

Trends and initiatives in addressing environmental crime

**CoE Committee of Experts on the
Protection of the Environment
through Criminal Law
5-4 April 2023**

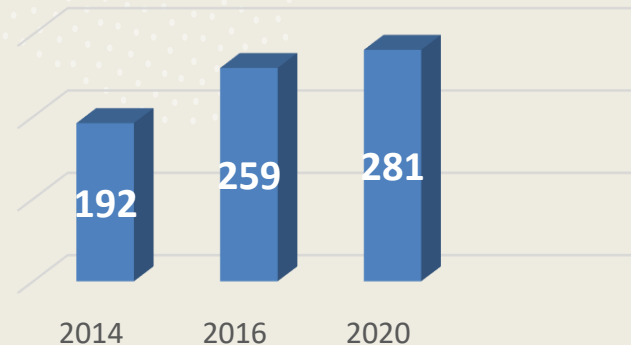
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UNEP Europe Office**

Content

- **Transboundary environmental crime**
- **Use of treaties**
- **Cooperation**
- **UNEP initiatives**

Environmental crime as a growing trend

Growth in illegal revenue from environmental crime (upper range of the estimate in billion USD/year)

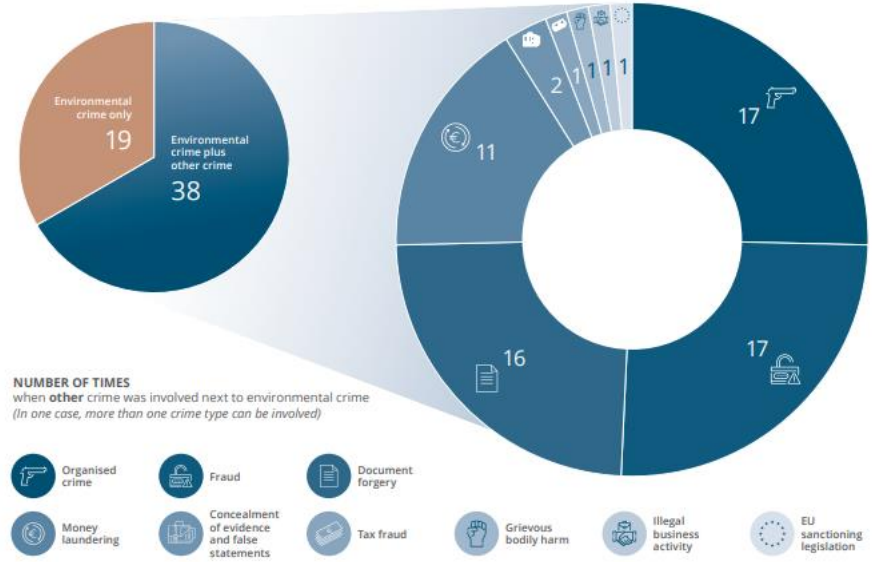


Sources: UNEP, FATF

4th largest area of transnational crime (after drugs, counterfeit and human trafficking)

Main categories of TEC and links to other crime

- Illegal poaching, trade, trafficking and smuggling of **wildlife and plants**
- Illegal trafficking, dumping of and or trading of **chemicals and waste**
- Illegal trading in **ozone-depleting substances**
- Illegal mining and trading in **precious metals and minerals**



Source: Eurojust casework on environmental crime, 2021

Organized Crime
Money laundering
Fraud
Tax evasion
Corruption
Drugs
Human Trafficking
Cybercrime

Multilateral Environmental Agreements

Providing common points of reference, frameworks and definitions that can help address challenges posed by differences in legal standards in different jurisdictions

1973 **Convention on Illegal Trade in Endangered Species** (CITES) – calls for enforcement of provisions, including penalization of trade and confiscation of specimen

1979 Convention on the Conservation of Migratory Species of Wild Animals (CMS)

1972 World Heritage Convention

1971 Ramsar Convention on Wetlands

1992 Biodiversity Convention

1989 **Basel Convention on the Control of transboundary Movement of Hazardous Wastes and Other Wastes and their Disposal**

1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain **Hazardous Chemicals and Pesticides in International trade**

2001 Stockholm Convention on Persistent organic Pollutants

1987 **Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer**

2013 Minamata Convention on Mercury

1973 International Convention for the Prevention of Pollution from Ships (MARPOL)



1959 European Convention on Mutual Assistance in Criminal Matters and its protocols

2000 United Nations Convention against Transnational Organized Crime (UNTOC)

2003 UN Convention against Corruption

2001 Budapest Cybercrime Convention

...

