

ENVIRONMENTAL CRIME

A threat to our future



ACKNOWLEDGEMENTS

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WHAT IS INTERNATIONAL ENVIRONMENTAL CRIME?

For the purposes of this report, International Environmental Crime can be defined across five broad areas of offences which have been recognised by bodies such as the G8, Interpol, EU, UN Environment programme and the UN Interregional Crime and Justice Research Institute. These are:

1. Illegal trade in wildlife in contravention to the 1973 Washington Convention on International Trade in Endangered Species of fauna and Flora (CITES);
2. Illegal trade in ozone-depleting substances (ODS) in contravention to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer;
3. Dumping and illegal transport of various kinds of hazardous waste in contravention of the 1989 Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Other Wastes and their Disposal;
4. Illegal, unregulated and unreported (IUU) fishing in contravention to controls imposed by various regional fisheries management organisations (RFMOs);
5. Illegal logging and trade in timber when timber is harvested, transported, bought or sold in violation of national laws (There are currently no binding international controls on the international timber trade with the exception of an endangered species, which is covered by CITES).



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INTRODUCTION

Since its inception in 1984 the Environmental Investigation Agency has been exposing environmental crime around the globe and has sought greater political support for strong enforcement action against these crimes. Yet despite the fact that environmental crime poses a growing threat, it remains a low priority for the international enforcement community. This report shows the scale and impacts of environmental crime and calls for strong political will to tackle it as a matter of urgency.

Environmental crimes can be broadly defined as illegal acts which directly harm the environment. They include: illegal trade in wildlife; smuggling of ozone-depleting substances (ODS); illicit trade in hazardous waste; illegal, unregulated, and unreported fishing; and illegal logging and the associated trade in stolen timber.

Perceived as 'victimless' and low on the priority list, such crimes often fail to prompt the required response from governments and the enforcement community. In reality, the impacts affect all of society. For example, illegal logging contributes to deforestation. It deprives forest communities of vital livelihoods, causes ecological problems like flooding, and is a major contributor to climate change – up to one-fifth of greenhouse gas emissions stem from deforestation. Illicit trade in ODS like the refrigerant chemicals chlorofluorocarbons (CFCs), contributes to a thinning ozone layer, which causes human health problems like skin cancer and cataracts.

Environmental crime generates tens of billions of dollars in profits for criminal enterprises every year, and it is growing. In part, this is due to the proliferation of international and regional environmental agreements, leading to more controls on a range of commodities. It is also due to mutations in the operations of criminal

syndicates, which have been diversifying their operations into new areas like counterfeiting and environmental crime.

Environmental crimes by their very nature are trans-boundary and involve cross-border criminal syndicates. A tiger skin or an ivory tusk passes through many hands from the poaching site to the final buyer. A tree felled illegally can travel around the world from the forest via the factory to be sold on the market as a finished wood product. In the era of global free trade, the ease of communication and movement of goods and money facilitate the operations of groups involved in environmental crime.

“Illicit trade has broken the boundary and surged into our own lives.... For traffickers, that spells triumph. A triumph that takes the form of unfathomable profits and unprecedented political influence”

Illicit: How smugglers, traffickers and copycats are hijacking the global economy -
Moisés Naím

The development of statutory enforcement agencies has struggled to keep pace with such change, and issues such as jurisdiction restrict efforts to foster better cross-border cooperation against crimes like illegal logging. These factors lead to a situation where environmental crimes offer high profits and minimal risk.

It is time for the international community to wake-up to the menace of environmental crime and show the necessary political will to tackle the criminal gangs plundering our planet for a quick profit.

Environmental Investigation Agency
October 2008

ENVIRONMENTAL CRIME MATTERS



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ABOVE:
Future generations like these children in Sisir Village, West Papua, are at risk from the destruction of their natural environment.

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: organised 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 rights”.¹ These issues, some of which have been on the table 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 trafficking 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.

ENVIRONMENTAL CRIME IS SERIOUS, TRANSNATIONAL AND ORGANISED

Environmental crime is currently one of the most profitable forms of criminal activity and it is no surprise that organised criminal groups are attracted to its high profit margins. Estimating the scale of environmental crime is problematic but Interpol estimates that global wildlife crime is worth billions of dollars a year; 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. Organised criminals are adaptable and resourceful; they thrive in conditions where others would fail. By definition, they build networks and cast their nets wide to avoid detection. 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.

A CATALYST FOR CORRUPTION

In the same way that criminals perceive environmental crime as an easy option, so individuals in corporate or official positions of authority and power view environmental crime as a chance to cash in. Examples of this can be found in the case studies of this report: signing and forging import and export certificates; facilitating the transport of illicit goods and ‘turning a blind eye’ are all examples of the institutionalized corruption described. Far more serious, and yet just as common, is the complicit, long-term involvement of individuals from the police, army, government and inter-governmental organisations. Cocooned by familiar bureaucracies, weak legislation and poor enforcement, corrupt officials can thrive through environmental crime. Furthermore, corruption may be preventing the true cost and extent of environmental crime from being properly assessed or effectively addressed.

The United Nations Convention on Corruption seeks to identify the links between corruption, organised crime, money laundering and economic crime. All of these elements fester within areas of environmental crime and corruption presents a major hurdle to successfully combating it.²

WHERE DOES ALL THE MONEY GO?

Environmental crime can garner vast incomes for organised criminals, but because of its illicit, clandestine nature, it is generally a cash economy and therefore avoids conventional banking systems. Offenders “clean” their funds by laundering the money through other equally illicit networks, thereby forming strong links to other criminal arenas making it difficult, if not impossible, to put a price on the proceeds of environmental crime.

Under the Financial Action Task Force (FATF) 40 Recommendations, the FATF has included environmental crime in the “Designated Categories of Offences” as a predicate offence to money laundering.³ In 2006, the Asia Pacific Group on Money Laundering held a special seminar to look at money-laundering issues in the illegal logging industry, identifying a number of problems and opportunities for action. International attention on

money laundering enforcement has resulted in improvements in systems to alert authorities to suspicious transactions, focusing particularly on terrorism-related offences. But in a ‘cash economy’ such as environmental crime, alternative investigation techniques are needed in order to combat sophisticated criminals and prevent them from realising the proceeds of their crime, estimated to be worth billions of dollars each year.⁴

Failure to address this crime will result in organised criminal groups increasing their wealth and continuing to launder it in order to make detection and confiscation of their assets more difficult for enforcement agencies.

“Compliance is part of good governance. It’s part of having a rule of law, having an effective rule of law. Without that, you cannot have sustainable development”

Wangari Maathai, Nobel Peace Laureate’s remarks to the 8th International Conference on Compliance & Enforcement, April 2008



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THE GLOBAL IMPACT OF ENVIRONMENTAL CRIME

As we destroy the Earth’s protection from the sun through the illegal use of ozone-depleting substances, more damaging ultra violet light hits the Earth’s surface, increasing the risk of skin disease and decreasing plant productivity. Natural disasters are occurring with increasing frequency, and with growing populations the impact and consequences are greater than ever before.

