

# What Do We Talk About When We Talk About Environmental Crimes?

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**Marcelo Della Nina**

**Abstract:** Environmental crimes remain underaddressed compared with other global environmental challenges. Despite their massive scale and links to transnational organized crime, weak legal frameworks and uneven criminalization hinder effective action. The article argues that the United Nations Convention against Transnational Organized Crime (UNTOC) provides the most suitable basis for collective response. Establishing new UNTOC protocols on environmental crimes would harmonize definitions, enable stronger international cooperation, and enhance law enforcement, financial investigations, and asset recovery worldwide.

**Keywords:** environmental crimes; Transnational Organized Crime; UNTOC; international cooperation; legal frameworks.

## **Do que falamos quando falamos em crimes ambientais?**

**Resumo:** Os crimes ambientais continuam recebendo menos atenção em comparação com outros desafios ambientais globais. Apesar de sua grande escala e vínculos com o crime organizado transnacional, marcos jurídicos frágeis e criminalização desigual dificultam ações eficazes. O artigo argumenta que a Convenção das Nações Unidas contra o Crime Organizado Transnacional (UNTOC) oferece a base mais adequada para uma resposta coletiva. O estabelecimento de novos protocolos específicos permitiria harmonizar definições, fortalecer a cooperação internacional e aprimorar a aplicação da lei e a recuperação de ativos.

**Palavras-chaves:** crimes ambientais; crime organizado transnacional; Convenção das Nações Unidas contra o Crime Organizado Transnacional (UNTOC); cooperação internacional; marcos jurídicos.

This article examines the global response to environmental challenges by contrasting the intense international mobilization around major environmental issues—such as climate change, biodiversity loss, and desertification—with the relative neglect of environmental crimes. The article highlights how, despite their growing scale and impact, environmental crimes have not received comparable political attention or institutional commitment. By analyzing this imbalance, it invites reflection on how multilateral frameworks, particularly the United Nations Convention against Transnational Organized Crime (UNTOC), could strengthen collective action against transnational environmental crime<sup>1</sup>.

Intriguingly, until very recently, environmental crimes had received little attention in the otherwise intense debate that the international community has held for decades on virtually all other environmental issues deemed to have a negative impact and on how to respond to them collectively. Over the years, the debate on the environment has gradually evolved from a perception of the need to protect wildlife and the environment to a more holistic understanding of the complexities of balancing environmental conservation with the demands for social and economic development. Climate change, threats to biodiversity, and land degradation have long been the subject of intense political, scientific, and public debate, a process that has brought to light a myriad of complex relationships as a result of engagement in the debate by governments, the private sector, civil society, and the academy.

The growing realization that we collectively face an environmental crisis—alarmingly approaching the point of no return—eventually came to dominate the scene, generating as a collateral effect ever-heightening public controversy and political acrimony. As sustainable development eventually became an overarching principle familiar to the man in the street, governments were committing to development goals, and major negotiation processes were launched that eventually resulted in the adoption of the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD) and the United Nations Convention to Combat Desertification (UNCCD).

Comparatively, the general level of interest and attention regarding environmental crimes appears to be at best a poorly developed subplot. The

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**Marcelo Della Nina** is a career diplomat and currently heads the General Coordination for Combating Transnational Illicit Acts at the Ministry of Foreign Affairs. From 2019 to 2022, he served as Brazil's G20 Sous-Sherpa. Previously, he was Ambassador to the Kingdom of Saudi Arabia and the Republic of Yemen. Before that, he served as Minister-Counsellor at the Brazilian Embassy in Beijing.

phenomenon is insufficiently studied, and we lack the profusion of data and analytical reports that frame and provide intellectual consistency—and prestige—to the debate about climate change or biodiversity. Efforts to raise awareness of the problem have been undertaken, but have not yet conquered the hearts of the general public.

Perhaps most worryingly, governments in general have been dealing very parsimoniously with the issue, both at the domestic level and in international forums. Indeed, in stark contrast to the international community's engagement in complex negotiations on climate change and biodiversity, governments have yet to demonstrate a level of determination comparable to that in the fight against environmental crimes.

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## **WHAT DO WE TALK ABOUT WHEN WE TALK ABOUT [FIGHTING] ENVIRONMENTAL CRIMES?**

As relevant as it may be in terms of its potential to negatively impact the environment, the conceptual framework, when considering the fight against environmental crimes, bears some fundamental differences *vis à vis* the broad scope of implications involved in the debate on the climate agenda. Setting goals to limit global warming is an undertaking that can be structured, albeit through a complex and painful negotiation process, within a cooperative framework that involves all relevant players: governments, the private sector, and consumers.

