on Drugs and

Crime, 2006). One of the most widely accepted definitions is provided by Marshall (Marshall, 1996) who defines Restorative Justice as a process whereby all the parties with a stake in a particular offense come together to collectively resolve how to deal with the aftermath of the offense and its implications for the future. An essential feature of restorative justice is that it aims to redirect or at least complement society's retributive response to crime. A retributive system of justice is punitive in nature, with the key focus on using punishment as a means to deter future crime and to provide "just deserts" for any harm committed (White, 2015). Rather than focusing on retribution, restorative justice processes and outcomes is on redressing the harm caused by the offense, promoting healing over retribution. It also has an aspiration for the future: to prevent recidivism by confronting the offender with its victim, which can lead to repentance and behavioural change (Preston, 2011).

Restorative justice in the criminal justice system is a collection of diverse practices, including individual responsibility, conflict resolution, empowerment, shaming, and forgiveness (Edgar & Newell, 2006). Its fundamental principle is that when one person has harmed another, the most useful response is to try to repair the harm that has been done (Strang, 2002). Restorative justice is called restorative because it employs *processes* that restore agency, ownership and decision-making power to those directly affected by the harmful event, that is, victims, offenders, their supporters and the wider community (United Nations Office on Drugs and Crime, 2019). It is guided by *restorative values which* favour collaborative and consensus-based procedures rather than the adjudicative and adversarial forms that often characterise conventional criminal justice procedures (Wright, 2001; Shapland, et al., 2011).

According to Zehr and Gobar (2003), while acknowledging that the harm to victims is crucial, accountability also means assuming responsibility for addressing the consequences of an offender's actions. When the criminal justice system holds someone accountable, this means ensuring that they receive the punishment that they deserve, irrespective of whether they accept personal responsibility for that

which has happened (Shapland, et al., 2011). In restorative justice, accountability has a much more demanding character. It requires three attitudes of offenders: an acceptance of personal blame for inflicting harm, a willingness to witness first-hand the consequences of their actions on the lives of those whom they hurt, and an assumption of active responsibility for doing all that they can to make amends (Zehr & Gobar, 2003).

Core Restorative Justice Approaches

The most widely used approaches in restorative justice are victim-offender mediation, restorative justice conferencing (family group conferencing), and sentencing circles. All put victims and offenders in direct dialogue, nearly always face to face, about a specific offense or infraction. They also have in common the presence of at least one more person who serves as the facilitator, and they usually involve advance preparation of the parties so they will know what to expect. The focus of the encounter most frequently involves naming what happened, identifying its impact, and coming to some common understanding, often including reaching agreement as to how any resultant harm will be repaired.

Victim-Offender Mediation

The victim and offender may be given the opportunity to meet in a safe and structured setting to engage in a discussion about the crime committed against the victim with the assistance of a trained mediator (Bazemore & Umbreit, 2001). The victim participates in the process on a voluntary basis from the beginning to the end of the victim offender mediation. The mediator merely facilitates the discussion which encourages the offender to learn about the crime's impact and to take responsibility for harm caused by the offence. The process allows the victim and offender the opportunity to develop a plan that addresses the harm.

Restorative Justice Conferencing

This process brings together the victim, offender, and family, friends and key supporters of both in deciding how to address the aftermath of the crime. This aims to afford the victim an opportunity to be directly involved in responding to the crime, increasing the offender's awareness of the impact of his or her behaviour and providing an opportunity to take responsibility for it (Umbreit, 2000). The offender's support system is engaged for making amends and shaping the offender's future behaviour. The parties affected are brought together by a trained facilitator to discuss how they and others have been harmed by the offense and how that harm might be repaired.

The conference typically begins with the offender describing the incident, followed by each participant describing the impact of the incident on his or her life. Through these narrations, the offender is faced with the human impact of his or her behaviour on the victim, on those close to the victim, and on the offender's own family and friends. The victim has the opportunity to express feelings and ask questions about the offense. All participants may contribute to the process of determining how the offender might best repair the harm he or she has caused (Umbreit, 2000).

