



# International legal aspects of countering environmental terrorism in the context of modern trends in radical environmentalism

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## Abstract

Environmental terrorism is a new global threat. The modern period of society's development is characterized by an increase in this threat, where terrorism in the traditional view evolves and takes on new outlines. When defining the concept of environmental terrorism, the role of the criminal-legal definition of a crime is of particular importance, since this ultimately reflects the degree of public danger and is reflected in determining an offender's punishment and its appropriate publicity in the media space. This study examines the genesis of the environmental terrorism concept, as well as various approaches to its understanding, taking into account its legal definition. Using the method of political and legal analysis, the study aims to answer the question of whether ecoterrorism is only a manifestation of radical environmentalism, or has different motives. Taking into account the difference in approaches to the concept of "environmental terrorism," the study also notes a difference in the qualifications of eco-terrorism. This work gives grounds to assert that the absence of a clearly developed conceptual apparatus and the definition of this term in international acts complicates the solution of issues of countering such a phenomenon as environmental terrorism. The study concludes that the concept of environmental terrorism should be considered in terms of its connection with the concept of environmentalism. Terrorist acts that use natural objects (resources) as a political goal should be considered and qualified separately from the environmental terrorism concept because of the differences in the legal nature of these two phenomena. In practical terms, this study is of interest to subjects of political initiative and lawyers engaged in public administration.

**Keywords** Criminal legal definition · Environment · Environmental terrorism · Environmentalism

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# 1 Introduction

In the twenty-first century, the view of the anthropocentric position of human, prevalent in social and scientific thought in the previous century, is gradually losing its dominant role, shifting to a view of the central role of nature. The gradual abandonment of such views is largely due to such factors as pollution, numerous natural disasters, and human-made catastrophes that occurred in the twentieth century, which raised the question of whether humans really have the right to dispose of nature without consequences for themselves (Koenlsler & Papa, 2013). At the same time, the concept of environmentalism, which implies a revision of the principle of human interaction with nature and human's attitude toward nature, is being developed, giving rise to a new ecological worldview. The latter focuses on the preservation of the environment, the maintenance of biodiversity, and the affirmation and acceptance of the right of natural substances to exist well in the present and future (Mushtey, 2020). Although the roots of environmentalism can be traced back to the nineteenth century, the concept had to evolve over a century and a half before it could gain a foothold in public consciousness through a phase in which natural resources were largely taken for granted.

The concept of environmentalism, by a set of definitions, is used as a general term for concern for the environment and, in particular, actions or propaganda aimed at limiting negative human impact on the environment (Kobayashi, 2019; Pepper, 2019).

For the purposes of this study, the term environmentalism is used in a broad sense to refer to the processes associated with actions aimed at reducing the impact of human behavior on the environment. The study includes many psychological constructs within the framework of environmentalism, including behavior, intentions, attitudes, beliefs, motives, and values. In addition, based on prevailing and consistent scientific views, this study includes actions aimed at reducing anthropogenic impact on the environment, such as activism, public policy. (Pepper, 2019).

Despite the fact that today in the scientific literature and at the legislative level the concept of environmental terrorism does not have a final definition, however, based on the existing definitions, environmental terrorism is most often considered as a form of radical environmentalism, which arose along with such concepts as biocentrism, social ecology, bioregionalism. (Long, 2014). However, even the absence of a definition does not in any way abolish the very phenomenon of environmental terrorism, as well as the enormous degree of public danger it poses, even based on the accompanying definitions of similar phenomena and/or offenses based on a combination of signs. The very concept of environmental terrorism appeared and spread in the media in the early 1990s (Joosse, 2012).

Environmental terrorism is sometimes called the extreme radicalism of green social movements by media representatives in order to draw attention to the described problem. At the same time, the term environmental terrorism describes the actions committed by extremist groups for the protection of the environment and the protection of animal rights (Leamons, 2015). However, there is another point of view in defining the concept of environmental terrorism, according to which environmental terrorists are not those who protect the environment by radical and illegal methods, but those who encroach on it (Tikhonov & Bogoslovsky, 2016).

The most complete, maximally reflecting the nature of the commission of a terrorist act is the definition of environmental terrorism in the Draft Comprehensive UN Convention on International Terrorism, prepared by the Special Committee and its working

group. The proposed definition defines environmental terrorism as the commission of terrorist acts through the impact on the environment (Tikhonov & Bogoslovsky, 2016).

