

ENVIRONMENTAL OFFENCES: IDENTIFYING A JEOPARDY TO THE FUTURE GENERATION

Mayuri Gupta* & Aparajita Vardhan**

Abstract

The opportunities ecosystems provide for prospective development are threatened by serious and increasingly sophisticated transnational organized environmental crime, undermining development goals and good governance. The UN Convention against Transnational Organized Crime (UNTOC) identifies a transnational organized crime as any serious transnational offence undertaken by three or more people with the aim of material gain. 'Environmental crime' covers a broad range of specific offences where criminal acts or misdemeanors involve trade in environmental commodities or damage to the natural environment itself, such as pollution of air, water or earth and it may include illegal logging, poaching and trafficking of a wide range of animals, illegal fisheries, illegal mining and dumping of toxic waste. Indicators of serious, organized environmental crime include the presence of detailed planning, significant financial support, use or threat of violence, sophisticated forgeries and altering of documents, armed participants with modern firearms and opportunity for significant profit. It provides a serious threat to wildlife and plant species, ecosystems, their services, climate change and to good governance and millennium development goals and requires a multi-faceted response. The majority of environmental crimes are 'series crimes' and are motivated by financial gains. Legislation on environmental crimes in many countries is poorly developed due to which sentencing guidelines are not properly defined. Therefore, a coherent effort to fully address the multiple dimensions of environmental crime and its implications for development is needed.

* Student- 5th Year, B.A.LL.B (H) Amity Law School, Amity University Uttar Pradesh, Lucknow Campus, Lucknow-226028 (U.P.); Email: mayurigupta55@gmail.com; Mobile: +91-7309609400

** Student- 5th Year, B.A.LL.B (H) Amity Law School, Amity University Uttar Pradesh, Lucknow Campus, Lucknow-226028 (U.P.); Email: aparajitaktr@gmail.com; Mobile: +91-7309609400

INTRODUCTION

*“The natural resources of the Earth, including the air, water, lands, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.”*¹

In recent years, with greater understanding of the need to protect the environment and a better appreciation of what the can and cannot sustain, regulation, and in some cases, criminalization of harm to the environment is becoming more accepted.² The word ‘*Environmental Crime*’ is a composition of two words ‘*Environment*’+ ‘*Crime*’. The term environment has been derived from the term ‘*environ*’ which means ‘*to surround*’, French ‘*environner*’, Latin ‘*in-viron*’. Etymologically environment means ‘*surrounding conditions, circumstances affecting people’s life*’.³ Thus it is defined as “*our physical and biological system in which man and organism live as a whole and this system has many interacting components. These components of the environment generally include rocks, minerals, soils and water, its land and their present and potential vegetation, its animal life and potential for livestock husbandry, and its climate*”.⁴ While the word ‘*Crime*’ has been derived from the ancient Greek word ‘*krima*’ from which the Latin cognate ‘*cemo*’ is further derived, typically referred to an intellectual mistake or an offence against the community, rather than a private or moral wrong. It is *an act forbidden by law and which is at the same time revolting to the moral sentiments of the society*.⁵ Hence, ‘*Environmental crimes can be broadly defined as illegal acts which directly harm the environment*’.⁶ They include acts or omissions related to illegal taking of flora and fauna, pollution offences and transportation of banned substances.⁷ Environmental crime has been identified as one of the most profitable and fastest growing areas of international criminal activity, with increasing involvement of organized criminal networks.⁸ It is widely agreed that this type of crime not only damages the eco-system, but also impoverishes so many countries where pollution, deforestation and population displacement trigger conflict and prevent reaching the Millennium Development Goals.⁹

¹ Principle 2, The Stockholm Declaration of 1972.

² Samantha Bricknell, “Environmental Crime in Australia”, Australian Institute of Criminology Research and Public Policy Series No. 109 (2010).

³ Collins. P. H (1990), “Dictionary of Ecology and the Environment” 7th edn, Wiley Online Library, 2012.

⁴ “The State of World Environment”, UNEP Annual Review 1980.

⁵ Stephen, ‘General View of Criminal Law of England’, (1863)

⁶ Environmental Crime: A Threat to Our Future, (Environmental Investigation Agency, 2008), available at: http://www.unodc.org/documents/NGO/EIA_Ecocrime_report_0908_final_draft_low (visited on May 19, 2015).

