



# The Political Economy of the Mobuoy Illegal Dump in Northern Ireland: A Green Criminology Perspective

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## Abstract

In 2012, the discovery of the Mobuoy illegal dump in Northern Ireland came to the attention of society as a shocking scandal. This was not only because the dump (516,000 tonnes of waste) was possibly one of the largest illegal dumps in Europe, but also because it exposed how the waste-management system in Northern Ireland was vulnerable to criminality and the Northern Ireland Environment Agency incapable of crime prevention and enforcement. However, it would be too narrow to focus criticisms solely on a particular governmental agency. From a green criminology perspective, this article provides a political economic analysis of the Mobuoy illegal dump and demonstrates the country's environmental management system, as well as political resistance against environmental governance reforms that may create favourable conditions for criminal groups to seek financial gains through environmental crime in Northern Ireland.

**Keywords:** Derry; green criminology; Mobuoy illegal dump; Northern Ireland; waste crime.

## Introduction

The discovery of large-scale and long-term illegal waste disposal in the Mobuoy dumpsite in Derry, Northern Ireland came as a shock to Irish and international society. The Mobuoy dumpsite consists of two parts: an authorized waste-processing site known as the Materials Recycling Facility, run by City & Industrial Waste Ltd; and a site of sand and gravel pits owned by Campsie Sand & Gravel Ltd. It is now known that after collecting various forms of industrial and household waste, City & Industrial Waste Ltd illegally shredded and buried the collected wastes in the sites owned by Campsie Sand & Gravel Ltd. In 2013, the Northern Ireland Environment Agency (NIEA) initially reported that approximately 516,000 tonnes of shredded or liquefied waste had been illegally deposited or processed, but as of early 2023, the figure has tripled to 1.5 million tonnes (Mills 2013; Northern Ireland Assembly 2016). Given the scale and longevity of illegal dumping, the Mobuoy dumpsite is known to the local public as the largest illegal dumpsite in Europe. In proximity to the river Faughan, the existence of the illegal Mobuoy dump has raised serious public concerns over the potential contamination of groundwater, which provides drinking water to communities in Derry as well as some in Donegal across the border.

The site was finally closed in early 2013 and it has taken more than a decade to deliver justice to the owners of the Mobuoy site, who were prosecuted for their involvement in the illegal transfer, disposal and processing of wastes. On 5 June 2013, the Northern Ireland government commissioned Chris Mills, former director of the Welsh Environment Agency, to investigate the weaknesses of waste law and criminal justice system in Northern Ireland. The Mills report critically reviewed the waste



management system in Northern Ireland and suggested that waste regulation ‘is not working as intended’ and ‘criminality is widespread in the waste industry in Northern Ireland’ (Mills 2013: 2).

There is no doubt that the Mills report was an important document, which contributed to raising public awareness of the seriousness of waste crime and the importance of restructuring the waste system in Northern Ireland. It provided a comprehensive explanation of how the waste regulatory framework was failing to work properly. However, its analysis did not stretch to situating the Mobuoy illegal dump in a wider context of the political economic structure in post-Agreement Northern Ireland. In other words, focusing on preventing criminal offences that violate statutory environmental law, the report was limited to addressing the ways in which environmental harms and risks had been reproduced in the political economic system (or by the state).

Lynch et al. (2013) argue that this political economic approach to environmental harms and crime is more apposite and effective than mainstream criminology because pollution is an inevitable part of economic activities in capitalist societies and the criminalization of particular behaviours is a social process that is mediated by socio-political power relations. Therefore, through a lens of green criminology, this article analyses the political economy of the Mobuoy illegal dump and examines the role of the political system in Northern Ireland in reproducing loopholes in the waste management system.

This paper is structured as follows. First, it develops a green criminology perspective that identifies institutionalized patterns of ecological disorganization and emphasizes the criminality between legality and illegality. From this perspective, it is argued that the neoliberalization of environmental governance creates political and economic conditions where criminal groups can infiltrate the waste industry easily. Based on semi-structured interviews and policy analysis, the article presents a political economic analysis of the Mobuoy illegal dump and explains why and how the neoliberalization of Northern Ireland has made the country vulnerable to large-scale waste crime. Interviews were conducted with local residents who had knowledge, or were suspicious, of illegal activities in the dumpsite. The article then raises two discussion points, which understand the Mobuoy illegal dump as a systematic failure of Northern Ireland to disrupt the political and economic mechanisms of ecological disorganization. It concludes that efforts to prevent and reduce waste crime should be accompanied by systematic changes in the political organization of the economy.

