# Contents

List of Tables and Figures vii

Foreword ix

*Malcolm K. Sparrow*

Acknowledgements xv

Notes on Contributors xvi

List of Abbreviations xxiii

## Part I The Role of Collaboration in Combating Environmental Crime

1 Collaboration in Combating Environmental Crime – Making it Matter 3

*Grant Pink and Rob White*

2 International Compliance and Enforcement Networks: The Critical Role of Collaboration in Environmental Protection 21

*Gunnar Baldwin Jr, Jo Gerardu, Meredith R. Koparova, and Henk Ruessink*

3 Capacity Building and Collaboration: Enforcement Training to Build Capacity that Ensures Environmental Protection 39

*Davis Jones and Ivan Honorato*

## Part II The Role of Institutions in Collaboration

4 Interagency Collaboration and Combating Wildlife Crime 59

*Mariya Polner and Daniel Moell*

5 Organisational Consortiums: The International Consortium on Combating Wildlife Crime (ICCWC) 77

*John E. Scanlon and Lisa Farroway*

6 Collaboration at the Front Line: INTERPOL and NGOs in the Same NEST 101

*David Higgins and Rob White*
## Contents

### Part III  The Operational Aspects of Collaboration  117

7  Collaboration and Consultancy, Tackling Environmental Crime, and Delivering Environment Protection  119  
*Campbell Gemmell, Simon Bingham, and Nancy Isarin*

8  Collaborative Relationships with the Courts: The Prosecutor’s Perspective  139  
*Anne Brosnan and Paul Taylor*

9  Port-to-Port Collaboration  157  
*Henk Ruessink, Deborah Kopsick, Robert Heiss, and Meredith R. Koparova*

### Part IV  The Role of Research in Collaboration  173

10  Coordinating Research Efforts on Environmental Crime  175  
*Vittoria Luda di Cortemiglia, Juha Hintsa, Elise Vermeersch, and Sangeeta Mohanty*

11  Collaborative Research as a Tool for Building Environmental Regulatory Capability  193  
*Matthew Marshall and Grant Pink*

12  Researchers and Practitioners: Building Collaboration for Evidence-Based Policy-Making  213  
*Robyn Bartel and Samantha Bricknell*

*Index*  237
Part I

The Role of Collaboration in Combating Environmental Crime
Responding to environmental crime involves a wide range of collaborations across many different domains and sectors. This is especially the case when addressing transnational environmental crime and its associated global environmental harms.

This chapter provides an introduction to the *why* and *how* of collaborative state intervention as this relates to environmental crime. It begins by identifying key response agencies and stakeholders and acknowledging the increasing need for and use of collaboration in combating environmental crime. It then engages in general consideration of the component parts and various phases of collaboration. This is followed by an examination of collaboration in practice, a discussion that draws upon examples of horizontal, vertical, and diagonal forms of collaboration. The chapter concludes by considering the challenges and opportunities associated with collaboration, and the importance of improving coordination and cooperation to combat environmental crime.

**Responding to transnational environmental crime**

Environmental crime is typically defined on a continuum ranging from strict legal definitions through to broader harm perspectives (Bricknell, 2010). For example, it can refer to:

[A]n unauthorized act or omission that violates the law and is therefore subject to criminal prosecution and criminal sanction. (Situ and Emmons, 2000: 3)

[A]n act committed with the intent to harm or with a potential to cause harm to ecological and/or biological systems and for the
Environmental Crime and Collaborative State Intervention

purpose of securing business or personal advantage. (Clifford and Edwards, 1998: 26)

[C]riminal conduct that may have negative consequences for the environment. (UNODC, 2011: 95)

[E]nvironmental harm is a crime. (White, 2011a: 1)

Specific types of environmental crime as described in law include things such as illegal transport and dumping of toxic waste, the illegal transfer of hazardous materials such as ozone-depleting substances, the illegal traffic in radioactive or nuclear substances, the illegal trade in flora and fauna, and illegal fishing and logging. However, within green criminology there is a more expansive definition of environmental crime or harm that includes transgressions that are harmful to humans, environments, and non-human animals, regardless of legality per se; it also includes environment-related harms facilitated by the state, as well as corporations and other powerful actors, insofar as these institutions have the capacity to shape official definitions of environmental crime in ways that allow or condone environmentally harmful practices (White, 2011a).

For the purposes of this book, however, environmental crime is defined primarily in terms of illegal environmental harms (i.e., environmental harms currently defined as unlawful and therefore punishable) rather than including legal environmental harms (i.e., environmental harms currently condoned as lawful but which are nevertheless socially and ecologically harmful). The main focus of the book is also on transnational environmental crime. As defined in conventional legal terms (White, 2011a), this refers to:

- unauthorised acts or omissions that are against the law and therefore subject to criminal prosecution and criminal sanctions;
- crimes that involve some kind of cross-border transference and an international or global dimension; and
- crimes related to pollution (of air, water, and land), crimes against wildlife (including illegal trade in ivory as well as of live animals), and illegal fishing (whales, dolphins, lobster and abalone as well as fish).

These are the key areas of attention for national and international laws relating to environmental matters, and are the main task areas for many of the agencies featured in this book. Some of the major international
initiatives that formally specify certain activities as offences include (Forni, 2010):

- Convention for Prevention of Maritime Pollution by Dumping of Wastes and Other Matter,
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),
- International Tropical Timber Agreement,
- Vienna Convention for the Protection of the Ozone Layer,
- Montreal Protocol on Substances that Deplete the Ozone Layer,
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,
- United Nations Framework Convention on Climate Change, and
- Kyoto Protocol.

These, too, form part of the international framework within which environmental law enforcement and regulation take place, and shape which agencies undertake specific activities, how they do so, and with whom.