⁷ Heckenberg. D, “Studying Environmental Crime: Key Words, Acronyms and Sources of Information”, Willan Publishing, 2009.

⁸ According to the International Crime Threat Assessment, an estimated \$22-31 billion is made each year from illegal dumping of hazardous waste, smuggling of hazardous material and abuse of scarce natural resources year, available at: <http://www.fas.org/irp/threat/pub45270index.html> (visited on May 21, 2015).

⁹ Costa A.M., “Environmental Crime: A Threat to Our Future”, Environmental Investigation Agency, 2008.

However, environmental crime rates are believed to be expanding, constantly generating enormous revenues and causing irreversible destruction to the global environment.¹⁰ The spread of environmental crimes undermines the global efforts to achieve the development that ‘meets the needs of the present without compromising the ability of future generations to meet their own needs’.¹¹ Due to the complicated nature of environmental harms it is almost impossible to envisage the true effects and consequences not only for present but also for future generations.¹²

NATURE OF ENVIRONMENTAL CRIMES

Environmental crime is currently one of the most profitable forms of criminal activity¹³ and it is no surprise that organized criminal groups are attracted to its high profit margins.¹⁴ Estimating the scale of environmental crime is problematic but Interpol estimates that global wildlife crime is worth billions of dollars a year;¹⁵ the World Bank states that illegal logging costs developing countries \$15 billion in lost revenue and taxes. In the mid-1990s around 38,000 tonnes of CFCs were traded illegally every year – equivalent to 20 per cent of global trade in CFCs and worth \$500 million; and in 2006 up to 14,000 tonnes of CFCs were smuggled into developing countries. The ‘raw materials’ which live or grow freely can be harvested or poached at minimal cost. Organized criminals are adaptable and resourceful; they thrive in conditions where others would fail. With the collusion of corrupt officials, certification, concealment and transportation are easily facilitated. With this combination of huge profits, low risk of detection and ineffective penalties, environmental crime is extremely lucrative. Environmental crime is at least as serious as any other crime affecting society today. In contravention of numerous international treaties, the principal motive for environmental crime is, with rare exception, financial gain and its characteristics are all too familiar: organized networks, porous borders, irregular migration, money laundering, corruption and the exploitation of disadvantaged communities. Wildlife felons are just as ruthless as any other, with intimidation, human rights abuses, impunity, murder and violence the tools of their trade. The indicators of environmental crime are evident in many areas of international development activities. Significant global threats, including the challenges addressed through the Millennium Development Goals (MDGs) are connected to, and exacerbated by, environmental crime, “affecting development, peace, security and human

¹⁰ Comte. F, “Environmental Crime and the Police in Europe: A Panorama and Possible Paths for Future Action”, *European environmental law review* 190-231(2006).

¹¹ ‘Environment and Development: Our Common Future’, World Commission Report A/42/427, 1987, available at: <http://www.un-documents.net/wced-ocf.htm> (visited on May 25, 2015).

¹² Ibid 196.

¹³ Noemí Ramírez, “International Crime Threat Assessment”, National Commission on Terrorism: Countering the Changing Threat of International Terrorism Report, 2000, available at: <http://www.fas.org/irp/threat/pub45270index.html> (visited on May 28, 2015).

¹⁴ Debbie Banks, Charlotte Davies, et.al. (eds.), , ‘Environmental Crime: A threat to future’ (Environmental Investigation Agency (Eia), 2008)

¹⁵ Available at: <http://www.interpol.int/Crime-areas/Environmental-crime/Environmental-crime> (visited on May 21, 2015).

rights”.¹⁶ These issues, some of which have been on the agenda for many years, are slowly starting to be addressed and only now are enforcement agencies worldwide beginning to recognise the role of organised criminal networks in environmental crime. Increasingly, illegal logging and wildlife traffics are driven by organised groups who exploit natural resources and destroy habitats: robbing communities of their livelihoods, compromising the wider economy and further endangering threatened species and ecosystems.