Sentencing Circles

These are Restorative justice processes designed to develop consensus among the stakeholders including victims, victim supporters, community members, offenders, and offender supporters on an appropriate outcome that addresses the concerns of all interested parties. These processes promote healing of all affected parties, giving the offender the opportunity to make amends. It gives the victims, offenders, family members and communities a voice and shared responsibility in finding constructive resolutions, addressing underlying causes of criminal behaviour, and building a sense of community around shared community values (Maryfield, Przybylski, & Myrent, 2000).

Restorative Justice and Environmental Crimes

Restorative justice presents an opportunity to bridge the ineffectiveness of existing environmental responses and the pressing need to correct existing harmful practices and prevent future environmental damage because of its fundamental orientation towards healing and restoration. In this context, restoration does not refer to making whole or perfect, but rather to finding relational peace, or improved conditions of healed harms, under which to continue coexisting (Forsyth, et al., 2021).

Engaging in a restorative justice process gives a voice to those victims who are impacted by environmental harm but who have traditionally been excluded from its resolution. For instance, a restorative justice conference will facilitate a conversation between victim and offender. The victim, sometimes supported by his/her community of care, can explain how the commission of the offense has affected them. The offender is also given the opportunity to tell their story and has the opportunity to directly apologize to the victim, understand how his or her actions have affected the life and livelihood of the victim, and commit to actions to redress this harm (Wijdekop, 2019). A conference also may facilitate the education of the offender (and where the offender is a company, company employees) about the impact environmental crime has had on the environment and on dependent communities. Ideally, it enforces the importance of compliance with environmental laws, educates the offender about the effect of his/her behaviour, and reduces the likelihood of recidivism (Wijdekop, 2019).

Restorative justice conferencing can result in the formulation of an action plan to resolve the harm caused by the offending and thereby integrate the offender back into society and facilitating the process of healing and restoration. Although healing and restoration certainly encompass emotional and relational healing, physical healing is easiest to explain. Repair of a damaged environment could include replanting, rehabilitating, rewilding or detoxifying whatever that might mean in a world of constant, non-linear change. Rather, environmental restorative justice could mean finding ways of restoring biodiversity, ecosystem health, access to or safety of places that have been damaged

and restoring or revivifying care of place, taking into account the particular histories, lore, values, inhabitants and potentialities of each site (Forsyth, et al., 2021). Regard to victim cultural values and heritage is a centrally important component of healing.

Relational and emotional healing is central to all restorative justice. As Pemberton and Aarten (2018, p. 549) explain: “victimhood ruptures life stories and shatters assumptions about our identities, and our relationships with place and others”. A fundamental part of healing these ruptures and shattered assumptions is to find a way of re-storying the experience of being harmed, to enable victims to integrate and understand both what happened and what needs to happen to put things right (Forsyth, et al., 2021). Restorative justice offers both the time and space needed for victims and offenders alike to reconstruct their relationships towards themselves and each other.

Unlike traditional criminal justice with its challenges in establishing culpability and reparation in environmental crimes, restorative justice has the potential to offer a significant contribution in ensuring the achievement of justice for victims of environmental harm and furthermore it can also benefit offenders. To evidence this statement, below are two cases presented in 2018 by Professor Bryan Jenkins (Sustainability Strategist, Adelaide, Australia) at the 38th Annual Conference of the International Association for Impact Assessment that took place in Durban, South Africa. Based on these two cases, Professor Jenkins (2018) has demonstrated that restorative justice can lead to superior environmental outcomes compared to punitive approaches and it also has positive outcomes for relationships between the offender, regulator, victims and the community. However, he cautioned that restorative justice is not a universal approach and should only be considered in appropriate circumstances. Before presenting these cases, it is important to note that they are related to Canterbury Regional Council (Environment Canterbury) which is responsible for managing environmental impact assessment and environmental regulation in Canterbury, New Zealand. They involved two commercial operators willing to take responsibility for their

infringements and the consequences of their impacts by using restorative justice as an alternative to punitive measures.

