

Summaries

Justitiële verkenningen (Judicial explorations) is published four times a year by the Research and Data Centre of the Dutch Ministry of Justice and Security in cooperation with Boom juridisch. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 4, 2023) is *The environment: crime, harm and enforcement*.

Tackling environmental crime in the Netherlands. Lessons learned from the last decades

Karin van Wingerde, Sammie Verbeek and Lieselot Bisschop

How is it possible that large industrial facilities sometimes cause pollution and nuisance for decades without any effective action being taken? In this contribution, this question is being answered by analyzing the historical development of the enforcement of environmental crimes in the Netherlands. Three elements play a role: the fragmentation of supervision, the information asymmetry between businesses and the government, and the interconnection with legitimate business activities.

Focus on crime in environmental markets: the Environmental Crime Threat Assessment

Rudie Neve

The Environmental Crime Threat Assessment is published every four years in order to inform and support policy development, to promote awareness in politics of the seriousness of environmental crimes committed in the Netherlands, and to give advice on prevention. In recent versions of the report, a selection of sectors is analyzed with respect to opportunities for crime occurring for persons and businesses in the sector, often stemming from complicated regulation and shortage of enforcement. Two examples are discussed briefly. The waste sector has always been an important issue in the Threat Assessment and its predecessors, whereas manure fraud is a more recent problem.

The combat of environmental crime in practice. Developments in administrative and criminal enforcement

Jenny van Houten-Peschier

Enforcement of environmental law is complex and fragmented. It requires technical insight and perseverance to combat environmental crime, the large number of competent authorities in the Netherlands is a challenge, there is limited capacity, and environmental damage is often invisible. Therefore, a smart approach, innovation and collaboration are needed to reach the required effect in compliance. Technical and organizational innovations are developed to support inspectors and criminal investigators. High-quality regulations are needed to ensure enforceability. Also, all organizations should align their capacity for environmental enforcement and prosecution to prevent congestion. Environmental inspectors and investigators keep on developing their approach for an efficient and effective combat of environmental crime.

Rule violation, perpetrators, and enforcement of environmental crime. Empirical insights from two recent studies

Victor van der Geest, Joost van Onna and Johan van Wilsem

Little empirical evidence exists about (rule violations of) perpetrators of environmental crime in the Netherlands and the effectiveness of government interventions through administrative and criminal law enforcement. The present article brings together insights from two recent empirical studies and describes the common threads that can be distilled from these two complementary studies regarding perpetrators, sanctions and recidivism. The results show that, among both companies and individuals, a small group of perpetrators is responsible for a majority of violations and offenses and that the criminal sanctions imposed differ between companies and individuals. The article discusses the findings on recidivism and effectiveness, draws conclusions and discusses future research.

Corporate liability for pollution of the living environment

Elbert de Jong and Michael Faure

The Chemours and Tata Steel cases illustrate that knowledge inequalities often exist between companies on the one hand and citizens and government on the other. They also illustrate that despite clear signals about risks, companies are seemingly reluctant to take costly precau-

tionary measures. Ideally, companies would be obliged to do so through public risk regulation. However, knowledge inequalities between companies and governments can undermine the quality of regulation. Against this background, the question arises whether civil liability law can play a corrective role.

Environmental crime and green criminology

Daan van Uhm

In recent years, the harmful effects of human activities on the environment have become a central topic on the international agenda. While many harms against the environment have not (yet) been criminalized, more and more activities that were previously legal are becoming criminalized by law and that raises important criminological questions. This article will therefore discuss various forms of environmental crimes, the process of criminalization of harms against the environment, and the importance of a broad harm principle to understand environmental crime from a green criminological perspective.

Granting rights to elements of nature examined from a legal-social and ethical perspective

Tineke Lambooy, Ronald Jeurissen and Renske Mackor

Over forty countries around the world are taking an innovative legal path in the field of nature protection and environmental law by granting legal rights to elements of nature. Given the challenges which the Netherlands needs to solve regarding biodiversity loss and pollution of land, water and air, it is high time to reconsider past practices. In this article, the authors explore whether this innovative 'Rights of Nature' path could strengthen nature protection and environmental law in the Netherlands as well. The authors address that question from a legal-social and ethical perspective.