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Environmental Crimes and Forced Migration: An Overlooked Nexus

by Chiara Scissa

The nexus between climate change, disasters and migration has been, and still is, widely explored by scholars. Yet, most research studies focus on the role of extreme weather events in shaping migration flows, and how climate change aggravates their intensity and frequency, especially in climate-vulnerable and disaster-prone countries. Few sources instead shed light on another key scenario triggering forced migration movements both within and across borders, namely when climate-related harm or disasters result from, or are associated with, environmental crimes.

The impact of environmental crimes

Environmental crimes can be defined as "illegal activities harming the environment and aimed at benefitting individuals or groups or companies from the exploitation of, damage to, trade or theft of natural resources, including, but not limited to serious crimes and transnational organized crime".[1] Illegal mining, illegal deforestation and fishing, land and water grabbing are emblematic examples of environmental crimes, currently recognised as among the most profitable forms of transnational criminal activity, and yet among the least regulated by law. Not only can environmental crimes endanger ecosystems and biodiversity, but they also negatively affect the rights and livelihood of households and communities residing nearby. Environmental crimes have dire impacts on worsening climate change and environmental degradation, inter alia by aggravating pollution, deteriorating human health and food security, as well as by fuelling conflicts.

[1] Christian Nellemann et al., *The Rise of Environmental Crime. A Growing Threat to Natural Resources Peace, Development and Security. A UNEP-INTERPOL Rapid Response Assessment*, 2016, p. 17, https://www.unep.org/node/1460.

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In a 2016 UNEP-INTERPOL report, environmental crimes were estimated to feed a business ranging from 91 to 259 billion US dollars per year, a profit that made environmental crimes the fourth most profitable transnational criminal activity worldwide, after drug trafficking (344 billion US dollars), counterfeit crimes (288 billion), and human trafficking (157 billion). This exponential economic gain for the perpetrators is counterbalanced by an analogue loss of resources for governments and communities that ranges from at least 9 to 26 billion US dollars annually.[2] Criminals exploit the international unpreparedness to address the issue, as well as the divergence of criteria to define environmental crimes endorsed by single countries, which leads to a fragmented regulating approach.[3] The lack of strong implementation of both binding and non-binding instruments addressing these crimes together with weak governance and widespread corruption, minimal budgets and protection to police and courts, rising demand for prohibited goods, and poverty, have contributed to the proliferation of environmental crimes worldwide. A final major obstacle to law enforcement in this field is the lack of a commonly agreed definition of environmental crimes at the international level, which paves the way to volatile and fragmented prosecuting actions.[4]

Although reinvigorated efforts to combat environmental crimes have been adopted over the last years, ranging from the new Environmental Crime Directive to the EU Deforestation-free Regulation in the EU, as well as through better use of technologies to detect and prosecute offences through satellite images, further research is needed to understand how environmental crimes could exacerbate underlying causes of forced migration.[5]

The nexus between environmental crimes and forced migration has been severely overlooked by research. Further reflections on how the former can shape the latter and lead to human rights violations are therefore urgently needed. In the following, such a nexus will be contextualised by illustrating how environmental crimes in Colombia and Nigeria, two countries severely affected by environmental crimes, are impacting migration movements within and across national borders through available research.

Illegal mining in Colombia

Illegal mining is considered an illustrative example of environmental

[2] Ibid., p. 7.

[3] Lorenzo Colantoni and Alessio Sangiorgio, *Environmental Crimes between the EU and South East Asia. A Review of Trends, Obstacles and Solutions for Effective Action*, Rome, IAI, June 2024, https://www.iai.it/en/node/18574; Lorenzo Colantoni, Giulia Sofia Sarno and Margherita Bianchi, *Fighting Illegal Logging in Europe. An Overview of Trends, Players and Action*, Rome, IAI, September 2022, https://www.iai.it/en/node/15859.

[4] Lorenzo Colantoni, Giulia Sofia Sarno and Margherita Bianchi, *Fighting Environmental Crime in Europe. An Assessment of Trends, Players and Action*, Rome, IAI, May 2022, p. 19-21, https://www.iai.it/en/node/15483.

[5] IAI is coordinating a project funded by the European Space Agency (ESA) on the topic. See IAI website: *Study on Copernicus satellite data usage for action against environmental crimes*, https://www.iai.it/en/node/18849.

