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WHO QUALIFIES AS AN ENVIRONMENTAL VICTIM? A CROSS-JURISDICTIONAL CASE-STUDY IN THE WASTE SECTOR

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The current article qualitatively examines the identity of environmental victims in the joint institutional framework regulating waste-management practices across Greece, the European Union and the Council of Europe. Overall, sixty texts drawn from the statutory and policy framework of all three jurisdictions were subjected to qualitative content analysis, the latter being directed by the theoretical frameworks of anthropocentrism and ecocentrism. The analysis suggests that human beings unambiguously qualify as environmental victims, while the environment per se enjoys a tentative, if not undermined, victim status. However, under certain margins of institutionalized harm favoring the undistracted operation of the waste sector, neither humans nor the environment qualifies as victims.

INTRODUCTION

Since the late '80s, citizens of the Italian region of Campania are systematically exposed to illegal tipping and burning of hazardous waste. Due to these illegal waste practices, a great number of sheep herds has been contaminated and subsequently slaughtered.[1] In a different context, forests, biodiversity and indigenous human populations located in Guiana Shield, a region northeast of Amazon, are endangered by their exposure to mercury, the latter being smuggled in the area for the purposes of illegal gold-mining.[2] To make matters worse, according to Sollund and Maher, "only 5-10 out of 100 trafficked parrots and reptiles survive" illegal wildlife trade. At the same time, this latter environmental crime appears to coexist with violence exerted against local human

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[1] Giancomo D'Alisa and others 'Victims in the “Lands of Fires”: a case study on the consequences of buried and burnt waste in Campania, Italy' (2015) EUROPEAN UNION ACTION TO FIGHT ENVIRONMENTAL CRIME (EFFACE).

[2] Wouter J. Veening and others, 'Mining gold and mercury pollution in the Guiana Shield: A Case Study on the role of the EU in fighting environmental crime' (2015) EUROPEAN UNION ACTION TO FIGHT ENVIRONMENTAL CRIME (EFFACE).

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communities.[3] These are only few case studies raising public attention to the victims of environmental crime. Environmental or green victims present a group, which has, for long, laid in the periphery of victimological and institutional spotlight.[4] More specifically, the relative dearth of research on green victimization has not shed adequate light to issues concerning the identity of environmental victims and the circumstances, under which a subject acquires an environmental victim status.[5]

Two reasons justify the importance of research on environmental victim identity. Firstly, next to state mechanisms, green victims can mobilize proceedings to hold an environmental offender accountable.[6] Therefore, knowing who qualifies as an environmental victim contributes to the overall governance of environmental crime.[7] Secondly, research on the identity of environmental victims presents a nice opportunity to examine victimological and broader criminological concerns in conjunction with environmental criminal law.[8] This research topic calls for an assessment of environmental criminal legislation under an empirical perspective, prone to sensitize academics and policy-makers with the general issue of environmental victimization as well as indicate certain institutional reforms.[9]

This article qualitatively examines the identity of environmental victims in the joint institutional framework regulating waste-management practices across Greece, the European Union and the Council of Europe. Given the shared competences of these three legal systems to govern waste misconduct nationally and supranationally, their highly intertwined regulations offer a unique cross-jurisdictional framework for institutional research. Through the application of a qualitative content analysis directed by the theoretical concepts of anthropocentrism and ecocentrism, the current study suggests that the examined joint framework unambiguously portrays human beings as victims of criminalized waste misconduct. However, the corresponding

[3] Ragnhild Sollund and Jennifer Maher 'The Illegal Wildlife Trade: A Case Study report on the Illegal Wildlife Trade in the United Kingdom, Norway, Colombia and Brazil' (2015) EUROPEAN UNION ACTION TO FIGHT ENVIRONMENTAL CRIME (EFFACE) 20.

[4] Matthew Hall, 'Environmental Victims: Challenges for Criminology and Victimology in the 21st Century' (2011), 4 VARSTVOSLOVJE/JOURNAL OF CRIMINAL JUSTICE AND SECURITY 373.

[5] Rob White, 'Green victimology and non-human victims' (2018), 24 INTERNATIONAL REVIEW OF VICTIMOLOGY 240.

[6] Pierre Bentata and Michael Faure, 'The Role of Engos in Environmental Litigation: A French case study' (2015), 25 ENV. POL. GOV. 459.

[7] ibid 461.

[8] Matthew Hall, 'The Role and Use of Law in Green Criminology' (2014), 3 IJCJ & SD 96, 104-105.

[9] Ashish K. Singhal & Ikramuddin Malik, 'Doctrinal and socio-legal methods of research: merits and demerits' (2012), 2 EDUCATIONAL RESEARCH JOURNAL 252, 253-255.

victim status of the environment *per se* seems blurry, if not institutionally undermined. Moreover, under certain conditions of institutionalized harm favoring the undistracted operation of the waste sector, neither humans nor the environment can qualify as victims.

I. GREEN VICTIMOLOGY AND CRIMINAL LAW

A socio-legal inquiry on the identity of environmental victims arguably requires a brief delineation of the disciplines, which are involved in such an inquiry as well as their interrelationship. The term "environmental victims" alone reasonably points at the discipline of victimology. Indeed, victimology studies crime victims and the general phenomenon of criminal victimization both quantitatively and qualitatively.[10] Notwithstanding its self-standing worth, victimology necessarily develops a mutual bond with criminology, owing to the equally mutual relationship between the victim and the offender in the production of crime.[11] At the same time, victimology is equally concerned with the legal safeguards granted to crime victims, hence its relationship with criminal law.[12]

Given the strong, and often radical, political activism in the field of environmental lawmaking, environmental criminal law has often been the target of environmentalists and academics in the field of victimology.[13] In particular, the often-radical opposition against legal conceptualizations of environmental victims is academically expressed by the field of green victimology, whose critical character arguably promotes an "academic activism"[14] within the broader victimological discipline. Green victimology frames environmental victimization as the symptom of the contemporary capitalist economy and the systemic alliances it fosters between

[10] Ezzat A. Fattah, 'Victimology: Past, Present and Future' (2000), 33 CRIMINOLOGIE 17.
[11] ibid 28.
[12] Melissa L. Jarrell & Joshua Ozymy, 'Real crime, real victims: environmental crime victims and the Crime Victims' Rights Act (CVRA)' (2012), 58 CRIME LAW SOC CHANGE 373.
[13] See for example Lyle Munro, 'Teaching & learning guide for: The animal rights movement in theory and practice. A review of the sociological literature' (2012), 6 SOCIOLOGY COMPASS 511; Erik D. Fritsvold, 'Under the Law: Legal Consciousness and Radical Environmental Activism' (2009), 34 LAW & SOCIAL INQUIRY 799.
[14] See for example Bruce A. Arrigo, 'Critical Criminology as Academic Activism: On Praxis and Pedagogy, Resistance and Revolution' (2016), 24 CRIT CRIM, 469; Matthew Hall, 'Environmental harm and environmental victims: Scoping out a 'green victimology' (2013), 20 INTERNATIONAL REVIEW OF VICTIMOLOGY 129, 131.

