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United Nations Office on Drugs and Crime



The Global Analysis on Crimes that Affect the Environment: Waste crime and trafficking

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Crimes that Affect the Environment

UNCTAD Trade and Development Commission

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The views expressed are those of the author and do not necessarily reflect the views of UNCTAD



There is no comprehensive data collection on illegal waste treatment

INTERPOL (2020) has distinguished Illegal activities connected to waste between:

Illegal waste trade

Transboundary movement of waste not complying with export and/or import regulations, international level.

→ Covered by the Basel Convention

Illegal waste treatment

The action of circumventing legal waste processing on a domestic level, such as illegal disposal, illegal incineration, and illegal recycling.

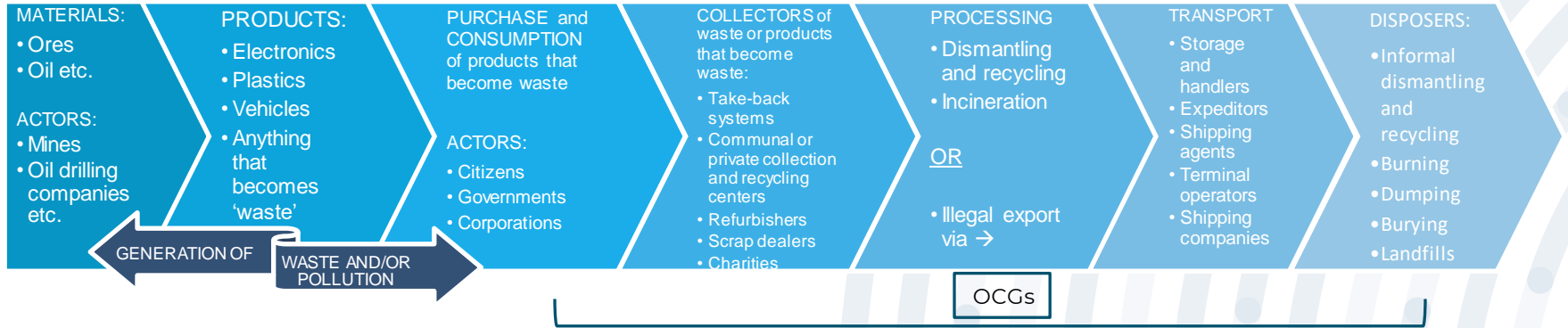
The complexity of the waste supply chain and waste management sector facilitates the illegality

SUPPLY CHAIN STAGES

GENERIC ILLEGAL WASTE SUPPLY CHAIN



ACTORS AND ACTS

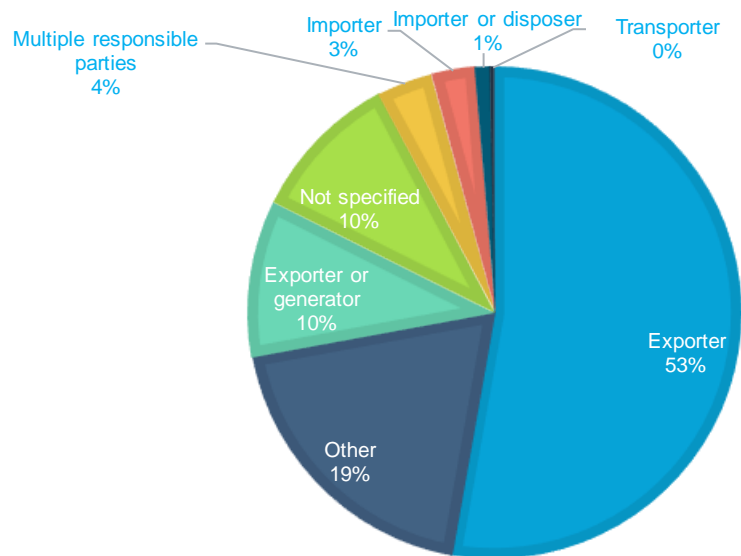


From the Collection stage onwards, (il)legal waste can move both within the stage and to the next stage. For instance, refurbished waste may end up at a charity and then be illegally exported or illegal waste may first be stored and then be moved to a shipping agent before disposal.



