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Exploitation to Resistance: Indigenous Struggles Against Environmental Organised Crime

Natalia Pietruszka*

Abstract

In the Amazon, according to Greenpeace, illegal gold mining destroyed over 4,000 hectares of rainforest across four Indigenous territories in only two years, 2023-2024. This illustrates a growing global pattern, where environmental crime, along with acts of dispossession and forced displacement, increasingly threatens Indigenous human rights. The author briefly addresses the issue of environmental crime and its convergence with organised crime, tracking the patterns that environmental organised crime displays in the Indigenous territories, and how it affects the communities therein, including the particular impact on the female community members. Means of confronting the phenomenon by Indigenous Peoples, i.e., by legal, political, and social measures are discussed, along with the states' responses to such crimes observed. Situating those within a broader context, the paper reveals gaps between legal frameworks and enforcement, and addresses the issue of some states prioritising economic interests over Indigenous rights. By connecting environmental organised crime to human rights and Indigenous resistance, the author argues that existing frameworks insufficiently support Indigenous communities. The paper concludes by proposing stronger recognition of environmental organised crime as a human rights issue and the promotion of Indigenous-led advocacy as tools to safeguard human rights protection in the 21st century.

Keywords: *Environmental crime, organised crime, environmental organised crime, Indigenous rights, environment.*

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Introduction

In the Amazon, according to Greenpeace, illegal gold mining has carved away over 4,000 hectares of rainforest across four Indigenous territories in only two years, 2023-2024 (Greenpeace 2025). These are not mere figures, but an illustration of a growing pattern observed in the world: an environmental crime, mostly conducted by organised groups, which increasingly interlaces with the challenges the Indigenous groups encounter in relation to their self-determination and human rights protection. This compels the Indigenous communities to take more and more serious action in response to this kind of behaviour. As underlined i.a. in the joint statement by R. Menezes, K. Abaunsa, and S. Agung Sumarahadi, speaking as environmental defenders:

‘We are not diplomats and neither experts on the UNTOC. We are community leaders who defend forests, rivers, and oceans. But it is clear to us that the status quo is not working. Communities are being exploited, environments destroyed, and too often the crimes go unpunished.’ (Menezes et al. 2025).

Firstly, the author briefly addresses the issue of environmental crime, which has recently become one of the fastest-growing transnational crimes. Yet, it is rarely treated as a political and human rights concern, despite its direct impact on land rights, cultural survival, and community participation of Indigenous communities. She refers to the disproportional impact of environmental organised crime on these communities, especially in relation to severe human rights violations.

Situating these cases within the broader context, the paper highlights such international instruments as UNDRIP and ILO Convention 169, revealing gaps between legal frameworks and enforcement, and addressing the issue of some states prioritising economic interests over Indigenous rights.

Furthermore, aspects such as how Indigenous peoples confront environmental criminals by legal (i.a., formal recognition of the land rights before national courts), political (i.a., collaboration through transnational networks), and social (i.a., grassroots mobilisation and protests) means are discussed. In particular, actions taken by, i.a., the UN Permanent Forum on Indigenous Issues, which in the report on its 24th session (held April-May 2025) directly called the member states and the UNODC to meaningfully integrate Indigenous Peoples’ rights when creating strategies to prevent and combat environmental crimes, are recognised.

The author tries to respond to the question of how Indigenous communities mobilise resistance against environmental organised crime, and whether state policies facilitate or criminalise these forms of resistance. To answer

this question, the author analyses relevant legal frameworks, official reports, and the existing scholarly literature. These sources are supplemented by online materials, such as official websites of international and regional human rights and environmental organisations (e.g., Amazon Watch, Global Witness) documenting patterns of environmental organised crime and state responses affecting Indigenous communities, and online media outlets of local and regional relevance, used to identify specific cases of state authorities' reactions to Indigenous resistance. The theoretical framework combines literature on environmental organised crime, Indigenous rights and environmental justice, as well as the criminalisation of the Indigenous resistance. By connecting environmental crime to sovereignty, human rights, and Indigenous resistance, the paper argues that existing policy frameworks inadequately support Indigenous communities. The paper concludes by proposing stronger recognition of environmental crime as a human rights issue and the promotion of Indigenous-led advocacy as tools to safeguard self-determination and peace in the 21st century, and by proposing to perceive environmental organised crime as a new frontier for human rights analysis.

1. Environmental Crime

Environmental crime has been given increasing attention as one of the fastest-growing transnational crimes in recent years. Broadly defined, it is an umbrella term covering all illegal acts directly harming the environment. From a closer perspective, it may be considered as a 'gamut of activities that breach environmental legislation and cause significant harm or risk to the environment, human health, or both' (EUROPOL, n.d.), and usually the following activities fall under its scope: related to mining, timber, fishery, wildlife, and pollution.

Criminal activities related to minerals e.g. gold, such as mining without proper legal authorisation, increased in the past years i.a. in Brazil due to the convergence of the Covid-19 pandemic and the Bolsonaro administration's casting a blind eye to the illegal mining (Igarapé Institute 2021, p. 6) and in Ecuador due to the security crisis and the repressive policies of Daniel Noboa's government (Amazon Watch, 2024, 4). They constitute a core driver of environmental organised crime in Indigenous territories, and are related, i.a., to land degradation, water contamination, forced displacement, gendered violence and other human rights abuses (Rüttinger et al. 2022, 31). They are often related to financial and tax crimes (Igarapé Institute 2022, 2; Barber and Foddy 2025), with cartels, i.a., in Brazil using the money from the drug trade

for sponsoring illegal gold extraction and money laundering (Potter 2023; also: Brown 2022).