Environmental terrorism, in comparison with many other terrorist crimes, has a significantly higher degree of public danger, since violent actions are applied to citizens or their property indirectly, through the environment, in which existence in the future may be difficult or impossible. Environmental terrorism can cause irreversible, unpredictable, and difficult-to-eliminate consequences. At present, states and the world community as a whole are unable to ensure the complete safety of citizens from environmental terrorist acts (Serbrennikova & Lebedev, 2019).

The term environmental terrorism can also be defined as the commission of terrorist acts at dangerous, from the point of view of the environment, facilities, as well as the commission of actions aimed at deliberately polluting the environment, in order to cause environmental damage or blackmail in this area. However, this definition is also not final, it has no legal status (Tikhonov & Bogoslovsky, 2016).

Scientific debate regarding the definition of environmental terrorism has been going on for a long time, however, the definition itself, from the point of view of unified views, is not in international legal acts or in national legislation. It should be assumed that its consolidation at the international level would introduce clarity in understanding this phenomenon. Environmental terrorism can encompass two forms of terrorism: an infringement on the life and health of citizens and an infringement on infrastructure and natural objects of national and international importance, the latter being the subject of a direct infringement. Based on the object of the criminal encroachment (legally protected social relations), the likelihood of terrorists achieving their goals can be very high, including destabilization of the world, a region, a state, causing harm to life or health of people, environmental pollution (Ivantsov, 2008; Pepper, 2019; Tikhonov & Bogoslovsky, 2016). Today's proliferation of terrorism in the traditional sense is mainly due to the exacerbation of existing conflicts and the emergence of new ones because of nationality, ethnicity or religious beliefs. The escalation of the terrorist presence has demonstrated the urgent need for a global response (Elmas, 2020; Jore, 2019).

Environmental terrorism and radical ecology are highly relevant research topics, despite the fact that they are thematically very extensive and interdisciplinary in nature, being at the intersection of such disciplines as law, ecology, political science, philosophy. (Luchina, 2019). Modern studies examining environmental terrorism from the political and legal perspectives focus on such issues as:

- the relationship between the concept of terrorism in the traditional sense and the concept of environmental terrorism as an emerging threat (Hirsch-Hoefler & Mudde, 2014);
- criminal legal definition of environmental terrorism (Loadenthal, 2017; Tikhonov & Bogoslovsky, 2016);
- development of the concepts of environmental terrorism and environmental extremism in conditions of climate change (Spadaro, 2020);
- legal countermeasures against threats posed by radical eco-activists (Leamons, 2015).

Based on a review of existing theoretical developments, it can be noted that most modern studies do not attempt to differentiate the motives of a crime as a qualifying factor, as a rule, limiting themselves to considering the criminal act itself and its consequences, which in turn forms a theoretical gap. In addition, the lack of common approaches to understanding the term “ecoterrorism” also significantly limits the scope of research. The need to

shed light on these questions raises the question of research: is ecoterrorism only a manifestation of radical environmentalism, or does it have other motives? This issue is considered in the plane of international legal regulation in the field of environmental protection and countering terrorism.

When defining the concept of environmental terrorism, the role of criminal law definition of the crime is of particular importance, since this factor ultimately reflects the degree of its public danger. This study examines the genesis of the concept of environmental terrorism, as well as various scientific and legal approaches to its understanding. Based on the assumption that the phenomenon of environmental terrorism is a derivation of radical environmentalism concept, the study examines the existing approaches to the definition and characteristics of the former. It is assumed that the motive of the crime in respect of the object under study may be important in defining the crime and determining the punishment for the perpetrators.

## 2 Materials and methods

This study is based on the analysis of the current normative and legal regulation in the field of environmental protection as well as the sphere of countering terrorism, including:

- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques.
- International instruments (I Additional Protocol of 1977 to the Geneva Conventions of 1949, the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques);
- draft international instruments (Draft Comprehensive UN Convention on International Terrorism);
- and national legal acts of the United States, the EU and Russia (including such legislative acts as the Animal Enterprise Terrorism Act (AETA) of 2006, the US Act to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes, 2001, the Criminal Code of the Russian Federation).

Using the method of political and legal analysis, the study examines the origin and evolution of the concept of environmental terrorism, as well as various approaches relating to its scientific understanding and legislative regulation. The role of environmentalism in the formation and development of the concept of environmental terrorism is defined. In addition, the study examines topical issues concerning the legal regulation of environmental terrorism at the national (USA, Russia) and supranational (EU) levels. The study attempts to consider environmental terrorism from the point of view of criminal law and, in particular, from the position of assessing the motive of this crime as a qualifying attribute.