The exporters are mainly responsible for illegality according to the national reports of the Basel Convention

RESPONSIBLE PARTY FOR ILLEGALITY

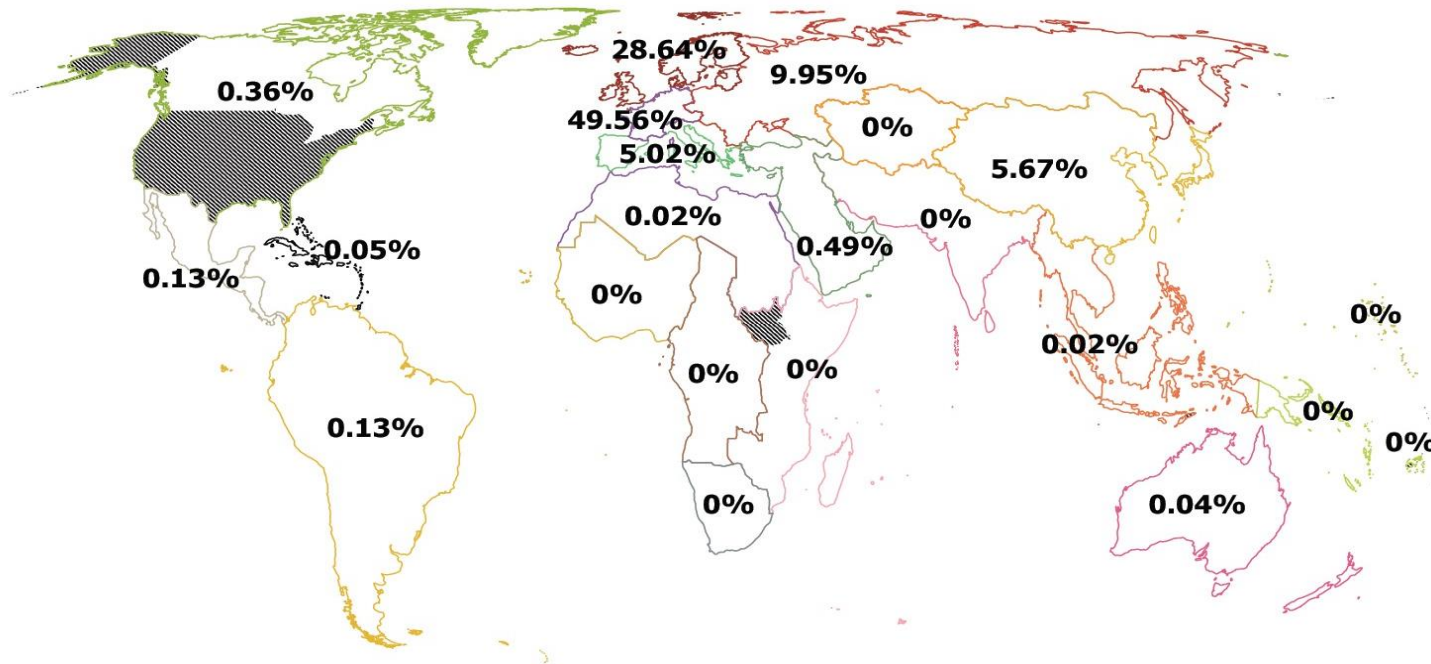


National reports lack the information on “who” the exporters are



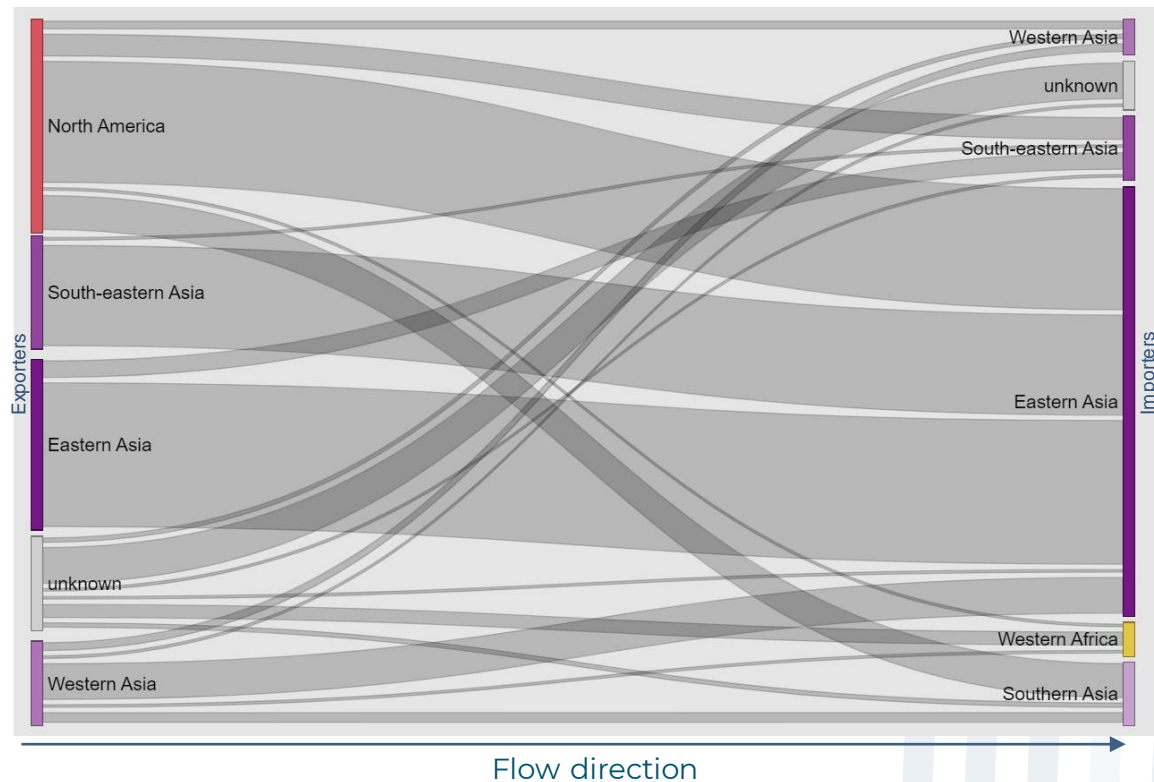
The available data provides a distorted overview of transnational waste trafficking

Percentage of illegal incidents from the total reported cases, 2016-2021 by geographic regions