## **Environmental Harms and Crime in the Capitalist System**

The political economic analysis of environmental harms and crime is best utilized within the context of the Treadmill of Production (ToP) theory, which sees capitalist economic growth as a vicious cycle of profit-making and technology development from exploiting labour and nature to causing ‘deeper levels of ecological disorganization than ever before’ (Gould, Pellow and Schnaiberg 2016: 7). The neoliberal state plays a crucial role in facilitating wealth extractors in their search for profitable opportunities at the expense of public health, fair wages for workers and environmental sustainability, while minimizing its role and colluding with powerful corporations. In analysing global companies in the oil, chemical and asbestos industries, Ruggiero and South (2013) argue that transnational corporations extract natural resources for profit and states allow and support their actions – which are environmentally destructive but not criminalized – for economic growth calculated on the basis of Gross Domestic Product (GDP). While the state retreats to a small government approach to ‘get out of the way’ of the free market, environmental regulations are seen as obstacles to the free market and the free flow of capital between countries, so deregulation becomes the order of the day. However, paradoxically, in the neoliberal state it is likely that regulations that enable the maximization of corporate interests have survived or been extended, while ‘anti-business’ laws such as anti-trade union legislation have not (Sewell 2020).

White (2014: 453) claims that ‘the continuing degradation of the environment today is linked to the dominant regulation and enforcement framework itself, one that puts the stress on self-regulation and de-regulation’. This argument can be substantiated by a study of the Camorra, an Italian mafia group that enjoyed loopholes in waste governance and enforcement under the state’s neoliberal approach to deregulation. As Hibou (2012: 643) argues, the mafia group established an enterprise that won a governmental bid with the lowest costs for waste disposal. Then it simply took ‘advantage of an extra opportunity to do business’ with an authorized licence under the system of self-compliance that is ineffective in environmental monitoring and enforcement. Thus, tackling environmental harms and crime should involve not only better environmental policing, but also the reform or transformation of the socio-political system to minimize opportunities for perpetrators of environmental harms and criminal offenders to exploit nature through both legal and illicit means.

The ToP theory distinguishes two types of ecological disorganization: ecological withdrawals (EWs) and additions (EAs). EWs occur as ‘economic actors withdraw natural resources to create products that can be sold in the marketplace’ (Stretesky, Long and Lynch 2014: 39). Our everyday life is dependent upon raw materials extracted from ecosystems and other living and non-

living entities. Examples range from fossil fuels to water, minerals and wood (Lynch et al. 2013). Such EWs cause harms to nature and humans by significantly altering or disrupting ecosystems to such an extent that they cannot sustain or maintain their resilience. For instance, the Brazilian state's aims to build mega dams to generate hydroelectric power has caused deforestation and biodiversity loss in the Amazon rainforests and posed threats to the survival of Indigenous communities whose lives and spiritual/cultural practices depend upon local rivers and ecosystems (van Solinge 2020). However, because the withdrawals of natural resources are necessary to produce commodities, and thus the market economy, ecological withdrawals are lighted regulated or not viewed as criminal. Stretesky, Long and Lynch (2014: 42) argue that 'because ecological withdrawals are central to production, they will often not be defined or treated as criminal even when they are extremely harmful'. Moreover, within the globalized economy, countries in the Global South, where environmental regulations and law are weaker but abundant natural resources are found, have become extremely attractive sites for the extractivist practices of multinational corporations (Böhm 2023). Those EWs leave ecosystems, upon which local communities depend, polluted, but are managed for their 'development' – that is, exploitation by global (and domestic) economic interests (Lynch, Stretesky and Long 2018). Thus, the benefits and harms generated by ecological withdrawals are unevenly distributed, as is the powerful benefit from ecological withdrawals, while the less powerful endure costs and damage and/or an unfair share of the benefits.

The other pillar of ecological disorganization is ecological additions (EAs), which refer to environmental burdens of capitalist production, such as waste and pollution, imposed on communities and nature to such an extent that ecosystems can lose their capability to recover (Lynch 2020). These ecological additions may take the direct forms of environmental contamination by greenhouse gas emissions by industries, toxic/hazardous wastes after the production and consumption of commodities and the disposal of chemical agents such as pesticides into the air, land and water (South 2014). In addition to EWs, these EAs have brought compound risks to human health and ecosystems. Many studies have shown that toxic and hazardous waste incinerators and landfills are usually situated in areas where residents are culturally discriminated against and socio-economically deprived (Martuzzi, Mitis and Forastiere 2010). These places include not only rural areas or communities of colour, but also the Global South.

The transnational transfer of hazardous and electronic wastes from the Global North to the Global South shows that environmental risks primarily caused by manufacturers and consumers in industrialized countries are often externalized and exported to vulnerable communities and ecosystems in the Global South (Cotta 2020). The problem here is three-dimensional: These communities have suffered from pollution they have not caused and often lack the capacity (financial or governance) to 'cope' with it. These waste facilities bear the high possibility of detrimental, long-term consequences to humans in the forms of air pollution, and land and groundwater contamination. Moreover, such wastes pose significant and highly detrimental risks to both nature and people. Plastic products dumped in oceans and seas have killed coral reefs, which play a pivotal role in maintaining marine ecosystems and providing shelters to aquatic species (Lamb et al. 2018). However, the potentially catastrophic consequences of contamination by wastes, whether households, industrial or radioactive, have not been taken into account by environmental policies designed to regulate or prevent waste dumping at sea (Häder 2021).

