

DOI: <https://www.doi.org/10.36719/2789-6919/08/20-25>

**Aygun Soltanaga Sadigova**

Baku State University

Master's degree

aygun.samedli@mail.ru

## ENVIRONMENTAL SECURITY AND TRANSNATIONAL ENVIRONMENTAL CRIMES

### Abstract

The aim of this study is to examine the transformation process that started to occur in security in terms of environment and to deal with environmental crimes in this direction. The starting point of the examination is that in the 21st century, parallel to the increase in population and technological developments, the security of the environment has not remained and the crimes against the environment have increased. Depending on the rapid change process in the world, today's living conditions are also changing rapidly and new problems and needs are emerging. One of the places where the change is most striking is the international areas where security is felt more and more. An increasing trend is observed in crime rates and the nature of the crimes committed is changing. Parallel to globalization, it is observed that environmental crimes have also become globalized and exceeded the borders of the country. Crimes have moved from an individual basis to a global dimension; women, organs, immigrants, drug trade, which are included in transnational crimes; terrorism, cyber-crimes, environmental crimes are also added.

**Key words:** *Security Environmental Security, Crime and Transnational Environmental Crime.*

**Aygün Soltanağa qızı Sadiqova**

## EKOLOJİ TƏHLÜKƏSİZLİK VƏ TRANSMİLLİ MÜHİT CİNAYƏTLƏRİ

### Xülasə

Məqalədəki əsas məqsəd təhlükəsizlikdə baş verməyə başlayan transformasiya prosesini ətraf mühit baxımından araşdırmaq və bu istiqamətdə ekoloji cinayətlərlə mübarizə aparmaqdır. Ekspertizanın çıxış nöqtəsi XXI əsrdə əhalinin artmasına və texnoloji inkişafa paralel olaraq ətraf mühitin təhlükəsizliyinin qalmaması və ətraf mühitə qarşı cinayətlərin artmasıdır. Dünyada gedən sürətli dəyişiklik prosesindən asılı olaraq bugünkü həyat şəraiti də sürətlə dəyişir və yeni problemlər və ehtiyaclar meydana çıxır. Dəyişikliyin ən çox diqqət çəkdiyi yerlərdən biri təhlükəsizliyin getdikcə daha çox hiss olunduğu beynəlxalq sahələrdir. Cinayətlərin sayında artım tendensiyası müşahidə olunur və törədilmiş cinayətlərin xarakteri dəyişir. Qloballaşmaya paralel olaraq ekoloji cinayətlərin də qloballaşaraq ölkə hüdudlarını aşması müşahidə olunur. Demək olar ki, cinayətlər fərdi əsasdan qlobal ölçüyə keçir: transmilli cinayətlərə daxil olan qadınlar, orqanlar, immiqrantlar, narkotik ticarəti və s.

**Açar sözlər:** *təhlükəsizlik, ekoloji təhlükəsizlik, cinayət və transmilli ekoloji cinayət.*

**Introduction:** In the 21st century, rapid changes based on information technology are witnessed in all areas of life. The globalization process, which is caused by the new social and economic structures formed as a result of the wars the world has gone through, and in which a cooperation and integration between countries in the social, political, cultural and economic fields is ensured, continues at full speed. Information age, transportation, communication, construction etc.

While creating opportunities for facilitating human life in many subjects such as; Globalization causes the globalization of opportunities, possibilities, problems and crimes.

This process is most clearly felt in the environment we live in. It has been understood that environmental problems, which accelerated with industrialization, are not limited to the country that is the source of pollution, but are a global problem.

Environmental problems have grown so much that countries cannot solve them alone. The size and complexity of the problems have come to threaten the life of humanity; has created a problem of trust

for the future and has become a crime against humanity. It is even stated that it is necessary to consider international environmental crimes as genocide.

Therefore, it would not be correct to look at the security problem only from the perspective of crime and violence. Security now includes not only the existence of states, but also the preservation of values, social relations and people's lifestyles. People consider their environment with their security situation; they want life, vacation, settlement and artistic activities to be safe. The preservation of environmental values is possible by seeing that environmental values and human beings have an integrated structure that cannot be separated from each other [Aksar, 2005, p. 44]. For this reason, the scope of threats and dangers to security has expanded and the need to consider environmental factors has emerged, and the concept of environmental security has come to the fore.

In summary, this study examines the perspectives that will serve security in the process of interaction between the environment and crime, and the reflection of the latest developments on the transboundary environment. The hypothesis of this study is that environmental crime is a globalized security problem.

### **Security concept**

Security, which is based on the word trust, is defined depending on external factors and has a passive content rather than an active concept. Security is defined as the condition that the legal order is carried out without interruption in the life of the society, and that people can live without fear.

