In and Against the State: The Dynamics of Environmental Activism

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Abstract

The emerging and changing roles of environmental activists pose interesting questions for criminological inquiry. On the one hand, environmental activism has become pivotal to the implementation, compliance and regulation of environmental policies. For example, the resources and technologies of environmental non-governmental organizations (NGOs) are increasingly employed by state agencies to help identify, monitor and prosecute environmental crime. In this sense, environmental activism has become a quasi-arm of the state in preventing environmental crime. On the other hand, environmental activists have been targeted by state legislatures and enforcement agencies as "eco-terrorists" and ideological warriors who impede trade, economic prosperity and the aspirations of private enterprise. As such, protecting the environment through protest has become an increasingly dangerous endeavor with harassment, persecution and death of activists occurring at the hands of both states and corporations. In these instances, environmental activists are perceived as a threat to the corporations and states that seek profit through the exploitation of natural resources. Thus, it can be argued that the relationship between those seeking to protect the environment and the state is paradoxical, involving both collaboration and coercion, and dynamism and danger. This article addresses the relationship between environmental activists and government. It examines three different dynamics between activists and states working to develop environmental policies, each with varying levels of trust and cooperation.

Introduction

> *There is an epidemic now, a culture of impunity, a sense that anyone can kill environmental defenders without repercussions, eliminate anyone who stands in the way. It [comes from] mining, agribusiness, illegal logging and dam building.*

> (John Knox, UN special rapporteur on human rights and the environment, July 2017).

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The role and impact of environmental activism in preventing crimes against the environment has entered a new stage within an often competing and conflicting global politics of conservation, trade and fiscal constraint. This new era of environmental or green activism is both dynamic and dangerous.

Through a green criminological lens, this article explores the relationship between environmental activists and governments. It examines three different dynamics between activists and states, based on the degree to which both groups are willing to cooperate with one another and work within the existing political system to develop environmentally sustainable policies and outcomes. Specific examples of activist intervention have been chosen as exemplars of each type of relationship between state and civil society. These examples illustrate how activists either work with, work against, or work in and against the state. In essence, we provide a synthesis of case studies involving the United Nations (UN), the United States (US) and Italy in order to explicate varying types of activist–state relationships (Yore and Rossman 2010). The article later discusses the ambiguities surrounding both the role of the state and the role of environmental activists in regard to contestations over environmental issues.

Environmental Activism

Green criminology has long been concerned with exposing environmental crimes and harms, as well as analyzing responses to them (e.g., Brisman et al. 2018). In examinations of these responses, the role of activists and of activism has often been central because it is frequently pressure "from the outside" that has generated needed legislative reform, tighter environmental regulation, and criminalization of environmentally harmful practices (White 2011). Studies of environmental activism has included an examination of diverse types of civil society intervention [e.g., norm-setting, transmitting information, social action, and policing and enforcing norms (Green et al. 2007)], as well as a consideration of the affective ties between environmental activists and the "nature" (e.g., whales, trees) that they are protecting (Cianchi 2015). Non-governmental organizations (NGOs) have been subject to particular attention, especially with respect to their role in environmental law enforcement activities (Nurse 2013; White 2012). An emphasis on social action has also been a key feature of green criminological work (South and Brisman 2013; Lynch et al. 2017). Across this literature on activism, there are two broad tendencies that are of note and that form the center of the present article.

On the one hand, environmental activism has become pivotal for environmental law enforcement, compliance and regulation, as well as for mobilizing social movements of collective concern. Civil society, i.e., the sphere of social life that is public but excludes government activities, is increasingly present in global governance and the prevention of environmental harms (Charnovitz 1997; Clifford and Edwards 2012; Green et al. 2007; Meidinger 2001). Civil society has a diverse membership, ranging from formal NGOs—nonprofit, voluntary citizens' groups organized on a local, national or international level—to decentralized activists engaged in direct action against the state (Gemmill and Bamidale-Izu 2002). Environmental NGOs are usually present in international conferences, have been welcomed by international banks for their input on international development agendas, and play an active role in United Nations Working Groups (McCormick 2011; Dupuits 2016). Submitting petitions, speaking at meetings, serving on advisory committees and

other activities that move beyond a passive or symbolic attendance are all part of NGOs' presence in globally relevant environmental negotiations (Charnovitz 1997).

