INTRODUCTION

The objective of this paper is to:

- Provide an overview of crimes in the waste sector.
- Provide an overview of UNODC’s menu of services in this area.

WHAT ARE CRIMES IN THE WASTE SECTOR?

Waste crime is a type of crime that affects the environment and is a growing problem across the world. Despite bans and restrictions put in place in past years, many developed countries are still exporting their waste problem to developing countries. Once it reaches destination countries, illegal waste often ends up in illegal landfills and illegal storage sites or is burnt in the open, causing harm to the environment and human health, undermining the achievement of the Sustainable Development Goals (SDG) and the transition toward a circular economy. Criminal groups engaged in these crimes can make use of the same hubs and routes, engage the same facilitators, and follow the same trafficking techniques as are used for other illicit commodities.

The challenges faced by countries of origin and destination include the lack of traceability of imported waste, mislabelling or misdeclaration of waste, insufficient capacity for enforcement and lack of adequate sanctions for illegal waste trade activities. Illegal waste flows are often facilitated by corruption and complex entities ownership structure or legal transboundary movements. The boundaries between the licit and illicit activities in the trafficking of waste can be thin, and the activities, actors and modus operandi involved often overlap and fuel each other. This increases the opportunity for illegal waste trade. Mapping of waste flows, better knowledge of the modus operandi of waste trafficking networks as well as national, regional, and inter-regional cooperation are essential in tackling illegal activities related to the waste management process.

The commitment of the international community to prevent and combat crimes that affect the environment, including “illicit trafficking in hazardous waste and other wastes” was reaffirmed in the “Kyoto declaration on advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda for Sustainable Development” adopted at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan in March 2021.

UNODC support to Member States on crimes in the waste sector is led by the Global Programme on Crimes that Affect the Environment (GPCAE) of UNODC’s Border Management Branch (BMB). The GPCAE is responsible for bringing in the expertise of other sections within the Branch and elsewhere in UNODC, and ensuring work is synchronized with regional and country offices.

UNODC assists Member States in the understanding, prevention, detection, investigation, disruption, and prosecution of these crimes pursuant to its mandate and within the scope of the UN Convention on Transnational Organized Crime (UNTOC) and the UN Convention Against Corruption (UNCAC).
UNODC’S MENU OF SERVICES

UNODC engages in several cross-cutting activities related to addressing crimes in the waste sector, including:

1. Research to understand the problem and to help build the evidence based on what the most effective responses are.

2. Facilitate and support the drafting and implementation of national and regional strategies aimed to tackle waste trafficking.

3. Facilitate national, intra and inter-regional cooperation to ensure a coordinated and comprehensive approach on waste trafficking.

4. Support for drafting and amending legislation to ensure a solid legal basis for addressing waste trafficking.

5. Capacity building for Member States in the areas of crime scene management, forensic evidence generation, financial and criminal intelligence collection/analysis/dissemination, financial and criminal investigation, chain of custody, prosecution, and adjudication that are applicable to waste trafficking, through training and mentoring.

6. Technical assessments focusing on, but not limited to, the work of customs and law enforcement agencies working at and with seaports, airports, and dry ports, to evaluate the current situation and offer recommendations for future activities, including needs for technical equipment and training.

7. Work study tours between participating countries so frontline customs and law enforcement officers can familiarise themselves with the good practices and procedures of their counterparts and enhance networking opportunities.

8. Develop research reports on the transport and movements of plastics, toxic waste and other hazardous waste and the revenue systems of criminal groups benefiting from this practice.

9. Study visits to local ports to familiarize unit officers and their counterparts with waste inspection methods and other control mechanisms.

10. In cooperation with partners such as the Basel, Rotterdam, and Stockholm Conventions Secretariat and the World Customs Organisation (WCO), facilitation and support of inter-agency workshops and meetings.

11. Prevent and counter corruption, money laundering, cyber-enabled, and other crimes that facilitate waste trafficking.

12. Raise awareness and strengthen political will through convening of international high-level events and conferences on preventing and combating waste trafficking.

13. Develop standards, guidelines, educational and resource materials to improve understanding of the challenges and provide policy guidance.

14. Work with a variety of stakeholders from government, civil society, academia, and the private sector, including to build sustainable livelihoods and prevent waste trafficking.