Cooperation at national level: local authorities/ MOEs /customs/police//prosecution

Cooperation at the international level:

Letters rogatory, MLAs, JITs/JTFs, MoUs, regional procedures

Benefits

MLA - **widely used** in gathering and transfer of evidence in environmental cases
30 out of 57 Eurojust environmental cases (2014-2018)

Admissibility of evidence

Joint investigative teams/ ad-hoc task forces - help in tracking criminal networks, simultaneous action in multiple jurisdictions, common investigation and prosecution strategies

Challenges

Length of procedures (especially for requests via MoFA)

Hierarchy of approval

Differences in

- legal frameworks (double criminality)
- thresholds and standards
- methodologies for calculating damages
- sentencing guidelines (triggering MLA under UNTOC)
- language

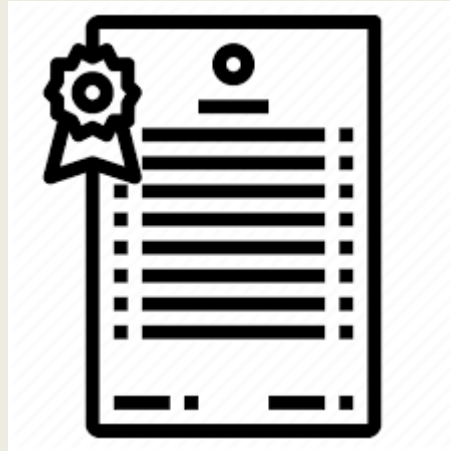
Reluctance of national authorities to engage:

- insufficient specialized knowledge of environmental legislation
- de-prioritization of environmental crime
- for illegal wildlife trafficking – link to certain customs and traditions/beliefs

Complexity and multidisciplinary nature of environmental crime:

- many specialized authorities involved at each national level
- confusing mandates

Legislative
response



Implementation
and enforcement



Legislative response

International

- MEAs
 - Biodiversity, chemicals, ozone/climate, marine pollution
 - Global and regional
- Illegal, unreported and unregulated fishing, illegal logging /trade in timber
- The UNCAC and the UNTOC

National

- Penal sanctions in the environmental legislation (Kenya, Australia)
- Environmental offences in the penal codes (Finland, Vietnam)
- Mixed approach (Brazil)

Implementation and enforcement

- Training and capacity building
- Special environmental courts
- International cooperation

REN project (2011-2018)

The Regional Enforcement Network for Chemicals and Waste (REN) (Dec 2011 - Feb 2018)

- **25 participating countries in Asia Pacific**
- **Capacity building**
- **Chemicals and waste**

IMPACT

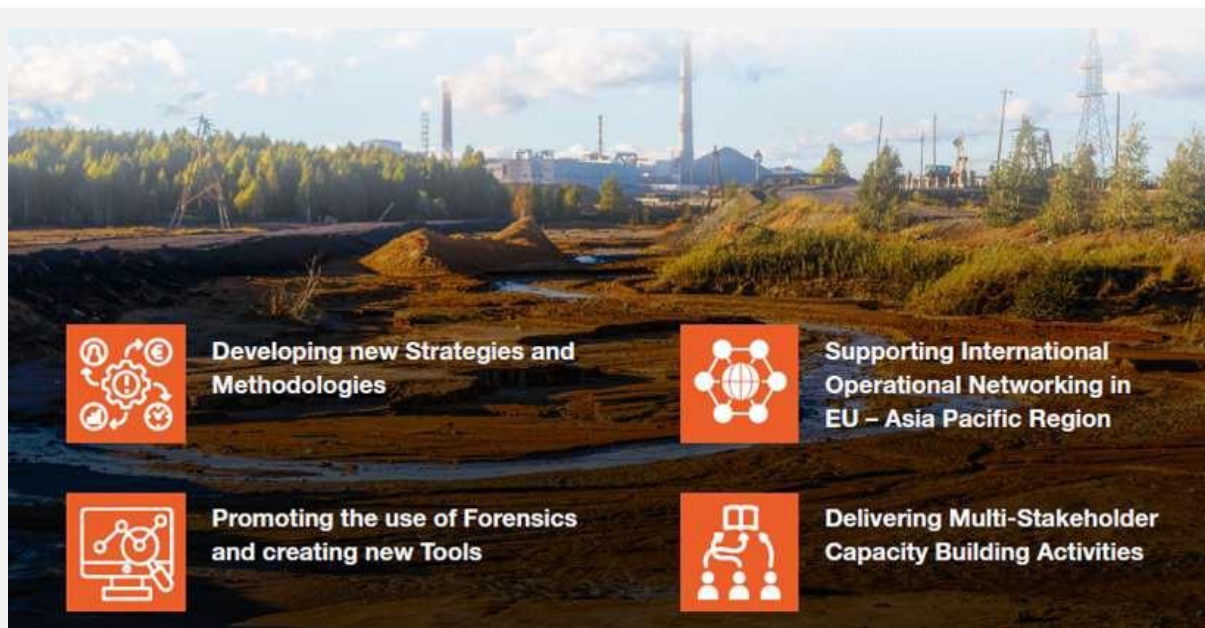
- **Educated frontline enforcement officers**
- **Established communication and coordination among national and regional agencies**
- **Reduced illegal transboundary movement of chemicals and waste (with seizures of over 865,000 tons of hazardous chemicals and harmful waste recorded during project implementation)**



Project Aim:

Boosting the operational activities and capacities of authorities involved in the fight against illegal trade and management, by →

(December 2018 – May 2021)



The WasteForce project is funded by the European Union's Internal Security Fund — Police (ISFP/2017/AG/ENV/821345)

WasteForce

<https://www.wasteforceproject.eu/>

Work Packages



Strategies and methodologies.