Also, illegal logging and timber trafficking play a significant role in the context of the paper. Falsified permits, corruption of local authorities, and use of violence and intimidation towards the Indigenous defenders foster these types of crime in Indigenous territories, disproportionately affected due to the high forest coverage, weak state presence, and contested or unrecognised land titles. One example would be Indonesia, hosting the biggest illicit logging markets in South East Asia (Ngum and Barooah, 2023, 21).

Among other types of environmental crime, less discussed in the literature in relation to Indigenous communities, illegal, unreported and unregulated fishing (e.g. fishing above approved quotas, inside closed areas, usage of prohibited equipment), wildlife trafficking (such as illegal poaching, smuggling, selling of protected animals and plants or their parts with the Indigenous territories as source zones), and pollution and toxic dumping (e.g. toxic waste dumping, industrial contamination), can be observed. As emphasised by R. Muggah from Mongabay, these are not just conservation concerns. They also ‘undermine public security, corrode the rule of law, destabilise economies, and thwart climate and biodiversity goals’ (Muggah 2025). That is why tackling crimes at their convergence plays an important role in the case of environmental organised crime in Indigenous territories (and not only) - to successfully enhance resource efficiency and disrupt criminal networks.

2. Environmental Crime and Organised Crime Convergence

While examining the Indigenous struggle with environmental crime, the convergence of environmental and organised crime is an important aspect (UEPA et al. 2021), increasing the systemic power of organised crime networks and the way they impact both local communities and the environment (WWF n.d.). Such interconnections can undertake various models, starting from the supply chain and trade route convergences, through geographical convergence, to regulatory convergence (e.g., use of corruption or legal loopholes).

According to D. P. Van Uhm, five stages of convergence between organised and environmental crime can be observed on the environmental organised crime continuum based on theoretical concepts from criminology, environmental studies, and political science (Van Uhm 2020, 115). Firstly,

the alliances are being formed, allowing sharing of expert knowledge, intelligence, and operational services. Then the realisation is made that the cooperation may be mutually beneficial, which results in sharing the resources and stopping mutual adversaries (step 2 - mutualism). This may include e.g., using gold mines to launder drug money or using common logistics on the same routes, i.a., for drugs, illegal timber, and gold (Brown 2022). The third stage is convergence, when the illegal 'companies' converge into one entity that demonstrates features of both sides - as an example, drug groups (e.g., the Rastrojos and Urabeños) have also been linked to illegal logging (Jones 2021). The later stage is transformation, with a new group emerging to adapt to changing circumstances, leaving traditional activities behind and conducting a kind of criminal career shift to be able to infiltrate new markets and pursue new criminal opportunities, which leads to domination over a specific area or trade line.

3. Patterns of Environmental Organised Crime in Indigenous Territories

This crime convergence is especially visible in the territories of the Indigenous Peoples, in which some commonalities in relation to environmental organised crime can be spotted. Such territories are usually characterised by their biodiversity and subsurface resources, which makes them vulnerable to activities such as illegal mining and logging.

While the environmental organised crime on the Indigenous territories appears in various parts of the world, from Cameroon and Gabon (Global Initiative 2025a), through Nigeria, to Indonesia and the Philippines (UNICRI 2025, 9), the most affected region, according to both scholars and NGOs is Latin America (Rüttinger et al. 2022, 30), accounting for 88 percent of the total environmental defenders threatened and killed in 2022 (Global Witness 2023), with the Tres Fronteras region (Brazil, Colombia, and Peru) being of particular concern as the hot spot of transnational crime with i.a. Comandos de la Frontera (CDF), and 'criminal governance' of Los Lobos and Los Choneros in Ecuador (Amazon Underworld and Amazon Watch 2025, 18-20). According to UNDOC, mining on Indigenous lands expanded by 625 per cent between 2011 and 2021 in Brazil, with a substantial rise since 2019 (UNODC 2023, 75). The issue was addressed i.a. by Davi Kopenawa, a Yanomami shaman and spokesperson, who calls the illegal miners 'evil beings' and states that:

‘If we let the garimpeiros dig everywhere like wild pigs, the forest’s rivers will soon be no more than miry backwaters, full of mud, motor oil, and trash’(Kopenawa and Albert 2013, 262).

UNICRI indicates three main factors as the primary facilitators of illicit behaviour: corruption, insufficient protection of local and Indigenous communities (UNICRI 2025, 9), and unclear land titles (Schertow 2025). As F. Ngum and R. Barooah argue in their report ‘Impact of biodiversity loss and environmental crime on women from rural and Indigenous communities’, corruption in various forms can be considered the main factor responsible for illegal mining, e.g. in forms of bribing inspectors to manipulate environmental or safety records or disguising payments as corporate social responsibility spending to secure Indigenous consent (Ngum and Barooah, 2023, 17; UNICRI 2025, 39). Also, weak land rights and a lack of clearly secured land ownership facilitate the operations of environmental organised crime in Indigenous territories (Amazon Underworld and Amazon Watch 2025, p. 30). Securing legal acknowledgement of ancestral land claims often involves a lengthy process - when obtaining a legal title to the land in rural areas of Peru’s Ucayali region typically takes 6-9 months for an individual, ProPurús indicates that for an Indigenous community, it can take several years (ProPurús and AIDESEP 2025), and, according to UNICRI, in the Philippines, it can take up to 20 years (UNICRI 2025, 34). These factors are further aggravated by the underrepresentation and constrained political participation of Indigenous communities on one side, and weak enforcement caused i.a., by structural obstacles: remoteness of sites, limited institutional capacity, overlapping jurisdiction on the other (Soberón 2025, 17; Igarapé Institute 2021, 53).