15. A UNODC Global Strategy on Waste Crimes, in coordination with UNODC programmes working in this area.
UNODC AREAS OF SUPPORT

Several UNODC programmes provide targeted and specialized technical assistance at particular stages of the enforcement and criminal justice chains when addressing crimes in the waste sector:

1. ENVIRONMENT
2. PASSENGERS AND CARGO
3. MARITIME CRIME
4. CRIMINAL NETWORK DISRUPTION
5. ORGANIZED CRIME
6. CORRUPTION
7. MONEY LAUNDERING, PROCEEDS OF CRIME AND FINANCING OF TERRORISM
8. RESEARCH AND TREND ANALYSIS

“Waste crime is an environmental crime and a form of white-collar crime, which exploits the physical characteristics of waste, the complexity of the collection and downstream infrastructure, and the market opportunities for profit.”
UNODC through its Global programme on Crimes that Affect the Environment (GPCAE) supports Member States to more effectively prevent, identify, investigate, prosecute, and adjudicate crimes that affect the environment. The GPCAE leads UNODC work in wildlife, forest, fisheries, minerals, and waste crimes, with the aim of achieving a holistic criminal justice response that goes beyond seizures. The GPCAE has developed a series of tools, training and knowledge products on crimes that affect the environment and works closely with Member States to ensure ownership and empowerment to prevent and address these crimes. It works closely with other UNODC programmes in delivering specific work related to crimes that affect the environment.

The work of the GPCAE in the area of preventing and addressing crimes that affect the environment includes the following:

1) **STRENGTHENING NATIONAL CAPACITIES FOR INVESTIGATION, PROSECUTION, AND ADJUDICATION**

- Train investigators and prosecutors on waste crimes, including long-term mentorships through advisory programmes and mock trial exercises
- Develop tools to support investigators and prosecutors, such as Rapid Reference Guides/Points to Prove Guides, and other specific tools related to waste crimes
- Use the analysis developed to support Systems Analysis and Disruption training for investigators and prosecutors on waste crimes

2) **STRENGTHENING COOPERATION**

- Support the cooperation amongst law enforcement authorities, including matters involving illicit supply chains, coordination and follow up to law enforcement and customs operations to combat waste crimes, also in partnership with the Global Programme on Criminal Disruption (GPCD)
- Lead the partnership between the UN Environment Programme (UNEP), and UNODC to support the strengthening of the partnership between the EU and various destination countries to address illicit flows of waste
3) RAISING AWARENESS AND SHARING KNOWLEDGE

- Operational Analyses to understand the criminal networks, Modus Operandi and finances associated with trafficking of waste
- Develop educational and resource materials on waste crime and links to other forms of transnational organized crime
- Run social media campaigns and other awareness raising campaigns and events
- Build public-private partnerships to leverage expertise and raise awareness amongst key stakeholders

4) UNODC AND INTER-AGENCY COORDINATION

- Act as UNODC’s focal point for the UN Environment Management Group and its associated working groups, as well as the BRS Secretariat
- Act as UNODC’s focal point to the ENFORCE Network and the partnership between UNEP and UNODC on waste trafficking
- Coordinate UNODC wide initiatives on waste crime including a global strategy on waste crime, fundraising efforts, awareness raising events and assessment studies.
2. PASSENGERS AND CARGO

The Passengers and Cargo Border Team (PCBT) is a merger of two global programmes under the BMB – the Container Control Programme (CCP) and Airport Communication Programme (AIRCOP). It works with UN Member States to address the trafficking of hazardous waste related to the maritime containerized trade supply chain and the movement of cargo through airports and land border crossing points. The PCBT provides training on the methods and impact of hazardous waste trafficking, communication tools, human rights challenges and issues related to gender, as well as specialised training on risk management techniques to identify suspicious cargo. PCBT also emphasizes inter-agency cooperation by bringing together Port Control Units (PCUs), Air Cargo Control Units (ACCUs), Joint Airport Interdiction Task Forces (JAITFs), waste management and environmental departments and other relevant actors, such as the private sector, including shipping lines, importers, and exporters, to promote a holistic approach to the challenges posed by the trafficking of hazardous waste.

Since implementing the project “Countering Illegal Hazardous Waste Trafficking through the Container Control Programme” in 2021, the technical skills of frontline officers in units have improved, resulting in enhanced awareness of illicit shipments of hazardous waste and improved inter-agency and regional cooperation. For example, over 50,000 tons of dumped plastic scrap were identified in abandoned containers during 2022 mentorships. There have also been multi-ton seizures of other types of hazardous waste including household waste and used lead acid batteries during mentorships.