When we discuss environmental crimes, we are *referring to fighting crime*, not regulating a *legal* economic activity or promoting new patterns of consumption to reduce emissions or otherwise benefit the environment. It is not about changing the economic model of society or the lifestyle of people. The industry concerned—organized crime, most often in its transnational form—by definition can not be expected to act cooperatively. When we discuss environmental crimes, we are actually referring to actions that are, or should be, subject to legal action and therefore require governments to ensure that the legal framework is adequate to address these *illegal* activities and that law enforcement is effective.

Conceptually speaking, when we consider the need for collective action to combat environmental *crime*, what is essentially at stake is not the notion that the protection of *common goods* requires the international community to take responsibility and engage in multilateral cooperation. As if in a mirrored image, the need for the international community to take responsibility and engage in multilateral cooperation responds to the challenge posed by a *common evil*: transnational organized crime, the primary driving force behind the ongoing expansion of global environmental crime.

This is the conceptual backdrop against which we must consider how to devise what the international community needs to do collectively to address the transnational challenge posed by environmental crime. It appears that we are already witnessing a rise in public awareness of its threat. Likewise, the mobilization and engagement of the private sector will be essential in this process. These are undoubtedly very positive signs, but the issue is not yet under the right spotlight.

## CRIMES AND MISDEMEANORS

However, crime thrives in the shadows. Environmental crimes are on the rise and already amount to a substantial source of revenues for organized crime groups, ranking below only drug trafficking and the trafficking in persons. These illegal activities deprive nations of revenue and undermine efforts to protect biodiversity. Given the current gaps in the international legal framework, environmental crimes are considered low-risk and high reward, being increasingly exploited by transnational criminal groups.

A World Bank report (Khan et al. 2019) focusing only on illegal logging, fishing and wildlife trafficking, for example, estimates that illicit trade in those criminal modalities amounts to more than US\$ 1 trillion per year. The most profitable modalities of organized crime that affect the environment, according to estimates by Interpol and the United Nations Environment Programme (INTERPOL & UNEP 2016), include illegal mining, illicit trafficking of flora—especially timber—, and illicit trafficking of wildlife.

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As transnational organized crime represents the bulk of environmental crime, it is clear that diplomatic action at the multilateral level is essential to provide a robust collective response to a common evil. But how exactly can multilateral diplomacy contribute to fighting environmental crime? Is there a need for new multilateral instruments? How should the international community proceed to make sure that *all* countries can rely upon an adequate legal framework that allows for effective international cooperation both in terms of law enforcement and judicial procedures?

## ENVIRONMENTAL CRIME AND PUNISHMENT

The lack of a harmonized legal framework severely hinders efforts to combat environmental crime at the international level. Definitions of what constitutes an environmental crime vary widely, shaped by differing national priorities and institutional capacities. For instance, while some countries focus on illegal logging, others prioritize wildlife trafficking or illegal fishing. While some may criminalize all the chain of conduct that may affect trafficking in wild animals, others criminalize only the poaching or the selling, while other countries will only punish these with administrative sanctions. As a result, law enforcement and judicial cooperation are limited due to the lack of a common legal basis.

Since 2011, several resolutions adopted by the Commission on Crime Prevention and Criminal Justice (CCPCJ), the UNTOC-COP itself, and the United Nations General Assembly (UNGA) have addressed crimes that affect the environment, particularly the illicit trafficking of wildlife. In those resolutions, States have been called upon and/or encouraged not only to criminalize such conduct, but also to consider it as a serious crime under UNTOC (punishable by a minimum of four years' imprisonment), thus enabling the use of the Convention as a legal basis for international cooperation. However, a recent report by the United Nations Office on Drugs and Crime (UNODC 2025) highlights that while 85% of UN member States criminalize wildlife crimes in some form, only 45% consider them serious crimes under the Convention. The

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level of criminalization is even lower for other environmental crimes, such as illegal mining and illegal logging.

Similarly, various resolutions over the past decades have encouraged countries to strengthen measures to combat money laundering related to environmental crimes and to enhance cooperation in tracking, freezing and confiscating assets derived from these crimes. Yet another recent report, prepared by UNODC for the 2024 Technical Assistance Working Group of UNTOC, indicates that over 40% of countries do not consider wildlife trafficking as a predicate offense for money laundering, and thus do not conduct financial investigations related to such cases. The situation is similar, or worse, for other environmental crimes, as evaluated by the subsequent UNODC study.

