



Eco-terrorism and Environmental Extremism

The problem formulation

The fight against terrorism and extremism along with the prevention and cessation of military conflicts has become the main task of the world community as a whole, and of individual states and their associations, law enforcement agencies, and public organizations in particular in our days. This task unites the efforts of politicians, sociologists, human rights activists as no other task does. Humanity unexpectedly faced with the threat of terrorism in unprecedented scale in the 21st century. Not only specific performers and their accomplices are involved in terrorist acts, but also large social groups characterized by ethnic, religious, and political signs that pursue different goals - global ones: the creation of the caliphate and the destruction of the Christian world, the representatives of different branches of Islam (Sunnis, Shiites); to "point" ones, when terrorist acts are committed against specific people or organizations, and even before the actions of the state that acquires the brand of "terrorist". The threat of terrorism is growing: the Media and the Internet report about terrorist acts in Afghanistan, Iraq, Syria, Turkey, in cities of Western Europe or in other countries every certain day. The geography of terrorism is expanding. The subjective composition of the people affected by terrorism is growing too. The dozens, if not hundreds of thousands people are involved in it: persons directly carrying out terrorist acts; persons who supply them with weapons, explosives, documents, transport, etc.; persons who involve them in this activity, train and develop both a strategy and plans for specific actions; persons who finance large-scale and "small" operations, on the one hand, and those who oppose terrorism, conducting operational-search and preventive measures, investigate crimes of a terrorist nature, create a legal framework for combating terrorism and punishing criminals, on the other. Finally, and perhaps most importantly, the number of victims of terrorism is increasing: victims who affected by terrorist acts directly, dead or injured, survivors of the worst shock, their relatives, moreover, all those who feels fear, insecurity, distrust towards authorities, police, security agencies, changes the way of life because of the possibility to find themselves on the Crime scene.

The extensive literature is devoted to terrorism, its origins, reasons, goals and motivations². Methods and ways of preparation for the commission of terrorist acts, the character-

¹ Translation by Alena Chigak

² See, for example: Agapov, P.V., Mikhailov, K.V. Criminal responsibility for the promotion of terrorist activities: trends in modern criminal policy, Saratov: Sarat. Jur. Institute of the Ministry of Internal Affairs of Russia, 2007; Antonyan Y.M., Terrorism. Criminological and criminally-legal research. M.: Shchit-M, 2001; Aslakhonov A.A., Evolution of world terrorism. M., 2003; Burkovskaya VA, Markina EA, Melnik VV, Reshetova N.Yu. Criminal prosecution of terrorism. M.: Yurayt, 2008; Gavrilin Yu.V., Smirnov L.V. Modern terrorism: essence, typology, problems of counteraction. M.: LU MIA of Russia; The Book World, 2003; Dikayev S.U. Terror, terrorism and crimes of a terrorist nature (criminological and criminally-legal research). SPb.: Jurid. Center Press, 2006;



istics of the personality of terrorists, their installation, etc., are analyzed in it. The content of criminal-legal prohibitions in numerous comments to criminal codes is considered, scientific conferences and meetings of practitioners - ministers of internal affairs, workers of various services and departments are held. It is necessary to say that all this gives certain results: the nature of terrorism, its forms, motivation, its danger and the need to prevent it are clarified, various measures to combat it are developed (it is another matter how effective they are). At the same time, certain aspects of the scientific provision of the fight against terrorism stay "in shadows". This also applies to the problems of environmental terrorism³. There are reasons for that. Fortunately, there are view terrorist acts directed against the environment, as a basis for human activity. We can talk about the arson of oil wells in Kuwait, about the goal of the raid announced by Basayev, which ended with the taking hostages, but planned as the destruction of sources of drinking water supply. But it is possible and necessary to raise the question of whether, for example, the actions of fundamentalists aimed at capturing natural resources as the main goal, and all their other actions, are only means and ways to achieve it. In other words, seizure of power, intimidation, and pressure are intended for the acquisition of natural resources and natural objects, be it oil and gas production, deposits of other minerals, water objects, lands.

Environmental terrorism is a new type of dangerous encroachment on the environment and public safety.

Environmental terrorism is an extreme form of expression of environmental and legal conflict. It can be its final stage, like any crime - the final stage of a criminal conflict, or it may be the cause of its emergence or escalation. V.N. Kudryavtsev noted that "the crime not

Dubovik O.L., Zhalinsky A.E. Criminological Characteristics of Terrorism in Russia // The Third Session of the International Forum on Crime and Criminal Law in the Global Era. Paper Collection. Beijing. China, 2011. P. 195 - 203; Emelyanov V.P. Terrorism and crimes with elements of terrorism: criminal law study. SPb.: Jurid. Center Press, 2002; Zhalinsky A.E. Criminological Characteristics of Terrorism in Russia // National Security. 2012. № 2. P. 22 - 29; Zhalinsky A.E. Criminally-legal transnational conflicts in sphere of economy // the Law. 2011. September. Pp. 57 - 66. Criminology: A Textbook for high schools / Under gen. Ed. A.I. Debt. 3rd ed. M.: Norma, 2005. p. 595 - 627; Criminology: a textbook / Ed. V.N. Kudryavtseva, V.E. Eminova. 4 th ed. M.: Norma, 2010. p. 354 - 373; Luneev V.V. The course of world and Russian criminology. In 2 volumes V. II. M., 2011. P. 129 - 216; Fundamentals of Counteracting Terrorism: A Textbook / Ed. Ya.D. Vishnyakova. M.: Academy, 2006; Modern terrorism: the state and prospects / Ed. E.I. Stepanova. M., 2000; Ustinov V.V. International experience in the fight against terrorism: Standards and practice. M., 2007.v