The impact of such disasters would be less severe were it not for the felling of forests resulting in flooding and landslides; and the removal of mangroves for development means there is no longer any natural protection for coastal areas against erosion or storms. Global warming also leads to increased sea levels and associated flooding. Increasing demands for threatened flora and fauna can lead to the extinction of species, and destruction of habitat results in some species disappearing before they have even been discovered. Furthermore, environmental crime in the forestry sector has been identified as a major contributor to climate change, perhaps the world’s most pressing security and economic challenge.



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“People are profiting from the destruction of our planet, by dumping hazardous waste, illegal logging, or the theft of bio-assets. This crime not only damages the eco-system, it impoverishes so many countries where pollution, deforestation and population displacement trigger conflict and prevent reaching the MDGs.”

Antonio Maria Costa
Executive Director, United Nations
Office on Drugs and Crime

MILLENNIUM DEVELOPMENT GOALS - FIGHTING TRANSNATIONAL CRIME IN ALL ITS DIMENSIONS?

The “road map” towards Millennium Development Goals⁵ (MDGs) recognises that “criminal organizations are shifting their operations to more sophisticated criminal activities as well as to less ‘traditional’ areas.” Whilst offences such as the trafficking of human beings and the trafficking of firearms are included here, environmental crime is undoubtedly one area where not only are criminals “shifting their attention”, but have become firmly established.

The rule of law has been recognised perhaps not as a “missing” Millennium Development Goal (MDG), but one that transcends all of the goals and upon which they can be built. This is true in the case of environmental crime, which has been recognised as an emerging threat.⁶

The 2007 Millennium Development Goals Report⁷ addresses the continued

challenges and obstacles facing the achievement of MDGs, including deforestation. However, other than the mention of illegal production and trade in ozone depleting substances, this mid-point review of the world’s efforts towards global development does not recognise the role of organised crime or corruption as significant hurdles to achieving the Goals.

If the Parties to the United Nations are to achieve Goal 7 (Ensure Environmental Stability) and “reverse the loss of environmental resources”, they must urgently acknowledge and address the impact of organised crime by focusing efforts on supporting the rule of law and protecting dwindling natural resources.

The links to the environment and MDGs are not only through Goal 7. If the international community is to eradicate

extreme poverty and hunger (Goal 1), then immediate consideration must be given to the long-term effects of deforestation, unsustainable poaching and climate change upon communities and livelihoods through loss of habitat for dwelling, livestock farming and agriculture, not to mention the increasing likelihood of natural disasters.

The effects of loss of biodiversity from environmental crime can not be overstated. The global impact of direct killing for trade of often endangered species, or indirectly through loss of habitat – has a knock-on effect through species extinction, increased conflict between communities and wildlife, and loss of potential for communities to benefit from wildlife from areas such as tourism.

ENVIRONMENTAL MIGRATION

Many predictions on climate change foresee a world with rising sea levels and dramatically corresponding reduction of land in densely populated regions. Weather systems are also widely accepted as significantly altering or negatively affecting agriculture and human settlement patterns.

As homes begin to flood more often, crops are damaged year on year, cattle starve as a result of drought or flood disasters, and as forests are plundered, so people are beginning to move from long established homes to new ones in search of what they see as better economies, habitats and brighter futures.

Environmental push and pull factors are forcing people to cross borders, and where they cannot do so legally, they will do so through the existing networks of migrant smugglers. A threat to the economic and social stability of nations, irregular migration is not only about the movement of people across borders, but like environmental crime, it is putting money in the pockets of organised criminals and increasing their capacity.

The issue of “environmental refugees” has been a topic of discussion for some time now amongst inter-governmental organisations and has been recognised as a threat to security, which could put enormous pressure on the international community.⁸ Clearly, all effort should be made to manage this risk, including taking decisive action against those whose deliberate actions cause environmental damage and climate change.



RESOLUTION 60/1 ADOPTED BY THE GENERAL ASSEMBLY 2005 WORLD SUMMIT OUTCOME

At the 2005 World Summit Outcome, Parties to the United Nations committed to “strengthen the conservation, sustainable management and development of all types of forests for the benefit of current and future generations, including through enhanced international cooperation, so that trees and forests may contribute fully to the achievement of the internationally agreed development goals, including those contained in the Millennium Declaration, taking full account of the linkages between the forest sector and other sectors.”

ILLEGAL LOGGING

Pillaging the World's Shrinking Rainforests

It is estimated that illegal logging costs developing countries up to \$15 billion a year in lost revenue and taxes.



© A. Ruwindrjanto/Teapak/EIA

ABOVE:
Illegal ramin logging Gunung
Leuser National Park, July 1999.

Serious organised crime in the forestry and timber industries is one of the most pressing environmental issues facing the global community. Driven by the low risks and high profits of a largely unregulated international market for cheap timber and wood products, illegal logging is threatening precious forests from the Amazon, through West and Central Africa, to East Asia.

The timber trade involves major crimes not only in the illegal harvesting of forests but in the illegal acquisition of logging rights, failure to pay relevant taxes, illegal transportation, transshipment, use of forged documents, mis-declarations at customs, bribery and corruption of officials, and a host of other financial and social crimes. Intimidation, human rights abuses, violence and even murder have all occurred as a result of the pernicious trade in stolen timber. While the illegal logging itself may occur far from the public gaze in remote forest regions, it is driven by demand for

cheap timber in consumer markets in affluent nations.

Illegal logging has dire consequences stretching far beyond the locus delicti of the crime. It threatens biodiversity, contributes to environmental catastrophes like flooding and forest fires, and is directly-linked to climate change as around one fifth of global greenhouse gas emissions are linked to forest loss. It also impoverishes forest-dependent communities – it is estimated that illegal logging costs developing countries up to \$15 billion a year in lost revenue and taxes.⁹

Widespread corruption and intimidation mean that this massive timber theft can be orchestrated by cross-border criminal syndicates operating with impunity. Efforts to tackle the problem have been stymied by lack of a coherent global regulatory framework under which timber deemed illegal in the country of origin can be sold onto the international market without hindrance.

EIA and its Indonesian partner Telapak have been investigating illegal logging and timber smuggling since the late 1990s; the most blatant cases uncovered involved vast looting of valuable timber from the Papuan Provinces of Indonesia, a crime worth one billion dollars a year.