## 3 Results

Over the past few decades there has been a significant increase in public interest in environmental protection. The related processes of globalization and internationalization of society are increasingly affecting the terms and definitions used not only by the scientific

community, but also by society as a whole. The English-language term environmental in the modern sense is increasingly rarely used without reference to issues of biodiversity conservation, ecology, and is generally seen as referring to pollution control. At the same time, the term environmentalist has long acquired a meaning that is identified as a person who advocates for the environment. Moreover, in recent years, a relatively new and very meaningful term environmentalism has been appearing more and more often in the modern scientific literature. Its content is a social movement that pursues the exclusive goals of protecting the environment (Mushtey, 2020; Pepper, 2019).

The term environmentalism emerged in Western countries in the 1960s, when the satisfaction of material needs took a secondary role and society began to demand the satisfaction of supra-material values: the realization of creative initiatives, socially responsible entrepreneurship, participation in solving environmental problems. Environmentalism in terms of public self-identification occurred as national environmental organizations and green parties. Ecological representation implied the development of a series of preventive measures to protect nature from the effects of industrialization and technogenic processes, substitution of resource-based approach for an environmentally oriented one. Fears associated with the possibility of human-made disasters initiated the use of environmentally friendly materials, sorting and processing of industrial waste, environmental forecasting (Zhao et al., 2020). In the theory of modern environmentalism, ecological production is elevated to the rank of axiom and is a standard. At the same time, within the framework of this theory, the set tasks go far beyond the usual views on the issues of environmental security (Mushtey, 2020).

For the purposes of this study, it is necessary to distinguish some definitions, namely environmental protection, environmental movement, and environmentalism. The definition of environmental protection is determined by its name. These are various measures for the protection and preservation of nature that have been in use since humankind became aware of the necessity and possibility of its participation in the preservation of natural objects. This concept, however, has nothing to do with what is commonly referred to as the environmental movement or any other political currents.

The definition of an environmental movement is to be understood as a series of social or political movements that aim to address environmental problems. Their main goal is to influence politics and people's attitudes and actions toward the environment through large-scale public actions, media influence, and the use of political instruments of influence. At the same time, the term environmentalism is broadly defined as a philosophy and political ideology that emphasizes the importance of environmental protection and the harmonious coexistence of humans and nature (Yoke, 2020). The latter is an important factor determining the significant differences in initiatives to combat climate change (Abraham, 2021).

There is an opinion that the origins of environmentalism can be traced back to the ideas of communism. For example, according to the definition of former UNEP (United Nations Environment Programme) leader M. Strong, the right of private ownership of land is the main instrument of wealth accumulation, which stimulates social inequality. At the same time, according to him, the right to use land must be seen as the exclusive prerogative of a state (Sussman, 2012; Yoke, 2020).

In addition, researchers have suggested that environmental protection has now become the main tool for criticizing the values of the Western world. Under the pretext of environmental protection, it is possible to implement a series of measures to destroy the industrial base of developed countries. At the same time, by means of lowering the standard of living in developed countries, it is possible to impose communist values on Western societies (Petrișor, 2018; Sawa, 2010; Yoke, 2020).

In this context, it should be noted that ecoconsciousness can take extreme forms similar to religious fundamentalism. Examples include the Earth Liberation Front (ELF) and the Animal Liberation Front (ALF) (Hirsch-Hoefler & Mudde, 2014; Jooose, 2012). Environmental terrorism is often defined as the use of violence to change environmental policy. The actions and methods of eco-terrorists do not exclude the possibility of inflicting emotional and physical suffering on their victims if it is consistent with their belief that such measures will further their environmental goals. This more radical version of environmental action is illegal compared to eco-activism in its original sense, which is not illegal and can be expressed in the form of civil disobedience using methods such as protests, strikes, and other civil actions to preserve the environment. Environmental terrorism may also include sabotage for ideological reasons related to environmental protection, which is illegal because it involves unlawful acts against property that endanger public safety. Noting that the FBI definition of terrorism in the United States includes malicious acts against property, most acts of this nature fall within the realm of domestic terrorism (Jarboe, 2002).

Based on prevailing attitudes, radical environmentalist organizations engage in environmental terrorism with the aim of influencing public opinion. At the same time, the organizations themselves define their actions as ecotage (ecological sabotage) (Hirsch-Hoefler & Mudde, 2014). The FBI calls the activities of radical environmentalists and radical animal advocates the greatest terrorist threat in the United States and considers them a threat to the nation. It accuses eco-terrorists of setting fire to residential buildings, research laboratories and car dealerships, and blowing up offices. Experts estimate that the damage from the actions of radical environmental activists amounts to tens of millions of dollars, and it is only a matter of time before such criminal activities start killing people (Jarboe, 2002). At the same time, the U.S. Department of Homeland Security explicitly recognizes some environmentalist organizations as terrorist (Chermak et al., 2013).