³There is only one monograph on the problems of environmental terrorism published nowadays: D.I. Tislenko "Ecological Terrorism". Moscow: Yurlitinform, 2013. - 208 p. However, issues of nuclear, biological / genetic terrorism have been covered in the literature, but also very few. Look at: Allison G.T. Nuclear terrorism: the most terrible, but preventable catastrophe. M.: Publishing house LCI, 2007. - 296 p.; Bobylov Y.A. The genetic bomb. Secret scenarios of science-intensive bioterrorism. 2nd ed. M.: White Alva, 2008. - 384 p.; Koretsky D.A. The atomic train. In 2 vols. M.: AST: Astrel, 2008. V. 1 - 381 [3] p., V. 2 - 317 [3] p.; Ovchinsky V.S. Criminology and biotechnology. M.: Norma, 2005. - 192 p.; Counteraction to bioterrorism: political, technical and legal aspects / Ed. A.G. Arbatov. Moscow: ROSSPEN, 2008. - 108 pp.; Simonova A.E. Countering bioterrorism: the international legal aspect. M.: The book house "LIBROKOM", 2010. - 160 p. A number of articles devoted to the analysis of certain aspects of environmental terrorism have been published.



only creates the ground for conflicts, but is itself the consequence of conflicts and their final stage in many cases. Especially obviously such a causal relationship can be traced to the example of violent crimes ... "⁴. He stressed further: "The criminal conflict, of course, is specific primarily to its results, or the final stage, but this, however, often characterizes the features of its emergence and development"⁵."

Environmental terrorism is characterized further as a way to resolve the conflict through violence. It is clear that many other criminal conflicts are resolved by violent means (murders, etc.). In any case, the environmental and legal conflicts, or otherwise associated with terrorism are both criminal⁶ conflicts.

Finally, the act of environmental terrorism can be a reaction to a conflict of a different nature, for example, economic, religious, interethnic, perpetrated by revenge, the desire to undermine the economic well-being of the enemy, that is, to act as a methods of resolving another conflict.

Ecological extremism and its significance as a phenomenon of modern reality.

Unlike environmental terrorism, environmental extremism has "more merit". This is a phenomenon that has been dealt with for quite some time (if we are guided by the dates of criminal responsibility for extremism, at the beginning of the vegan movements, the facts of doing the so qualified acts). The history of environmental extremism is extremely interesting and informative. There are declines and peaks in it, but in other countries (not in Russia) this is a very significant phenomenon today. Acts of environmental extremism are widely known. These are attacks on research centers for the release of experimental animals, threats and acts of violence against scientists, organizing and holding demonstrations, rallies, pickets, informing the media and the Internet, and other actions. Often they are accompanied by violence and are combined with illegal entry into the premises, threats of murder and other illegal actions, prosecuted in accordance with the criminal law. This is in fact a very peculiar phenomenon of ecological culture, ecological consciousness (and sense of justice), the ecological behavior of many individuals and social groups, even small ones, who divided the positions of the two opposing camps very rigidly and clearly delineated the boundary between adherents of environmental extremism, its opponents and Persons who support them on moral, ethical and pragmatic, but opposite, considerations.

Ecological extremism, perhaps the most vividly and clearly connected with environmental and legal conflicts, as well as with medical-legal and criminal conflicts (murders and death threats against doctors who are aborting, arson of clinics, threats against family members - even children, etc.). Even the anti-nuclear protest movement did not use such extreme

⁴ Juridical conflictology / Main Ed. V.N. Kudryavtsev. Moscow: Center for Conflict Studies, RAS, 1995. P. 156.

⁵ Ibid. P. 157.

⁶ V.N. Kudryavtsev, recognizing that it is not the most successful designation of this type of legal conflicts, still considered it preferable to the notion of "criminal legal conflict", "conflict in criminal law", etc.



forms of pressure and personal violence⁷. One recent example: Tübingen's Mayor Boris Palmer, the mayor of Tübingen, spoke about his opposition to radical animal advocates due to the fact that the Max-Planck Institute for Biocybernetics stopped working with primates in an interview with "Spiegel" magazine. The director of the Institute and the staff faced a lot of pressure up to threats of murder to family members, demonstration of pickets near their homes, which also affected the neighbors of scientists for a number of years. Max-Planck Institute conducted prospective developments on the project on the possibility of treating diseases such as Parkinson and schizophrenia with the help of experiments on primates. These studies cannot be replaced by experiments on the brain of insects or reagents in test tubes. He also noted that it is impossible to establish a dialogue with radical groups. They do not hear any arguments of dissenters. Not all opponents of experiments on animals are as radical as "Soko Tierschutz", but social media via Facebook quickly organizes extremist actions⁸.

Everything is clear here: the range of participants in the conflict, their position, motivation, goals, the object of the conflict, the tension of confrontation, the conviction of the parties to the conflict in their rightness, the rigidity of ways and methods of conducting "hostile" actions, the categorical unacceptability of compromises, the readiness to go "to the end" , a sense of "sacred" duty (akin to the most rabid religious fanatics who carry out terrorist acts), however, still not reaching, as a rule, to extreme forms such as murders of scientific workers.