In technical legal terms, transnational environmental crime has been defined as follows:

[T]ransnational environmental crime involves the trading and smuggling of plants, animals, resources and pollutants in violation of prohibition or regulation regimes established by multilateral environmental agreements and/or in contravention of domestic law. (Forni, 2010: 34)

This definition embodies huge complexities of scale, scope, and content. For example, the legal framework governing environmental matters in international law is defined by over 270 multilateral environmental agreements and related instruments (Forni, 2010: 34). The laws and rules guiding action on environmental crime vary greatly at the local, regional, and national levels, and there are overarching conventions and laws that likewise have different legal purchase depending upon how they are translated into action in each specific local jurisdiction.

Responding to environmental crime primarily falls to enforcement and regulatory agencies within government, whether at the national, subnational, or local level. In most parts of the world, the main response agencies are police agencies, customs and border protection agencies, and environmental regulatory agencies. These can be considered the ‘three core agencies’ of environmental law enforcement (Pink, Forthcoming). The mandate, role, and function of response agencies is central to the
issue of collaboration as the various agencies have cultural traits, preferences, and in some instances a statutory predilection or requirement that influences their willingness to, and method of, collaborating with others. Equally the different agencies have their own, sometimes overlapping, interest and stakeholder groups that may or may not be a factor in cross-cutting collaboration.

Collaboration and collaborative approaches have increased significantly in recent years, both at domestic and international levels. They have increased within the three core agencies, and between these and other key government response agencies. They are also increasingly involving wider groups of non-government stakeholders and interest groups, for example, academics and research institutions. Together, intergovernmental organisations (IGOs) and non-governmental organisations (NGOs) are now playing a growing and significant role in and/or are facilitating collaborative interventions (INTERPOL, 2009; Kangaspunta and Marshall, 2009; White, 2012; Wyatt, 2013; UK Economic and Social Research Council, n.d.).

What is collaboration and what does it look like?

In its most basic sense, collaboration simply refers to people or agencies working together for a shared purpose. However, the meaning and processes pertaining to collaboration as a form of social practice can be complicated and variable. This is due to the different functions and missions of specific agencies, and the varied levels at which collaboration can take place.

Different people may understand the term ‘collaboration’ as meaning different things, depending upon institutional and situational context. For instance, in Australia, there are many diverse agencies engaged in some form of environmental law enforcement. Some of these are engaged in both regulation and enforcement, and individual agencies may be charged with either or both. Agencies dealing with environmental matters work in and across different jurisdictions and deal with a myriad of issues. This is illustrated in Table 1.1 which outlines different tiers of governance involving various bodies engaged in environmental law enforcement.

Each agency, organisation, or network has its own legislatively defined mandate which dictates the parameters of its functions, powers, and interventions. Moreover, NGOs, which also operate in the sphere of environmental law enforcement and regulation, likewise have their own unique purposes and modes of operation. Collaboration within and across governments, as well as involving non-governmental sectors, is thus complicated by the myriad of statutory requirements, distinct organisational cultures, and diverse motivational impetuses.
The nature of interagency interaction, at whatever geo-political scale, is also highly contingent upon the extent of engagement in each instance. The process of engagement, given below, can be seen as being tiered, ranging from least engaged to most engaged:

- **networking** (exchange of information for mutual benefit),
- **coordinating** (exchanging information and altering activities for a common purpose),
- **cooperating** (exchanging information, altering activities, and sharing resources), and
- **collaboration** (all of the above, plus enhancing the capacity of the other partner[s] for mutual benefit and a common purpose) (O’Flynn, 2008: 185–186).

While close collaboration for mutual benefit is the goal, the ‘human element’ remains crucial to its success. This aspect was evident in research relating to cross-sectoral Police–Customs collaboration which identified individual personal interactions as a central success factor (Mausolf, 2011b).

---

**Table 1.1** Agencies at different tiers: dealing with environmental law enforcement in Australia

<table>
<thead>
<tr>
<th>Geo-political scale</th>
<th>Examples at the operational level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local council</td>
<td>Urban and metropolitan councils&lt;br&gt;Regional or rural shires</td>
</tr>
<tr>
<td>State</td>
<td>Environmental Protection Agencies&lt;br&gt;State Police services&lt;br&gt;Royal Society for the Prevention of Cruelty to Animals (RSPCA)&lt;br&gt;Parks and Wildlife Services</td>
</tr>
<tr>
<td>National</td>
<td>Department of Environment&lt;br&gt;Australian Customs Service&lt;br&gt;Australian Federal Police&lt;br&gt;Australian Fisheries Management Authority</td>
</tr>
<tr>
<td>National/State</td>
<td>The Australasian Environmental Law Enforcement and Regulators netWork (AELERT)&lt;br&gt;Australian Institute of Criminology&lt;br&gt;Australian Crime Commission</td>
</tr>
<tr>
<td>International</td>
<td>INTERPOL&lt;br&gt;International Network for Environmental Enforcement and Compliance (INECE)&lt;br&gt;United Nation bodies</td>
</tr>
</tbody>
</table>

*Source: Adapted from White, 2011b: 126.*
Wright comments that ‘[e]ffective collaboration depends on effective relationships between humans. If the right people are in the room, and if there is time and space for like minds and potential partners to find and engage with each other, then even the worst-designed gathering can be productive’ (2014: para. 2). It is not enough to consider collaborating, or to go through the motions of collaboration. For collaboration to be meaningful there has to be development of trust and common purpose, as well as sharing of information and resources. This is supported by Mausolf’s research which indicated that ‘collaboration and coordination, based on communication and trust, lead to an increased intelligence flow which increases analytical output and quality and subsequently the effectiveness’ of the law enforcement responses (2010: 21).