states and powerful corporate actors.[15] In this context, environmental criminal legislation is viewed as favoring economic development against environmental degradation and its recipients.[16]

The increasing output of environmental criminal laws notwithstanding,[17] green victimologists problematize the selective criminalization of certain harmful behaviors.[18] From a victimological perspective, a legal categorization of harmful environmental behavior into "criminal" and "non-criminal" corresponds to a categorization between victims of official environmental criminal law and victims of legal or "gray" environmental activities.[19] In the last case, human and non-human beings do not officially count as victims.[20] Furthermore, even in incidents of officially criminalized environmental misconduct, many of its recipients may not be granted an equally official victim status.[21] This is particularly the case with non-human species and entities, like animals, plants, or ecosystems.[22]

Contrary to criminal law, green victimology is motivated by a "social harms" approach. It focuses on those who are harmed by certain environmental activities, even if the latter are not officially criminalized.[23] Consistent with this approach is a social constructivist perspective towards criminal legislation.[24] According to this perspective, a selective labeling of certain environmental activities as "crimes" corresponds to an equally selective labeling of certain subjects as "official environmental victims".[25] This labeling process is viewed as serving powerful economic alliances between state and corporate actors.[26] An emphasis in environmental harm rather than environmental crime is also consistent with the morally charged character of green victimology.[27] In this regard, it is not only human beings, but equally non-human species

[15] Hall, 'The Role and Use of Law in Green Criminology' (n 8) 97-99.
[16] Ibid.
[17] Ibid.
[18] Hall, 'Environmental harm and environmental victims: Scoping out a 'green victimology' (n 14) 139.
[19] Hall, 'The Role and Use of Law in Green Criminology' (n 8) 98.
[20] Hall, 'Environmental harm and environmental victims: Scoping out a 'green victimology'' (n 14) 130.
[21] White, 'Green victimology and non-human victims' (n 5).
[22] Ibid.
[23] Hall, 'Environmental harm and environmental victims: Scoping out a 'green victimology'' (n 14) 130-131.
[24] Rob White *Transnational environmental crime: towards an eco-global criminology* (1st edn, Willan 2018).
[25] Ibid 111.
[26] Hall, 'Environmental harm and environmental victims: Scoping out a 'green victimology'' (n 14) 139.
[27] White, 'Green victimology and non-human victims' (n 5) 239.

and natural entities, that are of intrinsic worth.[28] Any environmental harm impinging upon this worth has to be properly addressed by criminal law.[29]

From a practical perspective, green victimology additionally points at the relative incapacity of traditional criminal law doctrine to deal with issues of environmental victimisation.[30] Such incapacity lies in the difficulty presented by complex causation patterns between the environmentally harmful behavior and its harmful incidents.[31] Indeed, environmental harm may be so diffused across distinct subjects, spaces and times, that it is often framed as "victimless".[32] Finally, causation issues are equally exacerbated by the unidentified number of potential offenders, whose activities constitute the sources of environmental harm.[33] Drawing on these pitfalls, there is an increasing institutional awareness that environmental misconduct has to be effectively addressed by a workable criminal legislation; by a legal arsenal, which has to reassess its relationship with extra-legal disciplines, green victimology included.[34]

III. THE IDENTITY OF ENVIRONMENTAL VICTIMS UNDER ANTHROPOCENTRISM AND ECOCENTRISM

Various theoretical models offer a comprehensive framework regarding the identity of environmental victims. For instance, Skinnider delineates theoretical classifications of environmental victims based on the nature of harmful conduct or the identity of the perpetrator.[35] Drawing on the various impacts of environmental harm, Hall classified human environmental victims into those inflicted in their health, economy, culture and security.[36] Moreover, according to the theoretical contours of ecofeminism, women and nature are framed as victims of masculine

[28] Ibid.
[29] White, 'Green victimology and non-human victims' (n 5) 241.
[30] Hall, 'Environmental harm and environmental victims: Scoping out a 'green victimology'' (n 14) 133-134.
[31] Du Rées H., 'Can criminal law protect the environment?' (2001) 2 JOURNAL OF SCANDINAVIAN STUDIES IN CRIMINOLOGY AND CRIME PREVENTION 109.
[32] Hall, 'The Role and Use of Law in Green Criminology' (n 8) 100; White, 'Green victimology and non-human victims' (n 5) 240.
[33] Stuart Bell & Donald McGillivray, *Environmental Law* (7th edn, OUP 2008) 264.
[34] Hall, 'The Role and Use of Law in Green Criminology'(n 8) 104.
[35] Eileen Skinnider, *Victims of Environmental Crime* (1st edn, The International Centre for Criminal Law Reform and Criminal Justice Policy 2011).
[36] Hall (n 4).

repression, in a context of "mutual inferiorization".[37]

As already explained, compared to environmental criminal law, green victimology addresses the harm conducted against non-human species and ecosystems instead of paying exclusive attention to the harm of human beings. Green victimology raises thus the significance of a certain theoretical lens in the examination of the green victim identity. It is a lens that exposes the proclivity of criminal legislation to selectively criminalize certain environmental harms, but not others; as well as its proclivity to grant certain entities an official victim status, but disregard other entities, nonetheless.[38] This lens refers to the examination of environmental (criminal) legislation through the theoretical concepts of anthropocentrism and ecocentrism.[39]

According to anthropocentrism, human beings are morally superior, compared to the rest of nature.[40] Because of this moral superiority, environmental misconduct is assessed against its impact exclusively on humans.[41] Non-human species and natural entities are morally inferior, hence instrumentalized for the fulfillment of human needs.[42] They are not considered as potential recipients of environmental harm, unless their degradation endangers their long-term exploitation by humans.[43] In this context, non-human entities are rationally managed for future human benefit, rather than granted an equal moral value next to human beings.[44] Anthropocentric environmental laws control incidents of environmental harm and their induced victimization, instead of terminating them.[45]

According to ecocentrism, nature has its own intrinsic worth.[46] Rather than bordering the human from the non-human, ecocentrism holds that both form an inseparable whole.[47] Therefore, failing to assess environmental harm against non-human interests undermines the survival of