The phenomenon of environmental extremism almost never encountered in Russia, but in many (developed) countries it is an everyday phenomenon. Maybe it indicates a high level of ecological and legal consciousness, manifested in extreme forms, and a positive view of the society (it is necessary to remind in this regard about Vera Zasulich and the reaction of the Russian intellectuals⁹).

The concept and evaluation of terrorism and environmental extremism.

V.V. Luneyev quoted a number of interesting definitions, given to terrorism by terror-scientists in different countries and times, for example: U. Lacker treats terror as illegitimate violence by the state towards society as a whole or to dissidents and the opposition, and terrorism as a practice of non-legitimate violence implemented by opposing forces; V. Viktyuka and S. Efirova believe that terrorism is a political tactic connected with the use and highlighting of those forms of armed struggle that are defined as terrorist acts; N.A. Morozov justified the theory of fair selectivity of terrorist violence. As a result, V.V. Luneyev concludes that the essence of all definitions is one - intimidation of power and the

⁷ Dubovik O.L. The importance of scientific research in the field of atomic and quantum physics for politics, culture and society // Politics and society. 2013. № 3. P. 373 - 375.

⁸ B. Palmer. Party of Greens - a stone on the head // Spiegel. 2017. No. 19 (6.05). S. 98.

⁹ Look at: Larin, A.M. The Process of Vera Zasulich // A.M. Larin. State crimes. Russia. XIX century (View through the century). Tula: Autograph, 2000. P. 378 - 453.



population through the commission of brutal violence with the aim to suppress and eliminate political opponents and competitors, imposing their own line of conduction on them¹⁰.

The situation with the definition of the concept of environmental extremism is even more complicated, because the definition of an extremism as a whole has not been worked out yet, although international acts have been adopted (the Shanghai Convention on Combating Terrorism, Separatism and Extremism of June 15, 2001¹¹, Federal Law No. 114-FZ of July 25, 2002 on Countering Extremist Activity with Subsequent amendments and additions¹², and other acts). According to art. 1 of the Shanghai Convention, "Extremism" is any act aimed at the forcible seizure of power or the forcible retention of power, as well as the violent change in the constitutional system of the State, as well as violent encroachment on public security, including the organization of illegal armed groups for the above purposes or participation in it, and prosecuted in accordance with the National Criminal Legislation of the Parties "(Part 1, paragraph 3). The concept of extremist activity (extremism) is disclosed through the enumeration of various types of crimes with indication of the signs of the act (propaganda, disruption, appeals, etc.), the subject (public and religious associations, other organizations, etc.), stages (preparation, committing, etc.) in the above-mentioned Federal Law.

Many attempts have been made to develop a definition of extremism¹³ based on the dichotomy of this concept (ideology as a commitment to extreme views, measures and activity, action, behavior) in literature. Extremism is a broader concept than terrorism; extremist activity also includes activities of a terrorism nature¹⁴. There are religious, political and other kinds of extremism. Many attempts were made in literature to develop a definition of extremism based on a dichotomy of this concept (ideology as an adherence to extreme views and actions and the activity, act, behavior). The concept of extremism is broader term than terrorism; extremist activities include the activities of terrorism nature. Secrete the religious, political and other kinds of extremism. The ecological extremism is less often spoken about. So, the question is raised about the delimitation of ecoterrorism from environmental activism, that is, the movement manifested in the radical actions of the "green" in the protection of the environment. D.Tislenko believes, that there is not always a sign of

¹⁰ Look at: VV Luneev. Op. cit. Pp. 130 - 131.

¹¹ Look at: Combating International Terrorism. Sat. Documents / Comp. K.A. Bekyashev, MVAvyasov / Scientific. Ed. V.V. Ustinov. Moscow: Prospect, 2005. pp. 143 - 149; Knyazkina AK, Chuchaev AI Conventional crimes in the Criminal Code of the Russian Federation and in international acts. Moscow: PCC Alteks, 2007. P. 186 - 188.

¹² The collection of the legislation of the Russian Federation. 2002. № 30. Art. 3031; 2002. № 30. Art. 3029; 2007. № 21. Art. 2457.

¹³ Look at, for example: Ustinov, V.V. Legal regulation and mechanisms of counteraction to terrorism and extremism // the State and the right. 2002. № 7. With. 30 - 45; Kochoi S.M. Terrorism and extremism: the criminally-legal characteristic. M.: TK Velby, Prospekt, 2005; Khlebushkin A.G. Extremism: criminal law and criminally-political analysis / Otv. Ed. ON. Lopashenko. Saratov: Sarat. Jur. Institute of the Ministry of Internal Affairs of Russia, 2007, etc.

¹⁴ Look at, for example: Krasnov M. Political extremism - a threat to statehood // Russian Justice. 1999. № 4. S. 5; Burkovskaya V.A. Criminal religious extremism in modern Russia. M.: Institute of Legal and Comparative Studies, 2005, etc.



violence in acts of environmental activism; The factor of intimidation is presented in a form unusual for terrorism; It is not distinguished by an increased public danger, etc., and therefore the application of the term "environmental terrorism" is artificially initiated and unacceptable to the actions of environmentalists¹⁵.

Consequently, there are three related concepts: "environmental extremism" (a set of actions provided for by the Federal Law on Counteracting Extremist Activity, if there is an environmental element in them), "environmental terrorism" as an extreme form of extremism, "environmental activism" that is not illegal activity. All these concepts need to be clarified.

Basic concepts.