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crimes, which is carried out either in violation of applicable laws that regulate these activities or in areas where these are prohibited. Illegal mining causes severe environmental damage, jeopardises the livelihood and human rights of affected communities, and disrupts the rule of law.[6] In several cases, illegal mining generates internal and cross-border migration. For instance, there is evidence that criminal groups exploit undocumented migrants from neighbouring countries in illegal mining activities, while also causing the displacement of local communities from their agricultural land.[7]

At the same time, poverty, loss of land, and unemployment are among the main factors that push single individuals to accept being exploited in environmental offences in order to survive. In some extremely poor regions of the world, illegal mining is the best or even the only employment opportunity for local people, where "the monopoly over the water supply underpins the power and influence that organized crime groups have over vulnerable communities living in poor and/or marginalized areas [...], particularly in Bangladesh, Brazil, and India".[8]

In Colombia, some local and indigenous communities are under the siege of criminal networks, where men are coerced to work in the mining sector for many hours for little to no pay, and prevented from leaving under penalty of death, while women are forced into sex trafficking in illicit mining camps through threats of violence or economic necessity and are routinely subject to violence.[9] In 2020, an estimated 69 per cent of Colombia's gold was mined illegally.[10] Of these, around 42 per cent were located in indigenous territories, and contributed to their displacement. At the same time, Colombia has the largest population of displaced persons in the world, and there is evidence that demonstrates that, in 2012, most of them (87 per cent) came from areas with a heavy presence of extractives.[11]

Illegal mining in Colombia not only causes human rights violations, but it seems that it "directly contribute[s] to the displacement of Indigenous and Afro-Colombian populations".[12] More research and policy actions, however, need to be undertaken to better understand the dynamics between

[6] Yuliya Zabyelina, *Responding to Illegal Mining and Trafficking in Metals and Minerals. A Guide to Good Legislative Practices*, Vienna, United Nations, 2023, https://sherloc.unodc.org/cld/uploads/pdf/Illegal_Mining_and_Trafficking_in_Metals_and_Minerals_E.pdf.

[7] Ibid., p. 15.

[8] Interpol and UNEP, *Strategic Report: Environment, Peace and Security. A Convergence of Threats*, December 2016, p. 40, https://www.unep.org/node/1430.

[9] Ryan C. Berg, Henry Ziemer and Arianna Kohan, "A Closer Look at Colombia's Illegal, Artisanal, and Small-Scale Mining", in *CSIS Commentaries*, 20 December 2021, https://www.csis.org/node/63455.

[10] Julia Symmes Cobb, "Colombia Alluvial Gold Output Area Up 3%, Large Majority Illegal", in *Reuters*, 27 July 2021, https://www.reuters.com/article/idUSKBN2EX258.

[11] Livia Wagner, *Organized Crime and Illegally Mined Gold in Latin America*, Geneva, Global Initiative against Transnational Organized Crime, April 2016, p. 23, https://globalinitiative.net/?p=12218.

[12] Ryan C. Berg, Henry Ziemer and Arianna Kohan, "A Closer Look at Colombia's Illegal, Artisanal, and Small-Scale Mining", cit.

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the occurrence of environmental crimes and forced migration in and from Colombia in order to prevent and protect against harm.

Oil violence in Nigeria

Oil-pollution crimes can be categorised as environmental crimes, and include "illegal oil discharges, false statements or records, and bypassing pollution prevention equipment".[13] Nigeria is disproportionately affected by oil spillage and gas flaring. Between January 2019 and April 2021, 674 of 881 (or 77 per cent) oil spills in Nigeria occurred in Rivers State (352), Delta State (233), and Bayelsa.[14] The Niger Delta region includes: Ondo, Edo State, Delta, Bayelsa, Imo, Abia, Akwa Ibom, and Cross River. The Niger Delta illustrates the underlying patterns of discrimination underlying environmental crimes.

The Ijaws are the largest minority group in the region. Together with other ethnic minorities, such as the Ogoni and Itsekiri, they have inhabited the Niger Delta for more than 500 years. These indigenous communities are excluded from the right to access justice, effective remedy and fair trial.[15] Racial discrimination made them among the most underdeveloped and politically marginalised groups in the country. Decades of oil extraction and depletion have irreversibly contaminated their water, soil and air. Because of severe pollution, farming and fishing, the main occupations of these communities, have been decimated. Plus, gas flaring has severely affected their health and led to premature deaths, heightened the frequency and severity of respiratory illnesses, such as asthma, and lung cancer.[16]

These indigenous communities have long lacked basic infrastructure, such as electricity, roads, schools, hospitals and potable water, and lack political representation.[17] Despite oil, Nigeria's main source of revenue, local communities have been systematically excluded from the economic benefits related to the extraction and selling of oil resources, have been forcibly evicted from their land, and have been the target of excessive use of force, repression, and execution. Oil possession has not only exacerbated State violence against these ethnic groups, but also among them. Oil spills have repeatedly made many communities homeless and displaced.[18] In the late 1990s and

[13] ESA website: *Environmental Crimes* (Kick-start Activity, 2019-2020), https://business.esa.int/funding/invitation-to-tender/environmental-crimes.

[14] Yusuf Akinpelu, "Analysis: 77% of Oil Spills in Nigeria Occurred in Only Three States", in *Premium Times*, 15 May 2021, https://bit.ly/3oks160.

[15] Charles Quaker-Dokubo, "Ethnic Minority Problems in the Niger Delta", in *African Journal on Conflict Resolution*, Vol. 1, No. 2 (2000), p. 69-82, https://www.ajol.info/index.php/ajcr/article/view/136215.