4. Particular impact on Indigenous communities

Taken together, these patterns illustrate that environmental organised crime is neither incidental nor peripheral to Indigenous territories. They are also inevitably reflected in the particular impact that the environmental organised crime activities pose to the Indigenous communities. According to WRI, 84% of tree cover loss in Surinam linked to mining in the years 2001-2020 happened in Indigenous and community forests - the numbers are, accordingly, also 83% in Venezuela, and 64% in Ecuador (WRI 2024). The illegal activities conducted on the Indigenous communities’ land observe increased pollution and a negative impact on biodiversity. The environmental harm is inseparable from social harm: the same dynamics that facilitate illegal logging and mining, also reproduce longstanding forms

of marginalisation, dispossession, displacement (Dammert and Sampó 2025, 5; Government of Brazil 2024), and violence against Indigenous peoples, impacting their life and functioning and integrity of their communities (EL PAcCTO 2021; Igarapé Institute 2022, 2).

What needs to be emphasised is that an ecocentric view should be applied while considering the phenomenon - they not only pose a threat to the environment, i.e., in the form of deforestation and loss of food sources, but also disrupt the lives of the communities. For the Indigenous peoples¹, land is not merely a resource they can exploit, but it forms an inseparable part of their cultural identity. Therefore, not only the destruction of the environment *per se* should be considered, but also the dialectical relationship between peoples and nature, according to which humans and nature form 'part of an extended ecological family that shares ancestry and origins' (Van Uhm and Grigore 2021, 495), with the natural environment being part of tradition and culture, as well as places of worship. As explained by Freda Huson, Chief Howilthkat of the Wet'suwet'en First Nation in Canada:

'Our people's belief is that we are part of the land. The land is not separate from us. The land sustains us. And if we don't take care of her, she won't be able to sustain us, and we as a generation of people will die.' (Shah 2022)

This contravenes the approach presented in the global North with anthropocentric values. While seeing humans and nature as parts of the same dimension, it is easier to understand how environmental degradation is directly related to the victimisation of humans (Van Uhm 2020, 136), diminishes their lives and culture, i.e., by displacement, land grabbing, and ecocidal harms, and erodes their self-determination.

Consequently, the operations of organised crime intersect with pre-existing asymmetries of power, rendering the Indigenous communities particularly vulnerable to the criminal activities impact, with the extractivist projects expanding into their ancestral territories.

Environmental crime disproportionately impacts Indigenous communities, often leading to severe human rights violations. Indigenous leaders are considered to be frontline defenders i.e. of the Amazon, which frequently puts them in a position of targets of threats, including those of deadly violence (Ramírez 2025). According to the Inter-American Commission on Human Rights, over 95% of violence targeting Indigenous defenders in

¹ As well as Afro-descendant communities i.e. in the Amazon territories, which also should be acknowledged, despite not being analysed in this work. Afrodescendants in Central and South America also present strong cultural ties to the land the same way as Indigenous communities, but don't identify as Indigenous (WRI 2024).

Latin America is linked to their advocacy for territorial protection and their defence of the right to a clean, healthy, and sustainable environment (IACHR 2025, 32).

5. How are the Indigenous communities affected?

While it is clear from the previous section that the Indigenous communities are affected disproportionately by environmental organised crime, it should be examined what exact effects the phenomenon has on the communities, tracing environmental, socio-economic, and cultural consequences accompanying the presence of criminal actors in Indigenous territories.

Firstly, the Indigenous communities depend on the forest, i.a., for food, medicine, and water (WRI 2024). Criminal activities threaten these aspects, endangering the communities such as Batak Toba in the forest regions of North Sumatra (Indonesia), with severe water contamination and the extinction of endemic fish species (Ngum and Barooah 2023, 23). The criminal enterprises concerned with e.g. mining directly impact the health of the communities, as they contaminate water sources with heavy metals (mostly mercury, used for mining gold - UNODC 2023, 61, 75; Ortiz-T. 2025; Igarapé Institute 2021, 32; Amazon Underworld and Amazon Watch 2025, 30) and chemicals (Amazon Watch 2024, 15, Ngum and Barooah 2023, 22), contaminate the soil with cyanide and arsenic (e.g. open-pit gold mine in Sonoro - Pearson 2023; Van Uhm 2020, 135). These can directly lead to skin and respiratory diseases (e.g. Rio Tuba nickel mine in the Philippines - UNICRI 2025, 62) and health problems continue even when mining stops (e.g., Brazil's Mundurucu Indigenous territory). Those have been underlined i.a. by Dario Kopenawa, a leader of the Yanomami people and vice president of the Hutukara Yanomami Association, in his words that 'Our children are being born sick. Women are sick, our old people are sick! Our people are dying because of mining' (Texeira 2024). Criminals from other territories may also bring unknown diseases, for which the local communities are not immune (UNODC 2023, 75). As an example, Yanomami Territory may be mentioned, where a measles outbreak in 1968 decimated the community, resulting in the death of over $\frac{1}{5}$ of the population. Second major health crisis followed in the late 1980s, when a renewed influx of gold miners brought malaria, which killed $\frac{1}{5}$ of the population that survived the first epidemic (Igarapé Institute 2021, 34).