▨ Non-parties of the Basel Convention (in October 2023)

Our understanding of the illegal waste flows beyond Europe is limited



423 (6 %) of the reported illegal cases did not include Europe as either exporting or importing region

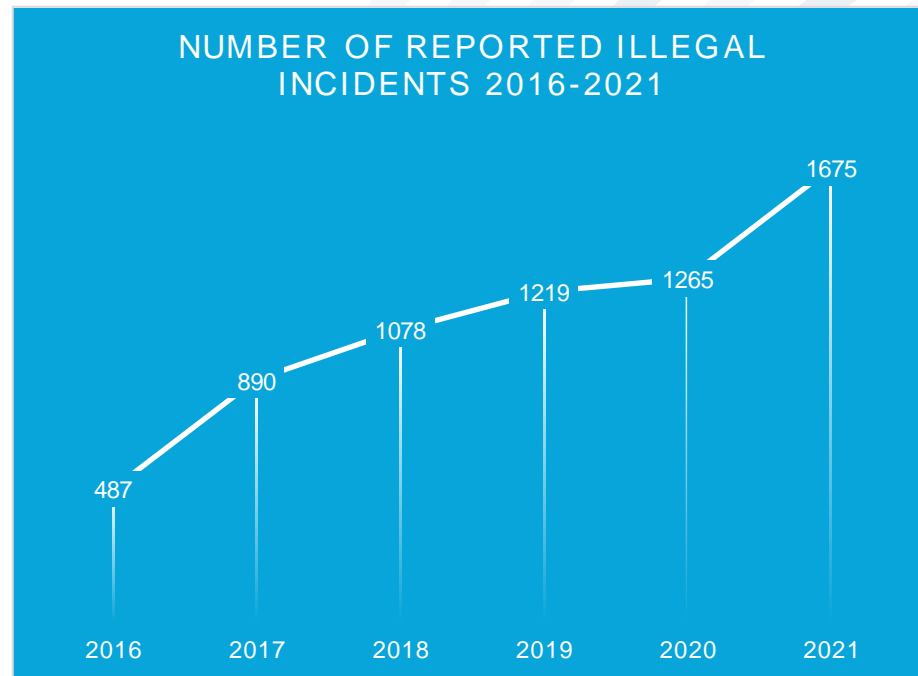
E Asia - E Asia: 82 reported illegal cases



The number of reported illegal cases is on the rise since 2016

Since 2016, an average of 27% of the Parties submitting national reports to the Basel Convention, have reported illegal cases.

