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United Nations
Interregional Crime and Justice
Research Institute



Transnational Environmental Crime: Possible Application of International Legal Instruments on Organized Crime and Corruption

Expert Group 1

*Environmental crime in the current international legal
framework: the way forward*

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Mandate of UNICRI:

UNICRI is a United Nations entity created in 1968 and mandated to assist

- intergovernmental,
- governmental and
- non-governmental organizations

in formulating and implementing improved policies in the field of crime prevention and criminal justice.



UNICRI goals and activities

UNICRI goals are:

- to advance understanding of crime-related problems
- to foster just and efficient criminal justice systems
- to support the respect of international instruments and other standards
- to facilitate international law enforcement cooperation and judicial assistance.

UNICRI activities tackle major concerns in the field of crime prevention and criminal justice:

- organized crime and illicit trafficking
- environmental crimes
- corruption
- counterfeiting
- cyber-crime
- security governance and counter-terrorism
- violence against women and protection of victims
- juvenile justice.

Global environmental governance

Since the Rio Declaration on the Environment of 1992 the number of **Multilateral Environmental Agreements (MEAs)** have proliferated, amounting to more than 700 dealing with different and specific aspects related to the environment.

Nonetheless, a universally accepted definition of “environmental crime” is lacking as well as that of “victim of environmental crime”

Environmental crimes

Besides the careless exploitation of the natural environment, environmental crimes take the form of:

- illegal trade in protected species;
- smuggling of ozone depleting substances;
- illicit trade in hazardous waste;
- illegal, unregulated, and unreported fishing; and
- illegal logging and trade in timber.

Environmental crimes

Such crimes often fail to prompt the required response from governments and the law enforcement community, as they are often perceived as ‘**victimless**’ crimes.

For most countries, combating environmental crime is **not** currently a **priority** and often remains **overlooked** and **poorly understood**, despite the actual and potential scale and consequences.

Moreover, criminal activities affecting the environment have evolved to become a serious form of **transnational organized crime** with links to other crimes associated with high levels of **violence** and **corruption**.

Similarities with other serious crimes

Environmental crime is one of the most profitable and fastest growing new areas of international criminal activity

- Low-risk of being detected
- Low penalties
- Scarce conviction rates
- High-profit crime
- Enforcement failures
- Lack of coordination and cooperation across borders
- Increasing organized crime networks involvement

Similarities with other serious crimes

In 2006 Interpol Pollution Crime Working Group produced a study providing evidence of the links between OC and pollution crimes examining closed court cases from 8 different countries

Cases in the UK reveal that some criminal groups involved in environmental crime (waste trafficking) were also involved in other serious crimes, such as human trafficking, fraud, drugs, firearms and money laundering (source: EIA).

New challenges posed by emerging forms of crime with an impact on the environment

- On 26 July 2012, the Economic and Social Council of the United Nations adopted Resolution 2012/19 entitled “*Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations*”.
- **ECOSOC Res. 2012/19** stresses the growing involvement of transnational criminal organizations in all aspects of crime having significant impact on the environment.

Organized crime role

According to the **United Nations Convention against Transnational Organized Crime**, Art. 2(a), an organized criminal group is a:

“structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this convention, in order to obtain, directly and indirectly, an economic or other material benefit”.

Organized crime role

Example from UNICRI research:

- criminal organizations take advantage of the significantly greater costs for waste disposal, and
- of the much-increased value of rare or precious natural resource commodities subject to tight trade and sale restrictions,
- earn substantial illicit income from circumventing environmental laws and regulations.

SIMILARITIES

MODUS OPERANDI of OC NETWORKS involved into eco crime

- mislabeling and false declarations of goods;
- transport in containers disguised among other legal products or hidden in double-bottom trucks;
- transportation through Free Trade Zones and indirect transportation system (pass by many countries to hide origin);
- corruption

SIMILARITIES

- **SAME ROUTES FOR ILLICIT TRAFFICKING**

Very often the same routes are followed for illicit trafficking in protected species and fauna or and Illicit trafficking in waste and other illicit trafficking carried out by organized crime networks

SIMILARITIES

- **SAME ACTORS**

Organized crime groups very often are involved in different illicit businesses carried out in parallel

e.g. Investigations from the Italian Antimafia Bureau have proven Italian Camorra involved in both counterfeiting and illicit waste trafficking, the same applies to Chinese organized crime groups active in Italy

URGENCY of HARMONISATION AND COORDINATION

- **Harmonizing the interpretation** of the rules across regions and at the international level and the imposition of **similar penalties** is a necessity.
- Experience shows that business enterprises across Europe have a significant stake in the consistent and **uniform application** of environmental crime regulations (as in the case of waste transport regulations).

UNICRI Recommendations

- A. Rio Declaration *The Future We Want* states that existing international environmental law instruments should be reviewed to identify gaps and overlapping to reinforce the effectiveness of the current legislative framework.
- B. Harmonisation of national legislative frameworks in the field of environmental crime should be sought through a comparative analysis to ensure a coherent enforcement strategy, primarily for those offences that have a transboundary character or where organized crime may be involved.
- C. Current legal sanctions and penalties (criminal, administrative and civil) should be reviewed by increasing the maximum fines, establishing minimum fines and mandatory corporate criminal liability.

UNICRI Recommendations

- D. The application of existing criminal laws in addition to “environmental specific” legislations should be encouraged.
- E. Greater synergy should be pursued between international environmental law and international conventions against crime such as the United Nations Convention on Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC).
- F. International cooperation of law enforcement should be strengthened, through the investigative tools of the UNTOC and UNCAC: e.g. new information technologies, seizure of assets, and anti-money laundering activities.



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Thank you for your attention

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