Furthermore, social impact cannot be overlooked. This includes further exposure to violence and victimisation of Indigenous communities (UNODC 2023, 61, 73; Brown, 2022), gendered vulnerability, and cultural erosion.

As already mentioned, the devastating impact on the environment should be considered not only as an environmental issue, but also as the forest constitutes a great part of Indigenous lives, in relation to their social and cultural aspects.

This is further aggravated, i.e., by forcible displacement, caused both by the organised groups directly, as well as indirectly, by the disruption of the natural environment, i.e., in the Brazilian Amazon, where the Indigenous communities are forced to move to other areas, including the cities (Rüttinger et al. 2022, 20). This dynamic weakens communities' resilience, disrupts place-based livelihoods and knowledge systems, and increases exposure to social exclusion and long-term marginalisation.

The forcible displacement is also often interconnected to the renewed property disputes (UNODC 2023, 74), with the failure to formally recognise and effectively safeguard the right of Indigenous (and Afro-descendant) peoples to free, prior, and informed consent playing a significant role in exacerbating these conflicts (IACHR 2025, 32). This goes hand in hand with other human rights abuses, such as the assassination of the leaders and death threats to the members of the communities, inhuman working conditions, coerced employment, etc. (UNICRI 2025, 62).

There are also economic implications of environmental organised crime. Due to the lack of other legal economic alternatives (UNICRI 2025, 60, 78; Van Uhm 2020, p. 124; Van Uhm and Grigore 2021, 497; Soberón 2025, 9), members of the Indigenous communities become part of the phenomenon, especially in relation to illegal mining and logging. In certain contexts, Indigenous individuals are drawn into these illicit economies through exploitative arrangements imposed by organised criminal actors, often under conditions of coercion and dependency (Van Uhm and Grigore 2021, 499). They are forcibly recruited as miners, hunters, transporters (Ngum and Barooah 2023, 7), and exploited in inhumane working conditions (Jervis 2025). As flagged by Mongabay:

‘the promise of easy money means mining easily infiltrates poor villages that live from farming, particularly Indigenous communities where young men, flush with cash from mining, often spend their earnings on alcohol, while the women get involved in relationships with foreigners who move on to the next mine, sometimes leaving children behind’ (Torres and Collyns 2024).

Furthermore, such phenomena as extortion and illegal taxation imposed by organised crime cannot be overlooked. They function as mechanisms of territorial control that extract resources from Indigenous communities, while reinforcing dependency, fear, and the erosion of local governance

structures. Indigenous peoples are coerced to pay protection money or taxes for the goods they want to trade in specific territories, along specific paths or rivers (e.g. parts of the Cacarica River in Colombia).

6. Impact on Indigenous Women

While the environmental organised crime impacts the Indigenous communities as a whole, their influence on Indigenous women is particularly strong, given women's role within forest ecosystems (Dammert and Sampó 2025, 5; Ngum and Barooah 2023, 4). The intersection of gender, poverty, and indigeneity exposes Indigenous women to heightened risks of gender-based violence and systemic impunity (EL PAcCTO 2021). This is, i.a., since the illegal extractive activities, as underlined by F. Ngum and R. Barooah, draw predominantly male workforce from outside the region, thereby 'masculinising' the territory (Ngum and Barooah 2023, 2).

While the impact varies from community to community, the increase in male population often further leads to the disruption of regular life and endangers women's safety, as they usually are the ones performing household activities in the forests (collecting water, food, etc.). During such actions, they are at risk of harassment and assault. This can include sexual exploitation of women and girls, especially from Indigenous communities (Amazon Underworld and Amazon Watch 2025, p. 27), as increased numbers of sexual exploitation, rape, and grooming cases are being reported by the Indigenous women and girls in the periods when the organised criminal groups reside in the area². The group is subject to situations of forced prostitution linked to illegal extractive operations (Ngum and Barooah 2023, 9). Indigenous women are also highly vulnerable to human trafficking and smuggling, which is not unusual in illegal gold mining or logging camps (e.g. the gold mining camps in Chocó) (Van Uhm 2020, 121). The inability to perform their activities due to environmental organised crime, combined with the rising rates of alcohol addiction, lead to increasing levels of domestic violence (Ngum and Barooah 2023, 9, 16). Furthermore, some of the organised crime members tend to form relationships with Indigenous women, as such practices may facilitate inclusion in the official Indigenous population register, and, in case their illegal activities are discovered, may serve as a means of avoiding criminal sanctions (Amazon Underworld and Amazon Watch 2025, p. 29).

² See e.g. Mongabay report on the Brazilian news outlet *Vieja's* investigation on PCC (Primeiro Comando da Capital - First Capital Command) presence in the Yanomami land (Gabay 2024). On PCC being perceived as the key actor in this kind of violations also: (UNODC 2023, 75; UNODC 2025b, 52-53).

It cannot be, however, overlooked that, while women are the ones often most affected, they also use their voices to stand against the phenomenon. They are often the community leaders, and they also organise movements to support their cause. As an example, the women-led Sapara movement shall be mentioned, which contests dominant development discourses that frame Indigenous communities as ‘poor’ and ‘anti-development’ (Ngum and Barooah 2023, 14). Multiple women-led movements engage in the protests challenging the destruction of the environment, concessions, and other aspects of the extractive actions endangering their territories (e.g. Amazonian Kichwa women reasserting their agency and underlining their roles in the community).