IDENTIFYING THE CRIME, THE CRIMINAL & THE SUFFERER

*“Global warming, oil spills, massive numbers of extinctions, reduction in bio-diversity, toxic environments, disappearance of Arctic ice, poisonous water, unbreathable air, burning of garbage, clear felling of forests, the list goes on as to how planetary well-being is being destroyed and diminished in so many different ways.”*¹⁷

To begin with, crime is a wrongdoing which seriously threatens the security or well-being of the society.¹⁸ There is no universal definition stating which act is environmental crime and which is not. Heckenberg states, *“Environmental crime refers to the environmental harms that are deemed to be illegal according to the law. These include acts or omissions related to illegal taking of flora and fauna, pollution offences and transportation of banned substances.”*¹⁹

Five broad areas of offences have been recognized by bodies such as the G8, Interpol, EU, UN Environment Programme and the UN Interregional Crime and Justice Research Institute.²⁰ These are:

- Illegal trade in wildlife in contravention to the 1973 Washington Convention on International Trade in Endangered Species of Fauna and Flora (CITES);
- Illegal trade in ozone-depleting substances (ODS) in contravention to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer;
- Dumping and illegal transport of various kinds of hazardous waste in contravention to the 1989 Basel Convention on the Control of Trans boundary Movement of Hazardous Wastes and Other Wastes and their Disposal;
- Illegal, unregulated and unreported (IUU) fishing in contravention to controls imposed by various regional fisheries management organizations (RFMOs);
- Illegal logging and trade in timber when timber is harvested, transported, bought or sold in violation of national laws.²¹

¹⁶ ‘Environment Crime Now High On The World Agenda’ (UNEP Press Release, 2008)

¹⁷ White. R, “Introduction: Environmental Crime and Eco-global Criminology”, Willan Publishing, 2009.

¹⁸ Smith. J.C. & Hogan, “Legal Duties” 8th edn., B Criminal Law Dictionary 2003.

¹⁹ Heckenberg.

²⁰ ‘International environmental crime’, RIIA workshop Report, 2002.

Other environmental offences may share similar characteristics with these five accepted categories. These include:

- Biopiracy and transport of controlled biological or genetically modified material (a possible offence under the 2000 Cartagena Protocol on Bio safety to the Biodiversity Convention);
- Illegal dumping of oil and other wastes in oceans (i.e. offences under the 1973 International Convention on the Prevention of Pollution from Ships (MARPOL) and the 1972 London Convention on Dumping);
- Violations of potential trade restrictions under the 1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.
- Trade in chemicals in contravention to the 2001 Stockholm Convention on Persistent Organic Pollutants.
- 'Fuel' smuggling to avoid taxes or future controls on carbon emissions.

Grabosky says, 'Greed' and 'ignorance' are the foundations of environmental crime (2003). The former refers to individuals or organisations who understand that a considerable amount of money can be made or saved by committing particular types of environmental crime, as well as the individual or organisations who wants to avoid having to pay financial dispensations or increased costs for practices that used to be legal. Ignorance' covers genuine lack of awareness about environmental responsibilities (e.g. the subsistence poacher) or is the product of confusion about the intricacies of these responsibilities (e.g. the permit, licensing and record-keeping system required to breed and trade in native birds).²² Who are the criminals behind these environmental crimes causing harm and suffering to millions of animals, plants and human beings? As with other types of crimes there is no single profile of an environmental criminal. They might be local poachers, middlemen involved in transportation of illegal products or large multinational companies avoiding the costs of waste processing by dumping at sea. Even though crimes against environment may be committed at the local level, most of the profits do not end up into the pockets of local loggers, fishermen or poachers; those who profit the most are the people organizing the crime. The *United Nations Convention against Transnational Organized Crime* defines an organized crime group as a structured group of three or more persons committing serious crimes which are transnational in nature. Many eco crimes contain these elements, but they also share other indicators of organized crime such as use of gangs, violence, bribing of authorities, contacts with the business and the political worlds and large profits. The list of incidents harming the environment and its people could be continued for pages on end. *Environmental crimes often perceived as 'victimless' crime as victims of environmental harm are not widely recognized as victims of 'crime' and thus are excluded from the traditional view of victimology which is*

²¹ Currently there are no binding international controls on the international timber trade, with the exception of endangered tree species covered by CITES.