The term environmental terrorism is thought to have originated in 1983 and was coined by writer Ron Arnold, who defined it as a crime committed in the name of nature conservation (Smith, 2008). The term became nominal in the 1990s, when the activity of groups such as ELF increased. Thereafter, the term was mostly used in U.S. politics. When considering the topic of environmental terrorism, it is important to understand what is meant by the term environmental terrorism. Definitions vary somewhat depending on the original source. For example, the FBI describes it as using or threatening to use criminal violence against innocent persons or property by environmentally oriented, subnational groups for environmental and political reasons or targeting an audience beyond the target audience for symbolic effect (Leamons, 2015). In addition to the FBI definition, environmental terrorism is also considered in several other, but similar meanings. Merriam-Webster's Dictionary describes the act as sabotage used to prevent activities deemed harmful to the environment. The Oxford Dictionary has a similar definition, describing environmental terrorism as violence to protect the environment. However, activist groups such as ELF themselves disagree with such definitions and call their actions acts of civil disobedience (Leamons, 2015).

The actions of existing environmental activist organizations are interpreted differently. Those who are more sympathetic to the goals of eco-activists, who originally pursue good intentions to protect nature, prefer to qualify such actions as ecotage. Ecotage is perhaps a more politically correct term than eco-terrorism, although this term was popularized by The Monkey Wrench Gang's leader Edward Abbey, using examples like billboard cutting, sabotage of construction equipment, pulling up survey stakes, etc. (Brown, 2010). Ecotage is a combination of the terms eco and sabotage, and the term is

more specifically defined as destructive or obstructive actions aimed at creating negative publicity and reputations for people who activists believe are harming the environment (Leamons, 2015).

Since the late 1970s and early 1980s, radical environmental groups such as Earth First have used civil disobedience and sabotage as their methods to stop the ongoing environmental degradation. Sabotage took various forms. As an example, one can cite cases in which members of organizations drove nails into trees in order to damage equipment and stop logging operations, and carried out other similar actions in order to cause material damage to enterprises and industries associated with environmentally destructive methods. After a while, underground ELF groups began resorting to a new tactic, arson; and along with this tactic came increasingly inflammatory rhetoric, which attracted the attention of authorities and caused a much greater public outcry than the actions of previously active groups such as Earth First (Joose, 2012).

Environmental terrorism, which has traditionally included acts of ecotage (for example, covert damage to equipment and machinery designed to make environmentally harmful actions economically unprofitable) in defense of the environment and promotion of related environmental policy changes, is difficult to see as a significant threat to, for example, national security or the constitutional order. Nevertheless, on the part of established democracies, environmental activists are increasingly called and qualified as terrorists (Spadaro, 2020).

On the other hand, there are other examples in Russia that do not carry much excitement. The acquisition of a hunting license, weapons and ammunition, when the eco-saboteur begins to “hunt” on permitted lands, can be considered a humane and not unprofitable way of ecotage. That is, s/he fires at the ground, water, air, dead trees, thereby scaring wild animals away from real hunters and thereby disrupts the hunt, letting the animals know about the presence of danger, which will allow them to go deep into the forest. In case the saboteurs do not have the opportunity to purchase a license and go out on a “hunt,” they go on so-called hikes with portable high-power speakers, turning them on at full volume, thereby also scaring away animals (Trefilova & Kishieva, 2020).

However, the question of where radical activism ends and environmental terrorism begins is still debatable to this day. In this regard, it must be understood that the criminalization and persecution of nonviolent activists can fatally delay an effective response to climate change. As eco-activists themselves often point out, as social inequalities increase and risks of ecological catastrophe emerge, sustainable change may not be enough to avoid civilizational collapse. The opinion that voluntary international measures to combat climate change may be insufficient has been repeatedly expressed at the international level (Skjærseth & Wettestad, 2007). In the current circumstances, environmentalists can no longer rely on “timid” appeals to the authorities (Marley, 2018; Motesharrei et al., 2014). Such considerations motivate eco-activists to action. Indeed, moderate initiatives to protect wildlife areas—creating protected areas, sending appeals and requests to the authorities, litigation, and media campaigns—do not always have the desired effect when it comes, for example, to protecting a natural site. According to the current beliefs of some environmentalists, sometimes quick, urgent action is needed to stop the destruction of wildlife areas. Sometimes that logic can be justified. For example, many radical eco-activists go far in their beliefs, although they may welcome the destruction of certain industrial or infrastructure facilities in the name of nature conservation, they do not intend to achieve such goals at the cost of human lives or the general welfare (DW, 2020). At the same time, law enforcement authorities may regard mere declaration of such views as an intent to commit them.