7. Confronting Environmental Crime

While the Indigenous communities are considered to be among the groups most vulnerable to environmental organised crime, they also play a central role in responding to the phenomenon (EL PAcCTO 2021). These forms of resistance can be broadly divided into legal, political, social, and technological.

The legal means refer mostly to such aspects as legal battles and land claims. These may include strategic litigations (before national courts, as well as i.a. in front of the Inter-American Court), which allow to challenge the structural failure in state protection against environmental organised crime. Beyond individual impact, such cases aim to generate a broader policy change. As an example, the A’i Cofán community of Sinangoe shall be mentioned, which secured unprecedented wins in the national courts of Ecuador. Nevertheless, it has to be noted that the local government still fails to comply with those (Amazon Frontlines 2023). Another example would be Heiltsuk Nation in Canada, which decided to take Kirby (oil shipping company), and British Columbia to court for spilling toxic fuels into Heiltsuk’s marine harvesting areas (Raven Trust n.d.). Alongside the legal means, the case included also i.a. crowdfunding campaign and documentary videos.

From the political perspective, local, regional, and transnational advocacy, i.a., through the Inter-American system, should be considered, with special attention to the UN Permanent Forum on Indigenous Issues (UNPFII). During its 24th session held 21 April - 2 May 2025 in the UN headquarters in New York, the Amazonian Indigenous leaders underlined the threat organised crime poses to the Amazon and its Indigenous communities and addressed the Inter-American Commission on Human Rights (IACHR) with a request to create a report concerned with how organised crime, including

environmental organised crime, affects Indigenous communities. Miguel Guimaraes, Shipibo-Konibo leader (Peru) and Vice President of AIDESEP, addressed the issue of formal recognition of organised crime as an existential threat to Indigenous communities. He reflected on organised crime engagement in environmental crime, saying that “we must be included in drafting the international protocol on environmental crimes, and protection mechanisms for Indigenous defenders must be created, along with funding for Indigenous-led economic alternatives” (Guimaraes 2025). The Forum also made particular recommendations, such as ensuring permanent Indigenous representation in the U.N. Office on Drugs and Crime (UNODC) and the U.N. Convention against Transnational Organised Crime (UNTOC) processes and including such representation in the drafting of the international protocol on environmental crimes.

At a more local level, also the Indigenous territorial governance constrains the expansion of organised criminal networks, which can be observed, i.a., in the cases of the Confederation of Indigenous Nationalities of Ecuador (CONAIE) and the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (CONFENIAE) (Amazon Watch 2024, 17).

Social means include, i.a., territorial defence (e.g., in the forms of community patrols), peaceful protests and rallies, digital advocacy, education, and, in a broader sense, also such actions as grassroots reforestation. The community patrols may undertake the forms of community forest units monitoring the land (e.g. Ajemalebu Self Help organisation based in Cameroon, operating in Cameroon, Ghana, and Tanzania facilitates those), and early warning systems which monitor and prevent illegal actions (as an example, Federation of Indigenous Organizations of Napo - FOIN - has established surveillance network) (Amazon Watch 2024, 5, 12).

Taking into account the technological view, use of emerging technologies cannot be neglected: verifying the origins of wood to determine whether it comes from the Indigenous lands, use of AI to analyse the camera footage to determine whether an individual is a poacher, and modern monitoring systems, such as Global Forest Watch, to mention just a few. Grassroot organisations willingly use high-tech solutions, i.a., for environmental monitoring (Amazon Frontlines 2023). In this regard, the Nature Crime Alliance shall be mentioned, which provides an Index of Tools - an open-access database offering information on the technologies related to environmental crime.

8. International and Regional Setup

For the whole picture on state responsibility in light of this phenomenon, international provisions related to Indigenous rights and environmental crime shall be considered.

First of all, state obligations can be observed under UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples), which obliges states to provide effective mechanisms for prevention of, and redress for actions aiming or effecting in dispossession of Indigenous communities of their lands, territories or resources (Article 8, section 2, letter b), and prevents forcible relocation without FPIC (Article 10). Also, ILO 169 (Indigenous and Tribal Peoples Convention) requires consultation with Indigenous Peoples when the minerals and sub-surface resources on the lands they inhabit are concerned, before undertaking or permitting exploitation of such resources, underlining also the participation in the benefits and fair compensation (Article 15, section 2).

Secondly, the international engagement takes place by the Indigenous communities themselves, on the international fora. As a vivid example, the UNPFII's 24th session has been already addressed above. In the UN setup, also UNODC and UNICEF are engaged in the issue, i.a., by formalising a strategic agreement in Brazil to jointly implement surveillance and response systems for Indigenous territorial protection, i.a., against environmental crimes (UNODC 2024a, 67). UNODC acts also via the Global Programme on Crimes that Affect the Environment (GPCAE), which in the Amazon region contributes to creation and implementation of action plans, while at the same time cooperating with individual states: in i.a. Brazil prioritises combating illegal mining and deforestation, and strengthens Early Warning Systems in Indigenous territories, in Peru assists in increasing local authorities' capacities in regions of illegal logging, and in Ecuador advances investigative capacities in minerals crime (UNODC 2024a, 80). UNODC Brazil organises multiple projects in the Pará region, i.a., SAR-TI - Strengthening Early Warning Systems and Response to Environmental Crimes related to Illegal Gold Mining in Indigenous Territories, and Centre for Drug Studies and Community Social Development (CDESC), which aimed at mitigating the impact of drug trafficking on Indigenous Territories and Populations (UNODC 2024b). Moreover, in the past 5 years more and more voices are raised on the new possible protocol to UNTOC, which aims at trafficking in wildlife (Barber and Foddy 2025) and environmental crime in general, aiming at strengthening the current international framework³ (UNODC 2025a, 7)