From a green criminological perspective, mainstream environmental law established within the capitalist system creates loopholes whereby these EAs and EWs cannot be identified effectively and prevented or punished. Such legislation fails to tackle the distinction between legality and illegality that is blurred by harms and crime. Ruggiero (2013: 421) argues that there is a continuum between legal and illegal harm, in the sense that *mala prohibita* (harms prohibited by the law) and *mala in se* (harms bad in themselves) are inextricably interconnected. As critical criminologists have established, criminalization is a social process that is mediated by the power, and thus crimes, of the powerful – for example, white-collar crime, which can easily evade state interventions (Bedford, McGillivray and Walters 2020). In addition, environmental harms caused by unequal power relations within the human world, and between humans and nature, are manifestations of violence against both humans and nature, meaning the capitalist system is systematically and structurally *unjust and unsustainable* (Barry 2021). From this perspective, even if they are not criminalized, environmentally harmful activities reveal the failure not only of a law enforcement community but also of the political economic system.

## **The Political Economy of the Mobuoy Illegal Dump**

### ***Methodology***

For the political economic analysis of the Mobuoy illegal dump, policy documents, semi-structured interview data, environmental statistics and confidential documents produced from governmental agencies were collected and analysed. To conduct semi-structured interviews, potential interviewees were identified on the basis of their knowledge of the history of the Mobuoy illegal dump and stratified by three sectors: government, civil society and expert groups. Targeted interviewees were then recruited on the basis of their experience and knowledge about the Mobuoy illegal dump and their willingness to participate

in the research. Some of the six interviewees are environmental campaigners who have monitored the government's responses to the illegal dumpsite.

All interviews were conducted after the ethical clearances. A set of documents including the description of the research and a set of interview questionnaires were submitted to the researcher's institution, the School of History, Anthropology, Philosophy and Politics at Queen's University Belfast. No vulnerable groups (children, the elderly) were included. Research ethics approval was finally granted on 29 June 2020. The interviews took place mostly in 2021 via online platform, due to social distancing rules during the COVID-19 pandemic.<sup>1</sup>

The interview data were transcribed and analysed through thematic analysis coding. Codes drawn from the analysis included 'participation', 'neoliberalization', 'governance', 'growth' and 'government'. These codes were grouped thematically into two: 'pro-growth politics' and 'environmentally destructive economy'. To guarantee the validity of and control the quality of collected research data, all the factual claims from the interviewees were cross-checked with relevant documents, previous studies and media reports. Meanwhile, civil servants in the NIEA rejected taking part in the research due to their concern about potential impacts on the ongoing criminal proceedings.<sup>2</sup> To fill this gap, confidential documents were obtained through a request made under the Environmental Information Regulations 2004.

### ***Political Contexts: Pro-Growth Politics in Northern Ireland***

To fully understand the whole picture of this Mobuoy scandal, more attention needs to be paid to how the environment in Northern Ireland has been sacrificed to feed a pro-growth agenda pursued by the Northern Ireland government in the post-Agreement period. The government has taken the environment into its policy papers. For instance, in its *Programme for Government 2011–15* (Northern Ireland Executive 2012), one of the policy priorities for the Northern Ireland Executive was 'Protecting Our People, the Environment and Creating Safer Communities'. However, it was unclear how the government would protect the environment when looking at its key commitments. For instance, there is no mention of stronger environmental regulations. Interviewee C described Northern Ireland as forgetting the environment because:

Before the Good Friday Agreement, we weren't allowed to talk about environmental issues in case it distracted us from dealing with the conflict. Since the Good Friday Agreement and peace, we are not allowed to talk about environmental issues in case it distracts us from peace efforts. So, for many years we have a legacy of environmental exploitation that was never given any media attention or political attention.

In the same paper, the neoliberal nature of the Northern Ireland governance system can be found. Foreign direct investment was given a priority as the government's goal was to 'achieve £1 billion of investment in the Northern Ireland economy' (Northern Ireland Executive 2012: 7). Later, in the Fresh Start Agreement agreed by the Northern Ireland Executive along with the British and Irish governments in 2015, the Northern Ireland Executive set out its commitment to reducing corporation tax up to 12.5% by April 2018 to grow the domestic economy and compete with the Republic of Ireland for available international capital. This was significant, according to Horgan and Gray (2012: 475), as the tax cuts would lead to the Northern Ireland Executive losing up to £400 million. Coulter (2019: 130) notes that such generosity in terms of foreign capital, embraced by both the DUP and Sinn Féin, would bring about 'a period not of renewed economic opportunity in Northern Ireland but rather one of even greater material deprivation'.