At the same time, environmental activism has become a serious threat to corporations and governments seeking power and profit through the exploitation of biodiversity and natural resources. Activist groups have thus also engaged in direct action against the state in protest of large-scale industrial activities, such as coal mining, fracking and logging. These public demonstrations often include a variety of tactics and utilize the media to draw attention to the environmental issue (White 2011; Weinstock 2017). Governments and private businesses have sometimes responded to these activities with deadly force.

It has been widely reported, for instance, that environmental activists have been the focus of corporate espionage, police spying and surveillance, and state infiltration (Lubbers 2012). As a result, the actions of those seeking to protect the environment through protest and direct action have been both risky and dangerous (Global Witness 2014; Walters 2017). Such dangers are ever-present, and the epigraph at the beginning of the introduction to this article attests to the perils of those who resist capitalist expansionism by protecting the environment through active resistance. As the international NGO, Global Witness (2015: 4), explains, "[m]any of those facing threats are ordinary people opposing land grabs, mining operations and the industrial timber trade, often forced from their homes and severely threatened by environmental devastation." In the last four years, the situation has worsened and Global Witness (2018) has reported recently that "It has never been a deadlier time to defend one's community, way of life, or environment."

The state, then, plays a critical role in the success or failure of environmental activism and in the protection of social, human and environmental rights. For example, it is both a potential protector of protestors against violence by others, and a direct perpetrator of such violence, including by simply letting violence happen by omission or failure to act (see McClanahan and Brisman 2017).

While it may be enticing to conceptualize "the state" as separate from the rest of society, this is not the case for a state cannot be treated as separate from the (capitalist) society that surrounds it. Mitchell and colleagues (1979: 64) summarize this point:

> The state, then, is not just an institution. It is a form of social relations, a class practice. More precisely, it is a process which projects certain forms of organisation upon our everyday activity, forms of organisation which do not pose any threat to the reproduction of capitalist social relations.

Working "in and against the state" requires an understanding of the state as both an institution with people in specific roles (e.g., parliament, judges, the military) *and* a form of social relations (e.g., all human activities and relations in a society). In other words, the challenge for environmental activists (individual actors or NGOs) is to determine how to best use their contact with the state (as an institution) to change the form of social relations that the institution is imposing. NGO and environmental activist influence thus depends on whether or not states welcome activist input and are open to considering their demands *as well as* on the "forms of organisation" against the state (Mitchell et al. 1979).

Environmental movements are comprised of different actors within various organizations using strategies and politics that both clash and combine in the interests of preserving and conserving global biodiversity (White 2012, 2013). Environmentalists who seek a working relationship with policy makers can be referred to as "light green" or "realist environmentalists." These activists rely mostly on negotiation with government to influence environmental agendas, eschewing any activism that involves confrontation that may stifle the ability to establish the trust required for a working relationship with policy makers

(Beder 1991). For example, environmentalist NGOs (such as the World Wildlife Fund) may offer their resources and technologies to aid the state's efforts in combatting environmental crime. Such NGOs are often invited and contribute to international negotiations by the UN regarding environmental issues. These environmentalists can be viewed favorably by governments, industry and the public, especially if they offer access to a high level of expertise and technology surrounding an issue of public interest (Howes 2005).

Conversely, "dark green" or "fundamentalist environmentalists" are less likely to negotiate with the state and instead seek to confront and disrupt governments and corporate powers. These activists use more provocative methods of demonstration, which may include destruction of equipment and/or property, in order to raise public awareness about an environmental cause or to stop an environmentally degrading activity or process from occurring/continuing (Beder 1991; for an example, see Trident Ploughshares 2018). Such methods of dissent are less predictable and often illegal—at least, from the point of view of the state—so these activists are likely to be viewed less favorably by state actors and civil society. Comparisons to terrorist organisations, threats of anti-protest laws, and lawsuits are common state responses to these environmental protesters (Salama and White 2017).