²² Samantha Bricknell, "Environmental crime in Australia", AIC Reports Research and Public Policy Series 109, © Australian Institute of Criminology 2010.

*largely based on conventional constructions of crime.*²³ It do not always produce immediate consequences and the harm may be diffused or go undetected for a lengthy period of time. Environmental crimes have a far-reaching impact: not only do they ravage nature, demolish delicate ecosystems, threaten biodiversity and endangered species, and cause shortages of unpolluted land and water, but they also increase health problems, they promote corruption, hinder the rule of law and channel billions of dollars into the pockets of criminals, money which could be otherwise used for hospitals, schools and clean drinking water. With environmental crime, the victimization is often serious, not so much because any individual victim was seriously affected, but because numerous victims were affected by the crime. Individual victims might lose very little but the accumulative effect to the community and the environment can be considerable. Everywhere, it is the local citizens who are most affected by the consequences of eco-crimes, who bear the biggest losses and who suffer the most. Harming the environment can also have indirect impacts. It has been claimed that the issue of maritime piracy in the Somali waters off the Gulf of Aden has actually been initiated by the massive volumes of foreign illegal fishing and toxic waste dumping that have been destroying marine resources for years since, the collapse of the Somali regime in 1991.²⁴

OVERVIEW OF TYPES OF ENVIRONMENTAL CRIMES

The term ‘environmental crime’ covers a broad range of specific offences where criminal acts involve trade in environmental commodities or damage to the natural environment itself, such as pollution of air, water or earth. The actions conducted often cause harm that has an impact not only to wildlife and natural habitat but also pose a direct or indirect threat to human health, wellbeing, and security, or result in material loss to an individual or group. The words ‘illegal’, and ‘crime’ are used loosely since legislation and penalties vary considerably around the world. In one country an act may result in the offender being sentenced to a term of imprisonment, whilst in another, only a minor administrative penalty may be issued. The range between what may be considered acceptable and highly illegal is vast. *Environmental crimes include the killing or illegal trade in or taking of flora and fauna; illegal extraction of natural resources such as minerals and precious stones; trade in chemicals which harm the ozone layer, and pollution of the environment through inappropriate use or disposal of harmful waste or other pollutants.* The list is certainly not exhaustive, nor is this the only way to define environmental crime. Some of the most significant types of environmental crimes are:

1. **Trade in Fauna and Flora:** Animals, both wild and captive bred, are legitimately traded around the world as food, clothing and décor, for the pet trade, science and entertainment. International and national laws and regulations control trade in many species, often in order

²³ Toine Spapens, Marieke Kluin and Rob White, “Environmental Crime and its Victims”, Delft University of Technology & Police Academy of Netherlands Conference, September (2012), available at: <http://www.environmentalcrimeseminar.com>, (visited on May 26, 2015).

²⁴ Mohamed Abshir Waldo, “The Two Piracies in Somalia: Why the World Ignores the Other?”, Wardbeer News (Somali 8 Jan 2009), available at: http://wardbeernews.com/Articles_09/Jan/Waldo/08_The_two_piracies_in_Somalia.html, (visited on May 23, 2015).

to ensure that such trade does not adversely affect populations of species, but also to avoid the spread of disease that can be passed from animals to humans. Criminals, by contrast, trade animals around the world almost entirely for profit, with little regard for the dangerous externalities of their actions. Often overlooked in favour of protecting animals, plants are also traded in vast quantities for medicinal and horticultural use, and may also be sourced from the wild or cultivated stocks. Collectors strive to find the most rare and therefore potentially endangered species and will go to considerable lengths²⁵ to smuggle them across international borders.