[16] Olubayo Oluduro, "Oil Exploitation and Human Rights Violations in Nigeria's Oil Producing Communities", in *Afrika Focus*, Vol. 25, No. 2 (2012), p. 160-166, https://openjournals.ugent.be/af/article/id/61146.

[17] Amnesty International, *Claiming Rights and Resources. Injustice, Oil and Violence in Nigeria*, 2005, https://www.amnesty.org/en/documents/afr44/020/2005/en.

[18] Cyril Obi and Siri Aas Rustad (eds), *Oil and Insurgency in the Niger Delta. Managing the Complex Politics of Petro-violence*, London/New York, Zed Books, 2011, http://www.diva-portal.org/smash/record.jsf?pid=diva2:387024.

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again in 2003 and 2004, thousands of Ijaw and Itsekiri died in mass killings when conflict erupted over control of oil.[19] After decades, indigenous communities are still marginalised in the Niger Delta, and no compensation for environmental damage has been accorded to them.[20]

There is evidence of cross-border forced migration from Nigeria to Europe, specifically to Italy, because of irreparable harm generated by indiscriminate exploitation of natural and oil resources and the related conflict between the government and paramilitary groups to take control of these resources. Indeed, consequent oil spills produced soil and water pollution as well as biodiversity loss able to jeopardise the lives of affected individuals.[21] A comprehensive analysis of these migration dynamics and their connection with oil depletion is however lacking.

Looking ahead

The cases of Colombia and Nigeria highlight that environmental crimes, alone or in connection with other underlying factors such as poverty and discrimination, can force people to flee. According to the Center for Gender and Refugee Studies' asylum database, some asylum seekers from Belarus, Haiti, Honduras, Kenya, Mexico, China and Vietnam have claimed to have a fear of being persecuted because they have opposed, or have investigated upon, the existence of environmental crimes carried out by corporations or their State.[22] Nigerians seeking protection abroad because of "oil violence" are already obtaining protection because of corporation's unsustainable exploitation of fossil fuels and oil depletion making the Niger Delta unbearable to live.[23]

In light of these developments, understanding the role of environmental crimes as a triggering factor of forced migration is all the more crucial. Such an understanding is key to setting up adequate policy synergies, where environmental crimes and migration considerations could be embedded as cross-cutting elements. Stronger efforts to enforce environmental crimes legislation at *all levels* are quintessential to efficaciously prevent and protect against the adverse effects of environmental harm on affected communities, who may otherwise have no other choice but to migrate.

[19] Victor Ojakorotu, "The Internationalization of Oil Violence in the Niger Delta of Nigeria", in *Alternatives*, Vol. 7, No. 1 (Spring 2008), p. 92-118, https://dergipark.org.tr/en/pub/alternatives/issue/1702/21071.

[20] Dickson Omobola, "Itsekiri Marginalised Despite Contributions to Nigeria's Oil Wealth — Edema", in *Vanguard*, 19 May 2024, https://www.vanguardngr.com/?p=2395182.

[21] Chiara Scissa, "The Climate Changes, Should EU Migration Law Change as Well? Insights from Italy", in *European Journal of Legal Studies*, Vol. 14, No. 1 (Summer 2022), p. 5-23, https://doi.org/10.2924/EJLS.2022.011.

[22] Center for Gender and Refugee Studies (CGRS), *Analyzing Asylum Claims for Individuals Fleeing Climate Change or Environmental Disasters*, February 2023, https://uchastings.app.box.com/s/i9d9kncmqpchintrk76nys8agvqza3ym.

[23] Chiara Scissa and Susan F. Martin, *Migration in the Context of Climate and Environmental Changes within Central Asia and to the European Union and the Russian Federation*, Geneva, IOM, 2024, p. 22, https://publications.iom.int/node/7241.

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For its part, the international community should work towards further harmonisation of existing definitions of environmental crimes and related legal frameworks in order to limit enforcement fragmentation. It should also enhance international cooperation to investigate and prosecute criminal offences concerning the environment, which is now limited because of scarce exchange of information between national criminal agencies and authorities as well as insufficient resources. At the same time, it is essential to create policy synergies between international (binding and non-binding) instruments dealing with environmental and migration matters respectively so to recognise and shed light on the nexus between the two, their causes and dynamics in order to implement better prevention, protection and prosecution measures.

At the national level, it is essential that states develop or strengthen their legal and institutional criminal frameworks on environmental crimes, while enhancing prevention, monitoring, law enforcement and penalties against the prosecutors. It would also be relevant to incorporate environmental crimes considerations in the Nationally Determined Contributions (NDCs) to be submitted in 2025, so to intersect them with climate change actions. Synergies between environmental and migration policies would be of utmost relevance also at the national level so to enhance state authorities' understanding of the complex relationship between environmental crimes and forced migration as well as the improve the efficacy of their responses.

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