

THE GLOBAL INITIATIVE  
AGAINST TRANSNATIONAL  
ORGANIZED CRIME

# The Global Response to Transnational Organized Environmental Crime

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Key Messages and Core Recommendations



A Call to Action  
June 2014

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# Organized Environmental Crime: A Call to Action

## Key Messages and Core Recommendations

Environmental crime is one of the most damaging, high profile and economically significant fields of global criminal activity – second only to drug trafficking – and is pushing our planet to the point of eco-system collapse.

Many crimes are still beyond our capacity to assess, but to highlight a few pertinent statistics: the global value of wildlife trade is estimated at \$19 Billion and with a single rhinoceros horn netting \$260,000 for criminal groups. The value of illegal fishing is estimated with \$23 Billion per year, and is forecasted to cause a complete collapse of the world's fish stocks in 2048. Deforestation in the Amazon region has increased up to 103% in 2012-2013, with estimated profits of \$100 Billion for the illegal timber industry worldwide.

This report is the culmination of a process that began in April 2013, and has been consulted with over 150 environmental, development and criminal justice professionals, drawn from the multi-lateral system, national governments and civil society. This has followed the route of other reports by the Global Initiative: an initial paper for debate that incorporates the inputs of a network of professionals from a diversity of backgrounds, growing as the discussion grows and reflecting its key messages. As with all Global Initiative processes, people have participated in their individual capacity, and not on behalf of their institutions.

Commissioned initially as a baseline assessment of where things stand in terms of the global response to organized environmental crime, this report has evolved into an urgent call to action. Unchecked corruption and sophisticated criminal networks have created an illicit economy which has pushed species to the brink of extinction, transformed thriving rainforests into impoverished wastelands and polluted the environment with toxic waste. Furthermore, our responses are failing to dent the problem, whilst coming at the cost of human lives: more than 100 rangers are killed each year in Africa defending wildlife, while global estimates suggest

that between 2002-2012 over 700 people, including activists, journalists and community members, have been killed defending land or forests.

Across their various disciplines and areas of expertise, those involved in this study wished to communicate five key messages and five core recommendations. These were surprisingly consistent and universal, and serve as an imperative to the international community, national governments and individual citizens to recognize this no longer as an environmental issue, but as a criminal issue, and to use all of the tools at their disposal to respond urgently and coherently.

### 1. "Recognise the role of organized crime: Act now, different, better..."

At the national level, environmental crime has long been perceived as a "green issue" fragmented across a range of multi-lateral institutions and international conventions that set policy, regulate the domain and catalyze the response. But lack of political will, inconsistent and fragmented application of resources, and grey areas in mandates appear to hamper the kind of strategic leadership that is required.

For too long, the response has been paper-based, caught in bureaucratic wrangling on definitions and ratifications, and small fixes to an international legal architecture riddled with loopholes and arguably not fit for purpose.

A universal legal framework is needed that would firmly situate environmental crime as a serious, organized and criminal activity, and provide an effective legal architecture for international cooperation and national responses.

The signing of an MOU between countries and institutions makes an apparent commitment, but all too often these agreements have neither the teeth nor the resources to successfully implement. This is no longer a legal issue, as regulation changes cannot



keep pace with the evolution of criminal behavior. We need a rapid response not a bureaucratic one.

***“We are applying annual strategies to a half-century crime-wave, which is rapidly devastating a process of evolution that has taken place over 4 billion years.”***

The enormous investment required to create momentum and coordinate regional and international responses may detract from national efforts, and hamper a truly successful and tangible response to environmental crime. Resources are committed along short funding cycles and under the whims of donors – both public and private - that prevent genuine partnerships, capacity building and innovation.

We have to do better. High rhetoric at international conferences needs to be followed up with public convictions of controllers and kingpins, and the seizure of their assets. Investigations by NGOs and reports by civil society need to be integrated into law enforcement responses. Public campaigns at the community level need to be reinforced by alternative livelihoods in the regions most vulnerable.

There is an urgent need for a rationalized and reinvigorated approach to address the challenge of environmental crime more comprehensively. A holistic strategy is required to tackle environmental crime if we are not to lose the battle and suffer the extermination of species and irreversible damage to the planet.

## **2. “Corruption is the elephant in the room and we don’t say it enough”**

Corruption at all levels facilitates and enables organized environmental crime, and undermines the majority of our instruments for response.

At the highest levels, state officials complicit with international corporations and national big business sell permits, land and extraction rights to individuals and companies based on the level of the kick-back rather than the merit of the tender, or distribute them as gifts amongst favored cronies. Illicit profits may have bolstered some authoritarian regimes and funded undemocratic regime change.