This "dichotomy," while useful for conceptualizing the spectrum of differences in philosophy and strategy that activists may have, is in fact much more nuanced in practice. While some environmental groups' location on the spectrum is more clearly identifiable than others, it is inaccurate to categorize organizations with an "either-or" label. For example, Greenpeace, which is known for its protests and direct actions, such as blocking coal shipments and occupying coal power plants, also participates in international negotiations, such as the 23rd Conference of the Parties to the United Nations Framework Convention on Climate Change in 2017 (COP 23). An environmental activist organization's approach to the state is often influenced by the particular environmental issue at stake, and the diverse beliefs of individuals within the organization and its membership, along with the organization's broader ambitions.

While there are many strategies available to both "light green" and "dark green" environmentalists—and those in between—the state can also act (and react) in a number of ways. The relationship between environmental civil society and states is thus a complex one—a relationship whose direction and outcome is determined by a number of variables.

Environmental Activism and Cooperative Intervention

Concerns over environmental issues are hardly a "new" phenomenon. Most environmental non-government organizations in Australia, for example, emerged in the nineteenth century (Hutton 1987; Papadakis 1993). As globalization began to restructure traditional governance systems in the 1980s, however, increased cultural, economic and social integration allowed actors other than national governments to play a role in world affairs. As a result, the role of environmental NGOs in global governance and the prevention of environmental crime and harm has since become more important (Charnovitz 1997; Clifford and Edwards 2012).

Public awareness campaigns are key in mobilizing the support of civil society and in inspiring others to engage in environmental activism. NGOs have become a driving force behind international cooperation on environmental matters through active mobilization of public support of those issues (Gemmill and Bamidele-Izu 2002). The authority (and, by extension, influence) of an NGO can often be credited to its organization: it is "of the

people, by the people, for the people." As voluntary citizens' groups organized on a local, national or international level, NGOs are comprised of task-oriented people united by a common interest on a particular issue. NGOs are thus able to both represent citizens' concerns and have the means of providing expertise regarding environmental challenges or agreements, granting them a unique position with influence over areas, such as information collection and dissemination; policy development, consultation, and implementation; assessment and monitoring; and advocacy for environmental justice (Gemmill and Bamidele-Izu 2002).

Indeed, the UN has openly recognized the need to collaborate with NGOs. Chapter 27 of the UN Conference on Environment and Development's Agenda 21 (1992) highlights the desire to engage in new forms of participation involving non-governmental organizations:

> The United Nations system, including international finance and development agencies, and all intergovernmental organisations and forums should, in consultation with non-governmental organisations, take measures to … enhance existing or, where they do not exist, establish mechanisms and procedures within each agency to draw on the expertise and views of non-governmental organisations in policy and program design, implementation and evaluation.

The UN's working relationship with NGOs illustrates the numerous potential avenues for NGO participation and influence in global governance (Charnovitz 1997). For example, an international organization can give NGOs an opportunity to participate in ongoing policy development, as has been the case with the Convention on International Trade in Endangered Species (CITES). NGOs have also been enlisted by international organizations to help in implementing programs (e.g., the UN High Commissioner for Refugees), and special sessions can be created to give NGOs the opportunity to present their expertise in an area (e.g., General Assembly on sub-Saharan Africa in 1986).

An international governmental organization, like the UN for example, can give NGOs an opportunity to participate in preparatory committees for an international conference (e.g., Rio Earth Summit in 1992, Johannesburg Summit on Sustainable Development in 2002). NGOs can also send representatives to contribute to the negotiations of semi-public international conferences. The International Union for Conservation of Nature, for instance, has a membership that includes 669 NGOs as well as state and government agencies. Conversely, NGOs are sometimes given the opportunity to share their ideas and expertise in non-negotiating roles at official conferences to draft a treaty, as with the United Nations Economic and Social Council (ECOSOC).