LOOTING THE LAST FRONTIER FORESTS - ILLEGAL LOGGING IN INDONESIA

Since the late 1990s, Indonesia's rainforests have been the victim of one of the biggest environmental crimes the world has ever witnessed. At the height of the problem, 80 per cent of timber coming out of Indonesia was illegal, and the government has estimated that it costs the nation US \$4 billion a year.¹⁰ This is around five times the annual Department of Health budget in a country where only \$118 per capita was available for health in 2004.¹¹

Consequently, Indonesia has the highest rate of deforestation in the world, peaking at almost two million hectares a year – equivalent to 300 football pitches every hour.¹² Satellite images show that 60 million hectares of Indonesia's forests are in a severely damaged state.¹³

In 2007, a UN report revealed that illegal logging was taking place in 37 out of the country's 41 national parks, and that Indonesia's lowland forests could be entirely lost by 2022. Achim Steiner, UN Under-secretary General, said: "Illegal logging is ... draining the natural wealth of Indonesian forest resources. The logging at these scales is not done by individual impoverished people, but by well-organised elusive commercial networks."¹⁴

The Papuan provinces of Indonesia on the remote island of New Guinea largely escaped the first wave of illegal logging in the late 1990s, but as criminal gangs looted most of the valuable timber from the islands of Sumatra and Kalimantan, attention inexorably turned eastwards towards Papua.

With its intact forest cover estimated at 70 per cent of total land area, New Guinea contains the last remaining substantial tracts of undisturbed forest in the Asia-Pacific region, and the world's third largest tropical forest wilderness after the Amazon and Congo Basins. The island is famed for its indigenous cultures and a host of endemic species of flora and fauna, including tree kangaroos, over forty varieties of the bird of paradise, and more wild orchid species than anywhere else on the planet.



© Sam Lawson/EIA/Telapak

ABOVE:
Aerial view of an illegal log raft on the River Seruyan, Indonesia.



© Julian Newman/EIA/Telapak

THE PROCEEDS OF PAPUA'S LOGGING CRIMES

Payment made to local community in Papua:	US\$ 11.00 / M ³
Price of log at point of export in Papua:	US\$ 120.00 / M ³
Price of log on arrival in China:	US\$ 240.00 / M ³
Flooring price in China:*	US\$ 468.00
Retail price in UK or USA:*	US\$ 2288.00



(* Figure is for 26 square metres of flooring, the average amount produced from one cubic metre of logs. Figures are from 2005)

In early 2005, an EIA investigative report exposed how the illegal logging of merbau wood (*Intsia spp.*) in Papua had reached epidemic proportions, with predatory loggers smuggling up to 300,000 cubic meters of merbau logs a month to China's booming wooden flooring industry. Despite a log export ban being enacted in Indonesia in 2001, up to 15 cargo vessels a month were brazenly ferrying merbau logs to China. Every month, illegal loggers shipped enough merbau for over US \$600 million worth of wood flooring by exploiting conflicting forestry laws, endemic corruption, and weak enforcement. Yet the poor forest dependent communities in Papua received only a pittance, with the huge profits going to corrupt officials, middlemen and flooring manufacturers.¹⁵

To keep the timber flowing and operational costs low, Papuan communities were intimidated by military and police officials. In the Seremuk region, near the illegal logging hotspot of Sorong on the tip of north-west Papua, a local military police commander called Kaspar Ohoiwirin used his position, uniform and gun to ensure community compliance with the illegal operations of logging gangs linked to Malaysian conglomerate Rimbunan Hijau. The chief of one village told journalists: "Mr. Kaspar is like a backing for the company. We are only people. Under intimidation we don't have a choice."¹⁶

The felling and smuggling of merbau logs in Papua was orchestrated by well-organised international criminal syndicates. Hong Kong-based brokers selling huge quantities of merbau to Chinese buyers worked with Singapore-based shippers

to secure transport for the logs. Working with insiders at every level of the Indonesian police, military, navy and forestry offices, Jakarta based bosses arranged 'protection' for shipments and Malaysian logging gangs on the ground in Papua.

Bribery oiled the wheels at every level. One trader in Jakarta told EIA undercover investigators how US \$50 per cubic meter of merbau could ensure shipments were not stopped in Indonesian waters. Another insider said that the going rate for the navy to allow log shipments through was \$25,000 per vessel. An expert in forging shipping documents working from Singapore boasted to EIA investigators that he was "timber mafia" and that the trade was "better than drug smuggling". The vast profits from this illegal trade accrued in bank accounts in Singapore and Hong Kong.

With officials and enforcement agencies in Papua and Indonesia deeply implicated in the crime, international cooperation with the country receiving the logs was clearly needed. China signed an agreement with Indonesia in 2002 to cooperate in tackling illegal logging and associated trade, yet when confronted with evidence of massive illegal imports from Papua, the Chinese government chose to do nothing, blithely stating that no Chinese laws had been broken. The development of the export-orientated timber manufacturing sector in China, largely dependent on illegal timber, was deemed more important to Chinese interests. With western companies also profiting by selling large volumes of cheap illegal Papuan merbau flooring to American and European consumers with equal impunity, Indonesia found little overseas help.

It took a change of government in Indonesia to finally stem the tide against the profitable merbau smuggling racket. In March 2005 President Susilo Bambang Yudhoyono despatched a team of over one thousand enforcement personnel to Papua to clamp down on the logging. By mid-2005 the price of merbau logs on the international market had doubled to \$500, an indication of the scale of timber theft carried out in Papua. Illegal felling and trade in merbau continues on a smaller scale, with a switch towards sawn timber being smuggled in shipping containers, with China again the main destination.¹⁷

LACK OF POLITICAL WILL

While Indonesia's national actions have turned the corner in the fight against illegal logging in the country, a continuing lack of will in timber processing and consuming nations to control imports of stolen timber means that the criminal gangs will simply move on to other forest regions.

In November 2005 Chinese timber dealers in the southern city of Guangzhou told EIA investigators how they had switched focus to Africa to make up for the fall in the flow of illegal wood from Indonesia. In 2007 EIA discovered that the burgeoning outdoor furniture industry in Vietnam had increasingly switched to neighbouring Laos to overcome lack of raw material supplies from Indonesia.

While countries like China and Vietnam, with large wood processing industry's have a clear vested interest not to take action against imports of illegally-logged timber, a similar attitude is found in some of the world's biggest end markets for wood products made from stolen timber. It is estimated that the European Union imports around \$4 billion worth of illegally-sourced wood products every year, but has failed to put in place any form of legislation to exclude illegally-sourced timber from its market.¹⁸

Yet there are signs that consumer markets are finally waking up to the role that demand plays in driving illegal logging. In May 2008 the US agreed a landmark new law, which makes it an offence to import or sell illegally-harvested timber and wood products. By amending the existing Lacey Act, authorities in the US will be empowered to seize shipments of stolen timber and to prosecute importers and traders dealing in illegally-logged wood.