As well as cross-cutting components such as the delivery of technical assessments, information sharing exercises, work study tours between participating countries, study visits and partner cooperation, the PCBT component on hazardous waste trafficking involves a variety of activities, including:

- National, regional, and international technical training activities specifically directed at operational frontline Customs officers, such as workshops, meetings, and mentorships, focusing on targeting, selecting and inspecting sea cargo shipments.

- Training on communication tools such as ContainerCOMM – a multifunctional and secure communication system developed by WCO Secretariat under the framework of the PCBT to facilitate the encrypted exchange of sensitive information, particularly the movement of suspected high-risk containers, between the PCBT units and other authorized users in participating countries.

- Private sector stakeholder meetings, such as with shipping lines, importers, and exporters, to encourage cooperation with and dialogue between the private sector and operational frontline customs and law enforcement officers.

- Gender sensitive and gender focused training to support gender equality and the empowerment of women working in customs and law enforcement and waste trafficking related areas, as part of the training activities.
3. MARITIME CRIME

UNODC through its Global Maritime Crime Programme (GMCP) focuses on providing maritime law enforcement personnel and prosecutors with the skills they need to handle maritime crimes during patrolling at sea, in ports and in court, as well as the exercise of flag state jurisdiction related to crimes committed onboard vessels. GMCP ensures that those who work for maritime law enforcement agencies understand the typology of these crimes and responses to incidents, including the capacity to detect, the means to collect evidence and the skills to present that evidence in court, the prosecution capacities to use maritime related evidence in court, and the capacities of the judicial authorities to interpret this evidence. The technical assistance offered in this area is provided based on engaging with relevant states in mapping their needs/gaps, and support for the development, implementation and enforcement of legal frameworks and national plans, with a particular focus on cross-agency coordination and cooperation. Moreover, GMCP engages in flag state jurisdiction related legal reforms enhancing capacities to try waste trafficking by sea, and as such is the UNODC focal point for ship waste management and waste dumping at sea.

As well as cross-cutting components such as strengthening interagency coordination and regional cooperation and the delivery of technical assessments, GMCP offers the following areas of assistance, with a focus on capacity building in maritime law enforcement:

1) **STRENGTHENING LEGAL FRAMEWORKS THROUGH FLAG STATE AND COASTAL STATE PERSPECTIVES**

- Support the reform of ship-source pollution and marine waste disposal legislation and training on its implementation.

- Support harmonized standard operating procedures concerning waste trafficking for coastal and flag states.

- Assist states to develop good practices, governance frameworks and regulations for Marine Protected Areas (MPAs).

2) **ENHANCING DETECTION CAPACITY**

- Support Maritime Domain Awareness (MDA) exercises in protection of identified MPAs through the coordination of a joint platform in cooperation with technology provider AI2 and its Skylight system.

- Act as UNODC’s focal point for EMSA on marine pollution surveillance.
• Improve MDA capability with specialized analytical training and patrolling supported with the use of satellite imagery, UAV patrols, terrestrial surveillance sensors and the adoption of algorithm-based machine learning systems for vessel tracking.

• Promote intelligence sharing and the monitoring and flagging of vessels involved in the illegal disposal of waste at sea.

• Deliver cross-agency training through exercises using case studies based on previous maritime incidents and responses, considering how the case was handled, what legal instruments were applied, and which agencies were involved.

• Enhance navigational safety at sea by mapping large concentration of floating waste and analyse patterns of drift to predict impact on nearby islands.

• Enhance training of maritime law enforcement agency personnel on collection and safe disposal of space debris detected at sea or coastlines.

3) STRENGTHENING NATIONAL CAPACITIES FOR INVESTIGATION, PROSECUTION AND ADJUDICATION

• Train coast guard officers to collect and present evidence to support prosecutions.

• Deliver training relating to intentional and accidental discharge and dumping of waste substances by vessels at sea, including the provision of specialized equipment such as dispersants, spill kits and booms to enhance responses to incidents of pollution at sea and minimize the impact on the marine environment.

• Enhance and enforce port regulations in partnership with PCBT that concern waste management and transboundary movements of hazardous waste and their disposal.

• Offer riverine VBSS training to maritime law enforcement agencies, including river police.

• Train prosecutors on waste trafficking in the maritime domain and relevant national and international legal frameworks in cooperation with UNEP, IMO and the Secretariat of the Basel, Rotterdam, and Stockholm Conventions in partnership with GPCAЕ.