A total of 6614 illegal cases have been reported since 2016.





Tracking wastes and generating comparable data face challenges due to a lack of harmonization of the waste codes, impacting data collection and analysis

A4010
A4010
B3030
B1250
B3020
16 05 04
GC020
A1180
A2030
A1180
A3180
A1180-B3140
A1180
B3010
17 05 04
16 01 21*
A2030
A1180
AC150-AC160-A1180-B3140
AC150-AC160-A1180
AC150-AC160-A1180
B1010

Basel Convention codes (for the control of transboundary movement of the wastes under the provision of the convention)

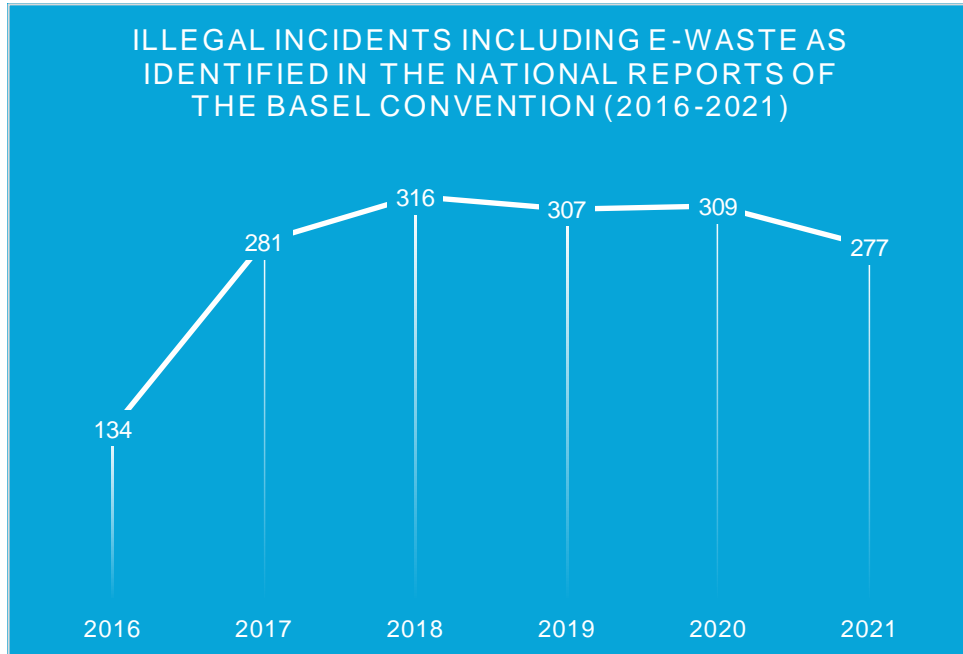
OECD codes (to supervise and manage transboundary movements of recoverable wastes among its member countries)

European List of Wastes (LoW) codes (in the EU for tracking waste generation and trade and financial trade for all kinds of wastes)