Mechanisms for improving international cooperation to tackle the global trade in illegal timber are also emerging. In 2007 the UN's Commission on Crime Prevention and Criminal Justice passed a resolution entitled "International cooperation in preventing and combating international trafficking in forest products". The resolution calls on countries to make greater efforts to tackle organised criminal groups involved in trafficking of timber and wildlife.¹⁹ Whether this measure will actually lead to effective action to curb the huge amount of illicit timber traded around the world remains to be seen.

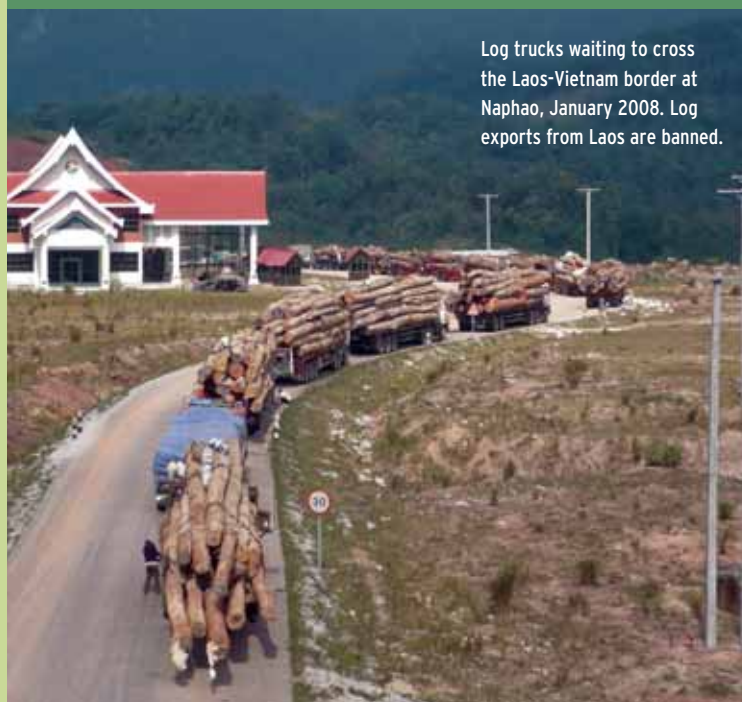
TIMBER BARONS IN INDONESIA

Influential timber barons have masterminded, financed and profited from major illegal logging in Indonesia, and remain effectively above the law. Here are some of the players EIA has come across during its investigations:

Marthen Renouw: A senior Papuan police officer, Renouw, epitomises the failure of the judicial system to convict influential defendants. Renouw was arrested for corruption and money laundering in Papua in 2005 after \$120,000 was found in his bank account, paid in through 16 bank transfers from individuals linked companies accused of illegal logging. These were the very companies Renouw was supposed to be investigating. It seemed to be an open and shut case, yet Renouw walked free from court in Jayapura, capital of Papua, after a classic home town verdict.

Abdul Rasyid: Through astute connections with the local military and government officials in Pangkalanbun, Central Kalimantan, for years Abdul Rasyid coordinated the looting of Tanjung Puting National Park, developing an illegal business in stolen ramin logs worth around US\$30 million a year. When Rasyid's activities became public knowledge he handed over to his nephew and entered into politics, becoming a member of the national People's Consultative Assembly. More recently, Rasyid has used his wealth to move into the highly profitable business of oil palm plantations. Rasyid has never been seriously investigated in Indonesia.²⁰

Ali Jambi: Ali Jambi, real name Hap Ali, has earned a fortune shipping illegal ramin timber across the Melaka Straits from Indonesia to Singapore and Malaysia, where in turn it was sold onto the international market. He has been on the run since 2001, and despite the fact that he is still wanted by police in Indonesia, EIA tracked him down to Singapore, a favourite bolt hole for Indonesians on the run.



Log trucks waiting to cross the Laos-Vietnam border at Naphao, January 2008. Log exports from Laos are banned.

© EIA

WILDLIFE CRIME

Skinning the Cat

Changing consumer attitudes is part of the solution, but targeting the individuals who control the trade is key.



© Debbie Banks EIA/WPSI

ABOVE:

An investigator examines a leopard skin in Nagchu, TAR, PRC, August 2005.

It is seven years since the United Nations General Assembly declared the illicit trade in flora and fauna a form of serious transnational organised crime. Yet many countries affected by wildlife crime have been slow to invest in an appropriate enforcement response to identify and apprehend the key individuals who control the trade.²¹

Typically, wildlife crime is seen as a low priority for the professional enforcement community. However, the high profit - low risk (of being detected, apprehended and convicted), nature of wildlife crime makes it attractive and the proceeds of wildlife crime may even be used to finance other forms of serious crime. This alone should stimulate agencies that are concerned with socio-economic stability, security, law and order to be more engaged in stopping wildlife crime.

Aside from the loss of the endangered species that are targeted for their body

parts, the communities that live around them are also robbed of a potential source of income through wildlife tourism. Wildlife crime therefore undermines global efforts to alleviate poverty and achieve the Millennium Development Goals.

The international illegal trade in Asian big cat skins (tiger, leopard, snow leopard) is largely driven by the markets of China, where skins are used for home decor, clothing, and prestigious gifts or non-financial bribes. Traders report that visitors to China also purchase skins and smuggle them out in their luggage with some claiming to have used domestic and international post to transport skins beyond the primary trade hubs.^{22, 23}

According to traders, most of the tiger and leopard skins for sale across the Tibetan plateau and western China have been sourced from India and Nepal. This is corroborated by information from

seizures in India and Nepal. Skins are trafficked across Himalayan borders in trucks, by pack animals and by individuals. Many of the trails used are ancient trade routes, some in well-known black-market areas along the Indo-Nepal border. Traders also report the complicity of government officials at border areas as well as at the retail end. One tiger skin trader in China stated that his sources in the local Forestry Bureau alert him in advance of any market inspections or raids.

Given the diffuse markets, the porous borders and the existence of generally lawless areas, it is an immense task to police the trade in a traditional sense. However, the intelligence that could be drawn from skin seizure incidents in India, Nepal and China would be sufficient to support targeted enforcement efforts focusing on the most influential members of the trade chain. Sources of intelligence includes signatures on the back of skins, information from the diaries and phones of those arrested at the scene, hotel and vehicle registration information, and analysis of historical data.

Collating, analysing and disseminating intelligence is essential. Despite existing mechanisms like Interpol, CITES and

WCO, the data that is shared nationally and internationally is all too often a basic report of an isolated seizure incident. Rarely are joint enforcement initiatives launched or actionable intelligence exchanged.

The illustration on the following two pages depicts a transnational criminal network engaged in tiger and leopard skin trade over a minimum of eight years.²⁴ Some of the suspects have been arrested and have gone on to commit further offences on bail, whilst others are wanted in association with cases but have avoided detection. None of the pending case court proceedings have been completed and some of the individuals have absconded.