A dominant position has been developed in literature: environmental terrorism is a type of terrorism characterized by signs of violence, intimidation, a special purpose, increased public danger, ideology¹⁶. In this case, certain features acquire a specific "ecological" color. D.I. Tislenko refers, firstly, to the environmentally indirect nature of the impact, that the components of the environment are exerted by the immediate impact (or threat of impact), which entails causing harm to other values protected by criminal law; That the crime is committed in an environmentally dangerous way and to achieve the goal of causing harm to the most vulnerable environmental objects (components). With this in mind, he proposes to determine as having a greater danger to the ideology and practice of violence, intimidating the population and perpetrated by environmental pollution, including in order to attract attention to certain views or in order to influence a decision or commit actions (inaction) of authorities, local authority, international organization, legal entity, social group, individual¹⁷.

V. Morozov and V. Pushkarev believe that "environmental terrorism" is not rather a criminal-legal concept, but a criminological one. In the criminal-legal sense, it is advisable to talk about a terrorist act committed in an environmentally dangerous way. The attribution of the sub-species of a terrorist act committed in this way to its particularly qualified characteristics should be recognized as justified.¹⁸ " Thus, they propose to use the concept of "terrorist act committed in an environmentally dangerous way" instead of the concept of "environmental terrorism" and introduce it as a qualifying feature in art. 205 of the Criminal Code, excluding clause "a" of part 3 of this article. It seems that such an approach unduly reduces the effect of criminal law prohibitions, since the special purpose may be destruction or damage to the environment as a condition of life activity, on the one hand, and on

¹⁵ Look at: Tislenko, D.I. op. cjp. Pp. 125 - 129.

¹⁶ Look at: Tislenko, D.I. op.cip. 113; Morozov V.I., Pushkarev V.G. Ecological terrorism: concept, essence, qualification // Criminal law. 2007. № 2. P. 122; Oganessian E. The concept of ecological terrorism // Actual problems of law enforcement activity: materials of the interuniversity conference. Vladimir: All-Russia Justice Ministry, 2004. P. 72 - 76 and other works.

¹⁷ Look at: Tislenko, D.I. Op. cjp. Pp. 120 - 122.

¹⁸ Morozov V., Pushkarev V. Ordinance. Op. P. 123.



the other - terrorist acts committed in an environmentally dangerous way, constitute only a part of environmental terrorism and may pursue other goals.

A different approach to the concept of environmental terrorism has been developed in other countries as a reaction to the illegal actions of the "green" movement. Thus, in the United States, the definition is perceived in the security reports prepared by the FBI: it is "the use or threat of the use of criminal violence against people or property, environment-oriented, made by a minority group on environmental and political grounds, or publicly oriented outside of-target, usually have a symbolic nature¹⁹." The Dictionary of Ecology and Environmental Protection defines ecoterrorism as "unlawful radical methods of exerting pressure by environmentalists (environmentalists) on governments and entrepreneurs in order to achieve specific political goals". E.M. Guzik-Makaruk says that the reason for this activity was primarily the lack of dialogue between the parties of the conflict²⁰. She offers her own definition of ecoterrorism. This is "the implementation of criminal acts involving violence that harm enterprises, individuals or their groups (associations), because their activities are harmful to the environment, which is understood as a set of living and non-living closely interconnected components (elements) of nature, surrounding living organisms²¹." The most frequently used methods used by ecoterrorists include the destruction of equipment, the release of experimental animals, the explosion of laboratories, the bombing of biotech companies, the sending of letters with threats to persons who carry out scientific research using animals, etc.²².

These definitions significantly narrow the notion of ecological terrorism, since firstly, only the defenders of nature are recognized as subjects of unlawful actions; secondly, harm is supposed to people and property, but not to natural objects (elements of the environment); thirdly, there is no sign of compulsion to take a decision. The common sign is a sign of violence and threats of its use ("radical methods"). However, this approach can be used in the construction of the classification of eco-terrorism, as well as to develop measures to prevent illegal behavior, designed for a specific group of actors - participants in environmental organizations and movements. Undoubtedly, the indicators of environmental and legal conflict are different too. We can say they are directly opposite in some ways: the destruction of environmental components in order to force a decision on the implementation of any actions and protection of natural objects or animal rights in order to force the state or other subjects of law to terminate certain activities.

Here reference should be made to the positions expressed in the literature on the concepts of terrorism, terrorist acts, terrorist activities, the criminal law and criminology developed by the sciences. Y.M. Antonian points out that up to 100 definitions of terrorism are distinguished, differing among themselves, but similar due to the obligatory indication of

¹⁹ Quoted from: Guzik-Makaruk E.M. Choice of the scenario of illegal actions by environmental organizations and their legal qualification in Polish law // Criminal law and modernity. Sat. Articles / Ed. A.E. Zhalinsky. Issue. 4. V. 2. M.: SRU "Higher School of Economics", Publishing house "Lawyer", 2012. P. 70 (translation from Polish O.L. Dubovik).

²⁰ Ibid. P. 71.

²¹ Ibid. P. 71.

²² Look at: Ibid. P. 72.



two main signs: violence and its necessary consequence - intimidation, in the political, sociological and legal literature. It proceeds from the understanding of terrorism as an ideology of violence and the practice of influencing decision-making by state authorities, local governments or international organizations related to intimidation of the population and (or) other forms of unlawful violent behavior. Terrorist activity means the organization, planning, preparation, financing, implementation of a terrorist act, incitement to its commission, the organization of an illegal armed formation, a criminal community (criminal organization), an organized criminal group for the implementation of a terrorist act and participation in any of these structures; Recruitment, arming, training, use of terrorists; Information or other aiding in the planning, preparation or implementation of a terrorist act; Propagation of ideas of terrorism, dissemination of materials or information calling for the performance of terrorist activities or justifying or justifying the need for such activities. Finally, the terrorist act is the commission of an explosion, arson or other actions connected with the terror of the population and creating the danger of death of a person, causing significant property damage or **the onset of an environmental disaster** (mine emphasis - O.D.) or other particularly grave consequences for the purpose of unlawful influence on decision-making by state authorities, local governments or international organizations, as well as the threat of the commission of the specified actions for the same purposes²³.

