

Plastic Waste and Criminality



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Introduction

Waste management is not only a standard expectation of modern society, but it is also a big transnational business. As a society, we produce an ever growing amount of rubbish, including the ubiquitous plastic, and managing its collection and disposal is a crucial responsibility of local authorities. Yet, whereas the issue of waste may seem a local one, its supply or, rather, *disposal* chain usually crosses multiple borders and connects the largest waste producers in Europe and North America (Parker, 2020) to the less developed countries and regions that tend to be the main recipients. As a result, Amazon packaging from the United States ends up in illegal dumping sites in India (Mok, 2022), and carrier bags from British supermarkets are illegally burned in Turkey (Greenpeace, 2021).

Understanding the nature and actors behind these illegal activities is the aim of this chapter. To achieve that, it is first important to establish what constitutes illegality. A “throw away” culture, coupled with minimal domestic recycling facilities in the West, has made the export of waste a necessity for the past several decades (WMW, 2021). Waste trade is not in itself illegal. It needs however to be conducted in accordance to international conventions and national level legislation that regulate imports and exports.

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Legal Framework

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989) is the most prominent of these legal tools and counts 187 countries and the European Union (EU) among its parties. Given its large membership – which however does not include the United States – most plastic waste shipments around the world are regulated by the Basel Convention and its amendments (USEPA, 2023). In brief, countries that are members of the Organization for Economic Co-operation and Development (OECD), the EU, and Liechtenstein are forbidden from shipping hazardous waste to developing countries (BAN and IPEN, 2020). In addition, the European Commission has banned its member states from sending anything other than “clean” plastic waste (i.e., plastic that is not mixed with other waste and is not considered hard to recycle) to non-OECD countries (EC, 2020).

Furthermore, individual countries, especially in Asia (the main destination region), have introduced import bans. Most notable is China’s 2018 National Sword policy which resulted in a virtually overnight domino effect in redirecting waste flows from China – the hitherto largest waste recipient in the world – to a number of Southeast Asian countries such as Indonesia, Malaysia, the Philippines, and others (WTO, 2017). Countries in Africa, Latin America, and Eastern Europe as well as Turkey have also developed a more prominent role in the waste disposal business.

It is crucial to underscore the fact that the main driver behind these regulations is the desire to stop the flows of hazardous waste from reaching countries that do not have sufficiently sophisticated facilities to appropriately process and dispose of such harmful waste. In the absence of such facilities, waste is dumped, buried, or burned – all practices that pollute the soil, water, and atmosphere with nefarious environmental and health repercussions (INTERPOL, 2020).

Yet, despite the existing regulations and the serious negative effects that breaking them have on societies and ecosystems, there are financial incentives for businesses (and criminal actors) to ignore these restrictions and try to get a slice of the global market in recycled plastics which is forecasted to reach US\$53 billion by 2029 (MMR, 2023).

Illegality in the Plastic Waste Supply Chain: Legitimate Actors

Multiple actors are involved along the supply chain of plastic waste breaking rules and legislations. Evidence suggests that most illegal activities are carried out by legitimate business operators who engage in so-called white-collar crimes. The most common include fraud, mis-invoicing, money laundering, tax evasion, and corruption. In addition, these actors engage in a whole host of activities that contravene the Basel Convention and national import and export bans (as well as faking their adherence to those rules). These fall under three categories. First is

misdeclaration which can pertain to the content, origin, and destination of waste but also to the operating capacity of recycling companies, i.e., claiming companies have greater capacity than they actually have. Second is the concealment of hazardous waste among other goods. It is in fact common for plastics to be mixed with e-waste and paper as these are waste products that are subject to a lower level of scrutiny. Third is the illicit disposal that could take the form of incineration or illegal dumping, for instance, in the sea or remote rural areas or even in forests (Comolli, 2021).

Brokers, waste management and recycling companies, shipping lines, corrupt customs and border control, and non-waste companies (e.g., paper and cement manufacturers) are among those involved in such illicit practices, which enable mixed hazardous plastic waste from Europe and North America to arrive, usually after a number of intermediate stops, to the likes of Turkey, Romania, Ghana, Ecuador, Indonesia, and more.