2. *Illegal Fishing* : Generally referred to as ‘illegal, unreported and unregulated fishing’, the practice refers to fishing in waters where no fishing is permitted, or fishing quantities, species, age or size of fish which are prohibited by national and regional laws or regulations. The practice depletes fish stocks leading to species becoming seriously threatened, reduces biodiversity causing imbalance of species and adversely affects ecosystems. By far one of the most neglected areas of environmental crime, illegal fishing is also probably one of the most extensive in geographical terms. Estimates put the value of the global illegal fishing industry at US\$23.5 billion – around 20% of the value of world fish exports.²⁶ The depletion of certain species, such as Bluefin tuna²⁷, due to unregulated overfishing in turn affects the numbers of species they consume, unbalancing oceanic ecosystems. Such imbalance and depletion may lead to a reduction of human food sources due to lack of abundance of fish, as 75% of all fish production is for direct human consumption.²⁸ Approximately 50% of fish exports are sourced from developing countries, which are most at risk from illegal fishing.²⁹ The fishing industry is also linked to other serious criminal activities. The UN Inter-Agency Project on Human Trafficking suggests that trafficking into the long-haul fishing industry exemplifies the worst cases of labour exploitation.³⁰ Incidence of crews being comprised of victims of trafficking is well documented. There is evidence of widespread abuse of workers on fishing vessels, and cases of murder with the victims being disposed of by being thrown overboard.³¹ Human rights abuses and environmental crime often go hand in hand.

3. *Forest Crimes and Illegal Logging*: Forests are destroyed to supply a global wood products industry and to clear land for development or infrastructure and agricultural use

²⁵ Smuggling techniques for wildlife and ozone depleting substance are described in detail in guides for enforcement

officers produced by the CITES Secretariat, INTERPOL, UNEP and the WCO.

²⁶ ‘Ending Illegal Fishing Project’ (The PEW Charitable Trusts, 2014), available at: <http://www.pewenvironment.org/campaigns/endingillegal-fishing-project/>, (visited on May 23, 2015).

²⁷ ‘The Black Fish free hundreds of endangered bluefin tuna in the Adriatic Sea Campaign’ (The Black Fish website, 2014), available at: <http://www.theblackfish.org/bluefine>, (visited on May 22, 2015).

²⁸ ‘Utilization and Trade’, (United Nations Food and Agriculture Organization Report , 2010), available at: <http://www.fao.org/fishery/topic/2888/>, (visited on May 20, 2015).

²⁹ Agnew DJ, ‘Estimating the Worldwide Extent of Illegal Fishing’ (PLoS ONE Journal, 25 February 2009), available at: <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal> , (visited on May 23, 2015).

³⁰ ‘Exploitation of Cambodian Men At Sea’ (United Nations Inter-Agency Project on Human Trafficking, 2009), available at: http://www.no-trafficking.org/reports_docs/siren/siren_cb3, (visited on May 25, 2015).

³¹ ‘Human Trafficking in Thailand’s Fishing Industry’ (Environmental Justice Foundation, 2013), available at: http://ejfoundation.org/sites/default/files/public/Sold_to_the_Sea_report_lo-res-v2, (visited on May 21, 2015).

such as the growing of rubber, soya or oil-palm, used in hundreds of everyday products. Alongside the legitimate trade in timber comes an insatiable illegal trade resulting in deforestation on a massive scale, with timber traded in vast quantities, laundered through countries, relabelled and sold into industry across the globe. Illegal logging is estimated to account for between 50-90% of all forest activities in key producer countries and 15- 30% of all wood traded globally.³² Unsurprisingly, incidents of illegal logging correlate geographically with the world's remaining tracts of forest: mainly the Amazon basin, Central Africa and Southeast Asia. Found in developing countries, often with poor governance and corrupt businessmen and politicians, the scene is set for unscrupulous companies to take advantage, often with the greatest loss to the poorest of society who lose land and livelihoods. Rates of deforestation are estimated at around 13 million hectares per year (about the size of Greece)³³ while recent reports claim that in some regions, such as the Amazon, deforestation rates increased by 103% between 2012 to 2013,³⁴ figures supported by government data..³⁵

*"We cannot live without forests. People will have to be in symbiotic relationship with the forests. When people preserve the forests, the forests will give back to people. The relationship between people and forests are interdependent."*³⁶ Forest crimes are also linked to destruction of habitats and killing of endangered species, and contribute to changes in climate, removing natural carbon dioxide sinks and warming the planet as a result of high levels of carbon dioxide released when trees are destroyed. The world's remaining forests are also home to indigenous communities and people who rely on them for food and shelter. These include over 100 tribes who have no contact with outsiders, such as the Awa people of Brazil.³⁷ Their future is directly affected by unsustainable and often illegal logging industries with effectively no avenues of recourse.