³ i.a. UNTOC, CITES (UN Convention on the International Trade of Endangered Species of

and harmonisation of national laws (i.a. the definitions) in order to close enforcement gaps (Muggah 2025). Some scholars also consider protection under International Criminal Law (ICL) (de Hemptinne and Szczupak 2025). However, according to the author, it would be difficult to justify such implementation of ICL in its current state.

On the regional level, the Escazú Agreement (2018)⁴ is worth highlighting, with Article 9 obligating states to guarantee safe conditions for environmental defenders. The Belém Declaration, concluded by Amazonian leaders in 2023, shall also be mentioned, with a commitment to coordinate environmental governance via the Amazon Cooperation Treaty Organization (ACTO), and promote the exchange of information and intelligence cooperation related to the fight against illegal activities and environmental crimes committed in the Amazon region. International Police Cooperation Centre (CCPI Amazônia) has been created in Manaus, Brazil, to tackle environmental crime in the Amazon (Amazon Underworld and Amazon Watch 2025 38). In 2024, an Amazon Region Initiative Against Illicit Finance was announced, a partnership between Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and the U.S., aimed at combating the financing of nature crime and countering the benefit of the transnational crime from such acts (Barber and Foddy 2025).

9. State Responses: Support, Neglect, or Criminalisation

State responses to environmental organised crime in Indigenous territories are not uniform, but rather reflect a spectrum ranging from support, through inaction, to overt criminalisation of the resistance of Indigenous communities. While states are formally obliged under i.a. international law to protect Indigenous peoples and combat environmental organised crime, their responses are often symbolic at best, with systemic neglect or even active criminalisation being more frequent scenarios. In this regard, three aspects shall be considered: normative protection, implementation gaps, and repressive practices.

On the theoretical level, multiple solutions can be observed, which strengthen the Indigenous communities' positions in their fight against organised crime. This includes, i.a., Free, Prior and Informed Consent (FPIC) and constitutional recognition of their rights. While this is to be a

Wild Fauna and Flora), and Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal).

⁴ 18. Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.

binding provision related to agreeing to any activities undertaken on the Indigenous rights, it has to be noted that the Indigenous communities have no formal veto power, and such ‘consultation’ is often symbolic, in multiple cases conducted with the individuals benefiting from the named activities (Igarapé Institute 2021, 14). Provisions related to FPIC are vaguely defined, often too general, which facilitates their ambiguous interpretation and leads to weak enforcement (UNICRI 2025, 34; UNGA 2007). Furthermore, even if these are adequate, they are not feasible to be enforced due to the lack of infrastructure.

Similarly, Indigenous rights are formally recognised by the constitutions of many states. As an example, Brazil may be mentioned, which in Article 231 of its constitution clearly states that ‘the lands traditionally occupied by Indians are intended for their permanent possession and they shall have the exclusive usufruct of the riches of the soil, the rivers and the lakes existing therein’ (paragraph 2), with the mineral resources of such lands being mined only after hearing the communities involved and with their participation in the benefits of such mining (paragraph 3). Similar provisions can be found in other constitutions, i.a. Bolivian (Article 30 section II referring to Indigenous rights, i.a. self-determination and territoriality and Article 352 of the Constitution addressing FPIC directly the exploitation of natural resources), Ecuadorian (Article 57 section 4 and 5 in relation to land ownership, section 6 - participation in resources, and section 7 - FPIC [here - consultation]), and Colombian (Article 329 refers to land, and Article 330 - conservation of natural resources, and their exploitation). These provisions impose binding obligations on states to recognise Indigenous peoples as rights-bearing political actors and to ensure their participation in decisions affecting their lands, resources, and modes of life.

It must be, however, underlined that some institutional mechanisms are introduced, i.a., a state reporting mechanism PROFEPA (Procuraduría Federal de Protección al Ambiente) in Mexico. Also, Colombia took action in 2025, constructing a 1 million-hectare territory aimed at the protection of pristine forests and Indigenous communities inhabiting it.

This formally high standard of protection depicted in the normative framework should, theoretically, prevent environmental organised crime in Indigenous territories and provide efficient means of protection to local communities. It does not, however, go hand in hand with the implementation, in which multiple gaps can be observed, i.a., due to the lack of capacity (Ngum and Barooah 2023, 17, 20). In the previously referred case of the strategic litigation of the A’i Cofán community of Sinangoe (Amazon Frontlines 2023), which for a long time has been resisting the illegal mining and poaching, and documenting such activities. In just three months on

the breach of 2017 and 2018, the Ecuadorian government provided over fifty mining concessions on the Indigenous territories around Aguarico River, despite the lack of FPIC of the local communities. A'i Cofán sued five authorities (ministries and agencies) for such action, and requested the cessation of mining. While the court ordered a suspension of mining operations, cancelled all the concessions and acknowledged i.a. the violation of the FPIC provisions, creating by the same a so-called Sinangoe precedent, and offering a juridical tool to the Ecuadorian Indigenous peoples, the huge gap between the rights on paper and in reality remains impassable - the ruling has not yet been enforced. Similar examples can be enlisted in relation to many other Indigenous communities, i.a., the Waorani people of Pastaza, also in Ecuador, despite securing their rights against oil drilling on their territories without proper informed consent or consultation in 2019, have not yet seen the sentence carried out.