The component parts of collaboration are many and varied, with the precise nature of the collaboration influencing what the eventual component parts are. In our experience, what makes collaborations effective and successful are a series of interrelated factors, a partial list of which includes:

- valuing local knowledge,
- understanding the core business,
- collaborative goal setting,
- valuing different perspectives,
- sensitively challenging the taken-for-granted,
- trust, openness, and honesty (mutual respect),
- selecting the right people for the task,
- leading by example,
- making time for critical reflection,
- establishing the networks and relationships,
- sharing of ideas, knowledge, and intelligence,
- repositories of knowledge (e.g., case studies),
- valuing ‘insider’ and ‘outsider’ knowledge and expertise,
- technology transfers (e.g., forensic techniques),
- setting protocols for information sharing,
- mentoring and capacity building by secondment,
- recognising and adapting to difference, and
- maximising individual and collective potential.

It is also worth considering collaboration in terms of: who, what, where, when, why, and how. These questions are commonly referred to by law enforcement and regulatory staff as either the ‘5w’s and 1 h’ or the
‘six loyal servants’, since both denote the approach many investigators and compliance staff follow in breaking down and proving the elements of an offence. In terms of collaboration it is important to:

- identify who the relevant partners/stakeholders are,
- determine what the focus (or main purpose) of the collaboration is,
- decide where the collaboration/s might be coordinated from or take place,
- agree when the collaboration will commence and might conclude,
- establish why collaboration is considered beneficial, and
- discuss how the collaboration will most likely proceed.

The various partners and stakeholders will invariably have different views on several if not all of these aspects. Wyatt highlights the potential of groups having ‘conflicting interests in terms of the economy, conservation and enforcement of environmental laws’ (2013: 163). It is for this reason that these key questions should be discussed and considered prior to or in the early stages of any collaboration. Afterwards, the agreed position should then be communicated to all parties – to do otherwise can significantly impede if not completely jeopardise the collaboration.

Carnwell and Carson (2005) distinguish between ‘partnerships’ (who we are) and ‘collaborations’ (what we do). In so doing, they describe different types of partnerships, ranging from those based on a particular project or particular social problem, through to ideological and ethical partnerships that involve shared perspectives and specific viewpoints. While obvious, there are substantial practical benefits to asking the questions: ‘do we need to collaborate in this instance?’, and ‘for what specific purpose or outcome are we collaborating?’ The process of asking, discussing, and answering these simple questions will often save much time, effort, and angst.

Another aspect of collaboration that is somewhat unique to environmental crime, which goes back to the issue of identification of relevant partners or stakeholders, relates to ‘crossover crime’. Crossover crimes are crimes that are either committed as part of an ‘environmental crime’ or in parallel with such offending (Pink, 2013). They include, for example:

- fraud/theft of Carbon Trading Scheme permits (link to cyber-crime);
- fisheries crime involving organised crime (links to trafficking in humans, arms, and drugs); and
- money laundering of the proceeds of illegal logging (link to corruption).
Crossover crimes can also involve the blurring between the licit and the illicit. In explaining this, Elliott (2009: 66) describes parallel trafficking as ‘moving environmental contraband along the same smuggling routes used for other illegal commodities, combining illegal shipment, or using ostensibly legal shipment to conceal other forms of illegally sourced or traded goods and resources’. Beyond mere identification of partners and stakeholders, crossover crimes require coordinated responses (involving designated lead, support, and ancillary agencies) from a range of agencies:

- mainstream law enforcement agencies – police, customs/port authorities;
- environmental agencies – scientific, regulatory, and enforcement;
- intelligence agencies – environment, law enforcement, and security;
- prosecuting bodies – criminal, civil, and administrative; and
- financial agencies – tax and other regulatory bodies (Pink, 2013).

Responding to crossover crimes not only highlights the complexities of collaboration, but the necessity of combining forces and resources in combating such intricate and multidimensional crimes.

The dynamics of environmental crime are such that new types of skills, knowledge, and expertise need to be drawn upon as part of the law enforcement and regulatory response effort. The impetus to develop these is also driven by the fact that environmental crime at domestic and international levels is gaining increasing notice as a growing and significant crime type and a major threat to national security (Elliott, 2009; INTERPOL, 2009; UNODC, 2010; White, 2014). One outcome of this heightened interest by national governments and their environmental regulatory and enforcement bodies is recognition that this will involve increased partnering and working with others, including non-traditional partners and stakeholders. Collaboration therefore is an indication of engagement, involvement, and support to assist on an issue, while at the same time it presents as a process and a means by which to measure outcomes. Sparrow (2008: 84) suggests that:

If practitioners bite off too much, chances are they will choke. Bite off too little, and nobody will much care. Obviously an agency can take bigger bites than an individual or a department; and a consortium of institutions [through collaboration] can presumably take even bigger bites without being overwhelmed.

The next part considers how practitioners and agencies attempt to strike the balance in terms of the scale of collaborations while giving practical effect to collaborations.
Index

Note: Bold entries refer to figures or tables.