• Facilitate simulated trials relating to waste trafficking at sea and marine pollution offences for prosecutors to test their legal frameworks and increase skills on evidence admissible in court, case preparations, court proceedings and knowledge on waste trafficking.

4) STRENGTHENING COOPERATION

• Support the improvement of regional border management strategies to ensure stronger protection of maritime zones and MPAs.

• Facilitate regional meetings for maritime law enforcement agencies involved in the response to waste trafficking to promote the exchange of best practices and information sharing as well as to foster interregional cooperation.

• Facilitate legal cooperation and mutual legal assistance related to waste dumping at sea.
4. CRIMINAL NETWORK DISRUPTION

UNODC through its Global Programme on Criminal Disruption (GPCD) provides support to Member States through the production of operational analysis to understand the Criminal Networks involved in the trafficking of illicit commodities and the use of that analysis to inform Disruption planning.

Within the structure of the UNODC approach to crimes in the waste sector, GPCD offers the following areas of assistance:

- Operational Analysis to understand the structure, modus operandi, finances, and trafficking routes of Organised Crime Groups involved in the trafficking of waste.

- Provide Systems Analysis and Disruption training to law enforcement and prosecutors to better disrupt the Organised Crime Group involved in the trafficking of waste.
5. ORGANIZED CRIME

UNODC through its Global Programme on Implementing the Organized Crime Convention aims to support States in implementing the UNTOC and especially the observations emanating from the Review Mechanism to UNTOC. To do this, the global programme pursues two interrelated outcomes. First, it supports States in adopting legislative and other related measures for implementing UNTOC. Second, it supports States in developing and implementing evidence-based plans and strategies to address transnational organised crime.

Both of these outcomes are implemented through four key modalities: the development and dissemination of knowledge on transnational organised crime issues through the SHERLOC knowledge management portal; developing capacities to implement UNTOC amongst relevant Member State authorities and other stakeholders; developing tools to support responses to transnational organised crime, including for the purpose of fostering international cooperation in criminal matters; and strengthening awareness and education against organised crime, including through advocacy.

The work of the Global Programme on the issue of waste trafficking include:

1) TOOLS DEVELOPMENT

- A legislative guide on combating waste trafficking was developed in collaboration with other UNODC teams and external experts. The guide was published in 2022 and is intended to support States in adopting or strengthening domestic legislation against waste trafficking. The guide focuses on the implementation of the UNTOC and provides national legislative drafters with concrete model provisions, national examples, and legislative guidance. Rotten Fish: A guide on addressing corruption in the fisheries sector

2) LEGISLATIVE ASSISTANCE

- Legislative assistance at regional and national levels to assist States in adopting or amending their legislation for a more balanced, proportionate, and dissuasive criminal law response to waste trafficking, in coordination with the Field Office Network.

3) KNOWLEDGE MANAGEMENT

- Populating the SHERLOC knowledge management portal with legislation, case law, policies and bibliographic data related to waste trafficking from countries worldwide to enhance knowledge sharing and cooperation.
6. CORRUPTION

UNODC through its Corruption and Economic Crime Branch (CEB) supports Member States to effectively implement their responsibilities and functions related to the United Nations Convention against Corruption (UNCAC). UNODC acts as the Secretariat to the Conference of the States Parties to UNCAC and supports the efficient functioning of the mandatory peer-review process for all States Parties to the Convention. To support effective implementation of UNCAC, CEB, coordinates the delivery of anti-corruption technical assistance, reinforces evidence-based decision-making, enhances legal and policy frameworks, and strengthens institutions and helps them better coordinate anti-corruption responses at the national, regional, and global levels.

Corruption helps criminals to commit, conceal and avoid convictions for waste crime. Criminal individuals and networks may rely on corruption to succeed and increase criminal profits. Therefore, effective prevention, detection and sanctioning of corruption as it links to waste crimes is key. Within the structure of the UNODC approach to crimes in the waste sector, CEB works in close partnership with the BMB to offer the following areas of assistance:

- Facilitation of corruption risk management processes within the institutions involved in waste management
- Collaboration and information exchange between anti-corruption and waste management authorities
- Capacity building on anti-corruption and integrity for waste management authorities
- Development of knowledge products on the role of corruption as a facilitator of crimes in the waste sector
7. MONEY LAUNDERING, PROCEEDS OF CRIME AND FINANCING OF TERRORISM

