



*Jean Monnet Module*  
EU-GLOBACT



**Transnational Crime and EU Law:**  
towards **Global Action** against **Cross-border**  
**Threats** to common security, rule of law,  
and human rights

**EU-GLOBACT 2<sup>ND</sup> ED. RESEARCH EVENT**

**ENVIRONMENT, ILLEGAL MINING AND ASSOCIATED CRIMES**  
**IN INTERNATIONAL AND EUROPEAN LEGAL SYSTEMS**

24 March, 2025

***Chair***

**ANNA ORIOLO**

*Associate Professor of International Law and EU Law, University of Salerno, JMM EU-GLOBACT Leader (Professore Associato di Diritto Internazionale, Università degli Studi di Salerno; Leader JMM EU-GLOBACT)*

**BIOGRAPHY**

ANNA ORIOLO, Scientific Coordinator of the EU-GLOBACT Project, is Associate Professor of International Law and of European Union Law and European and International Criminal Law at the Department of Legal Sciences, University of Salerno. She is Founder and Director of the International and European Criminal Law on Cultural Issues, Human Rights, and Security (IECLO), based at the same University, where she is also Lecturer in Institutions of International Law and Diplomatic and Consular Law at the Department of Business Sciences - Management and Innovation Systems (DISAMIS). She has also been Lecturer in International Law and European Union Law at the University of Cagliari, at the Université Lumière Lyon 2, at the School of Specialisation for Legal Professions at the University of Salerno and Visiting Professor at the University of Aix-Marseille. She is Scientific Coordinator for several research programmes funded by the University of Salerno (2006-2024) and her works (in Italian, English and French) covers a wide range of topics in the field of international and EU law, e.g. international criminal law, transnational crime and core international crimes, human rights and fundamental freedoms, cross-fertilisation, cybersecurity, environmental and water protection, global law and policies, cultural heritage, ethics in international and EU law, corporate social responsibility.

***Keynote speakers***

**DAVID SCHULTZ**

*Distinguished Professor of Political Science and Legal Studies, Hamline University in Saint Paul, Minnesota (Professore Illustre di Scienze Politiche e Studi Giuridici presso l'Università di Hamline in Saint Paul, Minnesota)*





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#### BIOGRAPHY

DAVID SCHULTZ is Distinguished University Professor in the Departments of Political Science, Environmental Studies, and Legal Studies at Hamline University. He is also a professor of Law at the University of St. Thomas and he holds an appointment at the Lithuanian Military Academy. A four-time Fulbright scholar who has taught extensively in Europe and Asia, and the winner of the Leslie A. Whittington national award for excellence in public affairs teaching, David is former editor-in-chief of the Journal of Public Affairs Education and the author of more than 45 books and 200+ articles on various aspects of American politics, election law, and the media and politics. He is regularly interviewed and quoted in the local, national, and international media on these subjects including the New York Times, Wall Street Journal, Washington Post, the Economist, and National Public Radio. His most recent books are Constitutional Precedent in US Supreme Court Reasoning (2022), Handbook of Election Law (2022), Presidential Swing States (2022), and Generational Politics in the United States (2024). Prior to teaching, Professor Schultz served as a city director of planning, zoning and code enforcement, and as a housing and economic planner for a community action agency. David is former executive director of Common Cause Minnesota and a former vice-president for the Minnesota and South Texas chapters of the American Civil Liberties Union. He is licensed to practice law in Minnesota and before the US Supreme Court.

#### TITLE

*The Tragedy of the Global Commons: Illegal Mining, International Law, and the Return of Power Politics in the Age of Trump* (La tragedia dei beni comuni: estrazioni minerarie illegali, diritto internazionale e il ritorno delle power politics nell'era di Trump)

#### ABSTRACT

Illegal mining and natural resource extraction is a global problem linked to drug smuggling, terrorism, human trafficking, and environmental degradation. It is a difficult problem to solve under the current international law regime due to the current global tragedy of the commons but it will only get worse as the current international law regime continues to erode under the US presidency of Donald Trump. This talk will examine the problem of illegal mining and natural resource extraction as both a problem of what is known as the tragedy of the commons as well from the perspective regarding how the changes in international law under Donald Trump will usher in a return to power politics and spheres of influence in global affairs.

#### **PATRIZIA VIGNI**



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*Associate Professor of International Law University of Siena (Professore Associato di Diritto Internazionale Università degli studi di Siena)*

#### BIOGRAPHY

PATRIZIA VIGNI is Associate Professor of International Law since 2022, working at the Department of Business and Legal Studies since 2018. She was Researcher of International Law at the Faculty of Law of the University of Siena from 2001 to 2018. Graduated in Law at the University of Siena in 1992, she achieved a Master's Degree in European and Comparative Law (Magister Juris) at the University of Oxford (UK) and the PhD in International Law at the University of Siena. Her main topics of research are: International Treaty Law, Antarctic Treaty System, Law of the Sea, International Disputes Settlement, Consular Assistance in International and EU Law, European citizenship, International Protection of Cultural Heritage. From 2001 to 2018, she held a number of courses at the Faculty of Law at the University of Siena, such as International Organization, International Disputes Settlement, EU Law. Until 2014 she was legal counselor at the Italian Ministry of Foreign Affairs for the negotiations concerning the Antarctic Treaty.

