



‘The Fight for Fairbourne’: Climate change and its impact on sea level rise. A commentary by Mark Hamilton.

Mark Hamilton

Australian Catholic University
mark.hamilton@acu.edu.au

Keywords: climate change, climate refugees, green criminology, environmental harm, sea level rise

Abstract:

Complexity in causation, complexity in impact (including a diversity of victims) and complexity in response, makes climate change a ‘wicked’ problem. One impact of climate change and associated sea level rise is the loss of villages to the sea, as Lowri Cunnington Wynn explores in this edition in relation to the Welsh village of Fairbourne. The residents of Fairbourne are indeed victim of environmental harm. This commentary arises from a review of Wynn’s important work, which contributes to green criminological literature through its recognition of harm that arises from both legal and illegal activity and the effect that such harm has on individuals and communities.

Climate change is a 'wicked' problem. Such a conceptualisation derives from complexity in causation, complexity in impact, including a diversity of victims, and complexity in response. In terms of causation, climate change is the result of an accumulation of harmful events, often over a prolonged period of time. Such events may be unlawful (i.e., illegal, such as unsanctioned pollution) but more worrying may be 'lawful but awful' (Passas, 2005; see also, White & Heckenberg, 2014, p. 3.), such as the burning of fossil fuels to produce electricity, which is sanctioned, indeed encouraged, by the government. I had the pleasure of being a reviewer for Lowri Cunningham Wynn's thought-provoking contribution to this edition in which she informs us that the residents of Fairbourne, a Welsh seaside village predicted to be swallowed by the sea, are 'left in a position of victimhood with nowhere and no one to apportion blame or responsibility'. The fact that climate change is a product of both legal and illegal, lawful and unlawful, activity means that traditional prosecution for environmental crime is insufficient. Indeed, the legal/illegal, lawful/unlawful characteristic of climate change causation brings it within the purview of green criminology in which the focus is on environmental harm as well as environmental crime.

Green criminology conceptualises victimhood more broadly than mainstream criminology and includes within the group of those suffering from environmental harm individual humans (presently living; you and I) as well as future generations (our children and grandchildren if the environment is passed on in a worse state than when we inherited it), communities (both Indigenous and non-Indigenous) and the environment (flora and fauna). Indeed, climate change is 'wicked' because it has the potential to impact a diversity of victims. Lowri considers 'whether the residents of Fairbourne are subject to climate change as a form of environmental harm, and whether they can be considered environmental victims' because of a sea level rise caused by climate change which forces the abandonment of Fairbourne, that is, the relocation of residents. Victimhood relating to the community of Fairbourne is explored by Lowri through three prisms – economic harm (diminished housing values and business failure), social harm (changes in the demographics of Fairbourne's population and impact on tourism) and individual harm (stress, anxiety and other mental health impacts). The author makes a convincing argument that the residents of Fairbourne are indeed victims of environmental harm.

Responses to climate change and its impact are both global and local. However, the burden is not shared equally. Ironically, it is the undeveloped nations which have contributed the least to climate change that will suffer the gravest impacts in a context in which they have the least financial resources to mitigate those impacts. Global responses include reducing the amount of CO² released into the atmosphere to limit the planet's warming. Local responses, for example, related to sea level rise, include mitigation (attempts to mitigate the impact of sea level rise), adaption (strategies to live with sea level rise) and retreat (surrendering land to the sea and retreating to higher ground). Lowri explains that for Fairbourne, 'decommission' will be the result of the predicted sea level rise with the retreat of its 800 residents. Such an event is a sign of things to come and this important article continues much needed discussion.

This article contributes to the green criminology literature through its recognition of harm that arises from both legal and illegal activity and the effect that such harm has on individuals and communities. Given green criminology's focus on victimhood beyond that of currently living humans, further analysis that explores Fairbourne's sea level rise predicament on non-human victims, such as flora and fauna, and non-living humans (i.e., future generations of humans) is desirable. I encourage Lowri and/or others to undertake that analysis and to first consider whether such victims can be characterised as 'climate refugees' and second, whether those victims can adjust to sea level rise in a way that currently living humans cannot.

This commentary ends with the echoing of Lowri's sentiments, as found in her conclusion:

Decommissioning Fairbourne will not displace a significant population and the consequences of relocating the community is unlikely to have an earth-shattering effect on this small part of Wales. However, it represents a stark vision of the future for many coastal communities across the UK and beyond. It provides a symbolic case study for the implications of the current climate crisis.

Bibliography

Passas, N. (2005). Lawful but awful: 'Legal Corporate Crimes'. *Journal of Socio-Economics*, 34(6), 771–786.

White, R., & Heckenberg, D. (2014). *Green Criminology: An Introduction to the Study of Environmental Harm*. Routledge.



Mark Hamilton, is a lecturer with the Thomas More Law School at the Australian Catholic University, teaching in both the Law and Criminology programs. He holds a Bachelor of Science (Psychology) and Bachelor of Laws from the University of Wollongong, a Master of Environmental Law and Master of Laws from the University of Sydney, a Master of Politics and Public Policy from Macquarie University, and a PhD in Law from the University of New South Wales (2019) which has been recently published as a book - *Environmental Crime and Restorative Justice: Justice as Meaningful Involvement* (Palgrave Macmillan, 2021). His research interests include green criminology, environmental victims, and restorative justice and the intersection between these three areas. Before coming to academia, Mark worked as a tipstaff to a judge in the Land and Environment Court of New South Wales (Australia), and later as a solicitor.

How to cite this article (APA- 7th ed.): Hamilton, M. (2022). 'The Fight for Fairbourne': Climate change and its impact on sea level rise. A commentary by Mark Hamilton. *Criminological Encounters*, 5(1), 210-214. <https://doi.org/10.26395/CE22050115>



© The author(s), 2022 | Licensed under Creative Commons CC BY-NC-ND 4.0.