4. Hazardous Waste: The disposal of electronic, hazardous and other polluting waste is a global issue and one that is increasing with population growth and ever-increasing demand for consumable goods. Whilst many countries may have introduced effective and appropriate measures for national disposal of some waste, the export of other waste and transportation over long distances raises challenges to monitor its disposal. Criminals exploit these challenges by dumping waste in countries where monitoring and/or enforcement is ineffective. The consequences include: pollution to land as chemicals leach into soil and waterways; harm to people who come into contact with waste either deliberately or

³² 'Project Leaf' (INTERPOL, 2013), available at: <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-Leaf>, (visited on May 26, 2015).

³³ 'Forests and the Planet's biodiversity are disappearing' (European Commission Climate Action Deforestation 2014), available at: http://ec.europa.eu/clima/policies/forests/deforestation/index_en.html, (visited on May 23, 2015).

³⁴ Butler, R 'Deforestation rate doubles in the Amazon rainforest' Mongabay News (California, 2013), available at: <http://news.mongabay.com/2013/0718-amazon-deforestation-doubles.html>, (visited on May 24, 2015).

³⁵ 'Brazil confirms Amazon deforestation increase' (Mongabay, 2013), available at: <http://news.mongabay.com/2013/0706-inpe-may2013-deter-deforestation.html>, (visited on May 22, 2015).

³⁶ Her Majesty Queen Sirikit of Thailand, 2009

³⁷ Earth's Most Threatened Tribe, available at: www.survivalinternational.org/awa, (visited on May 20, 2015).

inadvertently; and damage to the atmosphere as a result of the release of chemicals as waste degrades or is burnt.

5. Ozone-depleting Substances: Ozone-depleting substances (ODS) are man-made chemicals used mainly as refrigerants but also for other purposes. They include chlorofluorocarbons, or CFCs, which gained notoriety in the 1970s when it was discovered that they contribute to the thinning of the ozone layer. Other ODS include halons, methyl bromide and hydro chlorofluorocarbons (HCFCs). International agreements have seen the phase out of the production and use of CFCs and more recently their harmful replacement, HCFCs. But these chemicals are still produced and traded around the world. Sophisticated methods of mass smuggling have been adopted by industrial criminals, including counterfeiting of legitimate brands by rogue producers. The most direct effect of this illicit industry has been seen where legitimate chemicals are mixed with banned ones. In 2011 explosions took place following the servicing of refrigerated containers in Viet Nam. As a result of deliberate contamination of refrigerant, three people died in the explosions that occurred in Viet Nam and Brazil.³⁸

THE CORRUPTION CONNECTION OF ENVIRONMENTAL CRIMES

Corruption facilitates environmental crime at almost every level. At the highest levels, state officials 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. Criminal justice and law enforcement officials are bribed to prevent convictions. Local and national officials permit illegal loggers and poachers to gain access to forests and protected species and in many cases provide false Customs declarations to allow the commodities to exit the country or region undetected. Pastoral communities, whose poverty and lack of legitimate economic opportunity present them with few alternatives, are either convinced or coerced to become supporters and proponents of this illicit trade in order to secure a livelihood. With profits escalating, individuals are being paid what may seem to them a fortune, just to provide information. Evidence of corruption exists in most forms of environmental crime, primarily in wildlife trafficking, extractive crime and illegal logging. There is also evidence of corruption in the trade in ozone depleting substances or hazardous waste. But greater research is required to fully comprehend the extent of the problem and develop solutions.³⁹ Corruption fundamentally undermines governance, statehood and the rule of law, and critically weakens institutions of the State and their capacity to deliver services to the people. This captures States in a vicious circle by which the increasingly interwoven nature of politics, organized crime and corruption poses a significant threat to the long-term development of democracy across the developing world. The seeming impunity (with some exceptions) of elites from prosecution and their ongoing connections to organized crime undermines citizens' trust in democratic institutions, and illicit profits may have

³⁸ 'Refrigerated Container (Reefer) Explosion' (United Nations Environment Programme Issue Paper, May 2012)