#### TITLE

*The Antarctic's Resources and the EU's Role in the Protection of Polar Regions (Le risorse dell'Antartide e il ruolo dell'UE nella tutela delle zone polari)*

#### ABSTRACT

Antarctic mineral resources have so far been excluded from exploitation activities for lucrative purposes due to the special treaty regime governing Antarctica, namely the Antarctic Treaty System (ATS) that originated from the 1959 Antarctic Treaty. The peculiarity of this regime primarily resides in the fact that, unlike the other areas of the planet, Antarctica is managed neither according to the principle of State territorial sovereignty nor on the basis of the recognition of the status of this continent as common heritage of humankind. The ATS Parties attempted to adopt a special instrument aimed at regulating Antarctic mineral resource exploitation in 1988. However, this instrument has never entered into force due to the severe opposition of some ATS States parties and the international community as a whole. As a result, in the following years, the ATS evolved towards a most environmentally concerned regime that has declared Antarctica as a natural reserve devoted to peace and science. However, the increasing need for hydrocarbons and other most distinctive mineral resources might lead States to change their approach towards Antarctic mineral resources and opt for their exploitation. This would entail catastrophic consequences for the Antarctic ecosystem and the global environment. From the perspective of international law, the position of States may vary depending on whether or not they are parties to the ATS. The States that are bound by the ATS will have to modify existing rules if they intend to allow Antarctic mineral resource exploitation. By contrast, third States, which are not subject to the strict



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obligations of the ATS, are apparently freer to promote such exploitation to increase the amount of available mineral resources at the global level.

#### HEYBATOLLAH NAJANDIMANESH

Associate Professor of International Law, Allameh Tabataba'i University, Teheran, Iran (Professore Associato di Diritto Internazionale, Università Allameh Tabataba'i, Teheran, Iran)

#### BIOGRAPHY

HEYBATOLLAH NAJANDIMANESH has completed his Ph.D. thesis on the “Contribution of the ICTY to the Development of International Criminal Law”. Now he is an academic member at Allameh Tabataba'i University, Tehran, Iran. His fields of research and study are international criminal law and Islamic international law. He is also the publisher of the Journal of International Criminal Law. He has published several articles and books in the field of international law, in particular International criminal law. Some of his books are International Criminal Law through Case-Law; and Protection of Cultural Property in Time of Armed Conflict.

#### TITLE

*The Role of International Criminal Law in Prosecuting Environmental Crimes Linked to Illegal Mining (Il ruolo del diritto penale internazionale nella repressione dei crimini ambientali collegati alle estrazioni minerarie illegali)*

#### ABSTRACT

Illegal mining is a significant driver of environmental destruction, leading to deforestation, water contamination, biodiversity loss, and ecosystem collapse. It also fuels armed conflicts by financing non-state actors and corrupt regimes. Despite its severe consequences, international criminal law (ICL) has struggled to prosecute those responsible. The Rome Statute of the International Criminal Court (ICC) includes environmental destruction under war crimes (Article 8), but its applicability is limited to armed conflict. Crimes against humanity (Article 7) could, in theory, encompass environmental harm, yet legal precedent remains weak. The absence of a distinct crime of ecocide further limits accountability, allowing corporations, state actors, and armed groups to evade justice. One of the key actors in regulating illegal mining is the European Union (EU), which has introduced the EU Conflict Minerals Regulation (2021), corporate due diligence requirements under the European Green Deal, and targeted sanctions against environmental crimes. However, these measures primarily focus on supply chain transparency rather than direct criminal liability. The EU's legal framework remains insufficiently integrated with international criminal justice mechanisms, leaving gaps in enforcement. This lecture critically examines the legal, jurisdictional, and evidentiary challenges in prosecuting environmental crimes linked to illegal mining. A major barrier is the ICC's limited jurisdiction over corporations, which are often key enablers of illegal



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mining. Additionally, the difficulty of establishing direct causation between environmental damage and criminal intent weakens legal arguments. Fragmented enforcement mechanisms further hinder accountability. To address these shortcomings, this lecture proposes legal and policy reforms: (1) supporting the recognition of ecocide as an international crime, (2) expanding corporate liability under both national and international law, and (3) enhancing cooperation between international institutions and regional actors. Strengthening these mechanisms is essential to ensure that environmental crimes linked to illegal mining are not only regulated but effectively prosecuted.

