

Organised Crime in International Environmental Crime

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In this paper, I will first examine organised crime as a criminological concept and its different theoretical approaches, and then I will analyse the concept of organised criminal group as a concept in international law. I will then examine the structure and functioning of organised crime groups on the basis of my own and various international research. This will be followed by a detailed analysis of international environmental crime. Following the division of the various international organisations (UNODC, INTERPOL), I will describe in detail the different areas: fisheries crime, which essentially involves the significant overfishing of fishing quotas in international waters (overfishing), but also includes unauthorised fishing on the territory of certain countries. Illegal logging, both for the illegal acquisition of farmland and for the sale of illegally harvested timber to the furniture and paper industries. Pollution-related crime, which includes illegal waste trafficking or illegal production by individual farmers, or significant overruns of pollution quotas causing environmental damage. Illegal wildlife trade: the demand-side trade of animal and plant species protected by international conventions across borders or continents. All environmental crimes are characterised by their combination with other serious crimes, such as corruption, violent crime and money laundering.

Keywords: environment crime, organized crime, forestry crime, pollution crime, fisheries crime, wildlife crime

I. Theoretical approaches to organised crime

There is no uniform definition of organised crime, neither in the international² nor in the Hungarian literature.³ From the very beginning, criminologists have used different theoretical approaches and conceptual definitions. It is difficult to define the phenomenon precisely, as organised crime has quickly become an international, cross-border phenomenon, based on different national traditions, with different characteristics, and thus operating in different forms and structures to this day. However, effective and coherent action required a well-defined legal definition applicable to all organised crime groups. While organised crime is a criminological concept, criminal organisation (organised criminal group) is a specific legal concept, which was created by the legislators taking into account the results of various criminological studies on organised crime, by extracting the most characteristic features of organised crime from the many different criminological studies⁴ and by trying to incorporate the features identified into the legal concept. The same difficulty arises in defining the concept of criminal organisation as in the case of organised crime: the diversity of criminal organisations that emerge from different traditions and geographical locations. The diversity of criminal organisations raises the question of how to model the functioning of different types of criminal organisations and how to identify and identify the different types of criminal organisation.

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² Levi, M. – Maguire, M.: Reducing and preventing organised crime: An evidence-based critique. *Crime, Law and Social Change*, (2004) 397–469. DOI: 10.1023/B:CRIS.0000039600.88691.af

³ Tóth M.- Kóhalmi, L. :A szervezett bűnözés. In: Borbíró A. – Gönczöl K. – Kerezsi K. – Lévay M. (szerk.): *Kriminológia*. (2016) Budapest: Wolters Kluwer, ISBN: [9789632956053](https://doi.org/10.1007/978-96-3-295-605-3), 603–624.

⁴ Bócz E.: A szervezett bűnözésről és a bűnszervezet fogalmáról. *Magyar Rendészet* 4.,(2004), 5–23

In this article, I cannot attempt to describe all definitions of organised crime, as there are close to 150 definitions.⁵ I have only described a few major definitions from the international literature from the 1980s onwards. In the international literature, organised crime is defined in a broader conceptual approach⁶ as crime within an organised framework, where organisations are persistent, hierarchical and carry out multiple criminal activities.

According to another similar conceptual definition⁷, organised crime is characterised by a degree of organisation and structure. The essential elements are continuity and flexibility, and the characteristic of these groups is that they are established over a longer period of time. Furthermore, there is a high degree of rationality behind the activity, with the commission of individual crimes being carefully planned in advance.

There is a theory⁸ that organised crime differs from other group crime in that it occurs in businesses as opposed to rogue criminal groups. It also has a persistent hierarchical structure, regularly uses violence, has corrupt links, has unusually close links with other criminal groups, and penetrates the legal economy. According to this explanation, any form of crime that does not meet these criteria cannot be considered organised crime.