International organizations may choose to set up advisory groups that include experts from NGOs who either do not represent the NGO (e.g., the UN Advisory Board on Disarmament Matters) or would speak on behalf of the NGO during negotiations (e.g., the International Labour Organisation). In other instances, an NGO in its entirety can be a member of an international commission (e.g., International Commission for Scientific Exploration of the Mediterranean Sea). Representatives can also be included on national delegations to an international conference to advise delegates from their government, as exemplified by the Cairo Population Conference in 1994.

In practice, while it can be difficult to determine the degree of an NGO's impact or significance in influencing global policy, NGO involvement is now deemed fundamental to regimes of environmental governance (McCormick 2011). In determining the significance of an NGO in environmental negotiations, Charnovitz (1997) suggests two variables that should be examined: *process* and *substance*. *Process* involves the methods by which an NGO disseminates its agenda into intergovernmental meetings or international conferences

(e.g., petitions). *Substance* involves whether or not NGO proposals are influencing governments. Of course, it is more difficult to measure substance than process. Nevertheless, there is value in having institutions and states consider an NGO's advice—even if the advice is not taken. Most current international issues involve NGOs on both (or multiple) sides (Charnovitz 1997).

While drawing correlations between NGO actions and negotiation outcomes may be difficult, there are a few instances where particular NGO strategies have clearly contributed to successful environmental policy negotiations. The next section describes the outcomes of the working group mandated by the United Nations General Assembly (UNGA) to investigate issues related to the conservation and sustainable use of biodiversity in marine areas beyond national jurisdiction (BBNJ Working Group). The interviews conducted by Blasiak and colleagues (2017) of representatives of governments and NGOs attest to the complexity of the governance landscape in areas beyond national jurisdiction (ABNJ), and the differences among governments and NGOs with regard to the contribution of NGOs to the BBNJ Working Group process.

Negotiating the Use of Biodiversity in Marine Areas Beyond National Jurisdiction

ABNJ covers nearly half of the world's surface. The biodiversity in these areas remains unknown, but increasing human activity in ABNJ suggests a need to develop a conservation and sustainable use plan. Before the UNGA established a working group on the conservation and sustainable use of biodiversity in marine ABNJ in 2004, the governance of ABNJ, and subsequently BBNJ, was characterized by a lack of overarching governance principles. An absence of a global framework for the establishment or management of marine protected areas in ABNJ, uncertain legal status of marine genetic resources collected in ABNJ, and the lack of globally accepted rules on the application of environmental impact assessments and strategic environmental assessments presented a need for collaboration and cooperation among international, regional and sectoral organizations (Wright et al. 2015).

The BBNJ Working Group included participants from NGOs, intergovernmental organizations, UN agencies, and the UN Division for Oceans and Law of the Sea (DOAOS) secretariat staff. The UNGA mandate contained four parts:

1. To survey past and present activities related to BBNJ;
2. To examine the issue from a range of scientific, technical, legal and other perspectives;
3. To identify key issues and questions where further study is needed;
4. To indicate potential options and approaches to move forward with the conservation and sustainable use of BBNJ (Wright et al. 2015).

The BBNJ Working Group met nine times between 2006 and 2015 before concluding its mandate by recommending the development of an "internationally legally-binding instrument under the Convention on the sustainable use of [BBNJ]" (Blasiak et al. 2017: 3). A Preparatory Committee met twice in 2016 and two more times in 2017 before providing UNGA with elements of a draft text of an international legally binding instrument.

In interviewing some of the participants of the BBNJ Working Group, Blasiak and colleagues (2017) identified a few themes that emerged, which portray governments' and NGOs' views on NGOs' process and substance during the meetings. Three of these are discussed below.