Considering the issue of qualification of actions falling under the description of eco-terrorism in the context of international environmental agreements and international legal regulation in the field of environmental protection, it should be noted that some aspects of countering terrorism that use natural objects as a tool are defined in the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. Meanwhile, some studies argue that radical ecological groups must be distinguished from “classical terrorists,” since they pursue completely different goals, and therefore different methods of struggle should be used against these phenomena. Unlike the actions of radical-minded groups of public activists, who rarely go beyond vandalism or deliberate destruction of other people’s property, environmental terrorism, which has a rather significant specificity, is nevertheless a type of terrorist activity and has all its signs. Among these common features, the goal of terrorists to intimidate (intimidate) the population, the violent methods of terrorists, the presence of a certain ideology and its propaganda by committing terrorist acts, attempts to influence the actions (inaction) of public authorities or other subjects should be highlighted. Among the special signs of only environmental terrorism should be attributed the object of impact—the favorable quality of the environment, which is damaged (Ryzhenkov, 2017). Other researchers adhere to several different criteria, arguing that environmental destruction or its threat can be termed “terrorism” when: an act or threat violates national and / or international laws governing peacetime or wartime environmental disturbance; and the act or threat demonstrates the fundamental characteristics of terrorism (that is, the act or threat of violence has a specific purpose and the violence is directed toward a symbolic purpose). An act of environmental destruction can only be called “environmental terrorism” if the last two criteria are met: and when the perpetrator uses the environment as a genuine symbol, inspiring fear in the general public about the environmental consequences of the act (Schwartz, 1998). Based on the above approaches in definition of environmental terrorism and its signs, it is necessary to delimit it from related phenomena, including ecocide or the conduct of “environmental wars.” In particular, the latter problem began to be gradually resolved after the adoption of the 1976 Convention on the Prohibition of Military or Any Other Hostile Use of Means of Influencing the Natural Environment (Ryzhenkov, 2017). This Convention establishes that the states parties to the Convention undertake not to resort to military or any other hostile use of means of influencing the natural environment, which have wide, long-term or serious consequences, as methods of destruction, damage or harm to any other state party to the Convention (Bureau of International Security & Nonproliferation, 1978; Westing, 1984). The principle of “*jus in bello*” underlying the Convention presupposes that, while collateral environment damage may occur, environmental resources are not to be intentionally targeted during war, unless there is a direct military advantage of doing so (Kohler et al., 2019).

It follows from this that the scope of this Convention covers cases when one or more states are fighting with each other, while undertaking to keep their armed forces within certain environmentally determined limits. In the case of environmental terrorists, the subject of harm to the life, health and property of citizens is an individual terrorist or a group of them, not associated with a specific state, promoting their political, religious or other ideas. The reasons for the emergence of environmental terrorism are the increasing importance of environmental safety in the system of values of the modern world community, the increase in the number of environmentally hazardous facilities (for example, nuclear power plants), as well as scientific and technological progress that simplifies terrorists’ access to various environmentally hazardous substances or technologies for their production, to which leads the development of the Internet (Ryzhenkov, 2017).

The desire to preserve the environment and prevent negative environmental consequences is in itself commendable. However, even if one assumes that the radical eco-activist committed an act of eco-terrorism with purely good intentions, it is difficult to confirm these motives using procedural methods. Moreover, to date, there is no consensus as to whether goals, in this regard, may serve as mitigating circumstances to justify actions. Motives that characterize the personality of the offender are an important indicator of his/her public danger. They express the most important traits and characteristics, needs and aspirations of an individual.

In 2018, U.K. fracking activists were arrested after they blocked a column carrying equipment to a fracking site, Preston New Road in Lancashire. They were initially sentenced to lengthy prison terms, but were eventually released.

Previously, similar incidents had mainly occurred in the United States and peaked in the mid-2000s, called the Green Scare. At that time, the U.S. government launched a full-scale crackdown on environmental activists (Vidal, 2008). The FBI classified radical environmental groups such as ELF as the nation's main domestic terrorist threat, although the organization's actions never targeted living things.