Aarhus convention, 154
Adams, C, 133
African Development Bank, 70
Agency for Environmental Evaluation and Enforcement (OEFA) (Peru), 44, 51
Agenda 21 (United Nations Conference on Environment and Development), 25–6
Akella, A, 14
Alpert, G P, 224
Amazonas, Operation, 105
Angola, 87
AQUAPOL, 161, 171n
Asian Environmental Compliance and Enforcement Network (AECEN), 47
Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Waste, 165
Asian Regional Response to Endangered Species Trafficking (ARREST), 13
Asia-Pacific Economic Cooperation (APEC), 70
Association of Southeast Asian Nations-Wildlife Enforcement Network (ASEAN-WEN), 13, 68, 78
Australasian Environmental Law Enforcement and Regulators neTwork (AELERT), 12, 221
Network Evaluation Matrix (NEM), 33 training by, 46–7
Australia, environmental law enforcement agencies, 6–7
see also Transnational Environmental Crime (TEC) project
Australian Institute of Criminology (AIC), 220
Australian National University (ANU), 195, 196
avian influenza, 61
Bangladesh, 87
Ban Ki-moon, 59
Bartel, R, 16
Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, 158–9
Biodiversity, Cultural and National Protection Branch (BCNP) (Sri Lanka), 66
Biodiversity Protection Unit (BPU) (Sri Lanka), 66
Botswana, 87
Broad, S, 67
Bromell, D, 222, 223
Browner, C, 27
California Air Resources Board (CARB), 46
Cameroon, 60
Cannon, J, 14
capacity building, 15, 51, 52 broad understanding of capacity, 39 challenges of, 51, 52–3 consultants’ role in, 130–1 environmental enforcement training: environmental enforcement networks, 46–7; United States, 44–6 institutional capacity, 39–40 intellectual capacity, 41 international capacity building, 47–8: collaboration between United States and Chile, 48–51; Environmental Cooperation Agreements, 48; Free Trade Agreements, 47–8 job performance requirements, 41–4: Chile, 43–4; European Union, 42; Peru, 44; United States Environmental...
capacity building – continued
Protection Agency, 42–3
physical capacity, 40
port-to-port collaboration, 164–5
programmatic capacity, 40–1
sustainable training programmes, 52
wildlife enforcement, 66–9
Carnwell, R, 9
Carson, A, 9
Chile, 48–51
Superintendente del Medio Ambiente, 43–4; collaboration with USEPA, 48–51
United States: Free Trade Agreement, 47–8; institutional collaboration, 48–51
China, 71
CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), 73n, 78–9
Conference of the Parties, 70, 94n
Controlled Deliveries: A Technique for Investigating Wildlife Crime, 12
enforcement of, 65–6
illegal wildlife trade, 60
see also wildlife crime
CITES Secretariat, 12, 67–8, 81–3, 85
CITES Virtual College, 89
Clarence, E, 216
Coalition against Wildlife Trafficking (CAWT), 13
COBRA II, Operation, 88, 90
collaboration
administrative barriers to, 197
approach to (who, what, where, when, why and how), 8–9
assessment of, 202
benefits of/value cycle, 14
challenges of, 14–15
commonality of mission or purpose, 203
compatibility of control mechanisms, 203
crossover crimes, 9–10
cultural and structural barriers to, 198–9
diagonal collaboration, 12–13
distinction from partnerships, 9
Environmental Enforcement Networks, 15–16
environmental regulation, 201–2
factors influencing effectiveness of, 8
formality of relationship, 203–4
government, 200–1
government participation, 14
horizontal collaboration, 11–12
increase in, 6
levels of engagement, 7
meaning of, 6, 200
momentum, 33–4
networks: assessment of, 33:
importance of, 32–3
opportunities for, 15–16
partner investment in, 204–6
personal relationships, 7–8
response agencies, 5–6
risk, benefit and resource sharing, 206
trust, 8, 204, 206
vertical collaboration, 12
collaborative research, see
evidence-based policy-making, collaborative; Transnational Environmental Crime (TEC) project
Commission on Environmental Cooperation (CEC) in North America, 165, 166
commodity specialists, 197–8
consortiums, see International Consortium on Combating Wildlife Crime (ICCWC)
consultants, 119, 133–4
capacity building, 130–1
credentials of, 120
criticisms of, 122
definition of consultancy, 129
forms of consultancy input, 122–3
future of, 132–3
governments’ use of, 121
interventions with regulators and public administrations, 129–30
policy makers’/legislators’ use of, 123: conduit consultancies, 124; consultant consortia, 123–4; research organisations, 124–5
private sector, 132
regulators’ use of, 125: academic consultancies, 126; choice of consultancy, 127–8; ex-regulators, 125–6, 127–8; limitations of traditional consultancies, 125; public administrations, 128–9; third-party agencies, 126
risks of using, 119–20
role of, 120
training, 130–1
trust, 133
value provided by, 122
Control of Major Accident Hazards (COMAH), 140
Coordinated Border Management (CBM), 61–2
coordination of research, 176
adjustment and standardisation, 177
challenges of, 189
communication of research results, 190
creating a multidisciplinary partnership, 189–90
definition of, 177
division of tasks, 177, 189
improving information exchange, 191
network development, 178
participatory approach, 189
see also Countering WEEE Illegal Trade (CWIT)
Cote d’Ivoire, 163
Countering WEEE Illegal Trade (CWIT), 176, 178, 179–81
coordination of research, 181: across study areas, 186–9; challenges of, 189; communication of research results, 190; crime analysis, 185–6, 188–9; improving information exchange, 191; mapping actors, literature and amounts, 181–2, 187; mapping legal frameworks and policies, 182–4, 188; market assessment, 184, 188; participatory approach, 189
objectives of, 180–1
research partners, 180
scope of, 180
courts, and environmental offences, 142–3
listing of cases, 143–5
prosecutor’s role, 143: assistance with sentencing, 146; expert evidence, 145–6
publicising sentencing outcomes, 154
recovery of costs, 152–3
sentencing authorities, 151–2
Sentencing Guideline for Environmental Offences (England and Wales), 147: culpability, 149; fines and financial information, 147–8; harm assessment, 149; individuals and companies, 147; stepped approach to assessing penalties, 148–51
criminal justice system, see courts, and environmental offences
Cross-Border Research Association (CBRA), 176
Countering WEEE Illegal Trade, 180
crossover crimes, 9–10
coordinated responses to, 10
Crowston, K, 177
customs
as national ‘gatekeepers’, 61
role in combating illegal wildlife trade, 63: CITES enforcement, 65–6; external factors, 63; informal cooperation, 69; information exchange, 69–70; legislation, 69; powers and authority, 64–5; Project GAPIN, 67–8; training, 66–9; variations in enforcement competence, 65
waste shipments, 161–2
see World Customs Organization (WCO)
Czech Republic, 62
Day, P, 152