Security is expressed as the state of being safe, free of danger, and being safe and comfortable. Being safe means that people are protected against all kinds of attacks, threats and possible accidents. In short, it means the absence of dangers and threats to people's life, honor and property [Alqan N. 2002, p. 13].

Security is the ability of society and individuals to live without being harmed by various factors. Therefore, the word security also evokes the words safety and security. Safety is defined as the place where trust, belief, trust and security are carried out. Safety is the state of being safe, that is, not in danger; it has a narrower, concrete and positive content than security.

Security is abstract and negative. If there is a situation of danger in a place, if we do not feel safe, then there is a security problem there. Therefore, security is a feeling and a perception. A person is worried about what will happen tomorrow, if he does not know what he will face; If he does not perceive the environment he is in as a place of peace, he will not feel safe. Security is the state of not being harmed and not afraid.

Arnold Wolfers divides this definition into two components: Security, objectively, is the absence of a threat to the values at hand; In a subjective sense, it means not having the fear of an attack on these values.

The word security should be considered together with public order. Public order means orderliness, the condition of a place being in order and security. Public order is the state of being free from fear and anxiety, the existence of law, order and dominance, peace, orderliness and tranquility [Alqan N., 2005, p. 56].

### **Environmental safety**

Environment is the environment and conditions in which a living thing exists. It is an environment where the chemical and physical functions are in balance between living and non-living elements in which living things continue their life functions. In this sense, the environment is an environment in which all living beings continue their lives and are affected and affected in different ways. The boundaries of the environment are flexible.

Because the environment is not determined by itself, but according to the thing in the center, and the mean environment is the environment outside, limiting or surrounding that thing.

In a narrow sense, the environment can be expressed as air, water and soil, which constitute the common living spaces of all living things. Looking at the environment in a broad sense, there is only one environment: the world we live in. The environment is now defined as everything outside the individual. It covers everything animate and inanimate; It includes both natural and artificial values and the social environment.

Environment is a set of universal values. Plants, animal communities, inanimate beings, the civilization created by man throughout history and the products of this civilization are the common property of all people.

Environmental problems have emerged as a result of damage to environmental values due to various human activities. The deteriorating quality of air, water and soil over time and losing their livability, the disappearance of plant and animal communities due to changes in living environments or excessive consumption for the sake of human needs are indicators of the loss of environmental values.

Environmental problems are mostly seen as environmental pollution. Environmental pollution is all kinds of negative effects that occur in the environment that can disrupt the health, environmental values and ecological balance of living things [Alqan N., 1998, p. 185].

Damage caused by environmental pollution and degradation is widespread. Especially when its long-term effects are considered, it affects not only a single person, but also other people, everyone, even future generations, not only a single nation, but all nations, not only people, but also all organisms and the ecological balance.

Environmental protection includes the maintenance and protection of resources that we quickly lose and cannot replace. Environmental protection aims both to prevent the ongoing situation from changing and to eliminate the harmful situation.

Environmental destruction, borders, ethnic and national rivalries, resource shortages, water wars are interrelated. Therefore, the reasons for peace and security in the world have changed. Today, the environment is evaluated together with the concepts of security, peace, tranquility, justice and rights [Axworthy A.L., 2006 p.356]

The concept of security, in the traditional sense, has been perceived and explained as military security for a long time. Security is not defined in purely military terms today; Military power balances are not perceived to be related to the use of coercion and violence to settle international disputes. The absence of war between states is not considered a guarantee for international peace and security.

The fact that security concerns came to the fore due to terrorist acts pushed environmental concerns into the background and brought political concerns forward. But it is known that when we cannot ensure environmental and life security, political security will have no meaning. Because the sustainability of life comes before all other concerns and forms the basis of security.

Instability in economic, social, humanitarian and environmental issues poses a threat to world peace and security. In this case, domestic security; It is not considered separately from the rapid population growth, internal migration to large settlements, the decline in agricultural production, singular and plural terror, and includes the protection of the living environment.

In foreign security, natural assets such as water and oil take the most important place on the basis of the unrest and political debates between countries in terms of the threat of foreign countries.

Many issues, from the passage of heavy ships through the straits, the ecological risks of oil transportation, the use of common streams and the sky, and the fact that the natural gas used for heating is supplied from foreign countries, clearly shows the links between foreign policy and environmental issues [Alqan N., 1998, p. 67].

### **Environmental crime and environmental transmissions**

Crime and guilt are violations of legal norms. Penalties to be imposed in case of violation of these norms have been determined through penal laws. It is an intentional act punishable as a felony or minor offense. Crimes can be against persons, society, nation, state and international.