There are theories that illicit business activity is linked to organised crime.⁹ ¹⁰ According to some views¹¹, the concept of organised crime remains unclear and vague. It is difficult to define what is organised (Italian mafia, Chinese triads) or what else can be considered 'disorganised' (pickpocketing), how many members it must have to be organised to be considered organised, why some activities appear organised (trafficking in human beings) and others not (cyberspace crime). Organised crime groups use violence to maintain their existence and achieve their goals, and are characterised by deviousness. Because it operates outside the law, it uses sham contracts to cover up the trade in illegal goods. It develops its own internal set of rules and patterns of behaviour in illegal businesses, using its own internal set of rules to resolve conflicts.¹²

From the few definitions above, it is clear that common elements that tend to recur in the definition of organised crime are hierarchy, organisation over a long period of time, and in some cases the use of violence, but it is also possible to see that there are very different approaches. The above are not necessarily always characteristic features of organised crime.

II. The specific legal definition of a criminal organisation at international level

When defining a specific, internationally applicable legal concept of criminal organisation, legislators were in a difficult position, given the diversity of criminal organisations. In 1995, the United Nations conducted a questionnaire-based survey of its Member States¹³ in order to develop an effective response to transnational organised crime and to develop international legislation on organised crime (as a precursor to the Palermo Convention). On the basis of the

⁵ Lampe, V. K.: *Organized Crime: Analyzing Illegal Activities, Criminal Structures, and Extra-legal Governance*. New York: John Jay College of Criminal Justice, City University of New York, (2016), 34–35.

⁶ Reuter P.: *Disorganized Crime: Illegal Markets and the Mafia*. Cambridge: MIT Press, (1983) 75–76.

⁷ Passas, N. (1995): *Organised crime*. Dartmouth: Brookfield, (1995) 1–579.

⁸ Naylor, R. T.: *Mafias, Myths and Markets: On the Theory and Practice of Enterprise Crime*. *Transnational Organized Crime*, 3, (1997) 3–6.

⁹ Fijnaut, C. – Paoli, L.: *Organised Crime in Europe, Concepts, Patterns and Control Policies in the European Union and Beyond*. Dordrecht: Springer. (2004) 523. DOI: 10.1007/978-1-4020-2765-9

¹⁰ Spapens, T.: *Macro Networks, Collectives, and Business Processes: An Integrated Approach to organized Crime*. *European Journal of Crime Criminal Law and Criminal Justice*, 2, 185–215. DOI: 0.1163/157181710X12659830399653

¹¹ Siegel, D.: *Diamonds and organised crime: The case of Antwerp*. In: Siegel, D. – Nelen, H. (szerk.): *Organised crime. Culture, markets and policies*. New York: Springer. (2008) DOI:10.1007/978-0-387-74733-0

¹² Ibid.

¹³ United Nations Office on Drugs and Crime: *Results of a pilot survey of forty selected organized criminal groups in sixteen countries*. (2002) Vienna, 4.

questionnaires completed, it found that the following eighteen categories of crime were present in organised crime: money laundering, terrorism, theft of works of art and cultural property, theft and usurpation of intellectual property, illicit arms trafficking, aircraft hijacking, maritime piracy, insurance fraud, computer crime, environmental crime, trafficking in human beings, trafficking in human body parts, drug trafficking, financial fraud, infiltration of the legal economy, corruption and bribery of public officials.

A few years later, in the interests of a unified international response, the so-called Palermo Convention, adopted in 2000, created the concept of organised criminal group.

Organized criminal group: shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

III. Modelling and typology of criminal organisations based on extensive international research

In 2002, the United Nations carried out an unprecedented international survey¹⁴ to assess known or known to the authorities transnational criminal organisations according to their activities, activities and structures, and to classify them into types. Such a wide-ranging, comprehensive international survey has never been undertaken before or since. The research was based on the assumption that types of criminal organisations can be identified by taking certain variables into account. The report on the research explains that the typology of criminal organisations is important because it can help to understand the context of transnational organised crime and to help law enforcement agencies to act effectively.

