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The Role of International Criminal Law in Prosecuting Environmental Crimes Linked to Illegal Mining

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TRANSNATIONAL CRIME AND EU LAW:
towards **Global Action** against **Cross-border Threats** to
common security, rule of law, and human rights



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1. Introduction

- International law has struggled to hold illegal mining perpetrators accountable.
- The EU plays a role in regulating supply chains and enforcing environmental standards.
- Gaps remain in prosecuting illegal mining as an international crime.
- This presentation examines ICL's limitations, the EU's efforts, and legal reforms needed



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2. Illegal Mining: definition and key aspects

- Illegal mining involves extracting minerals without proper authorization, violating national or international laws.
- Key aspects:
 1. Lack of permits or licenses.
 2. Environmental destruction.
 3. Labor exploitation.
 4. Links to organized crime.
 5. Undermining economic and social stability.



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3. International Responses to Illegal Mining

- UNTOC: Addresses transnational organized crime, including money laundering and corruption.
- UNCAC: Focuses on preventing and prosecuting corruption that facilitates illegal mining.
- UN resolutions urge stronger legal frameworks and international cooperation.



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4. The Legal Void in International Criminal Law

- The Rome Statute lacks explicit provisions criminalizing environmental destruction in peacetime.
- ICC's jurisdiction is limited to genocide, crimes against humanity, and war crimes.
- 016 OTP policy recognized environmental destruction as a factor in case selection.
- The 2024 draft policy aims to strengthen environmental crime considerations.



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5 Environmental Crimes under the Rome Statute.

- Genocide (Article 6): Environmental destruction targeting a group's survival.
- Crimes Against Humanity (Article 7): Systematic environmental destruction affecting civilians.
- War Crimes (Article 8(2)(b)(iv)): Attacks causing excessive environmental damage during conflict



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6. Crime Convergence in Illegal Mining

- Links to human trafficking, forced labor, and child exploitation.
- Financial crimes: corruption, tax evasion, money laundering.
- Connections to drug trafficking and armed conflict.
- Illegal mining is often intertwined with
- broader criminal networks.



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7. The Role of the EU in Regulating Illegal Mining

- EU Conflict Minerals Regulation (2021) requires supply chain due diligence.
- European Green Deal and Due Diligence legislation promote corporate responsibility.
- EU imposes targeted sanctions on illegal resource exploitation.
- However, enforcement is inconsistent and lacks criminal prosecution



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8. Key Challenges to Prosecutions

- Jurisdictional Limitations: The ICC cannot prosecute corporations.
- Evidentiary Challenges: Linking environmental harm to criminal liability is difficult.
- Fragmented Enforcement: Lack of coordination between EU regulations and ICL mechanisms



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9. Strengthening Legal and Policy Frameworks

1. EU support for recognizing ecocide in the Rome Statute.
2. Expanding jurisdiction to prosecute corporate actors.
3. Enhancing cooperation between the EU, ICC, and national jurisdictions



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10. Conclusion

- Illegal mining is a major environmental and criminal issue.
- International criminal law has gaps in prosecuting environmental crimes.
- The EU plays a role in regulation, but enforcement remains weak.
- Stronger international cooperation and legal reforms are needed to hold perpetrators accountable.



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