At the time, the legal definition of terrorism was changed to subsume the destruction of property under this definition. This was directed against radical environmentalists and their attacks on environmentally damaging infrastructure. Environmental terrorists convicted of direct actions that were thought to threaten economic interests were given long prison sentences and fines (Marley, 2018; Tsindeliani et al., 2021).

Speaking about the issues of legal liability for acts that can be classified as environmental terrorism, it is worth noting that the legal norms relating to this type of crime are predominantly in force in the United States and EU countries. The U.S. legal literature emphasizes that the role of criminal law in protecting the environment is subsidiary. Animal Enterprise Protection Act, 1992, in effect in the country until 2006, was transformed into the Animal Enterprise Terrorism Act and incorporated into the U.S. Code. The act is defined to punish a person who, in order to harm or affect the normal operations of a livestock enterprise, commits such unlawful acts as:

- Intentionally damaging or destroying the real or movable property (including animals or documents) of an enterprise that uses animals, or intentionally damaging or destroying real or movable property belonging to a person or entity associated with such enterprise personally or commercially;
- Intentionally endangering the life or health of another person, including his or her immediate family through threatening behavior, acts of vandalism, property damage, domestic violence, harassment or intimidation;
- Conspiracy or attempt to do any of the above (Luchina, 2019).

The legal term enterprise using animals is used in this legislation as animal husbandry and is broadly defined to include, among other things, commercial or government organizations that, for profit, use or sell animals or animal products for the purpose of food production, including for agricultural, educational, research or testing purposes. In addition, there is another important piece of legislation in the U.S.A that can form the basis of criminal liability for eco-terrorist activities. This is the USA Patriot Act of 2001, which includes effective mechanisms to protect the state from terrorist acts, including environmental terrorism (Luchina, 2019).

Speaking about the EU policy regarding supranational regulation of the issues of combating environmental terrorism, it should be noted that to date, the EU has not made a

final decision on this issue, and environmental terrorism as a legal category does not exist. However, the issue was raised in the European Parliament in 2014. Italian Member of Parliament S. Berlato, in his speech to parliament, voiced the thesis that the EU has adopted an effective strategy to counter major terrorist attacks, but has made no specific provisions to deal with terrorist attacks of other types, which, although on a smaller scale, are no less alarming and harmful in terms of security, freedom and values that are professed by the EU and its citizens. This latter category is noted to include attacks committed by environmental or animal rights organizations for political reasons related to environmental protection or animal rights, or stemming from a desire to raise their profile by highlighting what is often a symbolic target. The deputy noted that, like underground political organizations, these organizations usually have both a nonviolent wing and a militant extremist wing. The former exerts pressure on decision-makers and the media through lobbying and protests in an attempt to gain public attention. The second takes direct action through increasingly radical methods, equal to nothing less than the "jihad" of environmentalists/animal rights activists. The politician said that despite the fact that although business and EU member states are gradually becoming aware of these new forms of terrorism, they are still ill-prepared to deal with them, noting, among other things, the lack of a legal definition of environmental terrorism. In this connection, it also seems reasonable to argue that, because there is no legal system of reference, the judicial systems of member States tend to underestimate the seriousness of the crimes that should be classified as terrorism. This means not only that the sentences have little deterrent value, but also—worryingly—that the public is given the impression that offenders are in some sense "untouchable" when they commit crimes for political reasons related to environmental protection or animal rights (European Parliament, 2014).

In the Russian law, terrorist acts of ecological orientation are considered as crimes of terrorist nature, without connection to the purposes and motives of the crime. The ecological doctrine of the Russian Federation approved by the decree of the Government of the Russian Federation dated August 31, 2002, No. 1225-r defines the tasks for solving this problem, namely:

- preventing sabotage and technogenic accidents with negative consequences for the environment;
- preventing deliberate use of chemicals causing degradation of the natural environment;
- other.

At the same time, the Ecological Doctrine of the Russian Federation defines a wider range of tasks within the priority areas of state and society activities to ensure environmental security of the Russian Federation (Tikhonov & Bogoslovsky, 2016; Zakharova et al., 2016).

The effective counteraction to terrorist threats of ecological orientation requires increasing the role of law enforcement agencies in the state, for successful prevention and suppression of crimes, elimination of causes and conditions for their commission. The modern Russian legislation indirectly mentions environmental terrorism. Federal Law of 6 Mar 2006, No. 35-FZ "On counteraction to terrorism" applies the term ecological disaster, which occurs as a result of a terrorist act. In the Criminal Code of the Russian Federation, Art. 358 "Ecocide" does not reflect the essence of an ecological terrorist act. At the same time, Russian legislation does not contain an unambiguous definition of environmental terrorism, which would clearly address its main characteristics and the degree of responsibility for the act committed. In this regard, researchers focus on the need to improve the

Russian criminal legislation, with the introduction of an effective criminal-law prohibition of all likely acts of environmental terrorism. As the defining feature of environmental terrorism is the environmentally mediated nature of the impact, and the main object of criminal-legal protection is the environment, it would be appropriate to supplement the criminal legislation of the Russian Federation with a legislative norm, which provides a definition of an environmental terrorist act and provides a measure of responsibility for the crime of this type.