Forensics and Tools.



International Operational Networking in EU – Asia Pacific Region.



Capacity building activities for European and Asia Pacific Authorities.

II) UNEP-UNODC Projects – *Unwaste*

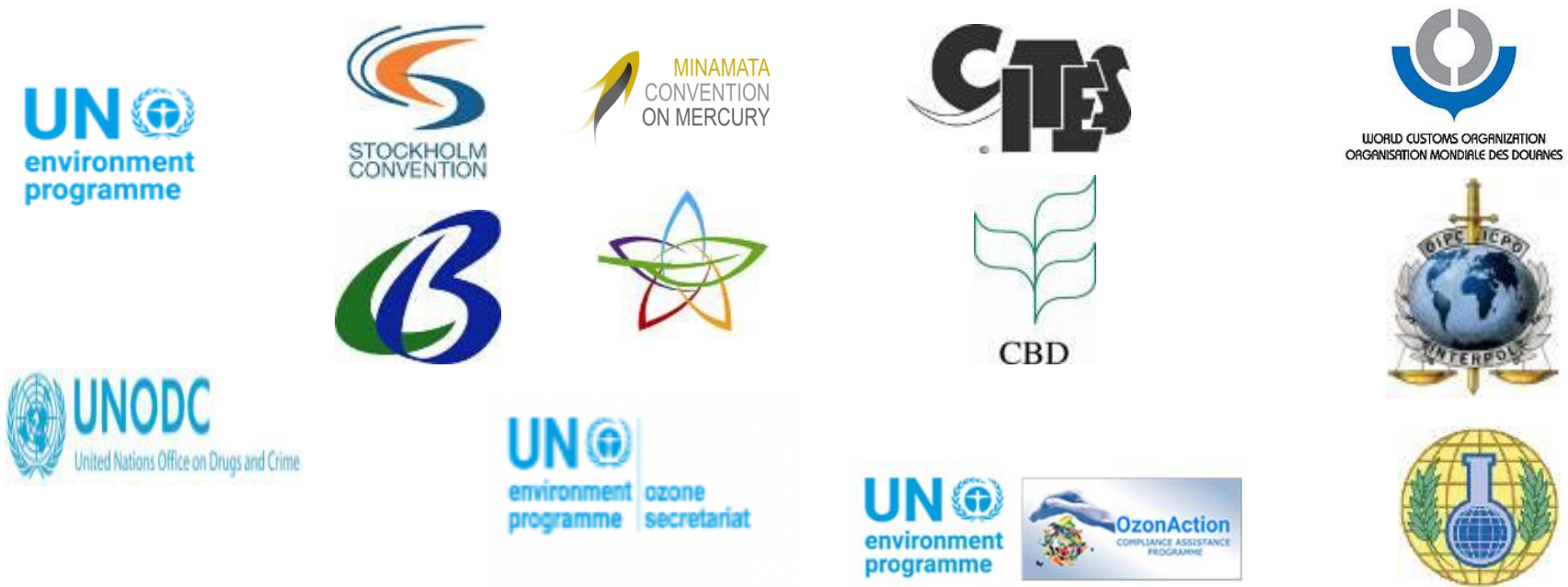


2023 *Unwaste* activities

- a. Legal gaps analysis in 10 ASEAN countries on offences, violations, crimes and penalties
- b. Comparative analysis of administrative and criminal remedies (Indonesia, Malaysia, Vietnam and Thailand)
- c. Paper on the obstacles that waste trafficking poses to the development of circular economies and best practices from Europe and Asia
- d. Paper to map the existing multilateral mechanisms in place in Southeast Asia to prevent waste trafficking
- e. Feasibility Study on new tools and initiatives for development of joint database, or real-time information exchange, related to customs procedures, verification of companies information and other information that is necessary to detect potential breaches of compliance of national and international regulations

I) Green Customs Initiative (GCI)

A partnership of international entities that enhances capacity of customs to prevent illegal trade in environmentally sensitive commodities.



2023 GCI Activities

- a. **GCI Annual Partners Meeting**, 24-25 January 2023, in Paris, France
- b. Development of a **publication on gender and green customs**
- c. Capacity building workshops:
 - **National training in Oman** for Customs , Royal Police, and waste management officials on transboundary waste management
 - Joint **regional training in Vietnam** (13-17 March) – Customs and National Ozone Officers from Southeast Asia on green customs
 - Joint **regional training in Maldives** (21-25 May 2023) – Customs and National Ozone Officers from South Asia on green customs
- d. Green Customs in **East Africa Conference** (TBC)

Safety across Asia For the global Environment (SAFE)



EU funded project until July 2024

- Assessing the risks of wildlife facilities and locations with the aim to gain better understanding of the threat, assessing the risks and to identify prevention measures from a policy perspective.
- Regional project with four focus countries – Viet Nam, Lao PDR, Sabah Malaysia and Thailand



Implemented by



SAFE

Reducing zoonotic risks and wildlife crime

Thank you



www.unep.org