At the time of the seizures, the cases were treated in isolation (except the Ghaziabad-Khaga cases), but retrospective analysis of associations between the individuals reveals a different story. Had further investigations been conducted following the Ghaziabad and Khaga cases with profiles of suspects and associates compiled, perhaps swifter progress would have been made in disrupting a network that is known to be responsible for the significant trafficking of tiger and leopard products.

BELOW:

Skins don't make their way by chance to Lhasa, traders here are central to a long organised chain of international dealers.

BOTTOM:

The future of the wild tiger depends on intelligence-led enforcement and improved international cooperation.



© EIA

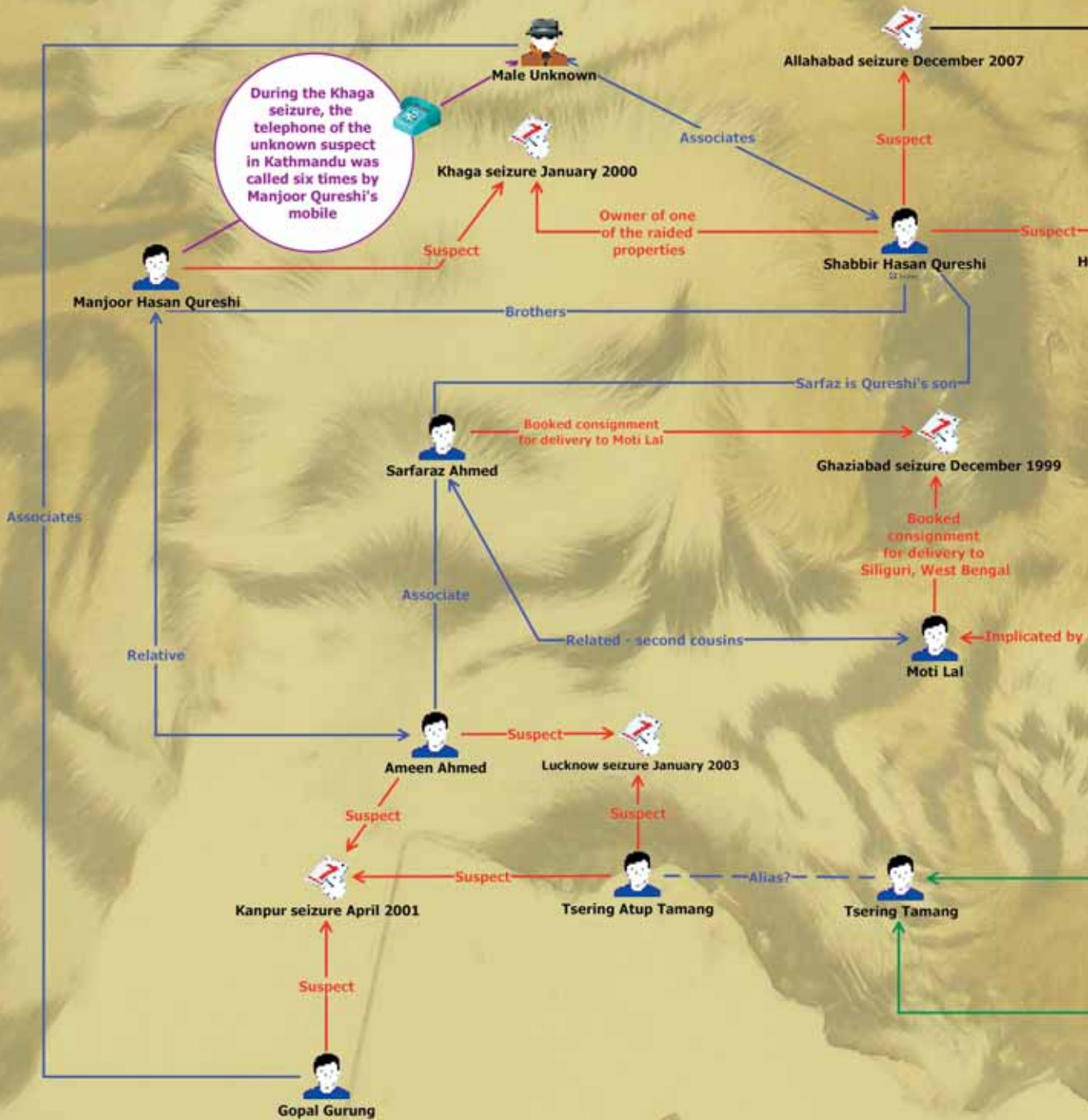


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i2® CHART CASE STUDY



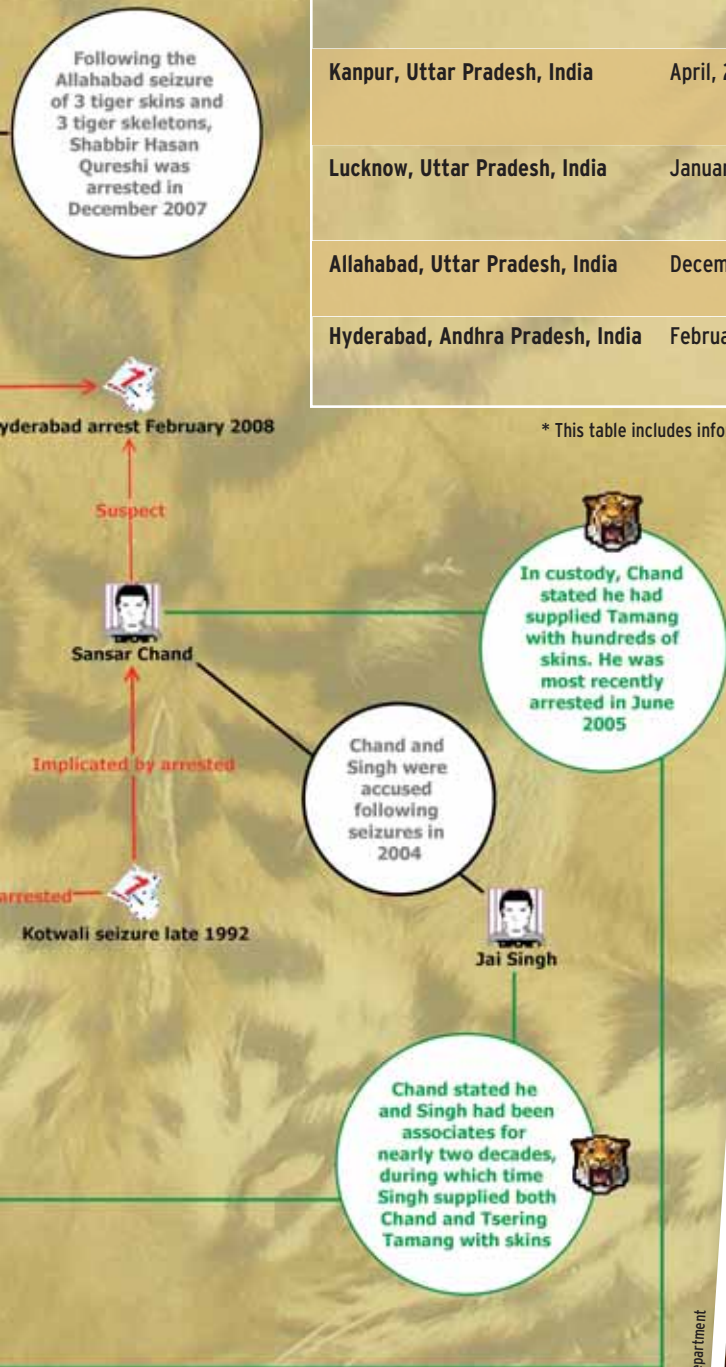
The i2® chart below illustrates a fraction of the links that connect these individuals to big cat seizures spanning 16 years.



