

CRIMINAL BEHAVIOUR AGAINST BIODIVERSITY

A RESEARCH ON BIODIVERSITY HARMS (2021-2023)

CONDUCTED BY NICC AND CANOEPA,
FUNDED BY BELGIAN FEDERAL SCIENCE POLICY (BELSPO)

Biodiversity is threatened on several fronts in Belgium, without a global criminal policy to protect it.

Through an innovative alliance between researchers in the Human Sciences at the National Institute of Criminalistics and Criminology (NICC) and researchers in the Life Sciences at Canopea, the CRIM-BIODIV project has a double objective: the construction of an interdisciplinary dialogue in order to understand the multiple social realities in which biodiversity conservation issues take place; and the development of criminological expertise on biodiversity protection.

NICC-TEAM

Alexia Jonckheere, jurist and criminologist
David Scheer, criminologist

alexia.jonckheere@just.fgov.be
david.scheer@just.fgov.be

METHODOLOGY

The construction of criminological knowledge on biodiversity infringements is mainly done through a study of different cases, as many "problem situations" in which an (alleged or proven) harm to biodiversity has led to a questioning or an action on the part of one or several individuals, acting as citizen(s) or as representative(s) of a public authority. The case study allows for an in-depth analysis of diverse present or past situations in their particular context. For each case selected, the methodological approach consists of identifying and analysing the mediatisation and grey literature surrounding it (expert reports, internal notes, etc.); mapping the actors involved in these cases and carrying out semi-directive (anonymous) interviews; for cases "in progress", observing the action through a presence in the field (on-site observations, attendance at meetings, monitoring of hearing...).

OBJECTIVES

The CRIM-BIODIV project has three operational objectives, based on a relational and micro-social approach to biodiversity damage. Firstly, it intends to identify the mechanisms and levers of individual, citizen, association and professional action in the face of environmental norms protecting biodiversity, including identifying the knowledge, values and attachments of each. Secondly, it aims to increase knowledge on the social representations of environmental norms protecting biodiversity, of deviations from these norms and of the social reaction (including penal reaction) to these deviations. Finally, it aims to identify the methods that can be mobilised to encourage behavioural changes to protect biodiversity, such as indirect suggestions (nudging), based on the sociological elements collected during the investigation.

15 CASE STUDIES

The CRIM-BIODIV project includes the study of 15 very varied and complementary cases of biodiversity harm, in which the damage to biodiversity is illegal or not, obvious or not: trial for bird trapping; "concreting" of natural sites; nudging campaign to reduce pollution in a pond; destruction of natural habitats; management of invasive alien species (here, the raccoon dog and the muntjac deer); conflict over the use of a natural resource; poaching; deforestation; awareness campaigns promoting "weeds"; hunting infringements; or... the crucifixion of a beaver.

THREE STORIES OF HUNTING

FROM THE PLEASURE OF HUNTERS TO THE DAMAGE OF POLYGAMY

Once upon a time, two regional officers – one in charge of forestry management and the other a judicial police officer – were placed under criminal investigation for being involved in the organisation of illegal hunting parties. The investigation reveals an illegal breeding operation for muntjac deer, an invasive alien species that threatens native biodiversity (due in particular to its sexual behaviour, which favours demographic explosion).

The protagonists demanded their acquittal, claiming that they were victims of the hunting industry and that the regional administration was relentless. In the end, the sentences pronounced ranged from 10 months' imprisonment to fines of up to 4,000 euros. The debates during the trial show the issues linked to the articulation between the administration's management of exotic species and private hunting practices. Indeed, hunters are mainly the ones responsible for the control of this species, in this case through the elimination of specimens. Good practices to regulate the deer have been established, in particular by involving hunters. However, the main route of muntjac deer introduction is linked to the unscrupulous practices of hunters who want to diversify their target game.

This case illustrates the difficulties of enforcing legislation from the top down in a community, often rural, that lives within relatively small territorial boundaries, and offers an "entre-soi" where the representations and practices of all are intertwined.

LOBBYING LORDS AND PUBLIC AUTHORITIES, A HISTORY OF CONTROL AND INFLUENCE

Once upon a time, a wealthy and influential big hunt organiser was on the radar of an investigation unit specialising in hunting offences. The owner of the hunting territory is suspected of having inflated his quotas of deer killed in order to keep as many wild animals as possible on his property and to be able to boast of luxuriant hunts. Despite the overwhelming evidence, the official responsible for administrative sanctions imposed an administrative fine of 400 euros. This amount is a trifle compared to the fortune of the hunter-owner. Above all, the whole investigation revealed numerous signs of collusion between the suspect and the authorities, reinforcing the image of hunting as a dominant lobby of highly influential people along with a few political decision-makers.

This case study deals specifically with an offence involving the fictitious declaration of hunting tables, and thus the failure to observe the shooting plan. The motivation for such an offence lies in the desire to have a very attractive and abundant game hunt; in other words, to maintain the over-density of game to the detriment of sylvo-agro-cynegetic balance, forest ecosystem regeneration and biodiversity protection.

'PETTY' CRIME AND HEAVY SENTENCES : THE DIFFERENTIAL REGULATION OF ILLEGALISMS

Once upon a time, there was a woodsman who, in order to make a little money as he spent his free time, enjoyed the resources that the forest offered him. From time to time, he went out at night armed with his rifle. Often he came back empty-handed. Sometimes he would shoot a wild boar and share it with his friends and family or occasionally sell it at the local butcher shop. In the end, the poacher was prosecuted for killing two wild boars at night and being on the lookout: no environmental damage in a situation of boar over-density, and it could even be seen as an ecological gesture. He received a suspended prison sentence.

An idea persists, both in the minds of the accused and in those of the judicial officers: the sentences pronounced are inversely proportional to the level of the offence, or to the reputation of the offender. Many describe a differential treatment of illegalisms. Instead, it is actually possible to observe a judicial and legal under-processing of certain cases because of the purely environmental nature of the offence. Ecological damage alone is not enough for a severe sentence. Thus, poachers who combine other offences (illegal carrying of a firearm, rebellion or violence, participation in the illegal meat trade, etc.) are punished more severely than environmental offences alone.