What can be learned from the analysis of the neoliberal state in Northern Ireland is that the political class leaves environmental mal-governance unaddressed, taking no effective political decisions for ecological sustainability. Interviewee C commented:

I think the idea that we have not just forgotten the environment is amplified now because we've seen a lot of decision-making in Northern Ireland ... it's almost as if the places here have become a 'sacrifice zone' to support the fragile political settlement where we have a forced coalition between the main parties, a mandatory coalition. And to me I would describe as 'carve-up' politically, 'carve-up' economically between different traditions here. But also 'carve-up' ecologically as well. And the conclusion I would come to is that the insecurities that we feel as immature democracy are reflected in the ways we manage beautiful and wonderful natural resources. (emphasis added)

Mainstream political parties in Northern Ireland have sidelined environmental problems such as air pollution, illegal waste dumping and environmental governance reforms.<sup>3</sup> For example, the DUP and Sinn Féin, which are at the very opposite ends of the political spectrum, strategically pursue their own interests within the 'siloed' post-Agreement administrative system, where each ministry is effectively its own 'fiefdom' and there is often little collective responsibility or coherence within the five-party executive. Years after the discovery of the Mobuoy illegal dump, the Department of the Environment, led by MLA Mark H

Durkan from the Social Democratic and Labour Party, circulated a discussion document on the independence of the NIEA, which admitted that:

A higher degree of independence should allow greater flexibility to make the changes necessary to speed up decisions and actions. An independent agency, for example, could become the key and easily identifiable champion for the protection and improvement of the Northern Ireland environment as opposed to just another limb of the Department. (Northern Ireland Department of the Environment 2015: 11)

The importance and usefulness of an independent environmental watchdog is well noted by following scholars. Brennan, Dobbs and Gravey (2019: 84) argue that even at the time of Stormont's collapse or political ignorance of environmental problems, 'a process of reform centred on the development of common frameworks, underpinned by environmental objectives, principles, rights and duties and enforced via meaningful accountability mechanisms would help strengthen environmental protection'. An independent environmental protection agency (EPA) is one of the 'meaningful accountability mechanisms' they suggest. As the Mobuoy illegal dump exposed severely weak and ineffective regulations and poor enforcement when it came to deterring waste crime, governance reforms including an independent EPA were prioritized by environmentalists and most political parties (Sinn Féin, Social Democratic and Labour Party, Greens and the Alliance). A call for the establishment of an independent EPA was made in relation to the Mobuoy illegal dump again in 2014. In Stormont, MLA Steven Agnew from the Green Party Northern Ireland argued:

The fact is that illegal dumping, on the scale that it took place at Mobuoy, could not have occurred *had* the Department *stopped unauthorised mineral extraction* ... It seems to be *a very political position* for an enforcement agency to take, deciding that it will not enforce its regulations *because of economic considerations* ... This political decision-making reinforces the need for an independent environmental protection agency. (Northern Ireland Assembly 2014: 57–58, emphasis added)

However, the DUP has consistently been resistant to the idea of an independent EPA. When transforming the Environment and Heritage Service (EHS), an agency within the Department of Environment, into the NIEA within the same department in 2008, the then Environment Minister, Arlene Foster, said:

Some people will be disappointed by the decision not to make EHS an independent agency ... I and my party take the role of environmental governance too seriously to externalise the organisation ... I am opposed to the setting up of yet another quango in which unelected people will take decisions on behalf of the people in Northern Ireland'. (Northern Ireland Assembly 2008)

After governmental restructuring in 2016, the Department of Environment was merged with the Department of Agriculture and Rural Development and became the Department of Agriculture, Environment and Rural Affairs. Since then, the new department has again been led by the DUP, and the creation of an independent EPA has been dismissed. Critics saw this change as a rollback of environmental regulation, risking the intensified environmental mal-governance and the incapability of the environmental regulatory body in Northern Ireland. Eventually, those setbacks are likely to hinder the development of effective and ambitious environmental policies (Brennan, Purdy and Hjerp 2017; Hwang 2023). Together with the organizational change in the government, the DUP's stance is viewed as continuing the resistance against longstanding calls for a stronger environmental watchdog. Interviewee C said:

On a sort of policy or structural level, we also have immaturity how the governance structures within the society operates, because we haven't had no independent environmental protection agency. So, decisions tend to be politicised. We also now have the environmental portfolio within the agriculture. Department for Agriculture here is very significant and they have adopted very pro-growth anti-environmental agenda called *Going for Growth*. And then we have the environmental agency trying to regulate that and regulate other activities when they answer to politicians. For any type of enforcement to take place, good governance would suggest that we need political separation from politics and enforcement.