The research method was a questionnaire sent to 16 different countries, which are listed below: Australia, Canada, Colombia, Czech Republic, Germany, Italy, Japan, Netherlands, United Kingdom, United States of America, South Africa, Russia, United Kingdom.

The research was carried out on 40 criminal organisations. The questionnaire was completed by law enforcement officials, police investigators, prosecutors, judges and criminologists and researchers from universities in the respective countries¹⁵. Respondents were asked to select several organised crime groups they were familiar with and complete the questionnaire for each of these groups. One of the basic questions of the research was what can be considered a criminal organisation. This was based on the concept of organised criminal groups as set out in the Palermo Convention. Based on the responses received, categories of organised criminal groups were developed. The following five categories were identified.¹⁶

A Criminal organisation with a fixed hierarchy (standard hierarchy):

Characterised by one-person leadership, clearly defined hierarchy, strong internal discipline, strict internal rules, the organisation is known by a name (e.g. cosa nostra), strong social or ethnic ties among members are common, violence is a fundamental feature of activity, and the organisation often has complete influence and control over a defined geographical area.

B Criminal organisation with a regional hierarchy:

Characterised by one-person leadership, command system from headquarters, but some autonomy at regional level, geographical/regional division, multiple activities, often strong social or ethnic links between members, violence is a fundamental feature of activity.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

C Criminal organizations with a "clustered hierarchy":

It encompasses a certain number of criminal groups, which are centrally managed and coordinated by a smaller group, there is a stronger ethnic or social identity among the members of the smaller groups, they have a certain degree of autonomy, and smaller groups, this type occurs relatively rarely.

D Criminal organizations with a "core-like hierarchy" (core group):

The core is surrounded by a loose network, the number of members is relatively constant, a vertical structure is typical, the maintenance of internal discipline is less typical, the social or ethnic background of the members is rarely the same, it is less typical that the criminal organization bears a name.

E "Criminal network":

The main activity of each member is definable, skills and networks of contacts determine who stands out from the rest, personal loyalty and established relationships are more important than social or ethnic identity, network contacts are clustered around a major criminal activity, typically no name for the group, the network reforms itself if a key individual drops out. Independently of the UN research discussed above, a number of theories and typologies have emerged regarding the grouping of organised criminal groups. The findings of these studies do not contradict the UN research, but there is some overlap between the different types.

IV. Organised crime in environmental crime

A Environmental crime in general

The definition of environmental crime is based on the practice followed by Interpol in writing this article. Interpol itself has not created an exact definition of environmental crime, but has only created four main categories of environmental crime:

- Fishing offences,
- Forestry crimes,
- Environmental crimes,
- Wildlife crime

B Group and organised forms of environmental crime

A 2021 study¹⁷ has extensively modelled the structure within which certain criminal groups may commit wildlife crime, which is a narrower group within environmental crime. Three types were distinguished:

(i) Organised criminal groups

Typically hierarchical, highly organised, less opportunistic, committing crimes other than environmental crime (drug trafficking, etc.) and with strong corrupt links to the authorities.

(ii) Corporate criminal group

This group of criminals commits crimes hiding behind a typically registered business company. It is highly organised, with the company providing the framework, less opportunistic offending, no other types of crime, and occasional corrupt links.

¹⁷ Wyatt, T., van Uhm, D., & Nurse, A.: Differentiating criminal networks in the illegal wildlife trade: Organized, corporate and disorganized crime. *Trends in Organized Crime*. (2020) 350–366. <https://doi.org/10.1007/s12117-020-09385-9>

(iii) *Disorganised networks*

Typically less organised, loosely structured, with no rigid hierarchy, a high degree of opportunism, frequent links with other crimes and corruption. This type of group offending does not always reach the level of organised criminal groups as defined in the Palermo Convention.