[37] Barney Warf, *Encyclopedia of Geography* (SAGE 2010) 831; Val Plumwood, *Feminism and the Mastery of nature* (1st edn, Routledge, 1993).
[38] Zoi Aliozi, 'Green Criminology: a rights-based approach' in Regina M. Paulose (Ed) Green Crimes and International Criminal Law (Vernon Press 2021) 2, 4.
[39] Mark Halsey and Rob White, 'Crime, ecophilosophy and environmental harm' (1998), 2 THEORETICAL CRIMINOLOGY 345.
[40] Ibid 349.
[41] Rob White, 'Environmental Crime in Global Context: Exploring the Theoretical and Empirical Complexities' (2005), 16 CURRENT ISSUES CRIM. JUST. 271, 275.
[42] Halsey and White (n 39) 349.
[43] Ibid 350.
[44] Ibid; White, 'Green victimology and non-human victims' (n 5) 240.
[45] Halsey and White (n 39) 351.
[46] White, 'Green victimology and non-human victims' (n 5) 242-243.
[47] Brian Tokar, 'Exploring the New Ecologies: Social Ecology, Deep Ecology and the Future of Green Political Thought' (1988), 15 ALTERNATIVES 31.

humans in the long term.[48] Ecocentrism is critical of the managerial rationale of human economy, mainly because of its tendency to capitalize natural resources without morally assessing the interdependence of human and non-human interests.[49] Eventually, a human-centered economy promotes not only the domination of nature by human beings, but also the financial and social disempowerment of certain human groups residing in over-exploited ecosystems.[50] At this point, one may reasonably infer a strong link between green victimology and the ecocentric rationale.[51]

In their theoretical form, anthropocentrism and ecocentrism serve as ideal types: as such, they are not likely to be encountered in their absolute purity when practically dealing with the institutional realm regulating environmental victimization.[52] A similar observation is aptly made by White, who claimed that contemporary environmental laws incorporate both anthropocentric and ecocentric perspectives when it comes to the identity of environmental victims.[53] The blurriness between the anthropocentric and the ecocentric framework in the broader institutional realm is demonstrated through two main movements, which may be arguably viewed as the representatives of each theoretical model in the political and social scene.[54] Drawing on the interdependence of human and non-human entities, the movement of *ecological justice* operationalizes the ecocentric framework, by claiming moral responsibilities of human beings towards the rest of nature.[55] Often, this morally charged discourse promulgates the attribution of a legal status to the environment *per se*.[56] On the other hand, while retaining its focus on the anthropocentric ideal of human well-being, the movement of *environmental justice* is not less critical than ecocentrism and ecological justice towards the contemporary economic and political system.[57] This movement holds *inter alia* that the disproportionate distribution of environmental

[48] Halsey and White (n 39) 356-357.
[49] Ibid 357.
[50] Ibid 356.
[51] Lieselot Bisschop and Wim Huisman,'Waste crime from three criminological perspectives: Implications for crime control and harm prevention', in Toine Spapens, Rob White, Daan. Van Uhmm & Wim. Huisman (eds) *Green Crimes and Dirty Money* (Routledge 2018),161.
[52] Max Weber, *Max Weber on the methodology of the Social Sciences* (Edward A. Shils and Henry A. Finch trs Free Press 1949).
[53] White, 'Green victimology and non-human victims' (n 5) 244.
[54] White (n 41) 273-275.
[55] Barrney Warf (n 37) 830-832; Jeff E. Koons, 'Earth Jurisprudence: The Moral Value of Nature' (2008), 25 PACE ENVIRONMENTAL LAW REVIEW 263.
[56] Peter Burdon, 'Earth Jurisprudence' (2009), 106 CHAIN REACTION 41.
[57] David Schlosberg, 'Reconceiving Environmental Justice: Global Movements And Political Theories' (2004), 13 ENVIRONMENTAL POLITICS 517.

victimization against people of color, lower-income, women or indigenous populations mirrors and reproduces their social and political marginalization.[58]

III. THE IDENTITY OF ENVIRONMENTAL VICTIMS IN THE WASTE SECTOR

A closer focus on the waste sector indicates its highly criminogenic character.[59] To begin with, the needs related to the management of globally produced waste have triggered the emergence of an extremely sophisticated market. In particular, numerous companies provide exclusive or combined services in the domain of waste recycling, collection, transportation and disposal.[60] Notwithstanding its heavy regulation, the waste market may still be infiltrated by criminal organizations disguised as legitimate companies.[61] These organizations, often in synergy with corrupted officials, impose heavy costs for waste-related services, subsequently engaging in unlawful waste-shipment and disposal practices.[62] Moreover, illicit waste practices are perpetrated by corporations.[63] For instance, companies often produce and dump waste, which exceeds the authorized quantities of their official license, let alone cases, where such a license may be completely lacking.[64] Furthermore, waste-related violations are perpetrated by companies in the waste sector, often in synergy with companies producing waste.[65] For example, the producer company, in synergy with the waste collector-company, may engage in fraudulent labeling or mixing of waste in order to save costs.[66] Finally, beyond organized and corporate crime, green victimologists hold that waste regulations mirror powerful corporate interests, thus facilitating or neglecting pools of environmental harm and victimization.[67] For instance, notwithstanding the negative health and ecological impacts linked with the products and waste of

[58] Ibid 518-522.
[59] Bisschop and Huisman (n 51) 148.
[60] UN Environmental Programme, 'Waste Crime -Waste risks gaps in meeting the global waste challenge: a rapid response assessment' (2015) <https://europa.eu/capacity4dev/file/25575/download?token=WAWKTk7p> accessed 29 September 2021.
[61] Bisschop and Huisman (n 51) 152-155.
[62] Ibid.
[63] UNEP (n 60) 31-32.
[64] Bisschop and Huisman (n 51) 157.
[65] Ibid 157-158.
[66] Ibid 150, 159; UNEP (n 60) 23.
[67] Bisschop and Huisman (n 51) 161-162.

pesticide industries, their activity is perfectly lawful.[68]

The urban province of Bholakpur, namely one of India's most common destination for waste treatment and recycling, suffers from an increased disease rate.[69] In rural China, emission of hazardous chemicals during informal treatment of electronic waste is associated with villagers' increasing cancer rates.[70] The 1999 oil spill, caused by tanker "Erika" across the French coastline of Brittany, killed between 80,000 and 150,000 marine birds.[71] On the opposite side of the Atlantic, indigenous American populations are threatened by disposal of toxic waste in their lands.[72] In Croatia, unlawful treatment of hazardous waste has often caused irremediable soil contamination.[73] These are only few of the cases, where waste-management practices harm human and non-human entities indiscriminately.[74]

Phenomena of harm induced in the course of waste-management practices have triggered substantial research concerning the identity of environmental victims in the waste sector. Drawing on the contours of environmental justice, several studies have stressed the aspect of inequity in waste-induced victimization among certain human groups.[75] Empirical insight in US has repeatedly featured a systematic placement of waste facilities in neighborhoods resided by African Americans and/or citizens of lower-income, compared to white, middle-class American citizens.[76] Research has additionally pointed at the higher health risks of children born within low-income families, who resided close to urban disposal sites.[77] Disproportionate harm of