Therefore, it must be underlined that, despite the occasional legal victories recognising the violations, the failure to execute judgments is observed. These are often delayed, partially implemented, or ignored altogether, which further undermines the Indigenous communities' trust in legal remedies and encourages criminal actors to continue and enhance their activities.

This non-execution of judgments often goes together with a weak institutional framework - lack of coordination between courts, police, and prosecutors, as well as insufficient resources, combined with corruption, further affect the actual implementation (Ngum and Barooah 2023, 16). Weak institutions can be observed, i.a., in insufficient efforts to evict the intruders from Indigenous territories (e.g., illegal miners collaborating with organised crime groups, which the Brazilian government tried to evict from Yanomami Indigenous Territory after the 2023 Federal Court ruling in Roraima - Gabay 2024). Even if some governments propose singular solutions, i.a., for monitoring the activists' deaths, they lack strategies that would secure the rights of vulnerable communities (Martinez 2024).

This is often interconnected with the absence or delay in formal land titling, which further weakens Indigenous claims against criminal actors and allows the states to deny responsibility. Without such formal titles, it is much easier to bypass the consultation with Indigenous communities and seeking their consent. This lack of formal recognition causes land insecurity and increases exposure to violence and exploitation. This has been, however, extensively addressed in the literature. The enforcement is further hindered by the remoteness of Indigenous territories.

Failure to investigate and punish environmental organised crime and selective enforcement favouring extractive industries raises questions on state tolerance and implicit consent to the illegal activities. This is further

furnished by the authorities' communication as well - Frank Eja, the director of the Cross River State Forestry Commission in Nigeria, admitting that officials tend to accept bribes for their non-response to illegal timber trafficking, being only one example (Igwe 2025). Authorities often put the corporate interest in front of the community rights (Ramírez 2025), hesitant to address organised crime because of multiple political and economic factors, including the economic influence of such groups, with curtailing their activities leading to potential economic instability (Martinez 2024). Therefore, even though such actions as strategic litigations produce symbolic recognition, they rarely result in material protection.

In some cases, the states even turn to repressive practices towards Indigenous activists, such as criminalisation and defamation. This includes new controversial anti-protest laws, precautionary measures misuse, especially in the form of illegal and arbitrary detentions (e.g. in case of Wet'suwet'en protests against the Coastal GasLink (CGL) pipeline construction in their ancestral territory in Canada over 75 land defenders were arbitrarily arrested and detained, many with excessive force - Amnesty International 2023, 59) and prevention of engaging in public demonstrations, other types of free trial infringement (e.g. false allegations, fabricated charges), and excessive use of force by the executive (i.a. police violence and harassment towards protesters against nickel extraction, e.g. in Brooke's Point in southern Palawan in the Philippines - UNICRI 2025, 63) (Pietruszka 2025, 45-47). On the other side, epistemic violence leads to the delegitimisation of the Indigenous activists' actions through the language, i.a. through whole smear campaigns and associating environmental defenders, including the Indigenous communities, with such terms as 'eco-terrorists', 'enemies of the state', or 'extremists', further causing their stigmatisation. It cannot be, therefore, overlooked that in many cases, criminal law is deployed not to dismantle organised crime, but to suppress resistance to it.

It is therefore clear that the failures are systemic and interconnected, and cannot be seen as accidental, but rather as structurally produced. That is why multidimensional action is needed.

10. NGOs Engagement

On this note, the support provided by non-governmental organisations at both local and international levels often constitute significant improvement compared to the protection mechanisms formally offered by the states. Through documentation of abuses, legal assistance, and international advocacy, NGOs frequently lessen risks that state institutions are unwilling

or unable to address. While such support cannot substitute for the primary obligations of the state, it nonetheless highlights a persistent governance gap and underscores the extent to which protection from environmental organised crime has been externalised to non-state actors.

The scope of action includes, i.a., networks such as Nature Crime Alliance - a global, multi-sector network fighting environmental crime and other 'international criminal activities with which it converges' (NatureCrimeAlliance 2025), and connecting state actors, civil society, businesses, Indigenous communities, and academia, providing resources and consultations, i.a., to Interpol and UNODC on one side, and the Indigenous environment defenders on the other (Barber and Foddy 2025). The Alliance has also created a Working Group for Indigenous Peoples and Frontline Defenders (WGIPFD) in cooperation with Indigenous Peoples' Rights International (IPRI), which connects representatives of Indigenous Peoples from Asia, Africa, North America, Latin America and the Arctic (NatureCrimeAlliance 2024). Another international example is the World Wide Fund for Nature and the Forest Stewardship Council, which helps the local communities create projects related to enabling sustainable use of forest resources while, at the same time, protecting Indigenous territories (Ngum and Barooah 2023, 13).

On the regional level, there are also several institutions such as Conservación Internacional and Naturaleza y Cultura Internacional, operating in Ecuador, Peru, Mexico, Bolivia and Colombia (Ngum and Barooah 2023, 13), Amazon Watch, which focuses on Amazon rainforest protection and advancing the rights of Indigenous peoples in the region, and launched, i.a., the Amazon Crime campaign related to crime impact on the environment and communities of the region.