A.I. Dolgova, analyzing the criminality of a terrorist nature and definitions of terrorism, formulated by individual specialists, concludes: "Terrorism is the commission of socially dangerous, criminally punishable acts against life, health, rights and legitimate interests of various actors in order to force a third party to take the decisions required by terrorists"²⁴. However the two things are not taken into account in this elegant definition: intimidation and new realities: if classical terrorism is accompanied by the nomination of demands, the declaration of goals, etc., the demands may not be advanced now, but both individual terrorist acts and their aggregate are directed namely to create an atmosphere of fear, uncertainty, destruction of the habitual way of life, etc. She emphasizes that the concept of terrorism is much broader than the concept of crime of a terrorist nature, and terrorist activity is determined in accordance with Federal Law No. 130-FZ of July 25, 1998 on Combating Terrorism (Article 3)²⁵.

As a rule, there is a reference to the relevant provisions of international legal acts and federal laws regulating measures to counteract these phenomena and actions when explaining the concepts of terrorism, terrorist act, terrorist activity, and sometimes limited only to the analysis of signs of crimes, for which liability is provided in these articles in the comments to Art. 205, 2051, 2052 of the Criminal Code of the Russian Federation²⁶.

²³ Look at: Criminology / Ed. V.N. Kudryavtseva. V.E. Eminova, 4th ed. Pp. 354-355.

²⁴ Criminology. 3rd ed. / Ed. A.I. Debt. P. 597.

²⁵ Look at: Ibid. P. 599, 607-608.

²⁶ See, for example: O. Dubovik. // Commentary to the Criminal Code of the Russian Federation / Resp. Ed. A.E. Zhalinsky. Moscow: Ed. House "Gorodets", 2010. With. 631 - 637; Ignatov A.N. // Commentary to the Criminal Code of the Russian Federation / Ed. V.M. Lebedev. 5 th ed. M.: Norma. Pp. 569-578; Galakhova A.V., Musaslyan M.F., Razumov S.A. // Special Part of the Criminal Code of the Russian Federation: Commentary, Judicial Practice, Statistics / Under the General Ed. V.M. Lebedev, responsible. Ed. A.V. Gala-



Several different opinions were expressed in the educational literature. Thus, "terrorism, in the broadest sense of the word as a social phenomenon, should be understood as the use of violence by individuals or groups of people to eliminate the population or individual special persons, create a socio-psychological atmosphere of fear in order to influence decisions, Profitable for terrorists²⁷" in the Full Course of Criminal Law. Terrorist act as the most common form of terrorism is understood in accordance with Art. 3 of the Federal Law of 6 March 2006 on Counteracting Terrorism and the Convention of Council of Europe on the Prevention of Terrorism. The concept of terrorist activity is explained similarly²⁸.

A.V. Naumov uses the notion of "terrorist actions", that is, individual or collective actions committed with a view to substantially disrupting public order by intimidation or terror. He also considers the concept of terrorist activity and terrorist act in the framework of criminal law prohibitions of the Criminal Code of the Russian Federation²⁹.

In general, examples of the definitions given by experts in the field of criminal law and criminology can be continued³⁰, but it is said enough to understand the essence of terrorism and its variety - the ecological terrorism.

Types of environmental terrorism.

There are many classifications of terrorism. One of them uses the criterion of the subject, which can be the state, its higher or local bodies, its military units and punitive institutions, law enforcement agencies, parties (movements) and their combat units, partisan formations, separate groups, including secret societies, created by own forces or by the state, individuals. According to this criterion, scientists allocate political, state, religious, mercenary, "criminal", nationalistic, "idealistic", interstate terrorism, as well as domestic terrorism, which can be carried out by two actors: their own state against their people and internal terrorist organizations and individuals against their political and economic competitors³¹.

This classification illustrates the complexity of the interrelationships between environmental and legal conflicts and environmental terrorism, although the latter is not distinguished as an independent species in it. In other words, the ecological and legal conflict can be ended with any (or almost any) type of terrorism, or serve as a starting point along with other factors.

khova. Moscow: Ed. House "Gorodets", 2009. pp. 476 - 489; Kochoi S.M. Commentary on the Criminal Code of the Russian Federation (article-by-article). M.: Wolters Kluwer, 2011. pp. 531 - 542 and many others.

²⁷ Komissarov V.S., Korobeev A.I. // Full course of criminal law. In 5 vols, V. IV. Crimes against public safety. SPb.: Publishing house of R. Aslanov "Legal Center Press", 2008. P. 43.

²⁸ Look at: Ibid. Pp. 43 - 78.

²⁹ Look at: Naumov A.V. Russian criminal law. Course of lectures: 3 v. V. 3. Particular (chapters XI - XXI). 5th ed. M.: Wolters Kluwer, 2007. pp. 26 - 38.