Two points can be made regarding this political deadlock. First, the post-conflict system in Northern Ireland, where one single party can unilaterally block political decisions – for example for the party to go against the establishment of an independent environmental protection agency – has been exploited, especially by the DUP. Second, such a political system is more likely to reproduce, rather than resolve, institutionalized ecological amnesia because even with majority will or cross-party support, environmental governance reforms can be ignored while environmental pollution and injustices, for which a lack of effective regulation and enforcement is partially responsible, are worsening in Northern Ireland. The Mobuoy illegal dump exemplifies the kind of large-scale environmental crime that could increasingly take place under the sight of the environmental enforcement community.

### *Loopholes in the Economic System that Sacrifices the Environment*

According to the Mills report (Mills 2013), the earliest planning applications for the Mobuoy site were made in 1980 for a council refuse tip and in 1993 for opening sand and gravel pits. Since 2003, when waste regulation was transferred from local councils to central government, until the closure of the illegal dumpsite in 2013, more than 30 consultations were held by the NIEA on concerns over waste disposal and extraction at the site (Mills 2013: 9). Among many, a critical loophole in the planning system that illegal waste operators of the Mobuoy site exploited was the dysfunctional and disastrous consequences of retrospective planning permission. It appeared to be the case that the owners of the Mobuoy site could, on the back of retrospective planning permission, expand their sand and gravel pits without planning permission in advance; instead, they could apply for permission after the event. It is possible to speculate that the owners of the Mobuoy site, and their unidentified partners, could enjoy the retrospective planning application process while making profits out of illegal landfill far longer than expected.

Interviewee A, who had occupied a variety of voluntary roles in community and environmental organizations based in Derry, directly linked the Mobuoy crisis to the shameful ethos and the attitude of the government in dealing with environmental harms and crime that continued to grow under its watch:

I've seen Mobuoy as something of a much wider problem in waste crime in that Mobuoy is probably the worst example that comes across Northern Ireland ... It is a symptom happening right across Northern Ireland ... I suppose a number of reasons. *First of all, really poor joined-up government, [and the] lack of regulation. But worse than that, I believe, is that there is unwillingness to acknowledge that failure within the government ...* So even though they have Mobuoy has become very controversial subject, still it's still dealt within the confines and narratives of those who want to keep it under control and keep the public from knowing how bad the problem is with waste crime in Northern Ireland. (emphasis added)

If planning is primarily a preventive mechanism that can halt or modify environmentally harmful development projects and decisions, enforcement is a retrospective one that deters or punishes criminal offences against environmental law and restores and rehabilitates environmental damage. These two mechanisms constitute the core parts of environmental protection in Northern Ireland. In the case of the Mobuoy illegal dump, it seems that environmental policies were ill-designed to protect people and nature from organized environmental crime. On 22 March 2022, the Public Accounts Committee (PAC) in the Northern Ireland Assembly published a report that found planning in Northern Ireland 'isn't simply working', because it 'isn't doing well on deciding today's applications; and doesn't appear to be properly enforcing the decisions it made in the past' (Public Accounts Committee 2022: 16). According to the report, a significant deficit of transparency, accountability and coherency was observed in the Northern Ireland planning system. On the transparency, the PAC found that a planning process was not open and inclusive to public participation and key decisions were made in the absence of cooperation between key planning actors, including the Department for Infrastructure, local councils, statutory consultees and the public. It was commented that:

The operation of the planning system is one of the worst examples of silo-working within the public sector ... There is fragmentation at all levels – between central and local government, within statutory consultees, amongst the local councils and even the Department itself appears to operate in functional silos. (Public Accounts Committee 2022: 7)

In parallel with failures in the planning system, it appears that weak environmental enforcement also contributed to the waste crisis in the Mobuoy site. According to the Mills report, a total of eighteen enforcement actions were taken the owners of the Mobuoy site, but they were not effective in deterring illegal waste disposal (Mills 2013: 11). The Mobuoy illegal dump reveals three aspects of weak environmental enforcement. First, the site investigation and monitoring appear to be completely ineffective. The Mobuoy site could have been discovered as early as 2008 if the NIEA had acted on the basis of a growing list of officially logged complaints about the site. In 2007, the Loughs Agency reported to the NIEA that members of the River Faughan Anglers' Association suspected that waste was being shredded and dumped on the site, but the NIEA did not respond to it (Mills 2013: 37). Since the shocking discovery of its failure to respond to organized criminals in the waste sector, the NIEA went through restructuring to enhance its capacity with better resourced personnel to counter waste crime. For instance, the Environmental Crime Unit within the Agency recruited more officers to effectively investigate crime cases. However, the accountability and transparency of governmental agencies in the environmental sector have remained critically low and been a major point of criticism. As the Criminal Justice Inspectorate Northern Ireland (2015: 18) notes, it was not always the case that the ECU's regulatory practices fulfilled the general principles of enforcement, consistency, accountability, transparency and the polluter pays principle (PPP).