There is a wide variety of crime and delinquency; smuggling, theft, sexual crimes, violent crimes, pickpocketing, crimes against property, crimes against public order, professional crimes, organized crimes, etc. Crime is a universal, general event; It has existed since the earliest times of history and will continue to exist. A society without guilt is considered a dream.

As long as there are various social contradictions and incompatibilities caused by people living together in society, crime will also exist. Crime is relative. The acts constituting the crime are variable according to time and place. Crime is a social disharmony, and social dissonance is more common in dynamic societies than in a static society [Axworthy A.L., 2006 p. 34].

Some of the theories that try to explain crime have approached from biological and psychological aspects (with an individual focus), while others have tried to provide a sociological (with social and environmental factors) explanation for crime. Sociological theories have focused on the interaction between the environment and people in explaining crime. There is no theory that fully explains the behaviors that qualify as crimes, their occurrence and scope. Crime theories are descriptive for a particular group, not for a single person.

Today, sociological theories are used to explain the characteristics and effectiveness of the areas where crime events take place, especially for social, cultural and economic reasons, in the processes that are experienced in local and global dimensions. Crime is a problem that must be tackled and prevented with its numerous effects on individuals, society and public order.

The negative effects of crime are actually much greater than they appear. The impact of crime is pervasive. These damages start from the material and moral damages directly caused by the crime and extend to the losses of the victims directly, then indirectly to their relatives and the whole society [Alqan N. 2002, p. 56].

There is a criminal-justice system established for the prosecution and punishment of criminals in the fight against crime and criminals and after the crime. When the criminal-justice system is also considered, it is seen that even after a simple crime, there is a huge cost to society: loss of police workforce and other related expenses in the framework of judicial investigations, court costs and other costs caused by punishment and correction mechanisms.

In addition to material damages, the social shock, fear and insecurity caused by crime are among the most difficult damages to repair. Because the social cost caused by the fear of crime is much higher than the cost caused by the crime itself.

People's trust in each other decreases day by day due to the crisis of trust caused by crime. In this context, "fear of crime" should be considered as one of the most important criteria for the quality of security services, how safe people feel.

Some measures have been taken in the international arena against the risks threatening environmental security. The control of international environmental crimes, which is a part of the fight against global environmental problems, is becoming a problem that attracts more and more attention.

The most important tool for keeping these crimes under control is the multilateral environmental agreements prepared for the relevant problem area. Multilateral environmental agreements are legally binding intergovernmental documents that aim to protect the environment, manage human impact on natural resources and prevent their harm.

With the rules in the contracts, it is aimed to control and prevent activities that will threaten environmental security. The most important basis of global environmental management is multilateral environmental agreements.

However, the success of multilateral environmental agreements in the control of related crimes depends on the strength and effective implementation of the agreements. As the number of multilateral environmental agreements increased, so did the number of such crimes. Such agreements have also made these crimes attractive.

The growth seen in the illegal trade of environmentally sensitive products is due to the weakness, insufficient implementation or the ineffectiveness of the parties due to implementation problems of the environmental agreements prepared to prevent these crimes. International environmental crimes can occur in different forms and styles, and they generally carry low risk, and the process that includes the follow-up, investigation and punishment of these crimes is full of deficiencies [Alqan N., 1998, p. 14].

Although many countries have financial, police and judicial measures to prevent illegal revenues from leaking into legal sectors, the existence of some countries that serve as money laundering centers for criminal organizations constitutes an important dimension of the transboundary organized crime problem.

Different legal regulations of countries, the facilities provided by technology and globalization in the transfer of people, goods and money, and permeable national borders are within the scope of abuse by criminal organizations. In addition, the failures and inadequacies in coordination and information

sharing between the combatant units of the countries turn into gaps where criminal organizations take advantage of themselves.

On the other hand, when we look at the general developments in the world, the environment has been one of the most flexible subjects. Regulations subject to international conventions are multidimensional due to the flexible nature of the environment [8].

Wherever there has been pollution on the earth, an international convention has been created or tried to be established. However, since states' becoming a party to the convention is possible by their own will, the effectiveness of the convention decreases from the very beginning. Another problem is that after the signing of the contract, the problem of implementation and supervision of the contract has not been fully resolved [Barnet J. 2003, p.7-17].

The feature of international conventions on the environment is that they bring wide opportunities for action for states. The implementation of international environmental conventions is largely left to national governments [Alqan N, 2005, p. 199].

The ultimate responsibility lies with the state's parties. If the states wish, they can withdraw from the treaty after a certain period of time. Giving such an opportunity to the state that is a party may cause various inconveniences in terms of environmental protection. This is the weak point of the contracts made. The fact that developing governments lack the infrastructure to fulfill the requirements of these conventions makes it difficult to control crime.