It thus seems evident that efforts made in the past decades have had limited effects, as significant gaps remain in two central aspects of combating organized crime: international cooperation and combating money laundering. These issues have gained even more relevance given the growing nexus between environmental crimes and other crimes, such as drug trafficking and human trafficking, and the increased involvement of criminal organizations—as observed in the Amazon region, for instance.

## **THE UNTOC**

The United Nations Convention against Transnational Organized Crime (UNTOC), designed 25 years ago, aims precisely to provide a global legal basis for cooperation in criminal matters. It has been used since then as an essential instrument not only for legal and law enforcement cooperation, but also as the standard for the myriad of bilateral and regional agreements on these matters. Its use for combating crimes that affect the environment is thus only logical, as it applies to any “serious crimes” of a transnational nature committed by organized criminal groups.

The threshold of serious crimes, however, is where the problems begin for a kind of crime that has been largely neglected for a long while, with the consequences discussed above. Less than half the countries in the world consider the most relevant kinds of environmental crimes as “serious crimes”—those that carry penalties of at least four years’ deprivation of liberty. Even among those that do, the lack of harmonization of legal frameworks remains a further impediment to establishing the dual criminality required for the use of the Convention.

Another consequence of this state of affairs is that very few countries consistently apply anti-money laundering standards, financial investigations, or

utilize asset confiscation tools to recover the proceeds of environmental crimes. This makes it challenging to recover illicit gains or disrupt highly sophisticated criminal networks that often excel at concealing and reinvesting their profits.

The area of wildlife trafficking, perhaps the most significant modality of environmental crime to have received international attention so far, thanks to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), exemplifies another significant gap in the global regime. This is due to the fact that CITES—which is nonetheless not a criminal law Convention and does not therefore mandate criminalization—covers only a small fraction of the species trafficked around the world. This gap enables traffickers to avoid detection by targeting species that remain unregulated or quickly adapt to enforcement efforts.

The UNTOC predicted the evolving nature of organized crime and defined the possibility of complementing the Convention with additional protocols. To the crimes established under such protocols, all the provisions of the Convention apply, and States parties are obliged to criminalize domestically the conduct set out in them. This is the case for the existing three protocols to the UNTOC—on trafficking in persons, smuggling of migrants, and trafficking in firearms. Indeed, by adopting new specific UNTOC protocols targeting the modalities of environmental crimes that are commonly transnational and involve organized criminal groups in the gaps described above—namely, the lack of harmonized criminalization, impediments to international cooperation, low financial investigations, and the protection of a large number of wildlife species—other crimes would also be covered.


A robust multilateral legal framework would allow States to agree on clear definitions of prohibited conduct and unify approaches to investigating and prosecuting these crimes. This would curb the incentive for offenders to seek safe havens and to search for the best jurisdictions to ensure their impunity and protect their illicit gains. Perhaps even more importantly, the existence of a protocol would automatically trigger all the powerful tools available under UNTOC—mutual legal assistance, extradition, joint investigations, and the application of financial disruption measures.

## **WHO IS AFRAID OF [FIGHTING] ENVIRONMENTAL CRIMES?**

Environmental crime is not a minor illegal industry, nor should its negative impact on the environment be neglected. Indeed, the level of global political attention to the issue is on the rise. Civil society, national governments, and international organizations are increasingly aware of the clear need for more decisive multilateral action. The UNTOC Conference of the Parties has established, in 2024, an

intergovernmental expert group to discuss these gaps and possible responses. At the last meeting of the CCPCJ, held in May 2025, an important resolution was adopted by consensus, specifying for the first time the major environmental crime modalities: trafficking of flora and fauna, illegal mining, and waste disposal.

However, an apparent mismatch remains between the growing level of concern regarding the expansion of transnational environmental crime and the international community's relative inertia in collectively responding to it. By definition, governments are the only actors that can design legislation to combat environmental crimes and bear responsibility for enforcing the law against its perpetrators. As the issue of environmental crimes gains momentum, it is now time for governments to take action and respond to the expectations of civil society, the private sector and public opinion in general.

The road ahead is actually not difficult to devise: governments must bear the responsibility to launch negotiations in order to provide the UNTOC with the necessary specific protocols, so that the international community can collectively better address the challenge of fighting environmental crimes. 

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