The first theme dealt with issues in providing scientific and legal expertise. Respondents from both groups (government delegations and NGOs) agreed that side events organized by NGOs on technical scientific knowledge, such as marine genetic resources (MGRs), were "a useful mechanism for inviting MGR experts from universities and the private sector to provide technical and legal expertise" (Blasiak et al. 2017: 5). One expert on MGRs was well connected, having spoken at multiple side events and workshops organized by various NGOs. This expert was subsequently contacted by a number of government delegations to provide advisory support. In other words, trust was established between an expert on a relevant scientific issue and governments who recognized their limited knowledge surrounding the issue. This expert was then able to reach out proactively to governments to circulate literature and information on MGRs. Information sharing was reciprocal, however, as the expert in MGRs had a low level of knowledge of policy processes and sought advice in this area. An interviewed member of a government delegation noted that "scientists enjoyed a high level of trust among government delegations, so in such cases, NGOs and scientists have the capacity to impact the negotiations by simply providing clear explanations of the issues being negotiated" (Blasiak et al. 2017: 5).

The second theme that respondents from government delegations and NGOs agreed upon was the importance of personal relations for ensuring a constructive flow of information (Blasiak et al. 2017: 6). The nature of these relations was often informal rather than official, emerging between individuals rather than an entire NGO and government delegations where trust was a key factor. A lot of the work achieved in intergovernmental negotiations takes place outside of official negotiating rooms. For this reason, NGOs seek to establish effective collaboration with states at the beginning of the working group process, focusing primarily on those states that are sympathetic to the issues for side events and workshops. Both state and NGO representatives agreed that, in the case of the BBNJ Working Group, "NGO contributions are more likely to impact the outcomes of negotiations when their representatives have the capacity to repeatedly attend the negotiations and build as many personal relationships as possible with both members of delegations and the co-chairs of the negotiations" (Blasiak et al. 2017: 6).

Recognizing the importance of disseminating scientific and legal expertise, as well as the importance of personal relations, can result in the formation of coalitions within an international negotiation setting. In the case of the BBNJ Working Group, NGO voices were strengthened by the formation of the High Seas Alliance in 2011. The High Seas Alliance aimed to "align and coordinate the work of NGOs on BBNJ issues to achieve a greater and more concerted impact on the negotiations" (Blasiak et al. 2017: 6). The result was the creation of a legitimate platform for raising concerns and issues, promoted by the members of the alliance. The High Seas Alliance allowed for the participation of smaller states, which lack resources to participate in many relevant BBNJ meetings, giving the High Seas Alliance grounds to make statements on all aspects of BBNJ negotiations (Blasiak et al. 2017).

The BBNJ Working Group negotiations serve as a particular example of NGOs working with states on a complex, global environmental issue. The negotiations continued for over a decade and included over 1523 individuals representing governments and NGOs. The end result was the building of consensus for the need to negotiate an international binding instrument on BBNJ—a considerable feat in global environmental governance. This collaboration between NGOs and government delegations was made possible, in part, because of the ideologies of both the governmental and non-governmental actors. The government delegations involved in the BBNJ Working Group—and the UN at large—approached the

negotiations with a level of openness and willingness to consider NGOs' perspectives and recommendations in order to collaborate and reach an agreement. Likewise, the NGOs—and the individual activists—approached the negotiations with a "realist" ideology, recognizing the need to work with the political system in order to achieve compromise on a policy. Of course, this is not always the case.

Environmental Activism and Confrontational Politics

This section describes a case in which environmental activists sought to work within the political system of the US by protesting the development of an oil pipeline on Indigenous land. The US government, unlike the governments involved in the BBNJ Working Group, did not wish to negotiate its position on developing the pipeline and instead partnered with a private security firm to meet the protestors with military-style counterterrorism measures.

Standing Rock Activists and US Counterterrorism Tactics

In April 2016, Indigenous activists began organizing protests in an effort to block the construction of a 1172-mile-long Dakota Access Pipeline (DAPL) by Energy Transfer Partners. The proposed pipeline would run near the Standing Rock Sioux Reservation in North Dakota and cross three additional states—South Dakota, Iowa and Illinois (see Brisman et al. 2018; Brown et al. 2017). Local and state police forces, sheriff's deputies, the Bureau of Indian Affairs (BIA) and the National Guard arrived at Standing Rock shortly after being notified of the protest actions near the pipeline. Images of the police forces using "less than lethal" weapons against demonstrators, including rubber bullets, bean bag pellets, LRAD sound devices and water cannons were spread across the Internet, further escalating tensions between protestors and the state.