The Ecological Doctrine of the Russian Federation established the priority areas of activity of the state and society to ensure environmental security of the Russian Federation in the implementation of a unified state policy in the field of ecology in the Russian Federation. This document defines the priority areas of activity to prevent terrorism, which poses a threat to the environment, namely terrorist acts that cause environmental degradation. It is about a new direction of activity to combat terrorism: countering terrorism of environmental orientation (Zakharova et al., 2016).

## 4 Discussion

The concept of environmental terrorism involves such factors as a serious threat to public safety, the presence of environmentally dangerous human-made objects (substances, materials, etc.), and the possibility of using environmentally dangerous weapons (nuclear, chemical, bacteriological) (Tikhonov & Bogoslovsky, 2016). In addition to crimes committed in peacetime, environmental pollution with the characteristics of environmental terrorism can be used for military purposes. The Gulf War is a case in point. On leaving Kuwait, Saddam Hussein's army deliberately damaged an oil pipeline and released tons of oil into the Persian Gulf. This resulted in the death of almost all of the fauna and flora inhabiting the area. Iraqi soldiers, retreating, set fire to hundreds of oil wells that lasted several months. For this reason, hundreds of thousands of tons of toxic soot were deposited in the region every month, and acid rain was constant (Wagner, 2008).

As can be noted, based on all the existing views on the concept of environmental terrorism, the motives of crimes related to the infliction of significant damage to nature may be different. However, the consequences expressed in damage to the environment are usually similar. In addition to the consequences that the commission of an act of environmental terrorism entails, the criminal law definition of this act requires the presence of direct intent and goals aimed at forcing powerful actors to carry out or not to carry out certain actions. To date, all of the above components are the main attributes of a criminal act, which can be defined as environmental terrorism. As can be noted, difficulties in matters of defining environmental terrorism arise when it is necessary to determine the motive of a crime, as well as the causal link.

As it should be noted, the international community has not yet developed a unified and universal definition of environmental terrorism, its practical manifestations are differently criminalized at the level of national laws, terrorism is also treated differently in science, which undoubtedly prevents an adequate response to terrorist challenges (Tikhonov & Bogoslovsky, 2016). At the same time, one should also pay attention to the controversy regarding the actions of radical environmental organizations and coverage of their activities both on the part of themselves using the Internet resources and on the part of the media, because all information about this can be obtained by society only through news feeds that tend to form a powerful perception in society, sanctifying

man-made disasters or physical danger (Slovic, 2000). Considering the terrible events of 9/11, in the United States, any manifestations of radicalism, including environmental, began to be associated with manifestations of terrorism, forming a "discourse of fear" associated with ecotage. Some media researchers have documented the facts provoking moral panic (Wagner, 2008). They proceeded from the following – a society-wide fear based on believing that a widespread threat to society exists, which may or may not be valid (Victor, 2006).

In this case, there is a risk for moderate environmental movements to receive the label of terrorism, which will be used by ill-wishers to identify and discredit legitimate, main environmental initiative groups and NGOs (Wagner, 2008). This manipulative labeling can have serious consequences for previously acceptable forms of dissent, environmental protest and civil disobedience, given the fact that detractors or interested parties may not even resort to traditional media, but just use social media and other Internet platforms.

Existing theoretical views sometimes include ecocide (intentional large-scale pollution of the environment) under the description of the term environmental terrorism. From a criminal legal point of view, ecocide is close to genocide. Part 3 of Article 35 of I Additional Protocol of 1977 to the Geneva Conventions of 1949 prohibits the use of methods or means of warfare which are intended to cause widespread, long-term and severe damage to the environment. Article 55 of the same document notes that parties to an armed conflict must take care to protect the natural environment from extensive, long-term and severe damage. Such protection includes the prohibition of methods or means of warfare which are intended to cause, or may be expected to cause, such damage to the environment and thus to the health or survival of the population (Serebrennikova & Lebedev, 2019).