The PPP is one of the basic principles of environmental law. However, according to the NIEA's internal report (March 2019), acquired by one of the interviewees under the EIR 2004, Part III of the Waste and Contaminated Land (Northern Ireland) Order (WCLO) 1997, which specifically sets out a legal framework to implement the PPP, has not been in force for decades. In the internal report written by the NIEA in 2019, Part III of the legislation 'provides a definition of contaminated land and an improved system for the identification and remediation of land where contamination is causing unacceptable risks to human health, the natural environment and/or property' (Northern Ireland Environment Agency 2019: 8). Thus, although the NIEA refused to publicly comment on this issue in relation to the Mobuoy site, Part III of the WCLO should have played a crucial role in addressing the Mobuoy dumpsite, especially in defining the level of contamination, identifying the culpability of polluters, and enforcing liability for remediation. However, as the report further stated, unfortunately 'the polluter pays principle, which is integral to Part III, is poorly covered by other legislative and regulatory regimes in Northern Ireland' (Northern Ireland Environment Agency 2019: 6). Below is a comment from Interviewee B, a local environmental campaigner who expressed disappointment about the non-implementation of the very basic principle to redress environmental harms caused by criminality:

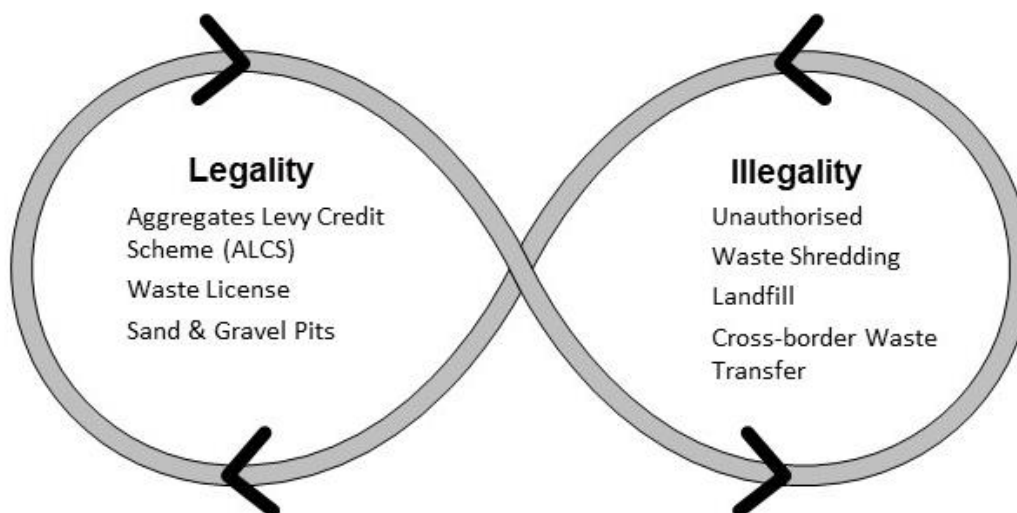
I have learned that the actual polluter who does polluting is such a tedious process trying to get them to court and make them pay for the damage caused. And then I realised that part of the contamination report hasn't been implemented. Anyway, there is no enforcement that makes polluter pay. So as money isn't there to clear up the site and the people are not being fined and know that there is going to be a panel there for it, then there is no, you know they continue with this.

Finally, legal sanctions against waste offences are significantly lower in Northern Ireland than other parts of the United Kingdom, meaning that criminals could continue to operate and still make money despite incurring fines (Criminal Justice Inspectorate Northern Ireland 2015). The extent to which the sentencing system has been weak needs to be answered in a separate study that investigates court records on waste crime. However, it is still admitted that weak enforcement has created opportunities for illegal profit-making businesses in the Mobuoy site and elsewhere across the country. Interviewee C suggested that the environmental enforcement community needs to be better resourced as well as redesigned to prevent waste criminals from exploiting the border.

The sums of money involved are colossal. The profiteering is a very rich scene and it's not difficult even with two lorries a year to become a millionaire in relation to evading landfill tax and dumping illegally ... This is very much a one-way road. We make the approach and they the institutions act to enforce whatever legislation has been breached. My experience over the last 25 years is that few actions are never undertaken by enforcement agencies unless they are forced to be continued lobbying. Prevention of illegal dumping is very difficult as it is financially worth taking the risk by commercial entities.

In Article 4 of the Waste and Contaminated Land (Northern Ireland) Order 1997, penalties are imprisonment up to six months and/or a fine up to £20,000. This low sentencing, coupled with lax enforcement, is likely to create favourable conditions for crime. A statistical analysis was done based on the NIEA's own records, which were downloaded from the Detail Data Portal maintained by the Northern Ireland Council for Voluntary Action. The result shows that economic gains from illegal waste dumping were higher than the maximum fine among 46 of 56 cases convicted between 2005 and 2016 (Northern Ireland Environment Agency 2016). For example, the highest earing offender made a profit of £4.8 million by illegally disposing of 52,500 tonnes of commercial and household waste at 20 Glassagh Road, Derry in 2012.<sup>4</sup> The worst possible scenario from this situation is that criminals are set free after six months of imprisonment at most, and can continue their profit-making business by illegal dumping, while at the same time destroying the environment and public health, and eroding public trust in government.

