



# EUROPEAN POLICY BRIEF



## ILLEGAL TRAFFICKING OF WASTE: INSIGHTS FROM THE LAND OF FIRES, CAMPANIA (ITALY)

### Policy Implications for the EU

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#### OVERVIEW OF CASE STUDY

Given the widespread nature of organised crime, links have been made between this illegal activity and various economic activities, including environmental-related businesses. Illegal waste trafficking is a major environmental crime (EC hereafter) so much so that it has raised the interest of authorities at various levels. International concern about illegal trafficking of hazardous waste and toxic products can be traced back to the 1980s when the export of hazardous waste, mainly from the industrialised countries to non-industrialised ones, came on the rise. In the EU, research has shown that 25% of the transboundary movement of hazardous waste are in violation of the European Waste Shipment Regulation No 1013/2006. On the other hand, violations of waste management legislation account for around 20% of EU environmental infringement cases. Italy is currently facing twenty infraction procedures, which concern the environment – five of which are related to waste.

In Italy, organised crime plays a significant role in the waste management industry, particularly in the area of illegal dumping and international illegal trafficking of hazardous waste. However, organised mafia-like criminals are not the only players. Indeed, although a simplistic view often prevails in the public domain whereby waste dumping is attributable only to mafia clans, a more substantial explanation of the phenomenon is articulated around the interplay of mafia-like groups, businessmen, firms and administrative officers. Campania has been a region where environmental criminals have been very active in the last 20 years, particularly where it concerns the illegal trafficking of waste. The illegal industrial waste disposal and the failure of the urban waste planning have transformed the region of Campania as a worldwide icon of waste mismanagement in Europe.

The so-called “Land of Fires” indicates an area in the region of Campania where toxic wastes have been illegally burnt and buried in a systematic fashion since late 1980s. Most of the population within this area is concentrated within an intricate network of urban territories, agriculture lands and industries. Here, **the presence of several waste treatment and disposal facilities, both legal and illegal, exposes the area to a very high waste-related biophysical pressure.** The Land of Fires phenomenon is of paramount interest if the intricacy of illegal waste trafficking were to be unraveled; **in the last thirty years, contaminated sites in Campania have grown in numbers while the last five years saw a growing concern for the impacts on human health from the exposure to contamination from these sites.**

The illegal trafficking of waste is a very attractive activity for legal companies and organised mafia-like groups since it generates high profits and is a substantially low risk activity (i.e. sanctions are ineffective and inadequate). In the Italian legislation, the first typology of waste-related crime that prosecutes individual involvement in organised activity involving the illegal traffic of waste was introduced in 2001. Only recently (in 2014), after an impressive mobilisation by Campania citizens (almost a hundred of thousands), a second waste-related crime was introduced. It punishes the illicit combustion of waste, providing harsh penalties for burning waste. This activity was previously punishable only as misdemeanors, offering organised mafia-like groups the opportunity to gain huge profits and legal companies the possibility to enormously lower their costs.

Albeit the text is not without criticism, **Bill 1345 approved by the Italian Senate on the 4<sup>th</sup> March 2015** represents a first step towards **stricter sanctions against EC.** The new Bill inserts **four new types of environmental crimes** in the penal code: **environmental contamination, environmental disaster, traffic and abandonment of highly radioactive materials, and obstacle to controls.** The

Bill also introduces a provision on aggravating factors for organised crime groups, whether or not they are characterised as mafia-like. Before the Bill, a major impediment of environmental criminal law in Italy is its short statute of limitation. With the Bill, the crimes are subjected to longer prescription period.

This case study reveals that local mobilisation, like the one in 2013 in Naples can have a positive effect on policy making as it brought about Law Decree 136/2013 - named the Land of Fire Decree - that declared the burning of waste as a crime. Without external pressure, environmental criminal law in Italy may not have proceeded with legislative amendments as swiftly as it should. On these premises, the case study shows the need for tougher enforcement of laws, stronger protection of victims and the important role that victims can play (and are actually playing) in forging socio-political and judicial actions to more effectively combat illegal waste practices and EC in general. Indeed, if affected people were recognised and protected as victims, they could better contribute to investigations and reinforce the fight against environmental crimes. If they were not recognised as such, the criminal justice system risk losing important witnesses and evidence thus having the indirect effect of weak law enforcement against criminals. Organisational activities by the victims in the Land of Fires have, since 2008, successfully increased public awareness on the impacts of illegally disposing and burning of waste, in turn shedding light on the capacity of civil society to influence policy changes and decision makers at the national level. A more pro-active role by activists and victims, besides providing support and strength to the monitoring and controlling activities conducted by competent authorities and institutions, can also open up the decision-making process to citizens removing the development of corruption practices.

The case study is based on an empirical analysis conducted through interviews and employing an affiliation networks analysis to study how the victims interacted over time with different organizations

## POLICY IMPLICATIONS AND RECOMMENDATIONS FOR THE EU

In Italy, most investigations and trials for EC are not conducted against mafia members but are instead conducted against legal representatives of firms. Thus, to effectively combat EC, illicit waste activities must be considered as corporate crimes, than simply mafia-like crimes. Weak sanctions against firms and the gains obtained from high reductions of costs by illegally disposing of waste are attractive incentives, which triggers an even stronger temptation during periods of economic crisis.

New technical tools for tracking hazardous waste flows should be implemented. At present, huge amounts of waste escape from annual official statistics, with most of them strictly connected to tax evasion. Thus, it could be useful to empower environmental protection agencies' officers with inspection functions allowing them to act as administrative police and to control those firms that are obliged to declare the generated volumes and characteristics of waste.

In light of these considerations, there is still room, in Italy, for major changes to occur in terms of preventing future environmental injustices. It could be very useful to establish an Environmental Justice Unit inside the national Environmental Agency. The Unit could have dual functions: 1) to guarantee that all policies, programmes, and activities developed by environmental agency officers integrate environmental justice issues; and 2) to enable citizens, NGOs and firms to actively participate in designing, implementing and enforcing environmental policies.

EU officers should monitor more directly the actions taken by European regions, and not leave the task of monitoring only to the Member States. The European Commission cannot risk being unaware of environmental misconducts until an environmental disaster appears. EU institution officers should also promote more projects that directly involve and legitimise the role of citizens in the implementation of environmental policies just like what the Association of Local Democracy Agency is doing in supporting project COHEIRS (Civic Observers for Health and Environment: Initiative for Responsibility and Sustainability), which is boosting citizen participation on health and environmental issues in the Land of Fires and other regions in Italy.

## ABOUT EFFACE

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"European Union Action to Fight Environmental Crime" (EFFACE) is a 40-month research project involving eleven European research institutions and think tanks. EFFACE assesses the impacts of environmental crime as well as effective and feasible policy options for combating it from an interdisciplinary perspective, with a focus on the EU. Project results include several case studies on the causes, actors and victims of different types of environmental crime as well as policy options and recommendations. For more information see <http://www.efface.eu> or contact: [envcrime@ecologic.eu](mailto:envcrime@ecologic.eu)

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