Department of the Environment (DoE) (Australia), and Transnational Environmental Crime Project (TEC), 194–5

administrative barriers to collaboration, 197

assessment of collaboration, 202: commonality of mission or purpose, 203; compatibility of control mechanisms, 203; formality of relationship, 203–4; partner investment in, 204–6; risk, benefit and resource sharing, 206; trust, 204

cultural and structural barriers to collaboration, 198–9

generalist or specialist participants, 197–8

diagonal collaboration, 12–13

Doha Declaration, 71

Eden, Project (INTERPOL), 108

Edwards, M, 215, 221–2, 227

Egypt, 131

electronic waste, see waste electrical and electronic equipment (WEEE)
elephants, illegal wildlife trade, 60

Elephant Trade Information System (ETIS), 60

Elliot, L, 10

El Salvador, 52

emissions trading, 29

Enigma, Operation (INTERPOL), 170

ENVIRONET (web-based communication platform) (WCO), 70

Environment Agency (EA) (England), 139–40

civil sanctions available to, 142

outcome focussed responses, 141

prosecutions by, 141–3: assistance with sentencing, 146; expert evidence, 145–6; international work, 154–5; KV v R (2011) (UK), 142–3; listing of cases, 143–5; prosecutor's role, 143; publicising sentencing outcomes, 154; recovery of costs, 152–3; Sentencing Guideline, 147–51

regulatory activities, 140–1

responsibilities of, 140

environmental crime challenges for environmental law enforcement, 11
definitions of, 3–4, 175: transnational environmental crime, 4, 5

increasing attention to, 10, 175

international initiatives against, 4–5

legal framework, 5

legal/illegal environmental harms, 4

low awareness of, 175–6

response agencies, 5–6

scale of, 101–2
types of, 4, 175

environmental enforcement networks (EENs), 15–16

Creating and Sustaining Regional Enforcement Networks (INECE), 33

enforcement training, 46–7

expansion of, 28

Environmental Enforcement Training Institute (EETI), 131

environmental impact assessments (EIAs), enforcement of requirements, 29–30

environmental law enforcement, 139

challenges facing, 11

environmental protection agencies, 139

response agencies, 5

Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE), 168

Environment Canada, 103

epidemics, and illegal wildlife trade, 61
ePoolice project, 176, 191n

European Commission, 103

Industrial Emissions Directive, 123–4

Recommendation on Minimum Criteria for Environmental Inspections (RMCEI), 11

use of consultants, 123–4
European Integrated Pollution Prevention and Control Bureau, 124
European Network of Heads of Environment Protection Agencies (NHEEPA), 133, 155
European Network of Prosecutors for the Environment (ENPE), 155
European Parliament, 42, 70
European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), 11, 28
IMPEL review initiative, 129
Minimum Criteria for Environmental Inspections, 42
port-to-port collaboration, 165, 166–7, 170
Transfrontier Shipments of Waste Programme, 158, 166
use of consultants, 126, 127
European Union Twinning programme, 128–9
European Union Wildlife Trade Regulations, 65, 69
European Waste Shipment Regulation (WSR), 162
Europol, 158
Evans, M, 215, 221–2, 227
evidence-based policy-making, collaborative, 215–16
advantages of, 213, 214–15
collaborative learning, 221–3
constraints on, 224–6
consumer attitudes and behaviour, 219
cooproduction of public policy, 222–3
criticism of instrumental approach, 213–14
different perspectives of practitioners and researchers, 216
engagement between practitioners and researchers, 219–21
formal collaborations between agencies, 221
future directions, 227–8
knowledge co-generation, 221
learning cycles, 223
local knowledge, 218–19
morality, 214
need for mutual understanding, 225, 226
new public governance, 222
normativity, 217
obstacles to practitioner-researcher collaboration, 223–4: competing demands for applied/pure research in universities, 224–6; institutional (mis)alignment, 224; mismatched expectations, 224–5; political environment, 226; researchers’ fears, 226–7; variance between researcher capabilities and practitioner needs, 223–4
practitioner/researcher gap, 215
selective use of evidence, 216–17: randomised control trials, 216; under-utilisation of social sciences, arts and humanities, 217
similarities between practitioners and researchers, 216
uncertainty of evidence, 217–18
utilisation of evidence from the ‘front-line’, 221–2
utilisation of wider range of knowledge types, 218–19
expert evidence, and prosecution of environmental crimes, 145–6