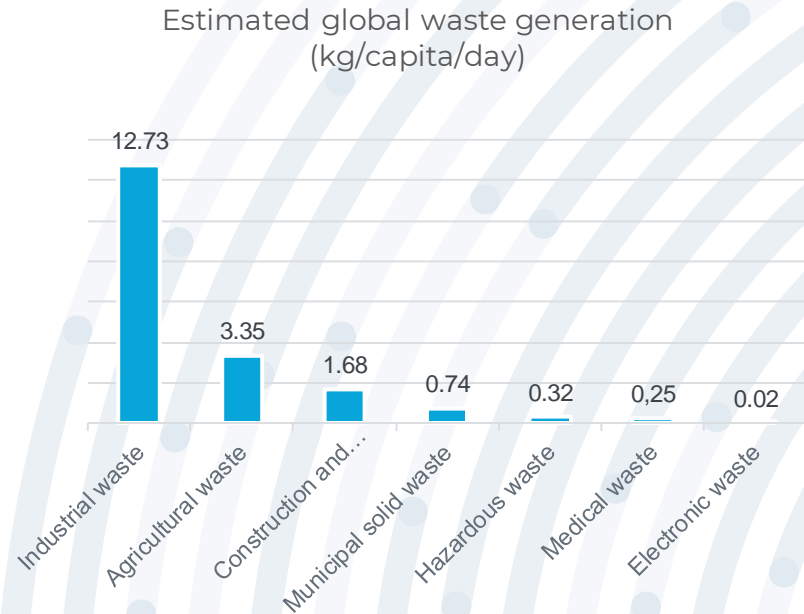
+ **HS codes** (for identifying products when assessing duties and taxes and for gathering statistics by the customs)



E-waste is the most trafficked waste type according to the analysis, yet the smallest waste type generated globally (as of 2016)

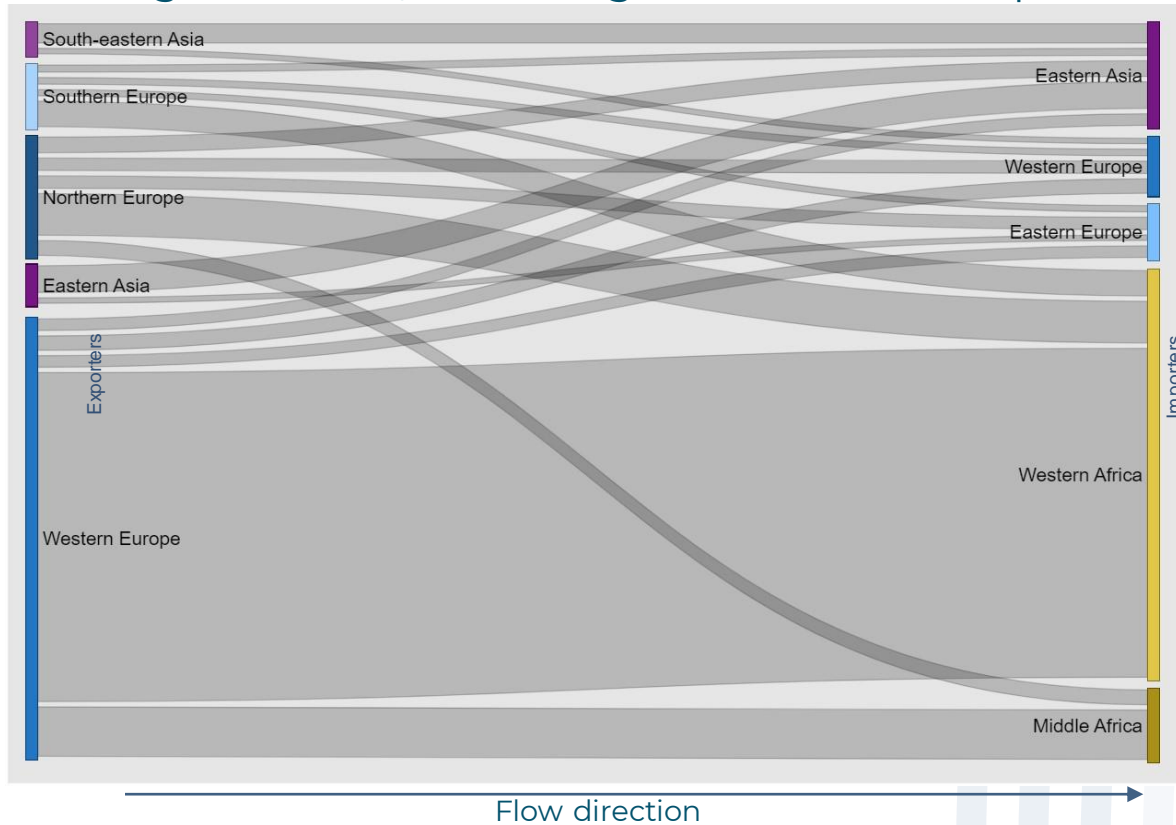


Source: Basel Convention national reports



Source: World Bank What a Waste 2.0. A Global Snapshot on Solid Waste Management to 2050 (2018)