Operating with apparent impunity from prosecution or censure, elites and their ongoing connections to organized crime undermine citizens’ trust in democratic institutions, and the increasingly inter-woven nature of politics, organized crime and corruption poses a significant threat to the long-term development of democracy across the developing world.

Within the context of developing successful responses, corruption undermines all other efforts to combat environmental crime. A great proportion of the millions of dollars being invested into this fight around the globe is wasted because efforts being funded have little chance of succeeding in the face of corruption. Law enforcement capacity is being built, but if a barrier of corruption protects the most significant criminals, then only superficial enforcement can take place.

Even where corruption is identified as a significant impediment to addressing environmental crime, multilateral forums are stymied in their response, trapped in the frameworks of state sovereignty, diplomatic relations and multilateral consensus.

***“We are throwing sand in the wind, unless we address the unholy trinity of criminal enterprise, big business and political elites.”***

Systems to promote international transparency and accountability need to be found, applied and rigorously monitored, or all other efforts are futile.

## **3. “Capture the controllers, not the army of ants...”**

The increasing international pressure to respond to organized environmental crimes, and particularly in regions where the profits of environmental crime are perceived to enrich terrorist groups, is prompting a heavy handed and often violent response. The militarization of poaching has led to the militarization of enforcement, and this in turn is merely escalating the loss of human life, whilst failing to reduce its impact or mitigate the roots of the problem.

Militaries deployed against poachers and armed ranger units sent to combat illicit logging are creating a “war on environmental crime” which like

many of our self-declared wars, is doomed to be lost.

Failure to address poverty, inequality and under-development in rural communities of certain developing countries, is a leading reason for the increase in poaching and smuggling of wildlife resources. Criminal groups have created livelihoods and political economies based around the flow of illicit resources, and these overwhelm legitimate resource flows and sustain entire communities.

Violent crackdowns on poachers impacts livelihoods and the resilience of communities, and exacerbates rifts between citizens and the state and escalates the conflict.

***“We cannot fight only fire with fire.”***

The war is being waged at the wrong level. Relentlessly pursuing the “army of ants” – the individual poachers, transporters, corrupt customs officials – has little impact on the global trade in illicit environmental products.

The individuals most responsible for organised, transnational environmental crime and have the greatest influence over its execution are arguably those who profit most from it. Yet there have been precious few arrests and convictions of known environmental crime controllers, even when publicly identified. This group of criminals exists at the heart of environmental crime, functioning as pivots within networks of individuals around the globe who commit individual criminal acts at various nodes in the chain.

Whilst it is undoubtedly these individuals at which most attention should be directed, evidence of high-level connections often renders these people ‘untouchable’. In some cases these people are senior officers in the police, government officials and even ministers and politicians. The concept of them being stopped through conventional enforcement is arguably unrealistic. But with the right level of political support, history tells us that even the most well-connected and apparently powerful criminals can be convicted. Well profiled convictions of known controllers can have a positive impact across the entire criminal economy chain.

Not enough use is made of asset seizure tools to investigate financial flows and suppress organized

environmental crime. These crimes are motivated by profits, at the individual, corporate or controller level, and it is only by reducing the profitability of the crime, that we can hope to dry up the demand.

#### **4. “Draw on non-state resources and work better together”**

The days have passed in which a response driven by state institutions will be sufficient or adequate to meet the nature of the challenge. Even in the strongest states this issue has been too long left within the purview of under-resourced environmental ministries. Now it must be considered also a criminal issue, with serious implications for human security and state integrity. The challenge of organized environmental crime requires a holistic and multi-sectoral response, and civil society and the private sector are increasingly critical partners.

For over three decades, NGOs have been largely responsible for lobbying and driving a response to environmental crime. Increasingly now, they are engaging in and applying investigative and law enforcement techniques. Important regional responses have been driven by the efforts of NGOs, and yet often fail to feed their efforts into coordinated international action.

The media acts as a watchdog over inadequate responses and corruption issues. By increasing transparency and accountability, civil servants are more obliged to act, and wrongdoings are harder to hide. Protecting a ‘free press’ is essential to maintain and ensure that public concerns over environmental crime are not just heard, but are cast widely, catalyzing a chain of action from civil society and governments.

Private businesses and public corporations have extraordinary influence over the management of environmental resources, not simply because of their financial might, but because of the difference between over-exploitation of resources, and more ethical, conservative practices.

The scale of the problem is extensive and profound, and we need to draw on all actors to engage in an effective response.