³⁹ Martini 'Environmental Crime and Corruption' (Anti-Corruption Resource Centre, 2012), available at: http://www.transparency.org/whatwedo/answer/environmental_crime_and_corruption, (visited on May 24, 2015).

bolstered some authoritarian regimes. Such trends, and their ability to perpetuate themselves, have long-term implications for future political and economic progress. The existence of national environmental enforcement agencies may be a welcome response, but there have also been cases where such agencies become magnets or targets for corruption. In June 2013, news broke that over 30 officers from the Kenya Wildlife Service had been suspended for corrupt practices, including their alleged involvement in poaching of wildlife.⁴⁰ Corruption while identified as a significant impediment to addressing environmental crime is still significantly under-discussed in international forum. It is occasionally mentioned but generally in passing as though continued discussion may lead to accusation or offence. In order for corruption to be addressed effectively, greater openness needs to exist within national and international meetings, so that the subject is discussed. Unless meaningful discussion takes place, and solutions found, other efforts to prevent environmental crime may be futile.

CONCLUSION AND SUGGESTIONS

The consequences of failing adequately to address environmental crime are potentially disastrous. Resourceful and adaptable criminal gangs are profiting from this particular brand of crime. They are forming ever-stronger networks in neighbouring countries and around the world. As they diversify from one form of organised crime to another, the threats to society increase. As the attention of enforcement agencies is sidetracked by long established enforcement efforts against trade in drugs, weapons and humans and against terrorism, criminals currently trading in environment commodities are building their capacity. To address a global challenge as formidable as environmental crime, an appropriate and commensurate response is required to reduce it to acceptable levels, where it no longer threatens the security of communities and the survival of wild species. Quantifying what that “acceptable level” of crime might be is difficult, but an adequate response may be one where all stakeholders are, as far as is reasonably practicable, doing all that can be done. So far, efforts to combat environmental crime fall short of this benchmark. Legislation is all too often inadequate; the existence of dedicated agencies, which could develop specialist knowledge of organized crime groups and methods, are a rarity. Those agencies which do exist are often under-resourced, poorly trained and lack an understanding of investigative strategies such as intelligence-led enforcement. This results in the mis-direction of resources and a reactive, unplanned approach to organised crime. It is imperative that environmental crime is acknowledged as a haven for corruption at all levels and that unless corruption is tackled, efforts to combat environmental crime will be frustrated. Bearing in mind that prevention is the most effective way to combat corruption, consideration should be given to administrative reform, particularly through the introduction of technology removing the direct human contact involved in areas such as trade in natural resources. On-line or audited CITES applications, financial administration and penalties are methods of distancing opportunities for corruption from the individual. Improved enforcement co-operation and

⁴⁰ ‘Senior Kenya wildlife officers may have turned into poachers’ (Global Travel Industry News, 2013), available at: <http://elephantleague.org/project/africas-white-gold-of-jihad-al-shabaab-and-conflictivory>, (visited on May 24, 2015).

political will is required to curb the growing threats posed by environmental crime. Parties, relevant government ministries, specialist organisations and enforcement agencies have a key role to play in addressing environmental crime across its range and should implement the following as a matter of urgency:

- Recognise that, unlike some other forms of crime, Environmental Crime is a time critical issue that urgently requires a substantial, committed and sustained global response.
- Acknowledge that environmental crime is a haven for corruption at all levels and that unless corrupt officials are tackled; efforts to combat environmental crime will be impeded. This fact should be acknowledged within cross-cutting resolutions on environmental crime and within the Convention against Corruption.
- Develop administrative reform to combat corruption, particularly through the introduction of technology to remove direct human contact involved in areas such as trade in natural resources.
- Commit to assisting those nations where the prevalence of crime is highest, and the resources are most lacking. Support Inter-Governmental Organisations such as the United Nations Office on Drugs and Crime (UNODC), Interpol and the World Customs Organisation (WCO) to develop projects to create and build the capacity of national and regional enforcement agencies, and provide technical assistance to units dedicated to investigating environmental crime.
- Develop greater synergy between mechanisms such as the Convention on Transnational Crime and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) in addition to the need recognized at the 15th Conference of Parties to CITES, for ‘closer international liaison between the Convention’s institutions, national enforcement agencies, and existing intergovernmental bodies...’