Of course, these three types rarely occur in a pure form, typically with a mixture of characteristics: either a hierarchically organised criminal group committing crimes under the guise of a front company or a shell company, or the distribution of crimes between different entities in the course of cross-border illegal smuggling (wildlife crime, forestry crime, pollution crime).

V. Organised crime groups involved in some forms of environmental crime

A *Fisheries crime*

A fishing crime is defined by the FAO (Food and Agricultural Organization) as: that conducted 'by national or foreign vessels in waters under the jurisdiction of a state, without the permission of that state, or in contravention of its laws and regulations'.¹⁸

Our oceans are a key source of food and employment for millions of people worldwide, but fish stocks are depleting, making fish a valuable commodity. Organised, international criminal groups are increasingly turning to illegal fishing, threatening food security and the economic, social and political stability of coastal countries.¹⁹

Illegal activities do not stop at fishing - criminals use fishing boats for drug and human trafficking, as nomadic shipping habits and long periods at sea make it easy for these vessels to blend into the maritime background without being suspected. Criminal networks also use the proceeds from large-scale fishing to finance other illegal activities.²⁰

According to the UNODC, not only the crimes listed above can be linked to fisheries crime, but also various economic crimes: tax fraud, forgery, money laundering, corruption.²¹

All three of the above-mentioned organised offences may be behind this crime. The typical form of the offence is when a well-organised, hierarchical mafia-type criminal organisation sets up a front company and then carries out illegal fishing. In this case the categories of organised criminal group and corporate criminal group are mixed. But it may also be typical for a less organised, loosely connected, unorganised network to commit a few illegal fishing operations. Often, organised criminal groups exploit people fleeing poor countries to work as slave labour on board fishing vessels²².

B *Forestry crime*

These include crimes in which the perpetrators carry out logging activities illegally without permits. This crime is also extremely dangerous for humanity, as the criminals responsible for illegal logging and illegal timber trade not only destroy biological diversity, but also threaten the livelihood of people who depend on forest resources. Criminal land clearing, for example,

¹⁸ Boopendranath, M. R. "FAO Code of conduct for responsible fisheries-Fishing Operations." ICAR: Central Institute of Fisheries Technology, (2019) 41–53.

¹⁹ Interpol: Fisheries Crime <https://www.interpol.int/Crimes/Environmental-crime/Fisheries-crime> (20 September 2023).

²⁰ Ibid.

²¹ UNODC: Approach to crimes in the fisheries sector https://www.unodc.org/res/piracy/index_html/UNODC_Approach_to_Crimes_in_the_Fisheries_Sector.pdf (20 September 2023).

²² Bueger, Christian, and Timothy Edmunds. "Blue crime: Conceptualising transnational organised crime at sea." *Marine Policy* 119 (2020): 104067.

can cause landslides and deprive forest-dependent communities of access to food, medicine and fuel.²³

The goal of forestry crimes – like all environmental crimes – is to make a huge profit by selling illegally harvested timber. These wood materials are used to make furniture or paper. Of course, organized criminal groups have also appeared in this area, and with the help of well-established channels of corruption, they cut down forests, harvest wood and sell timber illegally.²⁴

In the case of forestry crime, all three forms of group perpetration can occur: criminal organizations with a strict hierarchy can carry out this illegal activity hiding behind a legally established company, but a loosely organized supply chain can also be behind this activity.

C Pollution crime

In the absence of an internationally agreed legal definition of pollution crime, INTERPOL considers "pollution crime" to be an umbrella term that describes a whole range of offences.

It includes the trafficking and/or illegal handling of potentially polluting substances and which results in pollution. Non-exhaustive types of crime include: waste crime; marine pollution; pollution-related crime; fuel, oil and gas smuggling and illegal refineries; illegal use and trafficking of chemicals and chemical substances; and plastics; and carbon-related crime.²⁵

As with any other type of environmental crime, pollution-related crime is primarily driven by a high-reward, low-risk business model, where criminals exploit regional disparities such as labour costs, weak environmental legislation and law enforcement capacity. These global inequalities create criminal opportunities to illegally transport hazardous materials between countries and/or illegally dispose of them on land, in rivers or at sea to reduce costs or make a profit.²⁶

In many cases, organised crime is involved in pollution-related crime, which is mixed with other types of crime such as theft, human trafficking, fraud, drug and firearms trafficking and money laundering.²⁷

Interpol 2022 detailed analysis shows that this type of crime involves both highly centralised, hierarchical mafia organisations and loose networks.

