

**INTERNATIONAL CONFERENCE**  
**ENVIRONMENTAL CRIME – CURRENT AND EMERGING THREATS**

Organised by UNICRI and UNEP,  
in collaboration with the Ministry for the Environment and Ministry of Justice of Italy.  
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**REPORT OF THE EXPERT GROUPS**

The present document was compiled by UNICRI on the basis of the discussion and recommendations formulated by the participants in the three Expert Group Roundtables held during the Conference.

*Expert Group I - Environmental crime in the current international legal framework: current flaws and possible steps ahead*

The Expert Group focused on how to improve international environmental law and its implementation. Participants discussed flaws in the current international legal framework related to environmental crime at the regional and international level, and proposed specific recommendations to promote compliance with and enforcement of international and regional legal framework. Key discussion topics included:

1. Assessment of flaws and gaps of existing environmental law vis-à-vis current and emerging environmental crimes.
2. Concrete measures to assess and improve the implementation of existing environmental laws.
3. Coordination of criminal and environmental legislation.
4. Review of the application and effectiveness of current penalties and sanctions against environmental crimes.
5. Harmonization between current national and regional frameworks on environmental crime.
6. Concrete ways to further international cooperation to improve detection and prosecution of environmental crimes.

**RECOMMENDATIONS**

Improved enforcement co-operation and political will is required to curb the growing threats posed by environmental crime. Member States, environmental and law enforcement agencies, and civil society organizations all have a key role to play in addressing environmental crime challenges:

- Need for a definition of environmental crime at international level, including victims of environmental crime and link to the protection of human rights and public health

- Need to reinforce the effectiveness of the current international legislative framework through the use of existing instruments by strengthening them and adjusting in accordance to substantive needs of combating environmental crime
- Need of research and comparative analysis of existing legal frameworks and ‘best practices’ on environmental crime at international, regional and national levels, in order to consolidate possible definition of environmental crime at international level
- Consider a stronger and new UN international law instruments, potentially a specific protocol on environmental crime to the United Nations Convention on Transnational Organised Crime (UNTOC) which could help strengthen the existing international legal framework and improve coherence and cooperation between general crime and specialized environmental crime agencies at the national and international levels
- Consider feasibility of an international convention on environmental crime under United Nations auspices
- Reinforce the existing monitoring and implementation mechanisms of active conventions
- The application of existing criminal laws in addition to “environmental specific” legislations should be encouraged in order to improve compliance and enforcement of the existing environmental legal framework.
- Clear, effective and dissuasive criminal legislation with regards to environmental crime, addressing the emerging involvement of organized crime in environmental crime and leading to efficient and more predictable judiciary
- Identification of environmental criminal offences at international and national levels, and the link between the levels, clear grading of offences to administrative irregularities, crime and aggravated crime
- Study of ‘best practice’ and ‘problematic issues’ in regards to legal processes and judicial decisions surrounding environmental crime
- Review current legal sanctions and penalties (criminal, administrative and civil), in order to identify how to tailor these to best suit the nature of the offence and the offender in specific cases, including ideal remedies and reparative schemes
- Establishing mandatory corporate criminal liability.
- Examination of public-private partnership arrangements (including private sector role vis-à-vis crime prevention), and diverse ‘soft law’ and ‘hard law’ initiatives to move to a prevention level
- Building specialist capacities concerning law enforcement, particularly among the judiciary (through toolbox/environmental courts/etc.)
- Consideration of the role of experts with environmental expertise in courts/tribunals
- Examination of availability and implementation of diverse sanctions and considerations of elements of judicial decision-making (for example, basis of judgement of seriousness of a crime, the nature and range of remedies)

*Expert Group II: Environmental crimes: a growing business for organised crime and corruption*

The Expert Group focused on the role of organised crime and corruption in different environmental crimes. Participants discussed case studies from different countries or regions to identify trends, patterns and modalities of intervention and proposed specific recommendations on how to improve investigations and prevention, and better exchange information across borders. Key discussion topics included:

1. Evidence of the connection between environmental crime and other serious crimes.
2. Evidence of the role of transnational criminal organizations and the influence of corruption.
3. Applicability of United Nations Convention against Transnational Organised Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC) in combating transnational environmental crime.
4. Concrete ways of improving detection and prosecution.
5. Concrete ways of improving cooperation and transnational knowledge-sharing.
6. Concrete ways of preventing the involvement of criminal organizations in the phenomenon of environmental crime.

## RECOMMENDATIONS

The acknowledgment that environmental crime is a heaven for corruption at all levels and that organised crime groups are becoming increasingly involved in crimes related to the environment makes the fight against these offences a top priority to be addressed by Member States and the International Community. Tackling corruption linked to environmental crime is a collective responsibility that needs to be urgently addressed. Initiatives should be taken by national governments individually and collectively to protect shared ecosystems from the impacts of environmental crime. Increased awareness of stakeholders at national and international level together with improved enforcement co-operation and political will are required to curb the growing threats posed by the increasing infiltration of organised crime networks and groups in environmental crime. Member States, relevant national and international institutions, enforcement agencies and environmental agencies and stakeholders need to consider the following:

- Recognition of the need for stronger criminal laws to address the emerging involvement of organized crime in environmental crime.
- Recognition of need to build capacity and expertise of the criminal justice system to improve law enforcements operations, investigations, prosecutions and sentencing.
- Recognition of the need for increased prosecution of organized criminal networks, applying higher penalties.
- Support in the development of awareness raising campaigns, training and advocacy to raise the priority of combating environmental crime, and that high level political will is required.
- Support in the adoption homogenous national legislation, international legal instruments should be clear, containing a unified environmental crime definition, as well as providing guidance on types of offences and penalties, bearing in mind the need to provide legal basis for mutual legal assistance.