³⁰ Look at: Criminal Law. Bibliography (1985 - 2006) / Ed. A.E. Zhalinsky / Comp. O.L. Dubovik, A.E. Zhalinsky, Y.G. Babaeva, N.A. Lenchin. 2nd ed. Moscow: Ed. House "Gorodets", 2007. pp. 452 - 472, 713 - 719.

³¹ Look at: Antonyan Y.M. Op. cit. Pp. 358 - 360.



No one has been engaged in the search for classification criteria, this is the field of activity of specialists in the field of criminal law and criminologists in the environmental law literature. They proposed two models of classification of environmental terrorism. The first is based on the ways and means used in the commission of terrorist acts, taking into account the attacked objects.

According to this *criterion*, nuclear (radiological), *chemical* and *biological* (bacteriological) terrorism are singled out³². D.I. Tislenko believes that these types of terrorism should be regarded as special cases of ecoterrorism and points out the shortcomings of the proposed classification: a) nuclear (radiological), chemical and biological (bacteriological) terrorist attacks can be not dangerous to the nature; B) ecological acts of terrorism that are not nuclear (radiological), chemical and biological (bacteriological), are not excluded, and author cites an example of arson of a forest by terrorists having a serious recreational significance located within specially protected natural areas; C) this classification is incomplete because there is no criterion for the object of Criminal Law protection, and therefore it can not be a basis for the criminalization of environmental terrorism.

Further, he analyzes the classification proposed by E. Chaleski and T. Sheffield, in which they assign two groups of terrorist acts are committed: a) using environmentally hazardous substances (substances, weapons, wastes, etc.); B) in relation to environmentally hazardous facilities. D.I. Tislenko suppose, that the disadvantage of this classification is the fact, that it does not take into account the possibility of committing ecological acts of terrorism without using environmentally hazardous means and with respect to objects that are not environmentally hazardous. He refers to the example of arson of the forest again and gives another example - the destruction of a large number of animals listed in the Red Book. Criticism is fair, examples are not entirely convincing.

D. I. Tislenko suggests using another criterion – exposed to terrorist action components of the environment. Using this criterion, he distinguishes:

- A) acts of terrorism that encroach on the components of the natural environment and do not affect the human environment, again citing the example of the destruction (or threat of destruction) of the habitat of rare species of animals with the intimidation of the people for whom such animals have recreational or cultural significance by reporting about it to the media and making demands to the government;
- B) acts of terrorism taking place directly in the human habitat (an example is the sputtering of sarin in the Tokyo subway in 1995)³³.

³² Look at: Malofeev V.I., Malofeev I.V. Ecological terrorism and its social consequences // Domestic Journal of Social Work. 2002. № 1. P. 31 - 34; Morozov V.I., Pushkarev V.G. Op. cip., P. 123; Yamineva Y.B., Khvoshchev K.E. The Modern World: Increasing Threats of Ecological Terrorism // The Department of Political Science of the South Ural State. Univ.// URL: <http://www.polit.susu.ac.ru/enviroterrorism.shtml>. See also the works mentioned above by Allison G.T., Bobylov Y.A., Koretsky D.A., Ovchinskogo V.S., and also published under the ed. A.G. Arbatov's book "Countering Bioterrorism: Political, Technological and Legal Aspects" (Moscow: ROSSPEN, 2008. - 108 pp.), Which are devoted to the analysis of individual types of ecoterrorism.

³³ Look at: Tislenko, D.I. Op. cip. Pp. 122 - 125.



We have to say that this classification is not perfect at least from the environmental and legal point of view. The second group can hardly be referred to the type of environmental terrorist acts, since harm is caused to the life and health of people, and not to the environment. In addition, it is very difficult, if is not impossible, to separate the environment and the human habitat now. These issues are discussed in detail in the science of environmental law: it is about varying degrees of anthropogenization and much more.

Without claiming to solve the issue of classification of environmental terrorism, I should make some considerations. The criteria should certainly keep in mind the characteristics of the object against which the terrorist act is committed, in environmental law, not criminal law sense of the word. It cannot be the environment in general (except in the case of using atomic weapons, and it should be very massive, because the terrible experience of Hiroshima and Nagasaki, or the accidents in Chernobyl and Fukushima, indicates the opposite (it is unlikely that terrorists will find so many atomic or hydrogen bombs). But it can be one or more natural objects or natural resources limited by spatial parameters (even taking into account the effect of transboundary transport of polluting or radioactive substances). Next, it is necessary to take into account the importance of the object as a condition for people's life. Terrorism is aimed at intimidation and fear; the atmosphere of fear can arise only when people are deprived (may be deprived of) access to a source of livelihood - first of all, fresh water, then - to the means of food production (due to poisoning of agricultural lands, destruction of forests, change of drains, etc.); Then to the sources from which they derive energy for the for heating, clothing, communications, etc. And, of course, the attempt on the "sacred" matters - natural objects of particular importance as a cultural value, a religious shrine, a place of pilgrimage, a symbol of traditions and custom, etc. This series can be continued indefinitely, including rare and endangered animals protected by CITES and Red Books, or cows - sacred animals for many millions of people - adherents of Hinduism.