Footage of pipeline security guards attacking the peaceful activists with dogs led Energy Transfer Partners to hire TigerSwan—an international security firm started by a retired Army Colonel during the wars in Iraq—to oversee the activities of other security companies contracted to protect the pipeline (Brown et al. 2017). From here on in, there was considerable and increasing collusion between state agencies and private firms—the state and corporate interactions in response to protests against the DAPL constituting, in essence, a form of state–corporate crime (Bradshaw 2018).

In May 2017, more than 100 of TigerSwan's internal documents and over 1000 documents that the firm obtained through public records requests were leaked to the online news publication, *The Intercept*. These documents exposed the company's "profit-driven imperative to portray the nonviolent water protector movement as unpredictable and menacing enough to justify the continued need for extraordinary security measures" (Brown et al. 2017). The language used in internal TigerSwan communications often compare the anti-pipeline environmental protestors to jihadist fighters, making claims stating that the protestors "generally followed the jihadist insurgency model" and "aggressive intelligence coordination between intelligence and security elements are not a proven method of defeating pipeline insurgencies" (Brown et al. 2017).

Daily intelligence updates compiled by the firm were then shared with law enforcement officers, including the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), the Justice Department (DOJ), the US Marshals Service, the BIA and state and local police (Brown et al. 2017). These reports included summaries

of the previous day's surveillance targeting protesters and information gathered from social media. Live video feeds from security helicopters also tracked the protesters' movements and were included in reports to law enforcement along with names of well-known activists, notes on camp dynamics, and speculations about violent or illegal actions that activists might take and weapons that they might have. The leaked documents revealed that a "Persons of Interest" list was compiled by the security firm, which also aided prosecutors in building cases against the protesters (Brown et al. 2017).

The tactics that TigerSwan utilized were comprehensive, and the following quotations taken from the leaked documents, as reported by *The Intercept*, depict the private security firm's strategy to stifle dissent on behalf of the US government. TigerSwan's multifaceted plan involved the manipulation of legal instruments, such as bail, with the cooperation of local law enforcement; a covert operation to gather information regarding the protesters' strategies; the profiling of protesters; and the acknowledgment of the importance of media framing of the event. Read out of context, these tactics may seem to describe the way in which government works with a security company to apprehend an *enemy* or *threat to society*. In reality, the detailed strategy was used on the government's own citizens for exercising their democratic (and in this case, *constitutional*) right to protest. These statements, therefore, exemplify collusion between state and corporation against environmental activists (see also Bradshaw 2018).

On the recent increase in bail for protestors coming from Lee County, Iowa (Brown et al. 2017):

- "…significant because this may impede protestors from risking arrest due to the high cost to be released from bail."
- "We need to work closer with Calhoun, Boone, and Webster county [law enforcement] to ensure future protestors will be at least fined, if not arrested. Alternatively, we could request Lee County LE to speak to other counties about tactics that are working."

On its intelligence-gathering teams, which infiltrated protest camps and sought to obtain the trust of protesters, which they used to gather information that they then reported back to TigerSwan:

- "Exploitation of ongoing native versus non-native rifts, and tribal rifts between peaceful and violent elements is critical in our effort to delegitimize the anti-DAPL movement."
- "TigerSwan collections team will make contact with event organizers to embed within the structure of the demonstration to develop a trusted agent status to be cultivated for future collection efforts."

On its ethnic and religious profiling of protesters:

- "The presence of additional Palestinians in the camp, and the movement's involvement with Islamic individuals is a dynamic that requires further investigation."
- "[the movement] generally followed the jihadist insurgency model while active, we can expect the individuals who fought for and supported it to follow a post-insurgency model after its collapse."