SNAPSHOT OF A CRIMINAL NETWORK*

LOCATION	DATE	DETAIL
Kotwali, Rajasthan, India	Late 1992	Tiger bones were recovered. Sansar Chand and Moti Lal were implicated by the arrested.
Ghaziabad, Uttar Pradesh, India	December, 1999	3 tiger skins, 50 leopard skins and 5 otter skins were seized. The consignment was booked by Moti Lal.
Khaga, Uttar Pradesh, India	January, 2000	4 tiger skins, 70 leopard skins, 221 otter skins, 18,080 leopard claws, 132 tiger claws and 175kg tiger bones were seized. Calls from the mobile telephones of the arrested revealed trans-national links to persons in Kathmandu, Nepal. The main suspect, Shabbir Hasan Qureshi, absconded.
Kanpur, Uttar Pradesh, India	April, 2001	1 tiger skin, 19 leopard skins were confiscated. Gopal Gurung and Tsering Atup Tamang, two Nepalese citizens were arrested.
Lucknow, Uttar Pradesh, India	January, 2003	12 leopard skins were seized. Three men including Tsering Atup Tamang were arrested: Tamang was on bail for the Kanpur case of April 2001.
Allahabad, Uttar Pradesh, India	December, 2007	3 tiger skins and 3 tiger skeletons were seized; sixteen people were arrested, including Shabbir Hasan Qureshi.
Hyderabad, Andhra Pradesh, India	February, 2008	In connection with an earlier seizure, suspects were alleged to have been trading with Sansar Chand's brother and Shabbir Hasan Qureshi.

* This table includes information from the Wildlife Crime Database of the Wildlife Protection Society of India (WPSI).



BELOW:

Information from mobile phones also provides important intelligence. One of the accused in Khaga had been making calls to an associate in Kathmandu, who is himself connected to the Kanpur and Lucknow cases. Forest Department officers display just a few of the skins seized at Khaga.



© Fatehpur Forest Department



© Fatehpur Forest Department

LEFT:

Signatures on the back of skins, like this one from the Khaga seizure, are important sources of intelligence and evidence.

SMUGGLING OF OZONE-DEPLETING CHEMICALS

A Crime Against Nature

While significant progress has been made against ODS smuggling, there is a threat that illegal trade will increase.



© EIA

ABOVE:
F12 cylinders, Yonghue Facility,
Quzhou, China.

All life on Earth is dependant upon the ozone layer, a thin layer of gas in the upper atmosphere, which shields the Earth's surface from harmful solar ultraviolet radiation (UV).²⁵ In 1985 scientists detected severe thinning of the ozone layer in Antarctica. Since then this hole in the ozone layer has been recorded every year, generally growing bigger and lasting longer. Alarming reductions in ozone levels over Europe and North American mid-latitudes have also been observed in the majority of years over the last decade. It is predicted that Arctic ozone losses will persist into the 2050-2070 period, with recovery taking several more decades.²⁶

Severe depletion of the ozone layer is due to human activity introducing

artificially high quantities of chlorine, bromine and other ozone depleting substances (ODS) into the stratosphere, where these chemicals destroy ozone molecules. Widely used chemical compounds are to blame – especially chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) used as refrigerants and halons used as fire suppressants.

Increased exposure to UV directly impacts human health. Effects include suppression of the immune system, photo-aging of the skin, cataracts and skin cancer. Every year there are between two and three million new cases of non-melanoma skin cancers globally, with an estimated 66,000 annual deaths from various types of skin

cancer. Children are most at risk from the damaging effects of UV radiation.²⁷

It is not just humans that suffer the damaging effects of UV radiation: plants and ecosystems are also at risk. Research shows that UV-B impairs the reproductive capacity and early developmental stages of aquatic organisms.²⁸ Increased exposure to UV light in terrestrial plants results in a reduction in height, decreased shoot mass, and a reduction in foliage area.²⁹

In 1987, global concern over the threat posed by ozone depleting substances led to the formation of the Montreal Protocol on Substances that Deplete the Ozone Layer. Since then it has been ratified by 189 nations. The protocol establishes legally binding controls on the national production and consumption of ODS with complete phase-out as the final goal, allowing the ozone layer to recover.

EMERGENCE OF ILLEGAL TRADE

The Montreal Protocol has rightly been hailed as the most successful environmental treaty to date. Yet legislators drafting the treaty failed to foresee the possibility of illegal trade in ODS as control mechanisms came into effect. By the mid-1990s the emergence of the smuggling of CFCs threatened to undermine progress by retarding the market for alternative chemicals, potentially delaying ozone layer recovery.

Illegal trade began flourishing soon after the phase-out of CFC production began in the EU and US in 1995. The first target for the smugglers was the lucrative US market, where a high import tax on CFCs, designed to dampen down consumption, meant high profits for smugglers. Most of the smugglers used a gaping loophole in the Montreal Protocol allowing free trade in recycled CFCs. Under the US rules, importers could obtain permits to bring in used material, but in reality most of the imports were newly-produced CFCs. Unlicensed imports were also smuggled into the US by the mis-declaration of the CFCs on shipping documents. The illegal trade centred on the state of Florida, where the value of illegal CFCs smuggled through the port of Miami was second only to cocaine in terms of contraband



Taken from Cancerhelp UK, the patient information website of Cancer Research UK: www.cancerhelp.org.uk

LEFT:

Every year there are between two and three million new cases of non-melanoma skin cancers globally, with an estimated 66,000 annual deaths from various types of skin cancer. Children are most at risk from the damaging effects of UV radiation.

passing through the port.³⁰ The US authorities responded to the threat by setting up Operation Cool Breeze, resulting in a spate of seizures and successful prosecutions.