[68] Michael Lynch & Paul Stretesky, 'Toxic crimes: Examining corporate victimization of the general public employing medical and epidemiological evidence' (2001), 10 CRITICAL CRIMINOLOGY 153, 165.
[69] Vinay Gidwani and Anant Maringanti, 'The Waste-Value Dialectic Lumpen Urbanization in Contemporary India' (2016), 36 COMPARATIVE STUDIES OF SOUTH ASIA, AFRICA AND THE MIDDLE EAST 112.
[70] Jonathan Watts, 'China's 'cancer villages' reveal dark side of economic boom' *The Guardian* (7 June 2010), <https://www.theguardian.com/environment/2010/jun/07/china-cancer-villages-industrial-pollution> accessed 29 September 2021.
[71] Bernard Cadiou et al., 'Ecological impact of the "Erika" oil spill: Determination of the geographic origin of the affected common guillemots' (2004), 17 AQUATIC LIVING RESOURCES 369.
[72] Daniel Brook, 'Environmental Genocide: Native Americans and Toxic Waste' (1998), 57 AMERICAN JOURNAL OF ECONOMICS AND SOCIOLOGY 105.
[73] Katja Eman et al., 'Environmental crime and green criminology in South Eastern Europe—practice and research' (2013) 59 CRIME LAW SOC CHANGE, 348.
[74] Ibid 347.
[75] Schlosberg (n 57).
[76] Susan L. Cutter, 'Race, class and environmental justice' (1995), 19 PROGRESS IN HUMAN GEOGRAPHY 111; Pat Costner & Joe Thornton, *Playing with fire: Hazardous waste incineration* (2nd ed. Greenpeace USA 1993); Robert. D. Bullard, *Unequal protection: Environmental justice and communities of color* (Sierra Club Books 1995).
[77] Shava Cureton, 'Environmental victims: environmental injustice issues that threaten the health of children living in poverty' (2011), 26 REV ENIRON HEALTH 141.

indigenous communities in the course of waste operations renders cultural identity an potential factor of unequal victimization risk.[78] Furthermore, under an ecofeminist spirit, medical studies have featured enhanced health risks of women working in the Chinese and Vietnamese waste sector.[79] Inspired by the ecocentric rationale, certain studies have equally portrayed non-human species and the natural environment as victims of waste harm.[80]

Importantly, environmental victimization within the waste sector is addressed as a global phenomenon.[81] Such a global viewpoint owes mainly to the fact that the market of waste services is transnational.[82] Waste forms a legal product of international trade for recycling, recovery or disposal, with both states and corporations serving as potential contracting parties.[83] Moreover, processes of waste production and trade draw heavily on the asymmetries permeating the regulations, costs and enforcement structures around waste-management globally.[84] In this uneven context, developed states and multinational corporations engage into intensive jurisdiction-shopping, targeting developing countries, where waste services are particularly cost-effective, albeit complying with low environmental standards.[85] The victimological dimensions of these asymmetries are concerning. Nigeria serves as an illuminating case[86]: lawful oil-extraction activities run by multinational companies across Niger Delta generate a high amount of waste, usually in the form of oil spills.[87] Waste production has severely lowered the health standards of indigenous populations, undermined their local economy, as well as triggered human rights violations on behalf of the government.[88] Moreover, waste has severely threatened non-human

[78] Thomas M. Antkowiak, 'Rights, Resources, and Rhetoric: Indigenous Peoples and the Inter-American Court' (2013), 35 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 113, 165-166.

[79] Michael J. Lynch, 'Acknowledging Female Victims of Green Crimes: Environmental Exposure of Women to Industrial Pollutants' (2018), 13 FEMINIST CRIMINOLOGY 404, 417; Lucy McAllister et al., 'Women, e-waste and technological solutions to climate change (2014), 16 HEALTH AND HUMAN RIGHTS 166.

[80] Rob White, 'Environmental issues and the criminological imagination' (2003), 7 THEORETICAL CRIMINOLOGY 483, 494.

[81] White (n 41) 271.

[82] UNEP (n 60) 31.

[83] White, (n 41) 276-277.

[84] Nikos Passas,''Lawful but awful': Legal corporate crimes' (2005) 24 JOURNAL OF SOCIO-ECONOMICS 771.

[85] Bisschop and Huisman (n 51) 162.

[86] UNEP (n 60), referring also to waste-destinations like China, India and Ghana among others.

[87] Bisschop and Huisman, (n 51) 162; John Vidal, 'Nigeria's agony dwarfs the Gulf oil spill. The US and Europe ignore it', *The Guardian* (30 May 2010) <https://www.theguardian.com/world/2010/may/30/oil-spills-nigeria-niger-delta-shell> accessed 29 September 2021.

[88] Bisschop and Huiman, (n 51) 162-163; Rob White, 'Researching Transnational Environmental Harm: Toward an Eco-Global Criminology' (2009), 33 INTERNATIONAL JOURNAL OF COMPARATIVE AND APPLIED CRIMINAL JUSTICE 229, 238.

life, with a profound contamination of the local ecosystems and their biodiversity.[89]

The governance of waste misconduct along with the victimization it invokes, is arguably permeated by three important trends. Firstly, waste misconduct is flexibly addressed through civil, administrative and criminal regulations, often dependent on the magnitude of the harm induced.[90] Such a combination of legal genres is consistent with mandates towards cooperation between criminal and administrative enforcement agencies, including police, prosecution services and special agencies.[91] Secondly, waste-misconduct is an issue of national, regional and international governance.[92] For instance, next to national regulations, the Basel Convention introduced an international framework for the shipment and management of hazardous waste.[93] In a regional level, the Bamako Convention and the Waigani Convention regulate the shipment of hazardous waste in Africa and South Pacific Region respectively.[94] Moreover, waste misconduct ranks as an important target among regional and international law-enforcement agencies, like Europol and Interpol.[95] Thirdly and most relevant for this article, the governance of waste misconduct is dispersed among public and private actors.[96] In particular, next to state mechanisms, victims of waste misconduct may mobilize - individually or through their representation by Environmental Non-Governmental Organizations (hereinafter: ENGOs) - litigation proceedings prone to hold environmental offenders accountable.[97]

The involvement of environmental victims in the governance of waste misconduct serves an important complementary role next to public mechanisms. To begin with, research has featured a number of structural loopholes in the enforcement practices of many states. Main problems are the absence of smooth information flows between enforcement agencies, usually

[89] Ibid.

[90] Hall 'The Role and Use of Law in Green Criminology' (n 8) 98-104; Michael Faure, 'The Development of Environmental Criminal Law in the EU and its Member States' (2017), 26 RECIEL 139, 141-143.

[91] Europol, 'Intelligence project on environmental crime' (20 February 2015), <www.envicrimenet.eu/reports> accessed 29 September 2021.

[92] UNEP (n 60) 11-17.

[93] Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, (adopted in Mar. 22, 1989, entered into force in 5 May 1992) 1673 U.N.T.S. 125.