Hierarchical mafia-type criminal organisations are primarily involved in the illegal waste trade, often taking hazardous waste from producers for large sums of money and illegally transporting it to other countries. The original polluter can still save a considerable amount of money instead of the costly waste treatment process. It should be noted that even in this crime, criminal organisations based on a strict hierarchy often hide behind front companies or shell companies.²⁸

Another typical organised criminal structure is that of loose, flexible networks. This consists of networks of brokers and intermediaries, companies or criminal groups, each covering a particular stage of the crime. Suspects use their sector expertise to make a profit, and then move the business into the hands of the next interested party, who continues with the next stage of the crime. These networks are characterised by opportunistic offending.²⁹

²³ Interpol: Forestry crime <https://www.interpol.int/Crimes/Environmental-crime/Forestry-crime> (20 September 2023).

²⁴ van Solinge, T. Boekhout, et al. "Organized forest crime: a criminological analysis with suggestions from timber forensics." *IUFRO World Series* 35 (2016): 81-96.

²⁵ Interpol: Strategic report, The Nexus between Organized Crime and Pollution Crime (June 2022) file:///C:/Users/user/Downloads/INTERPOL%20Report%20OC-PC_Final-1.pdf (20 September 2023).

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid

²⁹ Ibid

D Wildlife crime

According to the UNODC, wildlife crime covers all activities related to any animal and plant species protected under international or national legislation, including their poaching, trade, possession, transport, smuggling and sale.³⁰

Wildlife crime is quite a profitable business, so of course organized crime is also involved in this activity.

Animals and plants protected by various international treaties or national legislation are sought for a wide variety of purposes around the world:

hobby animals, food purposes, making ornaments, clothing products can be made from the fur of certain animals, for medicinal or food purposes.³¹

As mentioned above, this activity can also be carried out by mafia-type organizations built on the basis of a strict hierarchy, often maintaining smuggling networks that cross continents and national borders. In these cases, other illegal goods (e.g. drugs) are often smuggled as well. At the same time, legally registered companies can be observed, which, in addition to some legal activity, also deal with this. Finally, you can also find different loosely structured, flexible networks here: some members of flexible smuggling networks spanning continents often do not or hardly know each other.

VI. Conclusions

The results of international research and the reports of international organizations point out that international organized criminal groups were created in the most different forms, with a structure, number of employees, period of operation, and form of activity. The article shows that these organizations are present in all forms of environmental crime.

Organized criminal groups dealing with environmental crime can range from rigid criminal organizations with a well-known "mafia" structure to transcontinental networks with a loose, flexible structure, but "corporate crime" within the framework of legally registered business associations can also be observed.

Environmental crimes in themselves are extremely dangerous to humanity, as they cause serious environmental damage, cause the destruction of the human environment, and increase one of the biggest global problems of today, global climate change.

The listed environmental crimes are often closely related to other serious crimes: corruption, drug trafficking, human trafficking, human smuggling, money laundering.

The purpose of this article was to point out that organized crime is present in the commission of environmental crimes. It also points out how organized crime can take many forms in this area. All of this draws the attention of law enforcers acting in such cases to the fact that environmental crimes must be treated as a matter of priority, and that action against these criminal organizations is a complicated and multifaceted task.

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³⁰ UNODC: *Wildlife and Forest Crime*. <https://www.unodc.org/roseap/en/what-we-do/toc/wildlife-overview.html> (20 September 2023).

³¹ Ibid

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