At the national level, several mechanisms and initiatives created by non-governmental organisations can be identified that illustrate existing approaches to the protection of Indigenous rights in contexts affected by environmental organised crime, i.a., by legal assistance in documenting cases and engaging with authorities. Among the local NGOs supporting Indigenous communities in this regard, Consultoría Técnica Comunitaria, Alianza Sierra Madre and Centro de Capacitación y Defensa de los Derechos Humanos e Indígena in Mexico, Mujeres Amazónicas in Ecuador, and Instituto Igarapé in Brazil can be enlisted, to name just a few. These examples are not exhaustive, but rather serve to highlight selected practices and legal responses that demonstrate both the possibilities and the limitations of state-led protection frameworks.

11. Effective Resistance - Steps Moving Forward

To provide effective remedies to the problem, actions should be considered on multiple levels: upstream, mid-stream, downstream, and local.

Firstly, formal recognition of environmental organised criminality and its threat to Indigenous peoples is necessary on the part of authorities, as well as society. This should go along with strengthening the legal and policy frameworks, with a specific focus on environmental crime, legal titles to the land, and procedures related to Free, Prior, and Informed Consent, and the specificity of such provisions, so they are not easy to misinterpret. Strengthening the formal protection should be accompanied by enhancing law enforcement capacities and creating more efficient operational frameworks, while at the same time taking into account the specificity of the phenomenon (measures to improve the security of communities against illegal activities, but also of the security of defenders, holistic security approach, traceability systems, focus on the financial trail, taking into account the remoteness of the sites), and building the accountability of the officials (i.a. by addressing corruption and governance weakness).

The action has to include strengthening international and regional cooperation. Transborder strategies are crucial, especially taking into consideration the internationalisation of organised crime and the fact that Indigenous territories often are placed in the border area between two or more countries. This should include i.a. tracking transnational criminal finance (related to i.a. gold, timber, wildlife), mechanisms for protection of defenders, and regional security strategies focused on police cooperation, diplomacy, and environmental security, as well as cooperation not only with the national authorities, but also regional bodies like the Andean Community of Nations (CAN) and the Amazon Cooperation Treaty Organization (ACTO).

Such formal actions must be accompanied by capacity building and raising awareness. These should include strengthening participating mechanisms in order to build community self-determination, building the visibility of Indigenous communities in media outlets, conducting awareness campaigns (on challenges met, advocacy, and successful initiatives undertaken in relation to Indigenous peoples' resilience), but also supporting socio-economic empowerment, i.a. in the form of offering other economic alternatives, which will discourage the Indigenous communities' members from cooperating with organised crime. It should also include skill-building on tools and technologies. This is further interconnected with the use of new technologies, such as geochemical fingerprinting (e.g. for source identification), satellite imagery (e.g. the Brazilian Federal Police uses satellite data to bust illegal

mining operations - WRI 2024), and modern software, such as programs for near real-time deforestation alerts.

Conclusions

It cannot be overlooked that the environmental organised crime is embedded in the Indigenous territories, especially in relation to illegal extractive activities and logging, and cannot be treated as only incidental. While the Indigenous communities mobilise against the phenomenon by various actions, from peaceful protests to strategic litigation, the state's response to environmental organised crime oscillates between neglect, selective enforcement, and criminalisation of activists, rather than protection. The presence of legal frameworks such as Free, Prior and Informed Consent, and constitutional provisions is mostly formal and too imprecise to provide actual protection in practice, especially in connection with weak institutions and enforcement failures. This further reinforces the organised criminal groups convinced about their unpunishability, and leads to systemic human rights violations - failure to ensure FPIC, to protect Indigenous land and environmental defenders. All of this leads to the conclusion that the existing criminal policy frameworks inadequately support Indigenous communities against the environmental organised crime in their territories.

That is why strengthened policies in this regard must be implemented. Firstly, environmental organised crime in Indigenous territories cannot be addressed by criminal policy alone, but must focus on the rights-centred approach. The states must recognise land and resource rights of Indigenous communities, with the FPIC applied in practice being a bare minimum (WRI 2024). As mentioned by the ECO-SOLVE reports, acknowledgement and protection of Indigenous land rights can be perceived as a crime prevention measure (Global Initiative 2025b, 18), and the gap between recognition and implementation of Indigenous rights (to land, environment, health) must be addressed. Active participation of Indigenous Peoples is required in creating policies, which cannot be achieved without trust-building in state capacities among such communities. This must go hand in hand with states shifting from the criminalisation of Indigenous resistance towards the protection of environmental defenders, in line with obligations imposed by international law. These actions must be accompanied by technical and technological support - specialised training in environmental crime investigation and financial crime tracking. In this context, Indigenous-led monitoring mechanisms and forms of digital advocacy can contribute to safeguarding self-determination and territorial integrity. Framing environmental

organised crime as a new frontier for human rights analysis not only reflects its evolving transnational and structural nature but also underscores the need to recalibrate state obligations toward accountability, prevention, and rights-centred protection.

While the analysis is limited by its reliance on documentary and legal sources and selected case studies, future research would be welcomed that incorporates in-depth qualitative interviews with Indigenous community members and relevant state officials to better understand how policy implementations are experienced and negotiated in practice, and to further illuminate gaps between formal protection and its execution.

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