Global illegal e-waste flows: The top 5 regions engaged in exporting and importing illegal e-waste, according to the national reports of the Basel Convention



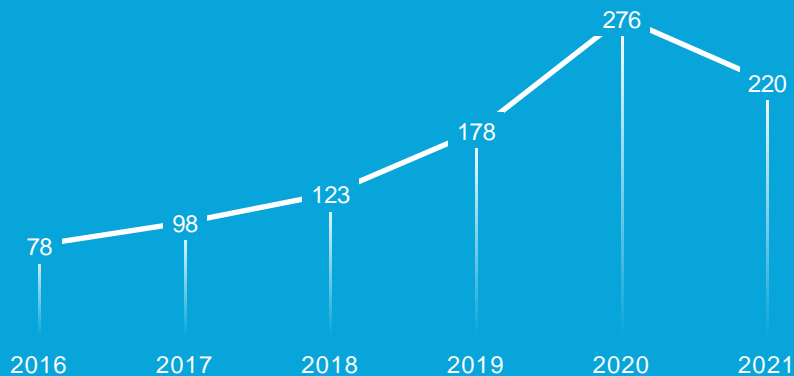
W Europe - W Africa: 797
illegal cases reported

W Europe - M Africa: 109
illegal cases reported



Fifteen % of the reported illegal cases to The Basel Convention involve mixed wastes

ILLEGAL INCIDENTS INCLUDING MIXED WASTE AS IDENTIFIED IN THE NATIONAL REPORTS OF THE BASEL CONVENTION (2016-2021)



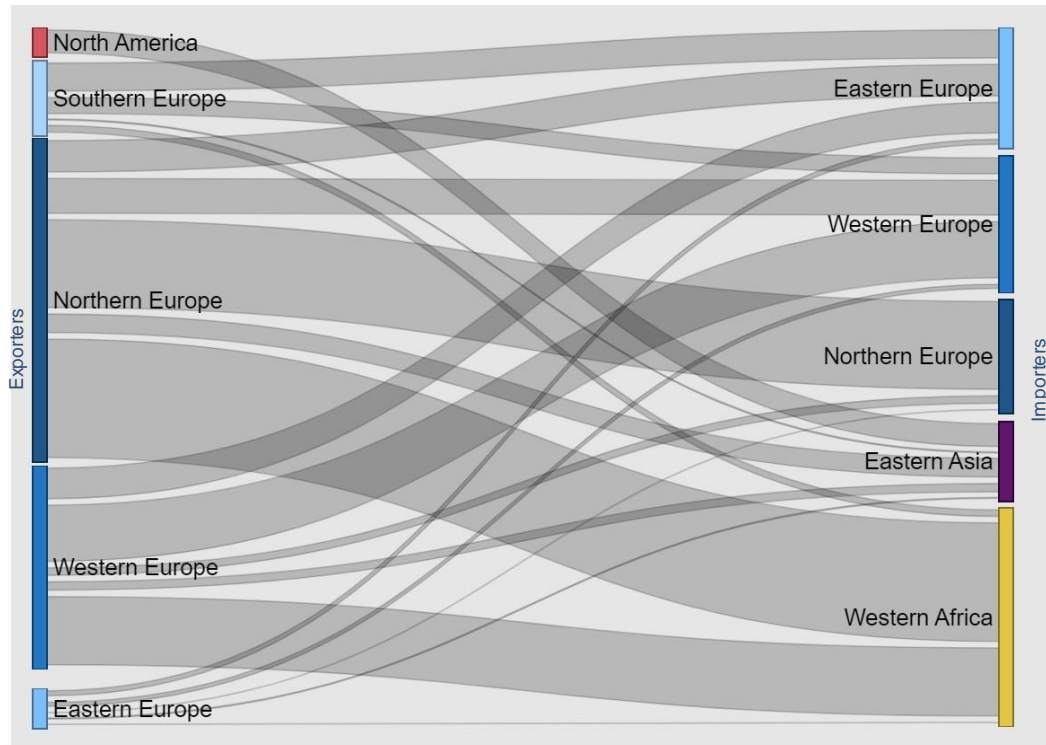
The mixture (non-sorted) of waste presents particular challenges since it may contain diverse types of waste requiring distinct treatment and disposal methods.