On the need to protect the reputation of DAPL:

- "…the expansion of the tribe's narrative outside of the Native American community media outlets is of concern."
- "[success would require] strategic messaging from the client that drives the message that we are the good guys, tell the real story and address the negative messaging with good counter messaging."

The protests at Standing Rock and the US government's response serve as an example of a state unwilling to cooperate with activists or consider their perspectives in the development of a resource project. Unlike the symbiotic relationship between environmentalists and the UN BBNJ Working Group, discussed above, in the case of Standing Rock, the state's interests (developing the DAPL) stood in direct opposition to the environmentalists' interests (halting the development of the DAPL), thus leading to the government's viewing of the activists as adversaries—indeed, as "terrorists." The threat posed by the activists' questioning and exposing of the state's motives to develop the pipeline—even through peaceful protest—was considered "enough" to warrant state-ordered surveillance of the protesters. The violence against the protestors by the state, carried out by police, military, and other security agents, reveals the risks that activists face, even if they engage in peaceful, democratic displays of dissent.

In sum, the stakes are high when powerful interests are threatened. According to Global Witness, a total of 908 environmental activists were killed across 35 countries with only 10 convictions between 2002 and 2013 (Lakani 2014). This situation has worsened in recent years. In 2017, a total of 197 environmental activists or 4 per week were killed for defending natural resources against state and corporate development (Watts 2018). Many of these activists are "ordinary people opposing land grabs, mining operations and the industrial timber trade, often forced from their homes and severely threatened by environmental devastation" (Global Witness 2014: 3). State repression of opposition groups and/or failure to protect human rights and prosecute criminal killings is thus not uncommon (see Goyes et al. 2017). Aggressive responses to environmental activists involve a wide range of terrifying tactics and oppressive strategies. The demonization of environmental activism, itself, also provides part of the template that rationalizes and justifies state and corporate responses of this nature.

Ambiguities in NGO Intervention

This section describes a left-wing environmental activist organization that has been instrumental in tightening waste disposal regulations in Italy—a country notorious for its environmental infringements caused in part by mafia activity. Here, we see the ambiguities in the relationship between a nation-state and an activist organization. Specifically, in situations where the state, itself, may be implicated in wrongdoing (such as corruption) but unable to respond adequately to the threat (due to political sensitivities and the strategic power of sectional interest groups, such as organized criminal networks), NGOs may intervene in ways that state agencies and others parts of civil society simply cannot.

Legambiente in Italy

The links between corporate crime, political corruption and environmental despoliation have been documented widely (Ruggerio 1996; White 2017). While the dumping and

illegal transport of waste is an environmental crime that has been recognized by international law (Walters 2013), enforcement has proven to be inadequate:

> [I]t has been said that illegal hazardous waste disposal is very much like one long game of hot potato. The idea is to make as much profit as you can by being the temporary possessor of the hot potato before unloading it on some other person, organization, or place. In the end, the final recipient is the loser (Rebovich 1992: 125).

In Italy, the disposal of illegal waste has links to a network of organized crime. Throughout the 1990s, mafia-related organizations had claimed a monopoly on waste disposal contracts from industries producing toxic substances (Ruggerio and South 2010; Sergi and Lavorgna 2016). Approximately 11 million tons of industrial waste was left unaccounted for—the result of the "eco-mafia" illegally dumping the substances around the Italian countryside (Walters 2013). The "eco-mafia" were then able to bid successfully for contracts with the local governments to clean up the damages that they themselves were responsible for creating (Sergi and South 2016). Much of this illegal activity was uncovered by *Legambiente* or "League of the Environment"—a 115,000-strong member-association officially recognized by the United Nations (Legambiente 2018).

The "eco-mafia," operating mostly in Campania, Calabria, Peglia and Sicily, have begun illegally burying waste in southern Italy and then building housing estates on top of the buried waste (Sergi 2017). Interestingly, the term "eco-mafia" was first coined by *Legambiente* and is now accepted in Italian society to mean "organised criminal networks that profit from illegally disposing of commercial, industrial and radioactive waste" (South 2010: 234). *Legambiente*, known widely as the "eco-police," is a left-wing environmental activist organization, established in 1980, with 115,000 active members across 45 offices in Italy (Walters 2013).