Against this backdrop, these criminal groups – like the owners of the Mobuoy illegal dump – could not only attract waste producers, from households to large-scale industries, to their seemingly legal business, but also boost their activities by receiving subsidies. Figure 1 illustrates how the owners of the Mobuoy site and their unidentified partners could enjoy their illicit business across the legal and illegal domains.



**Figure 1. Legal and illegal dimensions of the Mobuoy Dump**

The harm continuum between spanning from legal to illegal activities seems to be heightened first by the government systematic failure to monitor corporate activities, and second the government's funding of potentially illegal activities. The Aggregates Levy is an 'environmental tax on primary virgin aggregate (rock, sand and gravel used as bulk fill in construction)' (HM Treasury 2020: 2). As the indiscriminate extraction of aggregates may cause serious damages to the environment and public health, the United Kingdom introduced the aggregates levy mechanism to 'internalize the environmental costs of aggregates production in order to discourage the extraction of virgin aggregates and to promote the use of recycled and alternative materials' (Merchante 2011: 1). For Northern Ireland, this new environmental tax appeared to be a worrisome issue that would not affect only small and independent quarry businesses, but also increase illicit flows of aggregates across the Irish border. The Northern Ireland Assembly identified the substantial differential in aggregate price between Northern Ireland and the other parts of the British Isles. The Aggregates Levy was introduced with a rate of £1.60 per tonne. The average cost of the extraction in Northern Ireland was £2.50 per tonne for aggregates, which meant the relative Aggregates Levy rate was 60%. By contrast, the higher average price of aggregates in Britain suggested that the same rate only occupied 23% of the production costs (Scottish Government 2020: 65). Geological characteristics of the Republic of Ireland, which is favourable to aggregates, and relatively lower transaction costs than the United Kingdom were also identified as potential drivers of negative impacts on the Northern Ireland economy and the growth of the illicit aggregate market for tax evasion.

In November 2004, Campsie Sand and Gravel (CS&G), one of the owners of the Mobuoy dump, applied for the Aggregates Levy Credit Scheme to compensate the aggregates. At the time of the scheme being granted, the company – which later turned out to be a serious offender against environmental regulations – did not file an appropriate planning permission. This is the first loophole that the law enforcement community failed to address. On 28 August 2014, while illegal waste dumping was ongoing, the Department of Environment confirmed to the operators of the Mobuoy dump that they had made the necessary improvements in environmental management in order to qualify for the tax relief. Until the Aggregates Levy Credit Scheme was suspended after the European Commission intervened following a complaint from the British Aggregates Association, it seems that neither the Department nor the NIEA was held accountable for checking the compliance of the operators with the environmental standards for tax relief. This was costly: vast amounts of public funds will now have to be used to remediate the massive illegal waste dump, not to mention dealing with the residual environmental damage to adjacent areas.

## Discussion and Conclusion

As long as the whole system is oriented to the maximization of profits and the minimization of costs for waste disposal, there is always room for illicit actors to brand themselves as 'legitimate' waste processors. Aside from the limited scholarly knowledge and some governmental reports, it is telling that not only waste crime itself, but also its multiple and negative impacts on Northern Irish society, are seriously understudied. For example, the size of financial gains from waste crime are not well known. Ruffell and Dawson (2009) note that waste crime results in concerns over public health and environmental destruction among communities, but due to the crime being often perceived as 'victimless', waste crime is hard to deter, which



may contribute to its growth in Northern Ireland. This drawback overlaps with the lack, if not complete absence, of understanding on the causes, process and consequences of households and businesses involved in such crime and mapping of crime hotspots.

This article has suggested that the neoliberalization of Northern Ireland is visible in two ways. First, amidst forming a neoliberal 'consensus' in the power-sharing government, the DUP's stubborn opposition to creating an independent environmental protection agency could be attributed to a political failure to strengthen environmental enforcement and governance. The data analysed in this article suggest that if the NIEA could independently enforce the law to protect the environment, more effective actions could be taken to deal with the Mobuoy illegal dump. Second, public money was used to finance the Aggregates Levy Credit Scheme for 'environmentally clean' quarry businesses, but no proper monitoring and regulation occurred. This is not only because of the NIEA's lack of accountability and professionalism, but also due to the neoliberalization of the regulatory regime to facilitate voluntary compliance from businesses without state intervention. Under these economic conditions, the owners of the Mobuoy illegal dump could benefit from the scheme and create profits from illegal waste dumping.