#### Students Papers

#### **FRANCESCO FOCCILLO**

Master's Graduate in Global Studies and EU, University of Salerno (Dottore magistrale in Studi Globali e UE, Università degli Studi di Salerno)

#### BIOGRAPHY

FRANCESCO FOCCILLO graduated with honours in Global Studies and EU at the University of Salerno (Italy) with a thesis on “*Immunity and the International Criminal Court in the Russia-Ukraine conflict*”. At the same University he obtained a Bachelor's degree in Political Science and International Relations. Currently, Francesco Focillo is a member of the *Secretariat of the Observatory of International and European Criminal Law* (IECLO) based at the Department of Legal Sciences (School of Law) of the University of Salerno and Head of the *Communication and External Relations Staff* (CERS) of the *Jean Monnet EU-GLOBACT Module - (Transnational Crime and EU Law: Towards Global Action against Cross-border Threats to common security, rule of law and human rights)* co-funded by the European Commission (2023-2026). He is involved in several research projects funded by the University of Salerno and the European Commission and in editorial activities of international scientific journals such as the *Journal of International Criminal Law and collective volumes* such as “*Transnational Crime and the European Union*” (edited by A. Oriolo et al), Editoriale Scientifica, 2024. He recently published two articles on “*Transnational Crime and the (Enlarged) Mediterranean in Italian Defence and Security Strategies?*” (*Jura & Legal Systems*) and on “*International Crimes and Justice: Insights on the International Courts' Decisions on the Situation in Ukraine?*” (*Journal of International Criminal Law*).

#### TITLE

*International and EU Legal Responses to the Illicit Traffic of Precious Minerals and Resources (Le risposte legali internazionali e dell'Unione Europea al traffico illegale di minerali e risorse preziose)*

#### ABSTRACT



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Illegal trafficking in minerals and precious resources is the product of illicit extraction activities that take place in areas where underground natural riches encounter an unstable political and institutional situation. This phenomenon, by its very nature, falls into the category of transnational crimes, thus emphasising the need for law enforcement actions based on inter-state cooperation such as that promoted by the United Nations Office on Drug Control and Crime Prevention (UNDOC) and the European Union. The intervention focuses precisely on some of the main instruments for responding to the illicit trafficking in minerals and precious resources and, in particular, on the 'Response Framework on Illegal Mining and the Illicit Trafficking in Precious Metals' adopted in 2022 by the UNDOC and the European Union Regulation 2017/821 which establishes supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold, originating from conflict or high-risk areas.

#### **EMANUELE SORGENTE**

*Graduate Student in Law, University of Salerno (Laureando in Giurisprudenza, Università degli Studi di Salerno)*

#### BIOGRAPHY

EMANUELE SORGENTE is Graduate student in Law at the Department of Legal Sciences (School of Law) of the University of Salerno (Italy), member of the *Secretariat of the International and European Criminal Law Observatory* (IECLO) at the Department of Legal Sciences of the University of Salerno and member of the *Communication and External Relation Staff* (CERS) of the *Jean Monnet Module EU-GLOBACT* (European Commission 2023-2026), Project Manager Prof. Anna Oriolo. During the conference of 22 March 2024 of the Jean Monnet Module EU-GLOBACT (*Cultural Heritage, Transnational Crime and Global Security in the EU Policies and Law*) he presented a paper on the topic, entitled "EU Cooperation with UNESCO to fight Crimes Against Cultural Heritage". Furthermore, on 22 October 2024, he participated in the EU-GLOBACT seminar "*Corporate Responsibility, Transnational Crime and General Interest: International and EU Legal Trends*", with a speech entitled "*Corporate Responsibility and Sustainable Investments in the EU Legal System*". He is a member of several Research Projects financed by the University of Salerno ex quota 60%, Scientific Responsible Prof. Anna Oriolo. Developing her interest in International and European Union Law, she recently published an article in the legal journal Altalex entitled: Gender Pay Gap: new forms of protection.

#### TITLE

*The Role of AI and Blockchain Systems in the Fight against Illegal Mining and Environmental Protection (Il ruolo dell'IA e dei sistemi Blockchain nella lotta contro le attività minerarie illegali e la protezione dell'ambiente)*



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ABSTRACT

Illegal mining is a constant threat to fragile ecosystems, generating instability in producing countries and financing transnational criminal networks. In a context of full and constant digital transition, blockchain platforms and artificial intelligence can concretely contribute to an efficient monitoring of illegal extractions. In particular, blockchain platforms can ensure traceability, transparency and immutability for the purpose of certifying the origin of resources. The AI could make a substantial contribution through satellite image monitoring and automated identification of licensed mining activities. The current regulatory environment has a number of shortcomings which make the tools for combating illegal mining partly ineffective. Within the current law enforcement effort to crack down on this crime, new technology can make a significant contribution.

*Final Debate*