Federal Law Enforcement Training Center (FLETC) (USA), 45
fisheries crime, 107
flat world, 22
Flemish High Council of Environmental Enforcement (VHRM), 34, 120
FOCUS Project, 176, 191n
forensic science, and International Consortium on Combating Wildlife Crime (ICCWC), 88
forest crime, 67, 77, 78
financial value of, 78
see also wildlife crime
Forni, O, 5
Free Trade Agreements (FTAs), and environmental enforcement, 47–8
Fyfe (consultants), 129–30
G8
environmental enforcement issues, 26–7
Environmental Leaders’ Summit (1997), 27
wildlife trafficking, 70
Gabon, 87
Gemmell, J C, 16, 133
Germany, waste shipment regulation, 163
Global Financial Integrity, 59
Global Reporting Initiative (GRI), 133
GLOBE (global environmental legislators organisation), 31
Great Apes and Integrity (GAPIN) project, 67–8
Great Ape Survival Partnership (GRASP), 13
Greenpeace Amazon, 110
Griew, R, 218, 222
Hardin, G, 218
hazardous and electronic waste, see waste electrical and electronic equipment (WEEE)
Head, B W, 226, 227
Health and Safety Executive (HSE) (UK), 140
Hope, Operation (WCO), 68
horizontal collaboration, 11–12
Horne, D, 86, 94n
Human Environment and Transport Directive (ILENT) (Netherlands), 162
Humane Society International, 105
iguanas, 64
Illegal Logging Prohibition Act (2012) (Australia), 197
Industrial Emissions Directive (IED), 123–4
Infomil, 126
Institution for European Environmental Policy (IEEP), 125
intelligence-led enforcement (ILE) port-to-port collaboration, 163–4, 168; North America, 165–6
intergovernmental organisations (IGOs), 6
International Association for Impact Assessment, 30
International Chiefs of Environmental Compliance and Enforcement summit (2012), 101–2
International Consortium on Combating Wildlife Crime (ICCWC), 13, 67, 73, 77–8, 104
administration of, 85
assessment of, 92–3
capacity building, 89
coordinated and multidisciplinary responses, 88–9
cross-border cooperation, promotion of, 90
establishment of, 82
evolution of, 81–2
financing of, 85
forensic science, 88
future of, 92
governance of, 82, 83–4:
Executive Heads, 84; focal points of partner organisations, 83–4; Senior Experts Group, 83
holistic approach of, 86–7
ICCWC Strategic Mission 2014–16, 84–5, 86, 92
lessons learned from establishment of, 90–2: benefits of participation, 91; equality of partners, 91; need for agreed protocols, 92; need for coordinating partner, 91
mission statement, 84
multifaceted approach to combating wildlife crime, 86
organised crime, responding to, 87–8
partner organisations, 81, 104: different contributions of, 85–6
raising awareness of wildlife crime, 90
strategy of, 84–5
training, 89
training in investigation techniques, 88
Wildlife and Forest Crime Analytic Toolkit, 67, 87, 92
Wildlife Incident Support Teams, 88
International Fund for Animal Welfare (IFAW), 103, 105
international law, and environmental matters, 5
International Law Enforcement Academies (ILEA) (USA), 48
International Monitoring, Control and Surveillance Network, 113
International Network for Environmental Enforcement and Compliance (INECE), 15, 22, 48, 221
academia collaboration, 31
assessment of, 34–5
collaboration to build capacity (2005–15), 28–9
compliance with climate laws, 31
Correspondent Program, 34
Creating and Sustaining Regional Enforcement Networks, 33
effective communication, 32
emissions trading, 29
Enforcement Cooperation (conference, 2011), 28
enforcement of environmental impact assessment requirements, 29–30
Environmental Enforcement Networks (conference, 2013), 34, 120
environmental enforcement workshop, 24–5
establishment of, 23
facilitating collaboration, 23
future collaboration (2015–), 30–2
generating international commitment, 25
global trend towards a ‘flat world’, 22–3
guidance on performance measurement indicators, 27
International Conferences, 28
lessons learned about collaboration, 32: importance of networks, 32–3;
maintaining momentum, 33–4;
network assessment, 33
Linking Concepts to Action (conference, 2008), 28
Making Law Work: Environmental Compliance & Sustainable Development, 27–8
multilateral collaboration (1990–95), 24–6
next-generation environmental compliance, 30–1, 36n
partnerships, 34
precursor activities, bilateral collaboration (1985–89), 23–4
private sector collaboration, 31
publications, 27–8
regional networks, 28
Roundtable Discussion on the Enforcement of EIA Requirements, 29–30
Strategic Plan (2012–17), 30
Summit of Regional Network Leadership (2011), 32–3
support for environmental compliance and enforcement networks, 32
transgovernmental networks, 23
website, 32
see also Seaport Environmental Security Network (SESN)
International Union for the Conservation of Nature (IUCN), 215
interpersonal relationships, and collaboration, 7–8
INTERPOL (International Criminal Police Organization), 59
Conference on International Environmental Crime (2010), 110
Controlled Deliveries: A Technique for Investigating Wildlife Crime, 12
coordinating and supporting role, 102–3
Countering WEEE Illegal Trade, 180, 185–6
Environmental Compliance and Enforcement Committee, 105
Environmental Crime Committee, 48, 103
Environmental Crime Programme, 34, 103–4, 168: coordinated intergovernmental operations, 105; information management,
INTERPOL – continued
104–5; key streams of, 105; pillars of, 104
Environmental Crime Unit, 70
environmental law enforcement, 101, 102–5, 113–15
Environmental Security Sub-Directorate, 105
funding of, 103
growth of Environment section, 103
International Chiefs of Environmental Compliance and Enforcement summit (2012), 101–2
International Consortium on Combating Wildlife Crime, 85, 104: evolution of, 81
INTERPOL Pollution Crime Forensic Investigation Manual, 12, 51
national central bureaus, 186
non-governmental organisations: compared with official environmental law enforcement, 109–10; funding from, 103, 105; involvement in projects, 108; relations with, 102, 112–13, 114–15
Operation Enigma, 170
Pollution Crimes Working Group, 51, 103
Project Eden, 108
Project Leaf, 107
Project Predator, 108
Project Scale, 107
Project Wisdom, 107–8
waste electrical and electronic equipment, 185–6
Wildlife Crime Working Group, 103
ivory, illegal trade in, 60
job performance requirements, and capacity building, 41–4
justice system, see courts, and environmental offences