[94] Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (adopted in January 1991, entered into force 22 April 1998) 2101 U.N.T.S. 177; Convention to ban the importation into Forum island countries of hazardous and radioactive wastes and to control the transboundary movement and management of hazardous wastes within the South Pacific Region , (adopted in 16 September 1995, emtered into force in 21 October 2001) 2161 U.N.T.S. 91 (Waigani Convention).

[95] Europol (n 91) 4, 16-17.

[96] Bentata and Faure (n 6) 460.

[97] Ibid.

exacerbated through complex hierarchical structures of the latter; the legal unclarity stemming from the complicated interpenetration of criminal and administrative legislation; and issues related to lack of budget, expertise and personnel.[98] Another issue relates to the risk of "regulatory capture": while drafting regulations regarding fixed compensation funds accorded to induced environmental costs, regulators partially secure the interests of industrial waste producers, rather than equally accommodating the needs of future victims.[99] On the contrary, private lawsuits mobilized by victims of waste-induced harm arguably deter industries from engaging into waste misconduct prone to render them civilly liable before courts.[100] Deterrence is proved particularly successful in cases where the interests of the victims are represented by ENGOs equipped with litigation expertise.[101]

The increasing importance of green victims' involvement in the governance of waste-induced victimization raises the reasonable question of who officially qualifies as an environmental victim in the waste sector. Drawing on green victimology, the attribution of an official victim status to a given entity is a matter of jurisdictional choice. However, cross-institutional research critically examining the identity of victims harmed in the waste sector is scarce. Constituting a rather exceptional voice in this direction, Papadopoulou shows that environmental associations qualify as victims in cases of environmental harm targeting non-human entities, drawing on an analysis of the French Environmental Code.[102] Additionally, Vanheusden offers a comprehensive study in the field, namely by exploring the operationalization of environmental justice in the legal framework of Belgium and the EU.[103] Focusing on soil contamination around industrial sites, he examined whether financially disadvantaged residents of these areas are provided a set of national and supranational procedural rights to address the impact of environmental issues on their lives.[104] Yet, neither Vanheusden nor the legal rules he referred to framed those residents as environmental victims of waste-management practices.

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[98] Europol (n 91) 4,7, 11-17.
[99] Bentata and Faure (n 6) 460-461; David Carpenter and David Moss, *Preventing regulatory capture: special interest influence and how to limit it* (CUP 2014) 73.
[100] Bentata and Faure (n 6) 461.
[101] Ibid 466-467, 471-472.
[102] Danai Papadopoulou, 'The Role of French Environmental Associations in Civil Liability for Environmental Harm: Courtesy of Erika' (2009) 21 JOURNAL OF ENVIRONMENTAL LAW 87, 94.
[103] Bernard Vanheusden, 'The Relevance of Environmental Justice for the Legal Framework in the European Union' (2010) 7 JEEPL 163.
[104] Ibid 170-175.

The current article addresses the aforementioned research scarcity through a qualitative examination of the identity of green victims in the joint waste regulatory framework of Greece, the EU and the Council of Europe. Far from coincidental, the choice of jurisdictions reflects the simultaneous governance of waste misconduct by national and supranational institutions.[105] Along with the competence of its Member States to regulate waste misconduct within their territory, the European Union enjoys a parallel competence of setting forth minimum rules, including criminal ones, in order to ensure an effective environmental policy around waste.[106] Therefore, national and EU regulations regarding waste harm are increasingly intertwined. Greece is a Member State with chronic problems in its landfill system, with overfilled disposal sites being permanently clustered around specific local regions.[107] National disposal practices have triggered reactions, both from disadvantaged citizens residing close to the landfills, and from EU institutions, which called for an intensified penetration of EU rules within Greek environmental law.[108] Finally, the CoE, as an equally supranational platform, influences both the EU and the Greek institutional frameworks around waste harm and victimization, albeit less directly. In particular, the CoE has been the pioneer in establishing legal frameworks on the protection of the environment through criminal law[109] and the rights of the victims of crime.[110] These frameworks influenced the EU law in the subsequent years and consequently reached the Greek legal system.[111]

Drawing on the contours of green victimology, this article holds that waste regulations and policies reflect official, yet no less subjective interpretations related to the identity of environmental victims. Due to their institutional character, these interpretations are powerful enough to construct and enforce particular versions of this identity. The present study views legal

[105] UNEP (n 60) 11-17.

[106] Consolidated Version of the Treaty on the Functioning of European Union [2012] OJ C 326/47, 80-81, 132-134 art 83, 191-193.

[107] Iosif Botetzagias and John Karamichas, 'Grassroots mobilisations against waste disposal sites in Greece' (2009) 18 ENVIRONMENTAL POLITICS 939.

[108] Ibid 943-954.

[109] Convention on the Protection of Environment through Criminal Law, (adopted in 4 Nov 1998), ETS No.172.

[110] European Convention on the Compensation of Victims of Violent Crimes, (adopted in 24 November 1983, entered into force in 1 February 1988) ETS No.116.

[111] Parliament and Council Directive 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law [2008] OJ L328/28 (Directive on the Protection of the Environment through Criminal Law); Parliament and Council Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA [2012] OJ L315/ 57 (Victims' Rights Directive).

and other institutional documents on waste regulation as official perceptions on the identity of green victims and treats them as empirical data.[112] The research approach followed is qualitative in nature and operationalized through the method of qualitative content analysis.[113] Taking into account the regulation of waste misconduct by all genres of law, the study analyzes statutes of environmental criminal, administrative and civil law on waste next to relevant auxiliary texts. The analysis is directed by the theoretical frameworks of anthropocentrism and ecocentrism; it explores anthropocentric and ecocentric legal and broader institutional trends regarding the identity of environmental victims in the waste sector.

IV. METHODS

The current study is explorative in nature, hence the methodological choice of qualitative content analysis. The data of analysis constitute statutes as well as other official documents in the form of reports, recommendations, explanatory memoranda, and declarations. The suitability of qualitative content analysis is instructed by the fact that anthropocentrism and ecocentrism are concepts that were born outside the legal discipline.[114] Therefore, the author had to opt for a methodological tool that would enable the identification of latent anthropocentric and ecocentric influences within the relevant legal and policy framework.[115]

A. DATA COLLECTION

The data were drawn according to a purposive sampling process.[116] In particular, the selected legal and policy documents reflected: (a) the simultaneous governance of waste misconduct nationally and supranationally, (b) the intertwining of environmental criminal law with administrative and civil regulations and (c) the framework of the victims' rights, in absence of a distinct institutional framework for environmental victims.

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[112] Singhal and Malik (n 9).
[113] Margrit Schreier, 'Qualitative Content Analysis', in Uwe Flick (ed) *The Sage Handbook of qualitative data anaysis* (Sage Publications 2014) 170-183.
[114] Schreier (n 113) 173.
[115] Ibid.
[116] Ronet D. Bachman & Russel K. Schutt, *Fundamental of research in criminology and criminal justice* (4th ed, Sage Publications 2018) 262.