The subjective factor is not taken into account in all proposed classifications. It was already mentioned that the terrorist act is characterized by the presence of a special goal - to influence the decision-making. With regard to environmental terrorism, the goals that are not specified in the Criminal-Law prohibition but are an integral part of the mechanism of criminal behavior, including motivation and decision-making by the perpetrator of the commission of a terrorist act or participation (in one or another form) in terrorist activities, acquire special significance. Yes, the main goal is to influence, but it proceeds, is formed from a whole conglomerate of subordinated goals and motives (revenge, the desire to acquire economic benefits, to provide access to natural resources, to seize them, to deprive certain social or ethnic groups of sources of livelihoods, incomes, work, place of living, the ability to lead a familiar or traditional way of life, including economic use (extraction of wood, production of agricultural products, harvesting and growing the plant Used in the pharmaceutical industry, and many others). There may be goals of undermining the national sovereignty of the state, its economy (which, alas, is proved by the events in the Middle East) among such "subordinates", "hidden" goals.

Further, it is necessary to take into account *the criterion of the subject* for the classification of environmental terrorism, which was used by Y. M. Antonyan successfully, as well as the *consequence criteria* assessed not only in the criminal legal sense as a sign of the objec-



tive side of the offense punishable under art. 205 of the Criminal Code of the Russian Federation, but as consequences precisely for the condition and quality of the environment, its components and natural objects, that is, in an ecological context, a damage to the environment and environmental rights and interests of citizens. Of course, the criteria proposed by a number of authors, that is the way in which an act of environmental terrorism is committed, and the danger sign of an object (as an object of production activity), also should be used.

The construction of a classification using these and, most likely, additional criteria, is an independent scientific task. I hope that experts in the field of environmental and criminal law, criminology will solve it.

Data on conflicts that spawned or was generated by terrorist activities may be useful in constructing such a classification. In fact, the object (article) of the criminal encroachment is the object (article) of the conflict, which could be such an object for a long time (it is enough to recall decades of disputes over the ownership of land³⁴, if not centuries, conflicts arising in connection with trade (and illegal trade) with the environment³⁵, and modern conflicts over quotas for emissions of harmful substances into the air, trade of a such substances, fulfillment of obligations in the field of climate protection and much more).

Here we should also discuss the possibility of identifying a special group of environmental terrorist acts, for which it is still difficult to find a generalized name and indicators. This is the so-called *climate terrorism*. M. Byrne believes that this is almost the only category of deeds for which the spread of criminal responsibility is possible. Such acts can be committed by some states and terrorist groups that are capable of destroying forests, opening fire on oil tanks, disabling the storage of carbon dioxide, hazardous chemical and radioactive waste, or threatening such actions to achieve political, military or religious goals, not related directly to climate changings. Back in 2002, an idea was put forward (when the Convention on Counteracting Terrorism was drafted) that climate terrorism takes place if a person causes serious harm to the environment, when the purpose of his action is to frightening (intimidate) the population or force a state or international organization to commit a certain action or to refrain from action. Climatic terrorism can be taken into account in already existing international legal acts. For example, according to M. Byrne, art. 2 of the International Convention for the Suppression of Terrorist Bombings should be supplemented by such provisions: "(c) With the intention of releasing greenhouse gases into the atmosphere" or more generally "(c) With the intent to cause widespread, long-term and significant harm to the natural environment"³⁶. He notes, that it is simpler to introduce

³⁴ Look at: O. Krassov. Land law in African countries. M.: Norma, 2016; The same author. Ownership of land in Europe. M.: Norma, 2014.

³⁵ Look at: Ecological Crime in Europe / Comp. F. Comte, L. Kremer / Main Ed. OL Oak tree. Moscow: Ed. House "Gorodets", 2010.

³⁶ Byrne M. Climate crime: Can responsibility for climate change damage be criminalized? // Carbon and climate law review. - B., 2010. Vol. 4. № 3. P. 280. In Russian, see the abstract for this article: Nagornaya I.I. Climatic crimes: is it possible to establish criminal liability for damage caused by climate change? // Modernization of the European Union legislation on climate protection and energy conservation. Sat. Sci. Works. / Main Ed. O.L. Dubovik, E.A. Alferov. M.: IGP RAS, INION RAS, 2014. P. 131.



these amendments into an additional protocol or into a new treaty regulating only issues of climatic or environmental terrorism.

Maybe, it is worth to discuss the issue of water, faunistic and other kinds of terrorism? Although it is unlikely. Nevertheless, the idea of separating climate terrorism deserves support. In addition, it is significant M. Byrne's indication of such signs as large-scale, long-term and significant harm to the environment. It should be taken into account when developing the classification of environmental terrorism would start.

Criminological characteristics of environmental terrorism.

It looks very limited: there is no statistics of this type of crime, and there have been almost no special studies in our country and abroad (regarding the personality, causes, conditions and dynamics of this group of crimes), primarily because, fortunately, it was extremely few until this time. Of course, the data on the commission of crimes of a terrorist nature are recorded and reflected in analytical documents and scientific literature. One has to rely mainly on the description of specific cases, the results of questioning and interviewing for clarifying public opinion, the results of content analysis of media materials with reference to acts of environmental terrorism. Data on acts that constitute environmental extremism are also far from complete and dispersed in different sources. For example, statistics are given on the status, structure and dynamics of crimes of a terrorist nature³⁷ in a limited period and, of course, without breaking down into species, or tables suggesting some significant terrorist acts in Russia (1991-2011)³⁸ in fundamental works. However, E. M. Guzik-Makaruk formed a table that contains the date and place, name of the organization responsible for eco-terroracts and terrorist acts committed in the territory of the United States³⁹, including sending letters containing pathogens of dangerous diseases.

It is certainly impossible to blame the researchers, therefore the criminological characteristics of ecoterrorism and eco-extremism should be based on the results of content analysis of media and Internet materials, questioning and interviewing, and the study of individual cases.