Brokers deserve particular attention. As already indicated, only a fraction of Western-produced waste is processed or recycled domestically. Most of it is sold to brokers whose job is to then facilitate the export on to countries and companies that would process the plastic waste and, in theory, recycle it into plastic pellets that are then sold as raw material. This is the appeal for receiving countries to accept foreign waste shipments as a way to generate revenues. Brokers are able to exploit their pivotal role along the supply chain to facilitate the shipment of banned waste to non-OECD countries. They are therefore the ones often responsible for misdeclaration of content as well as of intended origin and destination of a given cargo (INTERPOL, 2020).

Criminals

Albeit to a lesser extent than commercial operators, criminal actors are also involved in the illicit trade in plastic waste. This is hardly surprising. Criminal groups have long been attracted to the waste management industry. A notable example is the one of the Italian mafias which, by the 1980s, had already consolidated their involvement in this sector (Post, 2013) eager, as ever, to take advantage of lucrative opportunities. It has to be noted however that less information is available compared to what is known about business operators. Therefore, the extent of criminal involvement in the plastic waste business might actually be greater than suspected.

Turkey and Eastern Europe are where the involvement of criminals in the illicit disposal of European waste is most apparent. Similarly to the business operators described above, financial crimes such as fraud, forgery, money laundering, tax evasion, and manipulation of legal records (alongside the corruption of officials) are the most common offences carried out by criminals that infiltrate the waste sector. This is usually done through legitimate companies that are used as a façade for illegal activities.

Instances of convergence with other forms of crime are hard to corroborate, but it is possible that drugs and other illicit goods are trafficked alongside European

waste via Turkey, on to further destinations in the Middle East and beyond (Comolli, 2021).

Additionally, there are documented cases suggesting a convergence between human trafficking and the waste industry. These usually involve vulnerable individuals that are lured by traffickers with the promise of good employment only to then be forced in modern slavery conditions and living in substandard accommodation – such as in the case of Polish victims who ended up working for one of the UK's largest waste companies, Biffa (Gentleman, 2021).

On the other side of the Atlantic, Latin American countries have seen an increase in illicit shipments of plastic waste from the United States following the introduction of China's National Sword (Rueada, 2022). At the same time, there appears to be growing evidence that the Mara Salvatrucha gang (also known as MS13) controls dumping sites in Honduras which are run as businesses. Locals, including children, sort through mountains of rubbish to collect valuable waste such as plastic, copper, and nylon that is then sold by the kilo to MS13. Then, through a broker, the gang sells the material to recycling companies within Honduras as well as, allegedly, to regional recycling company Invena, according to an investigation by InsightCrime (Martínez D'auibusson, 2022).

Conclusions

The preceding pages have given a flavor of the methods and networks of illegality that are built around the plastic waste trade. Despite the serious human and environmental harms resulting from the illicit trade and disposal of plastics and other waste, tackling this issue often remains a low priority. This is the result of a number of factors. Among others is the continued desire in many less affluent receiving countries to accept shipments in order to generate revenues, as well as some exporting countries' limited interest in these matters and just wanting to get rid of the waste without looking too closely at the routes and methods involved.

Therefore, resources available to environmental agencies and dedicated law enforcement units are limited. With this in mind, collaboration and information sharing across agencies, sectors, and jurisdictions becomes paramount in order to identify offences and pursue offenders. Together with this, capitalizing on technology to digitalize waste management, trace shipments, and monitor potentially suspicious brokers (who regularly advertise online) and other actors is certainly a necessity.

Across collaborative efforts and the use of technology, civil society actors such as NGOs, activists, and investigative journalists around the world have been playing an important role, especially by conducting investigations and exposing malpractice and illegality. Through their efforts, nongovernment actors are able to raise public awareness on plastic waste and related issues through different channels, from traditional to social media, thereby reaching different demographics. Albeit not always successful or long-lasting (Gündoğdu & Walker, 2021; Laville, 2021), some of

these campaigns have the power to increase policy prioritization and influence policy change which, in turn, can translate into the allocation of greater resources to combating waste crimes.

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