In the mid-1990s EIA began probing the origin of the illicit CFCs seized in the US. Scrutiny of shipping documents and indictments revealed that much of the material was manufactured in Russia, which had continued producing CFCs in contravention of its obligations to the Montreal Protocol. EIA also discovered that much of the contraband CFCs turning up in the US had passed through the hands of European brokers, using another loophole in the protocol. Under so-called Inward Processing Relief (IPR) provisions, traders were free to import CFCs in bulk tankers to be repackaged in smaller containers. This provided a convenient front for laundering CFCs onto the black market.

One company in the UK cropped up time and time again. This company imported CFCs from Russia into a Birmingham warehouse where they claimed the products were being repackaged under IPR rules. Yet in contravention of these rules the CFCs were not sent on to developing countries but ended up on the US market. Following the trail led EIA to another company also based in the UK. EIA discovered that this second trader had set up operations in Estonia to supply Russian CFCs to the black market. Despite such evidence, the EU authorities insisted that CFC smuggling was not a problem in Europe.



© EIA

ABOVE:

The manager of a Refrigeration Company in Zhejiang Province, China, offers illegal products to investigators in 2005.

This complacency was exposed in mid-1997 when the Dutch authorities seized a shipment of illegal CFCs marked as legal replacement chemicals. Further investigations revealed that a German company called Taifun was behind the smuggling and had illegally imported over 800 tonnes of CFCs and halons into Europe over a two-year period. This case confirmed the rapid growth of ODS smuggling, leading to an estimated 20,000 tonnes of material being illegally traded every year, equivalent to 20 per cent of total legal trade.³¹

To illustrate the ease of sourcing CFCs from around Europe and beyond, EIA investigators in 1997 set up a dummy company, called Trans-Cool Trading. The firm was positioned as a UK broker looking to obtain cheap supplies of CFCs and halons in order to undercut established suppliers. Soon the fake company was receiving a flood of offers of cheap CFCs, and for the first time EIA identified Chinese companies as major suppliers to the black market.

The suspicion that China had supplanted Russia as the main source of illicit ODS was confirmed by a follow-up investigation in 1998. EIA investigators travelled to

the province of Zhejiang in eastern China and uncovered a network of traders actively supplying ODS to the EU and US, and willing to falsely describe the goods to avoid detection at the point of import. EIA's investigations also proved that a flood of shipments of halon 1301 which had entered the US market labelled as recycled were, in fact, virgin material and breached US law.³²

Faced with such evidence, the US established an effective national task force to tackle the problem, while the EU implemented a total sales and use ban on CFCs. Such measures led to a fall in illegal ODS trade in these markets by the late 1990s. Instead the Chinese traders switched attention to the growing black market for ODS in developing countries.

A SHIFTING THREAT

Between 2000 and 2007 EIA uncovered numerous instances of Chinese-produced ODS turning up on the black market around the world – from South East Asia and the Middle East to South America. The problem was especially acute in developing countries, which were required to freeze CFC consumption in 1999 and progressively phase-out use of the chemicals by 2010. In 1997 parties to the Montreal Protocol had established a licensing system to control illegal trade involving annual import quotas and designated importers, yet this was being routinely flouted by the smugglers.

EIA's investigations documented a range of routes and methods used to smuggle the ODS. In 2001 evidence was gathered showing how a steep rise in CFC imports by land-locked Nepal was feeding the black market in neighbouring India. The contraband material originated not only in China but also in the EU, where yet another loophole in the protocol allowed continued production of CFCs to supply developing countries.³³

In 2003 the role of transit countries in facilitating illicit trade was highlighted by EIA's investigations in the city state of Singapore, one of the world's biggest ports. Singaporean traders told undercover investigators how CFCs were imported from China, switched to other containers and then mis-declared before being sent on to the final destination.

One trader offered to conceal the CFCs by using the layering method – packing the front layer of the container with legal chemicals to avoid detection.³⁴

In 2005 a spate of seizures of Chinese CFCs in Indonesia, the Philippines, India, Kuwait, Thailand and Georgia led EIA to launch a major investigation into the Chinese companies supplying the material. Returning to Zhejiang, EIA investigators discovered that little had changed since 1998 – there was still a host of brokers and traders offering to break the rules for a quick profit.

Many brokers described how they simply packed the CFCs in cylinders marked as legal alternative refrigerants, or simply lied on the shipping documents. A few boasted of avoiding checks through connections in local government departments. The traders claimed to be using these methods to supply markets around the world – Asia, Africa, Europe, the Middle East and South America.³⁵

The scale of this illegal trade is vividly illustrated by discrepancies in official customs data. For example, reported exports from China to Indonesia of CFCs in 2004 were more than 1000 tonnes higher each year than Indonesia's reported imports of CFCs from China.³⁶

Following the release of EIA's findings the Chinese government has taken steps to clamp down on the illegal trade. This effort is assisted by funds provided by the international community to speed up the phase out of CFC production in China, with all manufacturing plants shut by late 2007. Yet Chinese-made CFCs are still cropping up on the back market, with Indonesian customs seizing two containers of illicit material in October 2007, and Chinese brokers still openly offer CFCs for sale despite the government clampdown.

The story of ODS smuggling offers many important insights in terms of global efforts to control trade in environmentally-harmful commodities. Initially the Montreal Protocol did not take into account the possibility of illegal trade, enabling the problem to become entrenched before belatedly reacting with a licensing scheme and efforts to pay countries to stop producing CFCs and halons.

It is at the regional and national level that the greatest achievements have been made in tackling ODS smuggling. In the US, the formation of a multi-agency task force has resulted in numerous seizures and prosecutions. In the EU, the sales ban has effectively curbed demand for CFCs. In Asia, capacity building programmes have provided the tools needed by customs and other authorities to tackle ODS smuggling. These efforts culminated in a region-wide enforcement operation led by Chinese customs in 2007.

Yet while significant progress has been made against ODS smuggling, authorities need to remain vigilant. Illicit CFCs can still be found, and there is a threat that illegal trade in another widely-used category of ODS, called hydrochlorofluorocarbons (HCFCs), will increase.

BELOW:

Indonesian customs officers inspect a seizure of smuggled CFC cylinders produced in China. Tanjung Priok port, Jakarta, Indonesia, 2004.



© Julian Newman/EIA

SMUGGLING METHODS

Unscrupulous traders and brokers have devised a myriad of smuggling methods employed to put customs off the trail of illegal ODS. EIA investigations have revealed the following smuggling methods.