- Recognition of the responsibility borne by industrialized, developed countries that have better capacities to prevent, combat and dismantle the networks of organized crime.
- Recognition of the responsibility borne by secrecy jurisdictions to tackle organized environmental crime, by better facilitating investigations to follow the money and prevent the use of legal entities and financial instruments to hide criminal activity.
- Recognition that tackling organized environmental crime is an ongoing process and that interventions need to be continually evaluated and adapted to the circumstances.
- Promotion of international cooperation and sharing of good practices.
- Promotion of a multi-agency approach to prevent and combat environmental crime effectively – e.g. a **National Environmental Security Taskforce (NEST)**: bringing together relevant authorities and needed expertise. When targeting specific eco-crime sections, e.g. fisheries, consider bringing in specific authorities on an ad hoc basis.
- Adoption of a multi-agency approach at national level (NEST model) and link it (through INTERPOL's National Central Bureaus) to regional (e.g. ASEAN-WEN) and international networks to ensure international coordination and cooperation, and information sharing.
- Establishment of partnerships between law enforcement and stakeholders (e.g. private sector and Non-Governmental Organizations), clearly defining roles and responsibilities, for example through a MoU, to increase information exchange which could be used for crime analysis.

### *Expert Group III - Illicit trafficking of waste: an international emergency*

The Expert Group discussed the issue of illicit trafficking in waste, including toxic waste, e-waste, plastic etc, as an emerging international threat due to the increasing involvement of organised crime groups, its links with other serious crimes, such as counterfeiting, corruption, money laundering, and the role played by the different actors into this crime along with the damage to citizens' health, environment and economy.

Participants presented data and case studies to develop specific recommendations on how to improve data collection and analysis, and exchange of information, and on how to improve international investigations in this field. Key discussion topics included:

1. Evidence and cases of illicit transnational trafficking of waste, including toxic waste, e-waste, plastic, etc.
2. Evidence and cases of the role of transnational criminal organizations and corruption in the phenomenon of illicit trafficking of waste.
3. Evidence of the impact of illicit trafficking of waste on citizens' health, the environment and the economy.
4. Concrete ways of improving detection and prosecution.
5. Concrete ways of improving cooperation and transnational knowledge-sharing.

6. Concrete ways of preventing the phenomenon of illicit trafficking of waste.

## **Recommendations**

Awareness about escalation of illegal waste trades across national borders, its links with transnational organised crime and ultimately negative impact it brings to environment, citizen's health as well as serious economic and social damages, is crucial for the development of effective counter measures. Relevant legislation as well as criminal investigations in this field should be strengthened so as to turn current threat into opportunities. It is therefore essential to tackle the issue as a whole addressing the following challenges:

### **1. Awareness of the problem can be raised**

- Support in the development of awareness raising initiatives targeted at law enforcement agencies, relevant national institutions, public opinion in general
- Support to the collection and systematisation of criminological data and data on waste
- Support to raising awareness on sea and land routes
- Support to raising awareness on the links to organized trans-border crime
- Support to raising awareness on the links with corruption
- Recognition of the responsibility borne by the exporting countries to contrast the "Not on my backyard" philosophy

### **2. National investigations can be more effective**

- Support the adoption of a multi-agency approach and multi-disciplinary teams comprising police, customs, port and maritime authorities, and environmental agencies whereby Police and Customs use coercive powers, and environmental agencies inspect
- Support the adoption of simplified procedures for seizure of waste in ports such as those existing at airports
- Recognition that the economic responsibility related to the freezing and confiscation of waste has to be borne by the producer
- Need for clear definitions of the buyer and seller
- Need for clear role of the Prosecution Services
- Support for specialized prosecutor services
- Promotion of the use of coercive measures, such as wiretapping and electronic surveillance when applicable

### **3. International investigations can be more effective**

- Promotion of regular exchange of information
- Promotion of the use of special investigative techniques, as those foreseen in Palermo Convention
- Creation of an International Observatory and "data dots" to monitor movements of waste
- Recognition of the important role played by International Organisations such as World Customs Organization, Maritime organizations, Europol, Eurojust, Interpol and UNICRI

- Recognition of the importance of Interpol Contact points

#### **4. Criminal legislation can be more clear, effective and dissuasive**

- Support the adoption of clear, understandable, coordinated regulations
- Recognition of the need for stronger and new international law instruments regulating this field
- Raise awareness and build capacity among the judiciary to increase efficiency and predictability
- End of life products are waste, not products
- Support the criminalisation of the attempt in the offence of illegal trafficking of waste
- Support the introduction of mandatory corporate criminal liability
- Proof of intentionality and negligence from factual circumstances
- Promote a clear grading of offences to administrative irregularities, crime and aggravated crime
- Support the increase of sanctions related to illegal trafficking of waste
- Recognise that the legal responsibility is to be borne by the waste producer until proper waste management.

#### **5. Law enforcement agencies and judges can be trained**

- What is waste?
- When can the officials react?
- How do law enforcement agencies cooperate with environmental agencies?
- Knowledge of best investigative techniques
- The expert knowledge of the Courts of Law

#### **6. Threats can become opportunities**

- Law enforcement agencies need a clear message from the Governments of the priorities
- Importing countries are getting active in preventing waste trafficking
- Access to serious waste brokers and handlers can be made easier
- Certification of brokers and companies involved into the waste management and export sector
- Recycling facilities must be built
- Labelling of legitimate entrepreneurs
- Market distortions can be stopped
- Lack of raw materials and recycling
- Economy, environment and society interact in the future
- The new Green Economy builds on training, legality and ethics.