The problem of delimitation of ecological terrorism with other crimes.

This delimitation can be based on various criteria, taking into account the goals and motives of criminal behavior, the presence or absence of signs of violence (threats of violence), qualifying signs, features that characterize the subject of the act and also taking into account the ratio of general and special formal components.

Ecological attack should be distinguished from crimes against the peace and security of mankind, stipulated by Art. 357 "Genocide", art. 358 "Ecocide", art. 355 "Development, production, accumulation, acquisition or sale of weapons of mass destruction", art. 356

³⁷ Look at: Criminology / Ed. A.I. Debt. Pp. 602, 604-605; Criminology / Ed. V.N. Kudryavtsev and V.E. Emi-nova. 363.

³⁸ Look at: VV Luneev. Op. cip. Pp. 169-171.

³⁹ Look at: Guzik-Makaruk, E.M. Op. cip. P. 74.



"The use of prohibited means and methods of warfare," primarily for the purpose that, in the case of a terrorist act, consists in influencing decision-making by authorities or international organizations. Although, if we take into account the idea of state terrorism, this goal does not describe only the terrorist act so unambiguously. However, according to the current Criminal Code of the Russian Federation this remark is purely speculative. These crimes are also delineated on the basis of the object of encroachment. V. Morozov and V. Pushkarev note that if the development of weapons of mass destruction occurs for the purposes specified in Art. 205 of the Criminal Code of the Russian Federation, this will be a preparation for the terrorist act.

The goal is the main criterion for distinguishing Art. 205 with art. 246 "Violation of the rules for the protection of the environment during the execution of works", art. 247 "Violation of the rules for the handling of environmentally hazardous substances and wastes", art. 248 "Violation of safety rules when handling microbiological or other biological agents or toxins", art. 250 "Pollution of waters", art. 251 "Pollution of the atmosphere", art. 252 "Pollution of the marine environment", art. 254 "Corruption of the Earth", art. 259 "Destruction of critical habitats for organisms listed in the Red Book of the Russian Federation", art. 261 "Destruction or damage to forest stands"⁴⁰.

The terrorist act should be distinguished from diversion, for example, committed by undermining the railroad track and other transport communications, following the cargo of dangerous chemical or radioactive substances or wastes, both for the purpose and for the object of criminal assault (Article 281 "Diversion" states that the purpose of such act is undermining the economic security and defense capacity of the Russian Federation), and the object is the foundations of the constitutional system and the security of the state, whereas in the case of art. 205 the object is public safety, and the goal is to force decision-making by the authorities⁴¹.

The causes of environmental terrorism, environmental extremism, environmental and legal conflicts: similarities and differences.

The reasons (or factors) that contribute to the perpetration of terrorist acts, extremist actions and the causes that generate environmental and legal conflicts often coincide, since all three of these behaviors have many similarities, are fueled by dissatisfaction with individuals and social (large or small) groups, often originate from the same source, but then

⁴⁰ Look at: O. Dubovik. Commentary to art. 205 - 227, 246 - 262 and introductory remarks to Ch. 24 and 26 // Commentary to the Criminal Code of the Russian Federation / otv. Ed. A.E. Zhalinsky. Moscow: Ed. House "Gorodets", 2000. Pp. 624 - 700, 751 - 817; The same author. Legal liability for violation of the legislation on the use of nuclear energy, radiation safety and radioactive waste. M.: Nota bene, 2013. P. 219 - 230. The same author. Ecological crimes: Commentary on chapter 26 of the Criminal Code of the Russian Federation. Moscow: Spark, 1998.

⁴¹ This was successfully carried out in the Thesis Work and in the monograph by D.I. Tislenko (Look at: Ecological Terrorism, Monograph, pp. 4 - 5, 41, 43-53, 63-65, 75-101, 104, 112, 116-119), although analyzed cases not always can be described as acts of the ecological Terrorism, for example, Aum Shinrikyo action in the Tokyo Metro, a capsule with cesium-137 in a dump near an abandoned oncological clinic in Brazil, and some others.



acquire different forms, flow with varying intensity, and, most importantly, end in different ways.

Y.M. Antonian, states that the causes of terrorism should be distinguished depending on the type of specific criminal activities that are involved in specific criminal acts, outlines in general the following:

- 1) the unresolved social, including national and religious, problems, but not any, but especially significant for this group, affecting fundamental values, traditions and customs;
- 2) war and military conflicts;
- 3) the existence of countries or social groups characterized by a high level of prosperity, economic development and dictating their will to other countries and social groups in economic, political, military and other dependence, which gives rise to feelings of envy and hatred towards the enemy;
- 4) the existence of secret or polluting societies and organizations, including religious and sectarian, the objectives of which are not recognized and rejected by the state authorities and society;
- 5) a long tradition of use in Russia of terrorism to solve primarily political tasks;
- 6) failure to resolve important economic, financial and organizational issues, including at the legislative level, as well as conflicts in the division and redistribution of property.

Next, he selects a group of conditions conducive to terrorist activities: weakness of state authority, endorsing, supporting attitude towards the terrorists by the social environment, population, individual groups; the presence of a significant group of people who are professionally configured to military service, but displaced from it and have not found employment⁴². This observation is valuable not only for analysis of terrorism, but also in the broader context, including studies of other varieties of violent criminal behavior and, of course, to explore and counter the environmental conflicts that reach the most acute phase, culminate in the Commission of serious crimes.

⁴² Look at: Antonyan Y.M. Op. cit. Pp. 364 - 369.