Utilizing mixed wastes proves challenging.

Valuable parts of mixed waste may be recovered, and the rest may be illegally disposed of.



Global illegal flows of mixed wastes: The top 5 regions engaged in exporting and importing illegal mixed waste, according to the national reports of the Basel Convention

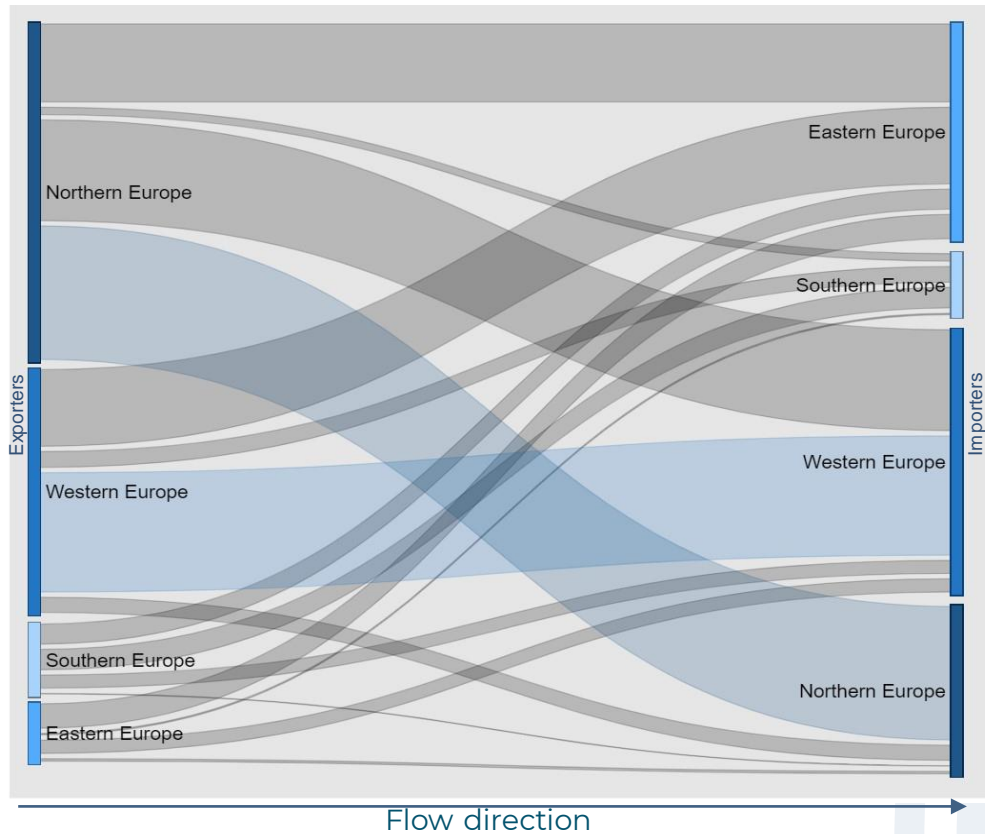


N Europe – W Africa: 141 illegal cases reported

Flow direction



Forty-three % of all reported illegal cases to the Basel Convention occurred within Europe



N Europe – N Europe: 579 reported illegal cases.

Paper (114), mixture (105), catalysts (49).

W Europe – W Europe: 518 cases reported illegal cases.

Metal waste (113), other (71), mixture (68).

E Europe imports:

batteries and accumulators, vehicles/ELVs, metal, not specified, mixture, catalysts.



SPOTLIGHT: FINLAND

In the Criminal Code of Finland (Chapter 48), concerning environmental offenses, eight crimes have been defined.

- Degradation of the environment
- Aggravated degradation of the environment
- Negligent degradation of the environment
- Environmental infraction
- Nature conservation offense
- Aggravated nature conservation offense
- ➔ Penalties: The minimum punishment is a fine and the maximum punishment ranges from imprisonment of six months to six years.