Case 1: Dairy Farm Effluent Management

The first application of restorative justice to commercial operations involved dairy farm effluent management. Dairy shed effluent disposal was by irrigation to pasture. There were consent conditions relating to land-based disposal to prevent effluent contamination of groundwater. On this dairy farm the effluent irrigator was moving too slowly so that the effluent application rate was greater than the soil adsorption rate causing effluent ponding on the surface, the soil profile becoming saturated and effluent leaking to groundwater. Effluent ponding on the soil surface was evidence of non-compliance with consent conditions. Rather than adjusting the effluent application rate, the farm manager dug soakholes in the effluent disposal field. This allowed effluent to drain from the surface to avoid ponding but provided a direct pathway for effluent to enter the unconfined aquifer system. When soakholes were discovered during a compliance inspection, prosecution proceedings were commenced against the farm manager. The farm owner was distraught and fired the farm manager who left the country leaving the farm owner liable to prosecution.

The farm owner took full responsibility for the incident and sought advice on possible reparations. A restorative justice mediation was initiated. The farm owner agreed to: (1) increase effluent storage, (2) adjust the effluent irrigation system to reduce the application rate, (3) install an effluent control system with automatic cut off and text alerts of problems (the first use of this technology in the South Island), (4) install a lysimeter for measuring nitrate leaching that was linked into the regional council's regional lysimeter programme, and (5) conduct a field day for farmers to demonstrate the new effluent management technology. The prosecution was withdrawn.

The outcome involved the farm owner in greater expense than the likely fine for the offence. Furthermore, the dairy farm was changed from environmentally unacceptable to best practice effluent management (Jenkins, 2012).

Case 2: Akaroa Fish Kill

Another case related to relining of culverts in Akaroa. Walnut Stream was diverted into Eastern Culvert to enable work on Western Culvert. Discoloured water was evident during injection of grout and admixtures. Contaminants were not contained; because of rusted pipes and with porous subsoil, contaminants entered the creek. A further discharge occurred during UV-paint being applied to pipe ends. This small urban stream supported eight native fish species of cultural significance as mahinga kai (traditional food species). Also, local rūnanga (Māori tribe) gathered water cress from the stream. The contaminants caused a significant fish kill and harvesting of watercress was stopped. The local community and rūnanga were affected. The company took responsibility for the incident.

Prosecution was initiated and the company requested referral to a restorative justice process. A restorative justice conference was held. Members of the community were invited to attend or write a letter that would be read. Local rūnanga representatives were also invited and attended. At the conference, the company tabled an ecological report, and, after hearing the concerns of those attending, offered \$80,000 towards betterment of Walnut Creek and nearby streams. The ecological report included a plan to create inanga spawning habitats which would benefit all streams. The sum offered was substantially higher than the likely fine for the offence. A neutral agency was engaged to implement the plan. On return to Court, the final decision was to convict and discharge the company with no further penalty (Sugrue, 2015).

Conclusion

The challenges of developing meaningful responses to environmental crimes that repair and heal the devastating harms already made and build different systems that respect the environment and the rights of future generations, have never been greater. Traditional criminal justice approach has challenges in establishing culpability in environmental crimes and do not always make it possible to repair the injustice done by the wrongdoers. However, the use of restorative justice approaches

in the context of environmental crime are often more flexible, proactive and suitable for the broader understanding of victims. The restorative approach has two main advantages. The first is that it makes it possible to take into account the multidimensional nature of environmental injustices and to refocus on a wide range of justice needs of victims: need for reparation, need for recognition, need for participation and need for assistance. The second is that it places the justice process in a transformative logic that makes it possible to prevent future injustices.

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