The first layer of texts was retrieved by inserting appropriate search terms into Google, namely "Directives environmental criminal law", "Directive victim", "Council of Europe environmental protection" and "Council of Europe victim legislation". In the case of Greece, the site of EUR-lex was consulted for the transposition of EU-Directives and relevant reports, together with inserting "environment waste criminal legislation" in the Greek version of Google. The second layer of texts was generated through the sampling method of "snowballing": relevant documents were retrieved by following the in-text citations and the annexes of the initially retrieved texts.[117]

Overall, 60 texts were selected for analysis. The retrieved texts cover diverse topics in the field of waste-management and victim protection, including: production, shipment, storage and disposal of waste; the classification of waste into hazardous and non-hazardous; electronic waste; environmental procedural rights regarding public involvement in waste-management projects; environmental liability born under harmful waste-management activities; and texts on victims' rights.

B. DATA ANALYSIS

The collected documents were subjected to directed qualitative content analysis.[118] The focus was the creation of a coding frame, whose thematic codes were basically instructed by the theoretical frameworks of anthropocentrism and ecocentrism.[119] In particular, the coding frame consisted of two main categories, namely "anthropocentric" and "ecocentric perspectives on the identity of environmental victims". Each category was further analyzed into mutually exclusive thematic codes, which constituted important theoretical dimensions of the category itself – always according to the corresponding literature.[120]

The final version of the coding frame was the outcome of three reading rounds, the process lasting overall 56 days.[121] During the first round, the theoretically driven codes had to be assessed

[117] Ibid 263.
[118] Schreier (n 113) 176.
[119] Ibid 174-176.
[120] Ibid 176.
[121] Ibid 178-180.

against the content of the texts.[122] With the end of the first round, the initial codes were modified to suit the analyzed texts more concretely and progressively abandoned their theoretical abstractness.[123] This more concrete version of the coding frame was applied during the second reading round, which was the most decisive in terms of interpretative changes on the coding of textual units.[124] More specifically, during this round, certain units initially coded as belonging under the "ecocentric" category were coded as "anthropocentric", following the modifications in the end of the first round. The third and final reading round begun 18 days after the generation of the second version of the coding frame.[125] The interference of this time interval sought to temporarily distance the analyst from the data and sharpen his attention regarding the consistent interpretation of ambiguous textual units during the third reading round.

The analytical process is permeated by two important limitations. Firstly, a second person, who would code the retrieved texts at the same time with the author, would arguably increase interpretative consistency between the reading rounds.[126] Subsequently, the finalized coding frame would present an intersubjective product of active discussions regarding the interpretation of ambiguous textual units. Secondly, the study has not included case-law data regarding the identity of environmental victims in the waste sector. Consequently, the results do not capture the perspectives of the whole institutional spectrum of the chosen legal systems.

V. RESULTS

1. ANTHROPOCENTRIC PERSPECTIVES ON THE IDENTITY OF GREEN VICTIMS IN THE WASTE SECTOR

1.A. Human beings qualify as victims of criminalised waste-management practices and are granted a legal standing to address their (potential) victimization.

According to the general framework of victims' rights "victim means [*inter alia*] a natural person

[122] Ibid.
[123] Ibid.
[124] Ibid.
[125] Ibid179.
[126] Ibid.

who has suffered harm, which was directly caused by a criminal offense".[127] Moreover, human beings, who are threatened or harmed by waste-management projects and practices, are granted procedural rights in order to address their (potential) victimization. According to the Greek legal framework, "the public concerned means [*inter alia*] a natural person, whose interests are [threatened to be] impinged, due to decision-making procedures related to an environmental project [...] and has the right to bring their claim before court".[128]

1.B. The environment per se lacks both a victim status and a legal standing to address its (potential) harm by waste-management practices.

According to this theme, the environment *per se* is neither granted an explicit victim status nor a legal standing to proactively address its (potential) harm by such practices. According to the CoE's policy framework "environmental disasters such as […] the Spanish waste-water spill in 1998 and Deep-Water Horizon in 2010 do result in extensive litigation. However, neither the future generations nor the environment per se are ever represented in court cases."[129] Instead of the environment, NGOs, whose aim is the protection of the environment, are granted environmental rights. As stated in the Greek legal framework, "non-governmental organisations promoting environmental protection […] are entitled to challenge administrative acts and omissions related to environmental conditions of projects and activities".[130]

1.C. Certain subsets of the human population present a higher risk of victimization by harmful waste-management practices.

In the first place, this theme appears in textual units, which generally acknowledge the uneven distribution of victimization against distinct social groups of human beings. For example, the Committee of Ministers of the CoE is "aware of the need to prevent repeat victimisation, in particular for victims belonging to vulnerable groups."[131] This theme is further reinforced,

[127] Victims' Rights Directive (n 111) OJ L315/65, art 2.
[128] Greek Joint Ministerial Decision 9269/470, art 2-3 2007 National Gazette Vol 2 (286) 7078.
[129] Council of Europe, 'Compass: Manual for human rights education with young people' (2017) <https://www.coe.int/en/web/compass/environment> accessed 29 September 2021.
[130] Greek Joint Ministerial Decision 9269/470 (n 128).
[131] Council of Europe Committee of Ministers, Recommendation Rec (2006) 8 of the Committee of Ministers to

whenever the environmental framework addresses the uneven distribution of harmful waste-management practices against distinct social groups of human beings, the latter defined by race, color, ethnic origin, geography, culture, gender, occupation and/or any other possible parameter prone to facilitate a distinct social group formation. According to the Greek legal framework, "If the returned Waste Electric Electronic Equipment (WEEE) present a risk for the health and the security of working personnel, it is possible that WEEE are not received".[132]

1.D. Distinct groups of human beings, who are generally susceptible to discrimination on certain grounds, are equally entitled to a legal standing in order to address their victimization by waste-management practices.

In the first place, this theme appears in the general framework of victims' rights, where potentially discriminatory factors against the victim, i.e. age, language, gender, nationality etc., shall be taken into account for its effective legal standing. According to the Committee of Ministers, "States should ensure that victims who are particularly vulnerable, either through their personal characteristics or through the circumstances of the crime, can benefit from special measures best suited to their situation."[133]. Likewise, the environmental institutional framework stresses that human groups prone to be generally affected by social discrimination should enjoy the same set of environmental rights as the rest of the human population. As stated in the EU legal framework, "the rights guaranteed by the three pillars of the Aarhus Convention are without discrimination as to citizenship, nationality or domicile."[134]

1.E. Lawful derogations from waste-management regulations facilitate the harm of human beings and the environment.

This theme emerges whenever a set of lawful exemptions in the waste regulation allows and

member states on assistance to crime victims 1 (Adopted by the Committee of Ministers on 14 June 2006 at the 967th meeting of the Ministers' Deputies.