Local weaknesses in the implementation of contracts make implementation difficult. Although international environmental crimes, which are becoming increasingly widespread and the most important crime after international illegal drug and arms smuggling, are an extremely important problem that can have global effects, their controls remain largely inadequate. Border inspections can be overlooked when due care is not taken in permit and license works. It is seen that such agreements are insufficient in the solution phase as well.

In fact, in international contracts, it is also stated how the problem will be solved in case of any problem related to the contract. While some contracts do not suggest any other way of solving problematic issues by negotiating among themselves, some contracts provide for the establishment of arbitral committees or commissions with sanctions for the solution of the problem.

As a result, even international treaties do not show much of an obstacle when evaluated in terms of environmental protection. Nevertheless, it is necessary to increase the capacity of implementing the agreement in terms of both strengthening the agreements on the fight against environmental crimes and overcoming the implementation problems of the state's parties [Alqan Y., 2005, p. 56].

### **Conclusion and Evaluation**

Security means that order is carried out without interruption in social life, people can live without fear and be safe. The world has entered a new era with a multi-headed disordered environment from the old bipolar order. With the globalization process, security problems have also started to become global; old security perceptions have also changed.

While the meaning of security is expanding, the clarity and tangibility of the focus of threats is gradually disappearing. Now, national and international security problems are intertwined; the distinction between them becomes blurred. New perceptions are emerging about the concepts of international security and homeland security.

These new security perceptions include terrorism, social violence, ethnic conflicts, poverty, climate change, energy, job and food safety, threats in the virtual environment, communication security problems, etc. New security concerns in many areas have risen above the territorial integrity security of countries.

The bad and irreversible effects of human activities on the environment have reached a level that threatens the future of all living things and brought the concept of environmental security to the agenda. The effects of events that harm the environment are not limited to a specific region, but also have global effects.

At a time when global environmental destruction is no longer a foresight, the climate changes, natural life disappears, and the understanding of consumption pervades our lives, war and violence are

increasing, and the culture of destruction is spreading rapidly all over the world. One of the areas where destruction is most evident and has a global impact is the environment. Natural and environmental threats, transboundary crimes have taken precedence over military threats today.

Therefore, environmental and humanitarian and moral issues, which previously had a very limited place in global security, have now become central. International environmental crimes threaten humanity, societies, countries and the world. For this reason, the necessity of establishing a global perspective against international environmental crimes has arisen; Global and regional studies have started to be carried out to protect the environment.

Everyone has agreed that the unlimited use of resources in the economic, social, humanitarian and ecological fields has begun to threaten peace and security. In order to cope with new security problems and fight transnational crimes, the need for cooperation between countries based on mutual trust is increasing day by day. But the most effective way to overcome these new problems that countries cannot fight alone is institutionalization.

It is necessary to look at the security issue in a global and holistic approach by making it an integral part of foreign policies and developing a long-term perspective. In essence, states, international organizations and individuals have to be more sensitive by abandoning their selfish thinking systems in the fight against environmental threats and crimes.

### References

1. Aksar, Y. (2005). "Uluslararası Suçlar, Uluslararası Cəza Məhkəməsi və Yeni Türk Cəza Qanunu", Uluslararası Hüquq və Politika, C. 251 s.
2. Alqan, N. (2002). "Türk Boğazlarında Çevrəsəl Güvenlik", Mülkiyə Dərgisi, C: XXVI, S: 234/21-34, Mayıs Haziran.
3. Alqan, N. (2005). "Kirlilikdən Ulusal Güvenliyə", <http://www.yesilufuklar.info/rec-bulten/rec-turkiye/>, 640 s.
4. Alqan, N. ve Künçək, Ö. (1998). "Transboundary Population Movements: Refugees, Environment and Politics", The Turkish Yearbook of International Relation (Milletlerarası Münasebetler Türk Yıllığı), No: XXVIII, 344 p.
5. Axworthy, A.L. and Fallick, K. Ross (2006). "The World Urban Forum 2006 Vancouver Working Group Discussion Paper", The Liu Institute for Global Issues at the University of British Columbia, İngiltere, 433 p.
6. Barnett, J. (2003). "Security and Climate Change", Global Environmental Change, C.13, N.1/ 7-17.
7. Barnett, J. and Dovers, S. (2001). "Environmental Security, Sustainability and Policy", Pacifica Review: Peace, Security and Global Change, Vol. 13, Num. 2, June, 233 p.
8. <https://dergipark.org.tr/tr/download/article-file/738039> – güvenlik ve çevre sorunları 2022.
9. <https://dergipark.org.tr/tr/download/article-file/313713> – güvenlik ve çevre sorunları 2022.

**Rəyçi: h.ü.f.d. Bəxtiyar Hacıyev**

Göndərib: 06.03.2022

Qəbul edilib: 17.04.2022