

CCPCJ thematic debate

16 February 2022

Keynote speech – check against delivery

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Excellencies,

Ladies and gentlemen,

Crimes affecting the environment know no borders. They exploit regional inequalities.

Crimes affecting the environment pollute the air we breathe, the water we drink and the soil where we grow food. They destroy our planet.

So they are not victimless. The victims are both current and future generations, including those people who lose their livelihoods.

Considering they affect us all of whether we live in origin, transit or destination countries, international cooperation is critical.

What kind of tools do we have at our disposal to cooperate in preventing and combating these crimes?

The UN Organized Crime Convention is an almost universally adhered to tool (with 190 parties) to use as a legal basis for international cooperation to counter such crimes.

How would the Organized Crime Convention apply to crimes affecting the environment?

States would have to criminalize various forms of crimes affecting the environment as serious crimes as it is defined in art 2 of the Convention (a maximum penalty of at least 4 years of imprisonment).

By criminalizing them as serious crimes, States would also have the legal basis for international cooperation, be it mutual legal assistance, extradition or other forms of international cooperation.

So, has your country criminalized various forms of crimes affecting the environment as serious crimes?

In general terms, there is much room for improvement in terms of criminalization of these offences. Penalty levels for crimes affecting the environment differ greatly among Member States, enabling organized criminal groups to go “forum shopping”. A certain level of harmonization of legislation would certainly be helpful in facilitating international cooperation and to prevent environmental harm – be it actual or potential harm.

We, at UNODC, use legislation and case law from all MS contained in the SHERLOC knowledge management portal to prepare legislative tools to support States in criminalizing crimes affecting the environment and facilitating international cooperation.

We are currently preparing three legislative guides against waste trafficking, illegal mining and trafficking in precious metals and minerals; as well as crimes in the fisheries sector.

Our objective is to provide guidance to cover all possible scenarios and modi operandi used by organized criminal groups in engaging in crimes affecting the environment.

Those scenarios include:

In terms of waste trafficking, what kind of waste is included?

What if certain type of waste is used to cover or hide hazardous waste? Or if hazardous waste is falsely declared?

What if companies – legal persons - are paid significant sums for appropriate treatment, but instead dump large quantities of such waste mixed with regular waste - for substantial profit?

What if waste is illegally dumped in landfill sites contaminating the soil where we grow food – or illegally burned contaminating the air we breathe?

What if organized criminal groups create legal recycling, scrap and waste-disposal companies that claim to dispose of the e-waste in a legal manner, but in reality fraudulently export the waste as reusable or second -hand?

In terms of illegal mining; what if illegal mining also leads to deforestation and destroys our coast lines – and livelihoods?

What if dangerous chemicals (e.g., mercury) are used in illegal mining and illegally released into rivers and the sea, endangering ecosystems and the water we drink?

What if organized criminal groups take control over remote territories where illegal mining takes place? And steal from mines? Use forced labour?

In terms of trafficking in metals and minerals, what if the minerals are laundered, mixing clean and illicitly sourced minerals?

What if export paperwork is falsified to be able to claim legitimate sourcing?

Only by criminalizing such conducts – and many more - can we effectively prevent and combat crimes affecting the environment and the involvement of organized criminal groups in them.

I would like to finish by quoting the Secretary-General Antonio Guterres who said: “enough of treating nature like a toilet”. Indeed, much remains to be done to protect the environment – and it is our joint responsibility to do so.