[132] Greek Joint Ministerial Decision 23615/651/E.103, art. 6 2014 Vol. 2 (1184) 16828.

[133] Council of Europe (n 131) 2.

[134] European Parliament and Council Regulation 1367/2006 of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies [2006] OJ L 264/13.

generally facilitates harm against human beings and the environment. For instance, in the domain of environmental liability "the operator [of a site for the permanent deposit of waste] shall not be liable under this Convention for damage which he proves [...] resulted necessarily from compliance with a specific order or compulsory measure of a public authority".[135] Likewise, according to the Greek legal framework, "it is deemed appropriate, that small, isolated islands and mountainous, inaccessible and regularly non-densely populated regions, deviate from the National Scheme of non-hazardous solid waste management".[136]

1.F. The environment is not capable of being harmed by waste-management practices, unless the latter ultimately harm human beings.

According to this subtle anthropocentric theme, non-human beings and natural entities cannot be harmed by waste-management activities, unless the latter eventually harm human beings. In other words, if the health of human beings is seemingly unaffected by waste-management practices, there is no need examining whether the environment *per se* has been harmed. According to the European Commission, "for damage affecting land, it is required that the land concerned be decontaminated until there is no longer any serious risk of negative impact on human health."[137] This theme is also apparent in textual units, where the harm of human beings by waste-management activities is devaluated as more serious than the autonomous harm of the environment by the same activities. As stated in the policy framework of the CoE:

> neither the European Convention on Human Rights nor the European Social Charter protects the environment as such, but various individual rights provided for in these treaties which might be affected by the environment. Hence, it is rather the impact on the individual than the environment that both the Court and the Committee are concerned with.[138]

[135] Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (adopted in 6 June 1993), ETS No.150, art 8.
[136] Greek Joint Ministerial Decision 50910/2727 Annex II 2003 National Gazette 2 (1909) 26097-26103.
[137] Commission, 'Report with regard to the prevention and remedying of environmental damage' (2010) 0581 final.
[138] Council of Europe, 'Manual on Human Rights and the Environment' (2012) <www.echr.coe.int/LibraryDocs/DH_DEV_Manual_Environment_Eng.pdf> accessed 29 September 2021.

1.G. The harm of the environment through its instrumentalization in the course of waste-management activities is not acknowledged.

This theme emerges whenever non-living natural entities, like soil or water, are used as *media* in the course of waste-management activities. For instance, among the waste disposal operations provided in the EU legal framework, one reads about "deposit into or on to land (e.g. landfill, etc.) [and about] Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)".[139]

1.H. Under certain numerical thresholds, neither human nor non-human beings and natural entities qualify as recipients of harmful waste-management practices.

This theme emerges whenever the existence of human and non-human recipients of harm is disregarded under certain numerical thresholds of harm caused by waste-management activities. In this case, waste harm is perceived as a quantitative element, conceptualized through a reductionist discourse of threshold values and indicators of significance. Numerical records of waste harm falling below the numerical records defined by the legislation are officially disregarded as marginal. Therefore, below certain numerical records, neither human nor non-human entities can qualify as recipients of waste-induced harm. For instance, the CoE's framework for environmental liability defines a 'dangerous activity' as *inter alia* "the operation of an installation or site for the incineration, treatment, handling or recycling of waste […], provided that the quantities involved pose a significant risk for man, the environment or property."[140] Likewise, the human injury or the damage caused to natural elements by waste-management practices have to be respectively "serious" and "substantial" in order to be criminalized.[141]

2. ECOCENTRIC PERSPECTIVES ON THE IDENTITY OF GREEN VICTIMS IN THE WASTE SECTOR

[139] European Parliament and Council Directive 2008/98/EC of 19 November 2008 on waste and repealing certain Directives [2008] OJ L312/3, 23 (Waste Directive).
[140] Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (n 135) art 2.
[141] Directive on the Protection of the Environment through criminal law (n 111) OJ L328/ 29-30, art 3.

2.A. Both human beings and the environment per se are capable of being autonomously harmed by waste-management practices, hence the devaluation of the latter through criminalization.

According to this theme, human beings and the environment *per se* are both capable of being autonomously harmed by waste-management practices. In such a case, the latter are ethically devalued through their criminalization. According to the EU legal framework "member States shall ensure that the following conduct constitutes a criminal offence: the collection, transport, recovery or disposal of waste […], which causes or is likely to cause [...] injury to any person or [...] damage to the quality of air, the quality of soil or the quality of water, or to animals or plants."[142]

2.B. Official criticism against human-centered perceptions of green harm.

This theme emerges in cases where an institution criticizes environmental regulations, as long as they fail to autonomously devalue the harm caused to the environment. In this regard:

> the European Parliament […] deplores the fact that under the Environmental Liability Directive, incidents are defined as 'serious' only if they give rise to deaths or serious injuries, with no reference to the consequences for the environment; highlights therefore that even if it does not give rise to deaths or serious injuries, an incident may have a serious impact on the environment by virtue of its scale or because it affects protected areas, protected species or particularly vulnerable habitats.[143]

2.C. Certain environmental zones present a higher risk of being inflicted by harmful waste-management practices.

According to this theme, the natural characteristics of certain environmental zones and

[142] Ibid.

[143] European Parliament Resolution of 26 October 2017 on the application of Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (the 'ELD') (2016/2251(INI))

ecosystems make them more vulnerable to potential harm produced by waste-management projects, compared to other, less vulnerable environmental zones and ecosystems. According to the Greek legal framework, "stricter threshold emission values of the atmosphere's quality may be determined in a region [...] dependent on the sensitivity of the region's ecosystems".[144]

VI. DISCUSSION

In the first place, the acknowledgement of an environmental victim status in the case of human beings is unambiguous. The general institutional framework on crime victims explicitly acknowledges that human beings qualify as victims of crime. Hence, human beings who die or get injured due to waste-management practices qualify as environmental victims, given that such injury is officially criminalized. On the contrary, non-human natural entities do not qualify as crime victims in the general framework, hence their qualification as environmental victims in the waste sector is blurry.

Such blurriness is arguably amplified, given the channels of communication between ecocentrism and green victimology.[145] In particular, waste-management activities inflicting harm both to human and non-human entities are morally devalued through their criminalization. Notwithstanding the ambiguity caused by the lack of explicit terms, the choice of criminalization arguably seeks to devalue the negation of an autonomous intrinsic core, held both by human and non-human entities.[146] Such institutional choice implicitly points at green victimological premises, according to which, the harm of an entity's intrinsic value amounts to its victimization and should hence be addressed through criminal law.[147] That the premises of green victimology are embraced is further illustrated through isolated, yet no less official, voices, acknowledging the harm of the environment's autonomous intrinsic value in the course of waste-management activities.