Kasane Statement, 71
Kenya, 87
Knowledge Exchange (KE), 120, 132
Kosovo Environment Protection Agency, 129
Leaf, Project (INTERPOL), 107
Legal Aid, Sentencing and Punishment of Offenders Act (2012) (England and Wales), 144
legal cases, England and Wales
KV v R (2011), 142–3
R v Associated Octel Company Ltd (1997), 153
R v Day (2014), 152
R v Friskies Petcare Ltd (2000), 146
R v Sellafield Ltd (2014), 151
R v Southern Water Services (2014), 152
Lehane, J, 33
Li Keqiang, 71
logging, illegal, 60–1, 78
Project Leaf (INTERPOL), 107
London Conference on the Illegal Wildlife Trade, 71
Lusaka Agreement Task Force (LATF), 68, 78
Making Law Work: Environmental Compliance & Sustainable Development, 27–8
Malone, T W, 177
Markowitz, K, 33
Mausolf, A, 8
Mexico, 87
Mikuriya, K, 67
Ministry of Housing, Spatial Planning and Environment (VROM) (Netherlands), 23
Memorandum of Understanding with USEPA, 24
Moody-Stuart, M, 133
morality, and policy-making, 214
Multilateral Environmental Agreements (MEAs), 131
Nagle, J C, 218
National Enforcement Training Institute (NETI), 43, 44–5
National Environmental Policy Act (NEPA) (USA), 47
National Environmental Security Taskforce (NEST) model, 105–6
manual, 107
structure, 106
utilisation of, 107–8
National Waste Operations Group (NWOG) (Australia), 12
Natural England, 140
Natural Resources Wales (NRW), 140
Nepal, 87
Netherlands, 23
enforcement intensification programme, 24
Ministry of Housing, Spatial Planning and Environment, 23: Memorandum of Understanding with USEPA, 24
waste shipment regulation, 162
Netherlands Commission for Environmental Assessment (NCEA), 30
Network Evaluation Matrix (NEM), 33
networks, and collaboration, 196
assessment of, 33
importance of, 32–3
New South Wales Public Service Commission (NSW PSC), and effective collaboration, 202–3
commonality of mission or purpose, 203
compatibility of control mechanisms, 203
formality of relationship, 203–4
partner investment in, 204–6
risk, benefit and resource sharing, 206
trust, 204
next-generation environmental compliance, 30–1, 36n
non-governmental organisations (NGOs), 6
collaboration with official agencies, 112, 113
compared with official environmental law enforcement, 109–10
INTERPOL: funding of, 103, 105; involvement in projects of, 108; relations with, 102, 112–13, 114–15
partnerships with, 110–11
role in environmental protection, 110
role in investigating/exposing environmental harm, 111–12
role in regulation, 111
wildlife crime, 112
North America, and port-to-port collaboration, 165–6
North American Commission on Environmental Cooperation (CEC), 165, 166
Norwegian Agency for Development Cooperation (NORAD), 103
Obama, Barack, 70–1
Office of Criminal Enforcement Forensics and Training (OCEFT) (USA), 45
O’Neill, Baroness, 121
Organisation for Economic Co-operation and Development (OECD), 23, 59
organised crime, x, 114
fisheries crime, 113
transnational organised crime, xvi, 71, 77, 80–2, 93, 113
waste electrical and electronic equipment, 181, 185–6
wildlife crime, 60, 63, 77, 79, 80, 87–8
Organismo de Evaluación y Fiscalización Ambiental (OEFA) (Peru), 44, 51
ozone-depleting substances (ODSs), 175
parallel trafficking, 10
Parsons, W, 216, 217–18, 219
partnerships, distinction from collaboration, 9
performance measurement indicators capacity building, 41–2
development of, 27
Network Evaluation Matrix, 33
Peru, 50, 87
Agency for Environmental Evaluation and Enforcement, 44, 51
Operation Amazonas, 105
PEW Charitable Trust, 103, 108
Pink, G, 16, 33, 35, 89
Pollution Prosecution Act (1990) (USA), 44
port-to-port collaboration challenges of, 170
hazardous and electronic waste, 157–8, 169–70: Basel Convention, 158–9; scale of illegal movements of, 158
international enforcement cooperation, 167–9: inspection projects, 168–9; inspector exchanges, 169
national enforcement cooperation, 159–63
regional enforcement cooperation, 163–5: capacity building, 164–5; Europe, 166–7; intelligence-led enforcement, 163–4, 165–6; North America, 165–6
support for, 159
see also Seaport Environmental Security Network (SESN)
practitioner-academics, 193–4
Predator, Project (INTERPOL), 108
Prosecution of Offenders Act (1985) (England and Wales), 153
public administrations, as consultants, 128–9
public health, and illegal wildlife trade, 61
Ray, K, 176
Recommendation on Minimum Criteria for Environmental Inspections (RMCEI), 11
Red Sudamérica de Fiscalización y Cumplimiento Ambiental (REDSuFiCA), 50–1
reform, organisational, 194
Regional Environmental Enforcement Associations (North America), 46
regulation theory, role of third parties, 111
Research Excellence Framework (REF), 121
research on environmental crime approach to, 176 collaboration, 176–7
see also coordination of research; Countering WEEE Illegal Trade (CWIT);
evidence-based policy-making, collaborative; Transnational Environmental Crime (TEC) project
research organisations, as consultants, 124–5
response agencies collaboration, 5–6
environmental law enforcement, 5
Revised Kyoto Convention (RKC), 61–2
rhinoceros, illegal wildlife trade, 62
Rogers, C, 218
Santiago Declaration, 50
Scale, Project (INTERPOL), 107
Scanlon, J, 60
Schön, D, 218, 223
Scotland and Northern Ireland Forum for Environmental Research (SNIFFER), 126, 127
Scott, E M, 16
Scottish Environment Protection Agency (SEPA), 127, 140
Seaport Environmental Security Network (SESN), 29, 31–2, 157
capacity building, 164–5
intelligence-led enforcement, 163–4, 168
international enforcement cooperation, 167–9: inspection projects, 168–9; inspector exchanges, 169
supporting port-to-port collaboration, 159, 164–5
see also port-to-port collaboration seaports, see port-to-port collaboration Sellafield Ltd, 151
Sentencing Council of England and Wales, 146
Index 247

Sentencing Guideline for Environmental Offences (England and Wales), 147
fines and financial information, 147–8
individuals and companies, 147
stepped approach to assessing penalties, 148–51: culpability, 149; harm assessment, 149
Severe Acute Respiratory Syndrome (SARS), 61
Shark Alliance, 13
Shergold, P, 215
South Africa, 62
South American Environmental Compliance and Enforcement Network (SAECEN), 50–1
South Asia Wildlife Enforcement Network (SAWEN), 13
South Australian Environment Protection Authority (SAEPA), 127–8
Southern Water Services Ltd, 152
Sparrow, M K, 10, 127–8
Species Survival Network (SSN), 13
spent lead acid batteries (SLABs), 166
Sri Lanka, 65, 66, 88
Superintendente del Medio Ambiente (SMA) (Chile), 43–4
collaboration with USEPA, 48–51
Sutherland, W J, 224