Historically, organized environmental crime has been absent from Italy's governmental and policing agenda. *Legambiente* is thus dedicated to tightening waste disposal regulations and, with the aid of local intelligence, has been instrumental in the prosecutions of mafia personnel. *Legambiente* has drawn the EU and Italian government's attention to the corruption in Italy's southern regions. By placing public focus on the corruption, governments have subsequently been forced to act because of the actions of this particular NGO.

To illustrate, the Carabinieri, Italy's most elite law enforcement body, has now developed a specialized policing unit to tackle environmental crime. While the resources—both financial and in personnel—for the initiative are modest, the creation of a specialist unit to combat corporate environmental crime within an existing police force has set a precedent in Europe (Walters 2013). *Legambiente* is an example of a group of environmental activists identifying an issue that the state government has refused to respond to adequately, raising public awareness, and targeting organized crime. In this case, the state was unwilling to comply with EU environmental directives and unable to cooperate with environmental activists due to corruption within the state (Sergi 2015). Activists had to work "outside" the existing political system, incorporating the use of technology and databases, to create a solution to an environmental problem. It was this activist work that, in turn, created new space for the state to take action where previously none was apparent.

Where there is corruption involving the state or government officials, a new type of relationship between the state and NGO can be forged. As the *Legambiente* case shows, NGOs can be granted a de facto social license to operate when government agencies cannot solve, or are themselves contributing to, an environmental problem. In this instance, a corrupted government or state agency loses legitimacy with its citizens who are negatively affected by the corruption (e.g., improper waste disposal). Moreover, due to the state's

corruption, the problem cannot be solved by other branches of the state, which may not have the resources or jurisdiction or may themselves be intimidated by the mafia or other organizations. Under these circumstances, the work of an NGO as a neutral "third-party" can thus become the stimulus for action around pressing social and environmental issues, including, later, formal state action.

Conclusion

The ongoing role of activists within the detection and prevention of environmental harms is complicated and contentious. In many highly-developed advanced liberal societies, environmental activism is held in both suspicion and confidence by industry and government. When the technologies and interventions of activists groups threaten the fiscal prosperity of governments and transnational corporations, however, they become the targets of policing, regulation and prosecution. Populist allusions to the threat of ecoterrorism and NGO references to the "green scare" highlight ongoing ideological struggles over the place and contributions of environmental activists (White 2011). In most cases, however, the result is not lethal.

The picture is different in the developing world, where environmental activists face imminent dangers. It is here that activists seeking to protect their natural habitats in corrupt and hostile contexts are faced with material and mortal danger. The natural environment has become a target of big business. It is both a business and resource to be protected and conversed, and the priorities of trade and preservation are often in conflict (Walters 2017; Goyes et al. 2017; Brisman et al. 2018). As a result, movements of environmental activism emerge as the new front in the detecting harm and mobilizing resistance.

As this article has discussed, the relationship between activism and the nation-state is nonetheless paradoxical and multi-dimensional. Especially at the international level, NGO engagement with governments is frequently perceived as a "good" even though evidence of substantive impact is more difficult to gauge and track over time. At the level of the state, however, the picture very much depends upon the specific issue, the specific groups involved and the specific kind of intervention undertaken by the NGO. As demonstrated in this article, NGOs can be constituted as "the enemy" of the state. But they can also occupy a more ambivalent position as enforcer of state rules and laws when the state, itself, is hampered by internal politics and corruption. Thus, environmental activism manifests in different ways and brings forth diverse responses as context and circumstance warrant. They operate within *bona fide* state processes as "partners," sometimes directly against the state as "opponents," and in a twilight zone of "in and against the state" when it comes to corrupted state processes. All of this is part and parcel of the dynamics of environmental activism in the contemporary global setting.

Compliance with Ethical Standards

Conflict of interest The authors declare that they have no conflict of interest.

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