UNODC through its Global Programme against Money Laundering, Proceeds of Crime and Financing of Terrorism (GPML) is mandated by the General Assembly to support Member States to meet their commitments to SDG16.4 “Reduce illicit financial flows.” GPML delivers training, mentoring and resources to national competent authorities responsible for assessing money laundering and terrorist financing risk, investigating, and prosecuting financial crime and using other non-prosecution disruption methods such as UN sanctions, regulation and private sector engagement, to prevent and disrupt financial crime. GPML is the focal point for UNODC’s observer representation at the Financial Action Task Force (FATF) and its regional bodies, and has co-chaired research products, supported policy development, influenced the focus of the FATF’s mutual evaluation methodologies and hosts the annual FATF Private Sector Forum.

In the context of crimes in the waste sector, GPML works in partnership with the BMB to deliver the following support:

1) LEGISLATIVE DEVELOPMENT AND POLICY SUPPORT

- Reviewing laws and regulations related to crimes in the waste sector as they relate to money laundering and other financial crimes.

- Developing legislative guides and policies to address crimes in the waste sectors they relate to money laundering and other financial crimes.

- Including waste trafficking (as part of crimes that affect the environment) in national and sectoral Anti-Money Laundering and Countering the Financing of Terrorism Risk Assessments.

2) CAPACITY BUILDING

- Training and capacity building for criminal justice actors on investigation, prosecution and adjudication of crimes in the waste sectors they relate to money laundering associated with waste trafficking.

- Introducing financial investigations related to money laundering; training and mentoring of relevant authorities to identify and investigate financial crimes related to waste trafficking.

- Supporting member states to prevent money laundering, conduct parallel financial investigations, trace, seize and confiscate proceeds of crimes for waste trafficking.
3) REGIONAL AND INTERNATIONAL COOPERATION

- Creating opportunities for networking and sharing of best practices on money laundering and crimes in the waste sector through various fora, including the Commission on Crime Prevention and Criminal Justice.

- Strengthening cooperation and information/intelligence sharing on money laundering and crimes in the waste sector at the national, inter-agency level as well as with the private sector, civil society, and other relevant agencies.

- Facilitating and strengthening capacity on international cooperation in criminal matters related to money laundering so that prosecutors can obtain evidence from source, transit or destination countries and seek the proceeds of these crimes related to crimes in the waste sector.

4) RAISING AWARENESS AND SHARING KNOWLEDGE

- Hosting international high-level events and conferences on crimes in the waste sector and how they relate to money laundering and illicit financial flows.

5) ADDRESSING INTERLINKAGES WITH OTHER CRIMINAL ACTIVITIES

- Addressing enabling, accompanying or consequential crimes associated with money laundering and crimes in the waste sector, including corruption, and other economic crimes.

- Developing knowledge products to help policy makers identify specific points in their legal and regulatory frameworks that are vulnerable to money laundering in relation to waste crimes.
UNODC research constitutes the key global authority in the fields of drugs and crime, providing high-quality, essential evidence to inform policy-making and valuable sources of knowledge in drugs and crime domains, including in the framework of the Sustainable Development Agenda. The Research and Trend Analysis Branch (RAB) is responsible for producing UNODC’s flagship publications – the World Drug Report, the Global Homicide Study, the Global Report on Trafficking in Persons and the World Wildlife Crime report. RAB also works to strengthen national capacities to produce, disseminate and use drugs, crime and criminal justice statistics within the framework of official statistics, as well as provides support and guidance on research methods and research publications produced by the wider UNODC community.

In the last few years, several resolutions, such as UN General Assembly Resolution A/RES/76/185 of 16 December 2021 and ECOSOC resolution E/CN.15/2021, have expanded the scope of UNODC research to include crimes that affect the environment. ECOSOC resolution E/CN.15/2021 in particular “Requests the United Nations Office on Drugs and Crime, within its mandate, subject to the availability of extrabudgetary resources […] to strengthen the collection, analysis and dissemination of accurate and reliable data and information to enhance knowledge on trends in crimes that affect the environment, and to report to Members States thereon on a periodic basis.” Thus, RAB is the lead entity on research on crimes in the waste sector. As such, waste crime will be a core topic of the Global Analysis on Crimes that Affect the Environment, focusing on the actors, modus operandi, market dynamics, and supply chain structures and vulnerabilities.