The understanding of ecocide then evolved to recognize it not merely as a war crime, but as a crime against the security of all humankind. The Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques establishes an obligation not to resort to military or any other hostile use of environmental modification techniques that have widespread, long-lasting or serious consequences as methods of destruction, damage or injury to any other State Party. The term "means of affecting the natural environment" refers to any means of altering natural processes, composition or structure of the Earth, including its biosphere, lithosphere, hydrosphere, atmosphere or outer space. Thus, the commission of an act of ecocide has come to be regarded as a crime against the security of humankind, whether committed in time of war or in time of peace, and without necessarily linking it to armed conflict (Serebrennikova & Lebedev, 2019).

However, speaking of the aforementioned theoretical approaches, one should note a certain contradiction, since ecocide does not necessarily have to be motivated by political goals, suggesting the possibility of other motives as well. Thus, countries that have included ecocide in their criminal legislation as a criminal offense in peacetime (including the Russian Federation, Armenia, Ecuador, Kazakhstan, Ukraine, and Vietnam) do not define the motive for committing this crime as a defining feature of the crime (Lay et al., 2015). At the same time, it is possible that ecocide can act as a tool of environmental terrorism. Thus, the motives of eco-terrorists are different. However, the consequences expressed in the form of environmental damage usually have many common features.

As noted earlier, despite the difference in approaches to the definition of environmental terrorism both with and without reference to its environmentalism origins, one cannot rule out the fact that the two definitions and the criminal actions that these concepts describe may well overlap with each other. The objective side of the crime is extremely similar.

Some researchers have suggested that environmental terrorism can also be viewed in military terms. From a military point of view, environmental terrorism is an action aimed

at deliberately polluting the enemy's environment in order to cause environmental damage. Environmental terrorism includes:

- illegal use of defoliants, distribution of poisonous chemical warfare agents;
- point use of isotopes and other radioactive materials, up to miniature "dirty" atomic bombs;
- Infection of the population by birds and fish with infectious diseases in order to cause epidemics and epizootics;
- burning of forests, jungles, taiga, etc.;
- attempts to blow up large water-bearing dams, thermal and nuclear power plants, large-scale burning of oil wells (Tikhonov & Bogoslovsky, 2016).

However, in this case, the motives for committing the crimes are completely different and relate more to the achievement of military objectives. In this connection, the question arises as to whether it is permissible from the criminal-legal point of view to consider acts of environmental terrorism in military conditions separately, as a separate criminally punishable act. In this case, this is about the rules of warfare.

It seems that terrorist acts of ecological orientation would be reasonable to consider as a component of the group of crimes of terrorist nature. However, as follows from this study, the motives for committing terrorist acts in the general sense and for environmental purposes may be different. Additional difficulties in approaches to defining environmental terrorism are due to the lack of a unified conceptual apparatus applicable to such a phenomenon as environmental terrorism.

## 5 Conclusions

Answering the question of whether ecoterrorism is only a manifestation of radical environmentalism, or has other motives this study suggests that there is no consensus neither regarding this issue, nor on the legal definition of the concept of environmental terrorism among policymakers and academics alike. At the same time, the correlation of this concept with the concept of environmentalism is confirmed, which is not refuted in the scientific community. The issue of defining environmental terrorism as a criminal act (actions) aimed at the intentional pollution of the environment, in order to cause environmental damage, remains a matter of debate. However, the study provides arguments in favor of the fact that in the case of the legal qualification of ecoterrorism, it is necessary to take into account the factor that violence, in this case, is aimed at a symbolic goal, involves drawing attention to environmental problems and, therefore, has specific motives.

Given the difference in approaches to the concept of environmental terrorism, the study also notes the difference in the issues of its criminal legal definition. This work gives reason to argue that the lack of a clearly developed conceptual apparatus and definition of this term in international acts complicates the solution of this issue. The study leads to the opinion that the concept of environmental terrorism should be considered in terms of its connection to the concept of environmentalism. At the same time, terrorist acts that use natural objects (resources) to achieve political goals other than environmental protection, should be considered separately from the concept of environmental terrorism. In this case, natural resources (objects) are only a tool for achieving the goal. Thus, environmental terrorism as a manifestation of radical environmentalism should be distinguished from other

similar manifestations, such as sabotage at an industrial facility and requires a separate legal definition. When discussing environmental terrorism and eco-sabotage, one has to answer from the position of environmental ethics the very difficult questions of whether violence in defense of nature is wrong and how justified it is to break the law in defense of nature. Further research in the field of countering environmental terrorism should be devoted to the study of jurisprudence related to cases of environmental terrorism and radical environmentalism.

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