To fulfill the elements, the procedure must be contrary to the substantive provisions of the law.

The provision has been left open as to what activities may become punishable. Any activity that violates environmental and conservation laws referencing Criminal Code Section 48 may be applicable.

One of the most commonly applied is the **Waste Act**.



Environmental offences under the Criminal Code	2017	2018	2019	2020	2021	2022
Degradation of the environment	198	201	188	210	182	179
Aggravated degradation of the environment	6	12	6	7	5	7
Negligent degradation of the environment	2	0	0	2	4	4
Environmental infraction	215	248	222	269	212	179
Nature conservation offence	47	53	63	56	37	63
Aggravated nature conservation offence	1	0	1	0	1	0

Violations of the Waste Act

	2017	2018	2019	2020	2021	2022
Violations of the Waste Act	160	163	174	219	187	142

Source: Environmental Crime Report 2022 and 2023 by the National Monitoring Group on Environmental Crime, Finland

- + Government decree on Waste
- + Government decree on scrap electrical and electronic equipment
- + more



Initial findings

The concept of waste crime: The term environmental crime is more commonly used by the interviewees for any type of crime that affects the environment, including waste crimes.

Types of waste crimes: waste dumping, illegal storage of waste (e.g., permits for waste storage volumes are exceeded), illegal use of waste (e.g., misuse of waste in land construction), batteries, medicines and e-waste stolen from waste treatment centers, waste trafficking, littering.

Actors: Many authorities especially, did not want to profile the offenders.

Small-medium sized companies, construction companies, scrap companies, car repair companies, industries, individual persons.

Modus Operandi Weighs but doesn't leave any waste, starts with trial operations and once done goes bankrupt and leaves the waste, documents forgeries in waste shipments; for example, equipment condition testing documents.

Waste management today deals with rapidly changing legislation and continuous new materials in need of disposal facilities and instructions for disposal, while moving towards a circular economy.



Risk classification of transnational waste transfers in Finland

Risk of illegal activity¹ = low, 2 = moderate, 3 = significant

Waste type	Target	The stages at where the risks for illegality are the greatest	Risk
Electronic waste	Africa, Eastern Europe	Collection, transport , handling	3
ELVs and parts	Africa, Baltic countries	Collection, transport , handling	3
Stolen waste	EU-countries	Place of generation, transport	3
Plastic waste	All	Handling	2
Construction and demolition waste	Estonia	Place of generation, transport , handling	2
Hazardous waste	All	Place of generation, transport , handling	2
Green waste	All	Place of generation, transport , handling	2

Source:
Inspection plan for international
waste shipments for the years
2023-2025 by The Finnish
Environment Institute SYKE

Environmental and health impacts

Waste always impacts the environment.

Types of wastes mentioned: **plastic and microplastic, non-sorted waste, fuels, oils, e-waste, air-source heat pumps, asbestos, contaminated soils, hazardous waste, medicines, lead-acid batteries, lithium batteries.**

The most harmful illegal waste activities are often **continuous, repeated harmful activities.**

“The countryside enables”.

Especially vulnerable environments: groundwater environments, nature reserves, coastal areas, and areas with endangered species.

Immediate environmental impacts vs. **indirect environmental impacts.**

The environmental effects often **manifest over an extended period.**

Environmental and health consequences can be and often are **hard to quantify** and it can be challenging to pinpoint the responsible party.

Contamination of soil.

Groundwater and its contamination.

Contamination of surface waters – contaminated lakes.

Harm on wildlife.

Dust hazards and toxic gases from open burning

Fires from e-waste and lithium batteries.

“We are not talking about tens of years, but hundreds of years. As long as time is considered ahead. I have sometimes said that future generations won't come to pat us on the back. Seriously. Of course, we wouldn't want to leave that kind of legacy to future generations... It's difficult in that way since the economy and work are the most important things to people, we've had the somewhat ungrateful position of being reminded that not only our children and grandchildren ... You don't know what kind of world they will live in. While it may be off for some what is now. A slightly different life from the one we live now... I won't call it an environmental bomb now, but in the future, it will possibly be. Even likely.”

- The Finnish Association for Nature Conservation on consequences of an environmental crimes case related to waste waters and their improper storage



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Thank you!

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