Tanzania, 87
text types, 193
TRAFFIC (wildlife trade monitoring network), 60, 67, 73n
Memorandum of Understanding with World Customs Organization, 67
training, see capacity building
transgovernmental networks, 23
Transnational Environmental Crime (TEC) project, 194–5
assessment of collaboration, 202:
commonality of mission or purpose, 203; compatibility of control mechanisms, 203;
formality of relationship, 203–4; partner investment in, 204–6;
risk, benefit and resource sharing, 206; trust, 204

Department of the Environment (DoE) (Australia), 194–5:
administrative barriers to collaboration, 197; contributions of, 195–7; cultural and structural barriers to collaboration, 198–9;
generalist or specialist participants, 197–8
individualism inherent in, 199
obstacles to collaboration, 196
starting point for, 196
transnational organised crime, xvi, 71, 77, 80–2, 93, 113
trust, 133
collaboration, 8, 204, 206
Tyler, C, 224

United Arab Emirates, 88
United Kingdom
Department for Environmental, Food and Rural Affairs (DEFRA), 103
environmental regulators, 139
illegal wildlife trade, 71
see also Environment Agency (EA) (England); Scottish Environment Protection Agency (SEPA)
United Kingdom Border Force, 64, 65
United Nations Conference on Sustainable Development (UNCSD), 79
United Nations Convention Against Corruption (UNCAC), 81
United Nations Convention against Transnational Organized Crime (UNCTOC), 79
United Nations Environment Programme (UNEP), 34
GEO-4 Report, 22
Mediterranean Action Plan Mediterranean Pollution Programme, 131
Regional Enforcement Network for Chemicals and Waste, 165

Copyrighted material – 978-1-137-56256-2
Index

United Nations Interregional Crime and Justice Research Institute (UNICRI), 176
Countering WEEE Illegal Trade, 180
United Nations Office on Drugs and Crime (UNODC), 34, 59, 168, 206
Global Programme for Combating Wildlife and Forest Crime, 70, 81
International Consortium on Combating Wildlife Crime (ICCWC), 85–6, 88, 104:
evolution of, 81
United Nations Security Council, 70
United Nations University (UNU), 192n
Countering WEEE Illegal Trade, 180
Solving the E-waste Problem (StEP) initiative, 182
United States, 23
Chile: Free Trade Agreement, 47–8; institutional collaboration, 48–51
environmental enforcement training, 44–6
Free Trade Agreements, 47–8
illegal wildlife trade, 70–1
port-to-port collaboration, 165–6
State Department, 103
United States Agency for International Development (USAID), 103
United States Environmental Protection Agency (USEPA), 23
collaboration with Superintendente del Medio Ambiente (Chile), 48–51
environmental enforcement training, 44–6
international capacity building, 48
Memorandum of Understanding with VROM (Netherlands), 24
Office of Criminal Enforcement Forensics and Training, 45
training of staff, 42–3

value cycle, 14
vertical collaboration, 12
Vietnam, 87

waste crime, 140–1, 178–9
Waste Electrical and Electronic Equipment Forum (WEEE Forum), 192n
Countering WEEE Illegal Trade, 180
waste electrical and electronic equipment (WEEE), 140, 178–9
Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, 158–9
characteristics of, 178
European Waste Shipment Regulation, 162
international enforcement cooperation, 167–9: inspection projects, 168–9
national enforcement cooperation, 159–63
organised crime, 185–6
regional enforcement cooperation, 163–5: capacity building, 164–5;
Europe, 166–7; intelligence-led enforcement, 163–4, 165–6;
North America, 165–6
scale of illegal movements of, 158
see also Countering WEEE Illegal Trade (CWIT)
Wenger, E, 14
West African Environmental Compliance and Enforcement Network, 165
Wildcat Foundation, 103, 105
wildlife crime
capacity constraints of enforcement agencies, 80
challenges in combating, 77
customs role in combating, 63:
CITES enforcement, 65–6;
external factors, 63; informal cooperation, 69; information exchange, 69–70; legislation, 69;
powers and authority, 64–5;
Project GAPIN, 67–8; training, 66–9; variations in enforcement competence, 65
definition of, 78–9
drawing international attention to, 70–1, 73: global and regional high-level events, 71–2
factors contributing to, 79
financial value of, 59, 78
forms of, 79
growth of, 59
health consequences, 61
holistic approach to, 77
iguana case study, 64
illegal logging, 60–1
impact on social and economic
development, 60, 77
ineffectiveness of responses to,
79–80
ivory, 60
logging, 60–1, 78
militia involvement in, 60
motivations behind, 79
multifaceted nature of, 79
multiple agencies dealing with, 63
need for interagency cooperation, 73
need for strengthened response
to, 80
non-governmental organisations,
112
optimal policy response to, 94n
organisation of, 62–3
organised crime, 60, 63, 77, 79, 80
rhinoceros horns, 62
serious implications of, 59–60, 77
see also International Consortium
on Combating Wildlife
Crime (ICCWC)
Winer, M, 176
Winston, K, 223
Wisdom, Project (INTERPOL), 107–8
Wollongong, University of, 195, 196

World Bank, and International
Consortium on Combating
Wildlife Crime, 81, 86, 88, 104
World Customs Organization (WCO),
34, 61, 168, 170
Coordinated Border Management,
61–2
Declaration on the Illegal Wildlife
Trade, 71
ENVIRONET (web-based
communication platform), 70
Environmental Programme, 70
International Consortium on
Combating Wildlife Crime
(ICCWC), 85, 104: evolution
of, 81
Memorandum of Understanding
with TRAFFIC, 67
Operation Hope, 68
Project GAPIN (Great Apes and
Integrity), 67–8
Regional Intelligence Liaison
Offices (RILO), 68
World Wildlife Fund (WWF), 67
Wright, S, 8
Wyatt, T, 9, 13

Young, K, 221, 226
Zanasi & Partners (Z&P), 180