Two discussion points emerge from the case study of the Mobuoy illegal dump. First, the study reveals that the political economic system in Northern Ireland has been established in a way that is not commensurate with sustainability. The political system in Northern Ireland has not been established to be capable of reducing environmental harms and preventing environmental crime; rather, it has gone the opposite way. Some legal reforms may contribute to preventing criminal offences to some extent, but they are less likely to reduce systematic environmental governance failures.<sup>5</sup> In the meantime, such criminality has undermined the rule of law and caused economic loss and fear in local communities. According to the Police Service of Northern Ireland (2012), waste crime particularly involves organized criminal groups in the country. For waste regulatory frameworks to function effectively, not only legal mechanisms but also the political system should be sensitive to and capable of reducing environmental harms.

Second, the Mobuoy illegal dump reveals how environmental concerns have been overlooked in Northern Ireland's post-conflict politics. Although the country has been viewed as a successful peacebuilding model, environmental sustainability has been sacrificed for post-conflict growth and binary politics. This has led to local communities and ecosystems suffering from the consequences of ecological disorganization, such as water contamination, without proper remedies. Waste crime is a common issue across the British Isles, but Northern Ireland is likely to be most vulnerable to criminality if the status quo persists. The political economic analysis of the Mobuoy illegal dump has revealed loopholes in the environmental management system and political resistance against environmental governance reforms that may create favourable conditions for criminal groups to seek financial gains through environmental crime. This suggests that the motive for (large-scale) waste crime is economically driven, but the condition for it may be facilitated not only by regulatory failures, but also by a lack of political will or actions to prevent it.

To date, it appears that the political dimension of environmental crime in general has been under-studied even in ToP theory, which adopts a political economic analysis to green criminology. In that context, this study shows that it is important to understand how the political drivers of environmental crime are associated with economic motives for environmental crime. It also calls for more attention to be paid to the nexus between environmental protection and peace in order to rebuild a safe and sustainable society after violent conflicts. The case of Northern Ireland shows that peace can become 'elusive' when local communities are affected by environmental crime (Castelos 2023; Hwang 2023).

Society is awakening from the catastrophic waste crime scene. On 16 January 2023, BBC Radio 4 launched a podcast, *Buried*, which traced the history of large-scale illegal dumping in the Mobuoy site.<sup>6</sup> On 8 May 2024, after several delays during the COVID-19 pandemic, the Belfast Magistrates Court is due to make a judgment on those involved in large-scale illegal dumping at the Mobuoy site. Two men already lodged a guilty plea for their violation of several waste regulations. The sentencing will not be taken as the end of the Mobuoy scandal, but rather benchmarked as the beginning of a journey to reform the political economic system towards sustainability. The Mills report says that 'criminals will always seek out where easy money can be made' (Mills 2013: 2). Unless the state disrupts the political and economic mechanisms of ecological disorganization, criminality will continue in the grey area between legality and illegality. Institutional reforms without systematic changes will become futile and piecemeal, something that especially the DUP has strongly advocated to maintain the status quo.

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<sup>1</sup> Questions for the interview include: 1) self-introduction (in regard to the scope of knowledge on the Mobuoy illegal dump; 2) any (perceived) impact of the discovery of the Mobuoy illegal dump on local communities and the environment in Derry; 3) opinion on a public inquiry into the Mobuoy illegal dump; 4) feedback to procedures and mechanisms for public participation in Northern Ireland environmental governance; and 5) feedback on the effectiveness of environmental law enforcement and monitoring in Northern Ireland.

<sup>2</sup> On 16 February 2021, the author received a letter from a civil servant from the NIEA, who is responsible for coordinating the remediation project of the Mobuoy site. It said, 'I have taken advice from our legal advisors on your request for an interview and as the trial of the alleged operators has yet to conclude the Agency feels that it would be inappropriate to comment on the Mobuoy site at this time.'

<sup>3</sup> In the post-Agreement period, the Northern Ireland government takes a form of 'consociation', which is based on a mandatory coalition from Unionist (broadly British) and Nationalist (broadly Irish) political parties. According to the specific method, called the D'Hondt system, ministerial departments in the Northern Ireland government are allocated to the political parties that join the Assembly Executive. Since 1998, the Department of Environment (now Department of Agriculture, Environment and Rural Affairs) has mostly been occupied by the DUP.

<sup>4</sup> It is reported that this case was convicted by the PSNI in 2015, but the amounts of financial penalties imposed on illegal dumpers are not known to the public.

<sup>5</sup> Another, and more recent, example is the Renewable Heating Incentive (RHI) scandal. The RHI was designed to subsidize renewable heating sources, but many frauds, such as heating an empty farm for subsidy, were involved.

<sup>6</sup> Available at <https://www.bbc.co.uk/programmes/m001hf1w/episodes/player>

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