An institutional acknowledgement of an unequal distribution of waste-induced victimization is again unambiguous in the case of human beings.[148] The general framework on crime victims openly recognizes differentiated victimization risk among groups of human beings.

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[144] Greek Parliament Act 1650/1986, art. 7 1986 National Gazette vol. 1(160) 3260.
[145] Bisschop and Huisman (n 51) 161.
[146] White, 'Green victimology and non-human victims' (n 5) 242-243; Faure (n 92)142.
[147] White, 'Green victimology and non-human victims' (n 5) 241.
[148] Schlosberg (n 57).

Such recognition is further manifested in the institutional framework of the waste sector, the latter acknowledging the enhanced vulnerability of certain human groups - like workers - before harmful incidents. Notwithstanding the parallel institutional recognition of an enhanced vulnerability of certain eco-systems under waste-management practices, a claim of unequal victimization in the case of these eco-systems is less straightforward. Again, such a claim can be supported by an implicit institutional reference to the extra-legal premises of green victimology.[149]

An asymmetry between an unambiguous environmental victim status of human beings and a blurry victim status in the case of the non-human natural entities deepens in terms of legal standing provisions. Put differently, a clear victim status of human beings in cases of criminalized waste-management activities is further reinforced through an arsenal of procedural rights, prone to address their harm next to state-driven enforcement initiatives. On the contrary, non-human entities inflicted by criminalized waste-management practices are not granted a legal standing, which would arguably enhance their implicit and thus tentative victim status. Instead, ENGOs are entitled to defend the interests of non-human natural entities harmed by criminal waste-management practices. However, ENGOs are neither portrayed as "institutional victims",[150] nor are they explicitly framed as trustees of the nature's legal interests.[151] Therefore, ENGOs' legal arsenal does not resolve the ambiguity regarding the victim status of the environment *per se*.

Likewise, the aforementioned asymmetry deepens in the case of legal standing provisions addressing unequal victimization risks. A robust institutional perception regarding the differentiated vulnerability of distinct human groups under criminalized waste-management practices is complemented through explicit legal standing provisions, helping these groups to address their vulnerable position. However, no legal standing is provided to vulnerable eco-systems.

Implicit references to green victimology fade away in cases where the intrinsic value of human beings is subtly projected as more important than that of non-human entities. Put differently, environmental harm by waste-management practices is assessed exclusively against the superior value of human well-being.[152] Such subtle hierarchies in favor of human interests

[149] Hall, 'The Role and Use of Law in Green Criminology' (n 8) 104.
[150] Papadopoulou, (n 102) 88.
[151] Cormac Cullinan, *Wild Law: A manifesto for earth justice* (Green Books 2003).
[152] White, 'Green victimology and non-human victims' (n 5) 275.

strip non-human entities of a solid moral standing capable of being harmed.[153] Ultimately, channels of communication between green victimology and the institutional framework vanish in the specific domain of waste disposal. The official transformation of non-human entities, like soil and water, into final destinations of waste suggests that, in the context of waste disposal, an intrinsic value of non-human entities ceases to exist.

Interestingly, the environmental victim status of human beings in the waste sector, however robust compared to that of non-human entities, is not completely immune. This is particularly the case with regulatory exceptions. In particular, under certain circumstances, environmental regulations institutionalize harmful waste-management practices, impinging upon the intrinsic value of both the environment and human beings. For instance, lawful deviations from the solid waste-management framework in certain islands institutionally facilitate the local deterioration of human and environmental well-being.

The "alter-ego" of regulatory exceptions is an institutional discourse suggesting that the criminalized harm of human and non-human entities is expressed through obvious and extreme numerical manifestations. On the contrary, low concentrations of waste pollutants, low emission values of waste gases and insignificant contamination risks are disregarded, without examining their long-term effects on human beings and the environment.[154] Put differently, the institutional framework constructs numerical thresholds of harm, above which the intrinsic value of both human and non-human entities deserves criminalization and may thus generate a victim status. However, below these thresholds, the potential victimization of human and non-human entities does not exist as a possibility.

Although both regulatory exceptions and a managerial discourse of environmental harm express anthropocentric rationalities around the organization of the waste sector, they are capable of harming both humans and the environment. In other words, the potential negative impact of anthropocentric provisions on the intrinsic value of both human and the environment favors the ecocentric premise of an interdependence between human beings and their natural habitat.[155]

CONCLUSION

[153] Ibid 244.
[154] Halsey and White, (n 39) 356-357.
[155] Tokar (n 49) 52.

The current study suggests that within the examined joint institutional framework human beings unambiguously qualify as victims of harmful waste-management practices. However, the corresponding qualification of the environment *per se* as a victim appears blurry. The blurriness is partially resolved through implicit institutional references to the premises of green victimology. In particular, the criminalization of environmental harm implies an institutional acknowledgement of the environment's autonomous moral standing, whose infringement is addressed and devalued through criminal law.[156] Such an implicit reference may subsequently translate into a tentative qualification of the environment *per se* as a victim.[157]

This initial asymmetry in institutional clarity progressively deepens to reach a point where the victimization of the environment ceases to exist as a possibility. The first symptom of this process is the lack of the environment's legal standing against criminalized waste-management practices, contrary to the explicit provision of such standing to human beings. The qualification of the environment as a victim is further eroded when subtly projected as inferior next to the human well-being. Eventually, the intrinsic value of the environment ceases to exist in the context of waste disposal operations.

Notwithstanding the robust qualification of human beings as environmental victims, under certain conditions, the victim status of both humans and the environment ceases to exist as a possibility. This is the case with regulatory exemptions and a managerial discourse of quotas and numerical thresholds, which either disregard or facilitate zones of waste-induced harm. In these constructed zones, harm is not criminalized, hence it cannot amount to the victimization of any entity, human or non-human.

The current study sought to contribute to the governance of waste-management misconduct through an emphasis on the identity of its victims. Environmental victims of waste misconduct can foster public initiatives of environmental criminal law enforcement through an efficient operationalization of their legal standing.[158] Thus, environmental victims' empowerment in the course of harmful waste operations arguably requires a less equivocal institutional framework concerning their identity. As a policy recommendation, a great deal of clarity would be accomplished in the examined framework through the use of explicit victimological terms in the environmental regulations governing waste misconduct, as the case is with the general

[156] White 'Green victimology and non-human victims' (n 5) 241.
[157] Hall, 'The Role and Use of Law in Green Criminology' (n 8) 104.
[158] Bentata and Faure (n 6) 460.

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framework of victims' rights.

Future research initiatives regarding the institutional perceptions of a green victims' identity are numerous. Cross-jurisdictional studies may feature a diversity of institutional conceptualizations on green victims' identity and inspire innovative legislative and policy changes. Empirical inquiry of cross-jurisdictional case-law presents another path for victimological insight, let alone empirical case-studies in other genres of environmental crime, namely beyond waste-management offenses.