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Course on

ILLICIT MARKETS AND ORGANIZED CRIME IN THE AMERICAS



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Class

Actions of Organized Crime against the Environment

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Introduction

Environmental organized crime in Brazil refers to illegal activities involving the exploitation, trafficking, and degradation of the country's natural resources, such as forests, fauna, flora, minerals, and water.

Some of the main forms of organized crime against the environment in Brazil are illegal deforestation, wildlife trafficking, illegal mining, timber trafficking, and illegal fishing.

The product obtained illegally from nature **has a very low added value**. But this value **increases** if the product has the appearance of legality. When the product has **documentation of origin, even if it is counterfeit**, it can compete in the legal market, which operates with higher prices than the illegal market.

Introduction

However, due to the falsification of certificates of origin, it is often not possible to criminalize the buyer, since he may have taken this action **without being aware** of the illegal origin of the product. In this scenario, the investigation is once again crucial to ensure whether or not the person knew of the **illegal origin of the product**.

All of these and other factors present real challenges..



Concepts

Production Chain: The links of production, logistics networks and the distribution of environmental products are contaminated by the actions of environmental organized crime.

Laundering: Generating conditions of apparent legality through falsified documentation of origin.

Crime Entrepreneurs: A more sophisticated criminal profile adapted to economic practices.

Investigation of Environmental Crime: The regulatory framework for investigation in Brazil is based on Law No. 9,605, of February 12, 1998, and Complementary Law No. 140, of December 8, 2011.



Institutions

PF: Federal Police

IBAMA: Brazilian Institute of Environment and Renewable Natural Resources

ICMBio: Chico Mendes Institute for Biodiversity Conservation

ANM: National Mining Agency

EUROPOL: European Union Agency for Law Enforcement Cooperation

AMERIPOL: Police Community of America

INTERPOL: International Criminal Police Organization



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Environmental organized crime in Brazil refers **to illegal activities involving the exploitation, trafficking, and degradation of the country's natural resources**, such as forests, fauna, flora, minerals, and water. These activities are carried out by criminal organizations that seek to obtain benefits from the illegal exploitation of natural resources, causing significant damage to the environment and biodiversity.

The work of the Brazilian Federal Police **has focused on the repression of organized crime against the environment**, which is directly related to the fight against crimes of corruption, counterfeiting and money laundering, for example. A trend in contemporary environmental crimes is for criminals to present false documentation. Ideological falsehood is very common, so research is essential to be able to distinguish legal products from illegal ones.



Class Content

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At the beginning of this **criminal chain** are the most vulnerable people who end up submitting to this option to guarantee their survival. For example, in animal trafficking, these people are lured in to collect eggs and newborn animals.

Illegally extracted natural resources, after going through the **"laundering"** process, follow the same flow as legal products. For example, the market for timber and gold extends internationally to Europe, the United States, and increasingly to the Middle East and Asia..



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Investigation processes for crimes against the environment usually arise as a result of some type of incident, a seizure in flagrant situation, for example when a police barrier finds animals, minerals or timber illegally transported. Police **investigative processes** must take the opportunity of flagrant situations to go beyond that specific shipment. It is up to the investigators to find out where that shipment came from, how many other shipments have left the same place, who is financing the operation, who is coordinating the illegal extraction of natural resources, etc.

In the efforts of this fight against organized crime there is a lot of convergence between these organisms, because their common objective is to prevent the unsustainable use of natural resources. **However, as administrative bodies, they do not conduct criminal investigations.** These agencies can apply punitive processes such as warnings, fines or even the revocation of a license.



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In addition to **interagency convergence**, this work has been carried out in **cooperation** with an international network, since the **Brazilian Federal Police** is a representative of Interpol and participates in **EUROPOL** and **AMERIPOL**, all specialized agencies in international police cooperation. There is a good articulation between these institutions to share relevant information for the investigation processes.

In addition, it is necessary to promote **awareness, environmental education and the application of conservation and sustainable development policies** to protect the country's natural resources.



Class Summary

- Criminalization of illegally traded goods
- The links of the production chain.
- The regulatory framework for investigation in Brazil
- Interagency and international cooperation



Reference

BRASIL. Presidência da República. Casa Civil. Subchefia para Assuntos Jurídicos. Lei N. 9.605, de 12 de FEVEREIRO de 1998. Dispõe sobre as sanções penais e administrativas derivadas de condutas e atividades lesivas ao meio ambiente, e dá outras providências.

BRASIL. Presidência da República. Casa Civil. Subchefia para Assuntos Jurídicos. Lei Complementar N. 140, de 8 de DEZEMBRO de 2011. Fixa normas [...] para a cooperação entre a União, os Estados, o Distrito Federal e os Municípios nas ações administrativas decorrentes do exercício da competência comum relativas à proteção das paisagens naturais notáveis, à proteção do meio ambiente, ao combate à poluição em qualquer de suas formas e à preservação das florestas, da fauna e da flora





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