## 5. “Unless we act now, we will lose...”

On a number of fronts, the battle to protect our planet, its species and key ecosystems from the pillage of criminal activity is being lost.

Some commodities illicitly traded under the broad umbrella of ‘environmental crime’ are amongst the most valuable on earth. Environmental crimes have an impact greater than just natural resources and habitats: they affect human security in the form of conflict, rule of law and access to essentials such as safe drinking water, food sources and shelter. The loss of revenue and income that should be garnered from legitimate trade in natural resources restricts economic development and exacerbates income inequality. At a local level the involvement of elements of organized crime threatens communities and reduces opportunities to access sustainable and honest income as crime crowds out legitimate ways of making a living.

Globalization has irreversibly changed market forces around these issues, creating potent incentives for criminality, and facilitating the acquisition and laundering of phenomenal sums of money.

Recent debates around the rampant poaching of key species - elephants, rhinos and tigers, amongst others - highlights the extent of the challenge and the inadequacy of our response. Even with an upswell in momentum and grand statements of commitment, the practical impact on the ground is minimal. Criminal groups are evolving faster than we are, and the deployment of the traditional tools of statements, sanctions and capacity building are simply not proving effective.

***“Right now, we are building sand walls to stop a tsunami.”***

Environmental crime is time sensitive and most often irreversible. We are at the tipping point where any effort may well be too late. We urgently need to prioritize this issue and change the way we do business.

## The Way Forward: Towards a better response

The goal must be to move towards a cooperative framework between national agencies and public

and private stakeholders to ensure cross-fertilization of knowledge and ideas for initiatives. Actors working on these areas should be encouraged to develop cross-cutting, tangible and result-oriented activities which complement each other, and which aim to ensure, paramount to all other considerations, that environmental harm is prevented.

***A new global strategy is required to create synergies and bridge the gap between development and the environment, and law enforcement, justice and the fight against corruption.***

While the practical application of a strategic approach may differ from sector to sector, place to place and crime to crime, there are enough commonalities for some important conclusions to be drawn. Having in place such a global strategy would in turn assist in the allocation of resources to priority activities, and assist in enhancing synergies and coordination.

Given the proximity to the tipping point of irreversible damage, there is a need for acceleration of our responses and an increase in outputs. Projects should be focused on achieving a significant number of tangible outputs that build upon previous work.

Resources are finite, priorities infinite. But a global strategic framework is required that will recognize where the most critical damage is being done, and employ concentration of effort in this area. In some, but not all cases, this may include the ever-popular key species, but it may also include long-overlooked issues such as illicit fishing or waste dumping which create widespread environmental hazard in an unregulated space.

We recommend five priority responses to serve as the building blocks of a global strategy to fight environmental crime:

1. Create a new global legal framework to enhance the law enforcement response to organized environmental crime by negotiating a new Protocol on Environmental Crime to the United Nations Convention against Transnational Organized Crime (UNTOC).
2. Target the people who make trafficking possible. Identify the top ten organized criminals







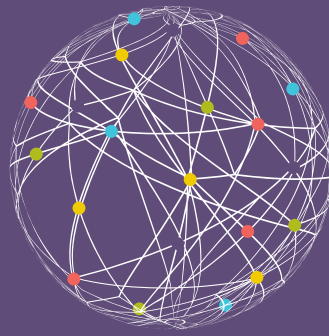
Photo provided by Environmental Investigation Agency ([www.eia-international.org](http://www.eia-international.org))

responsible for environmental crime and work together to bring them to justice. As a national security issue, environmental crime should be treated on the same level as other national security threats like terrorism or drug trafficking. While civil society should be considered an ally, with information from civil society used to target key players, short-term successes like seizures of contraband, may not always need to be publicised until investigations into the cases have been carried out.

3. Revitalise high-level criminal justice responses to fight high-level criminals engaged in environmental crime. Create multi-disciplinary national “green” law enforcement units made up of law enforcement officers, environmental crime officials and prosecutors to target those who make profits from environmental crime.

4. Create and fund an Environmental Crime Global Observatory to track trends and new approaches used by organized criminal groups engaged in environmental crime. Locate the observatory in the vulnerable “global south” and use it to collate and analyse information on organized crime in the environmental sector and to monitor progress and share information.

5. Crack down on corruption within the environmental sector by demonstrating it is a crime that will not be tolerated. Those who pledge to protect our wildlife heritage must be seen as beyond reproach. Assign elite law enforcement agencies to environmental crime, with zero tolerance of corruption within the ranks. Publicize the results of successful prosecutions.



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