- False labelling on documents and concealment: A method widely used in the past by Chinese brokers sending illicit ODS to Europe. The CFCs were falsely declared as HCFC-22, with the smugglers placing a single layer of HCFC-22 cylinders next to the door of each container to disguise.
- Counterfeit goods: Seizures of R-134a cylinders containing CFCs have been reported in various developing countries.
- Other cases of mis-declaration include claims of recovered or recycled CFCs, which upon chemical analysis were shown to be too pure to be recycled.

THE SINGAPORE SEIZURE

Six tonnes of ivory was seized in Singapore in June 2002. It remains the largest single seizure of ivory. The network behind this crime has, so far, escaped prosecution.



© AVA Singapore



© EIA

Until 1997 the international trade in ivory was banned. But unlike many other commodities, the legislation surrounding the ivory ban has been complicated by some decisions made by the Parties to CITES. With the exception of Botswana, Namibia, South Africa and Zimbabwe, all elephant species are on Appendix I which means there can be no international trade whatsoever. Elephants from these four southern African countries, however, are

on Appendix II which means that under certain conditions there can be limited trade. In the case of Namibia and Zimbabwe, limited trade for 'non-commercial' purposes is allowed (this is something of an oxymoron and includes small items such as ivory bangles). In 1997 and again in 2005, CITES approved one-off sales of stockpiles from these countries to an approved buyer: Japan. China was given the green light as a buyer at the CITES Standing Committee in July 2008 resulting in over 107 tonnes of ivory being approved for sale to those countries. Inevitably there is confusion about what is, and is not, legal and the mixed messages resulting from these decisions present enforcement agencies with an even bigger challenge.

Illicit trade in ivory constitutes a form of serious trans-national organised crime (TOC) and the infamous 'Singapore Seizure' continues to illustrate the many challenges facing law enforcement agencies in tackling such networks.

The international trade in elephant ivory has been banned since 1989. However, in June 2002, 532 elephant tusks and over 40,000 traditional Japanese name seals, weighing in at over 6.2 tonnes, were seized from a ship arriving in Singapore from South Africa en route to Japan. The seizure, which disrupted one of the world's largest and most profitable ivory syndicates, resulted from the coordinated efforts of numerous enforcement agencies, including the Zambia Wildlife Authority (ZAWA), the Anti-Corruption Bureau (ACB) of Malawi, the Lusaka Agreement Task Force (LATF) and the Agri-Food and Veterinary Authority (AVA) of Singapore. It also marked the single biggest haul of illegal ivory since the ban was introduced.

Despite initial high levels of interagency cooperation, the recovery of substantial evidence and numerous investigations by a range of governmental and intergovernmental agencies, six years on, there have been no significant prosecutions. Protracted investigations, inefficient use of intelligence and loss of key evidence have contributed to the foundering of the Singapore case which has become, to all intents and purposes, a 'cold case'. The whereabouts of many key suspects and witnesses are now unknown and the syndicate responsible remains free to operate with apparent impunity.

Investigations into the Singapore seizure revealed a well established syndicate of South East Asian and African nationals, operating across at least five borders and spanning two continents. Recovered documentation showed that the syndicate had been active for at least eight years prior to the seizure, and had dispatched 19 similar sized shipments since 1994. Such a formidable record of activity represents literally thousands of poached elephants and black market ivory worth hundreds of millions of dollars.

Sourced largely from elephants in Zambia, the ivory was transported to Malawi for packing and inspection by potential buyers, before being taken by road to Mozambique. From there it was shipped to South Africa, and on to Japan via Singapore. The modus operandi employed to avoid detection included the use of personal and company pseudonyms, laying false trails, mis-declaration of goods, bribing customs officials, fake documentation and multiple transshipments.

The seventh UN Millennium Development Goal (MDG) links environmental sustainability with sustainable development and poverty reduction.³⁷ The illegal ivory trade undermines this goal by fuelling elephant poaching in developing countries, amounting to the theft of natural resources worth millions of dollars by international criminal gangs. Much of the ivory procured by the Singapore syndicate was sourced from Zambia's South Luangwa National Park (SLNP). Besides damaging the ecological biodiversity of the park, poaching on such a scale poses a threat to Zambia's budding tourism industry. As in many

The continued poaching of elephants is driven largely by market demand in Asia and Africa, although the United States and Europe also have illegal markets for ivory. This trade can be extremely lucrative: a kilo of ivory bought for US \$15 in Africa can fetch over US \$850 in wealthy markets like Japan. With growing demand for ivory, the last six years has seen an increasing trend in the number of large seizures of illegal ivory making its way on to market places in the Far East, predominantly China: three tonnes seized in Shanghai, China in August 2003; six tonnes seized in the Philippines in 2005; almost 4 tonnes seized in Hong Kong in May 2006; over five tonnes seized in Taiwan in July 2006; 223 tusks seized in Dar es Salaam, Tanzania, in 2007.



© Mary Rice/EIA



© Mary Rice/EIA

ABOVE:

Zambia's South Luangwa National Park is a major tourist destination and source of income for the local community. This elephant was killed there in 2006 and poaching continues to threaten the region today.

developing African countries, wildlife tourism in Zambia makes a crucial contribution to national GDP.³⁸

The intensive poaching involved in supplying such ivory syndicates also places a strain on the resource-strapped wildlife authorities tasked with protecting Africa's natural resources. Anti-poaching patrols are generally ill equipped, and the proliferation of small arms across Africa caused by numerous civil conflicts means that such patrols increasingly encounter heavily armed poachers. Injury, and even death, during such confrontations is not uncommon, with little if any compensation available to the families of those killed or wounded. Whilst poaching must be treated seriously, and the poachers held responsible for their actions, those recruited by lucrative trans-national ivory syndicates typically hail from the most economically marginalised sections of society. In addition, it is more often the poachers and those at the lower end of the supply chain who are caught, while the individuals driving the networks and profiting most elude detection.

According to the UN Convention Against Corruption (UNCAC) and Transparency

International respectively, corruption jeopardises sustainable development³⁹ and poses a threat to "domestic and international security and the sustainability of natural resources".⁴⁰

Illegal ivory trade frequently encompasses incidents of corrupt practice, negating national and international attempts at stamping it out. Examples of this abound. A poacher apprehended in SLNP, Zambia in 2001 revealed that he had been contracted by the warden of the park to poach 100 elephants in order to supply ivory to the Singapore syndicate. Rather than being investigated and prosecuted, the warden was simply transferred to another region.

In 2005, an elephant poacher in Tanzania disclosed that he had been recruited and supplied with firearms and intelligence on the whereabouts of ranger patrols by a former game-ranger acting at the behest of senior members of government and "their contacts in foreign countries".⁴¹ The ivory he acquired was periodically transported to the capital in government vehicles, passing unhindered through numerous police roadblocks.

ENFORCEMENT AND JUDICIAL FAILURES

The Singapore seizure case also demonstrates a familiar lack of awareness amongst enforcement agencies and the judiciary regarding legislation, case jurisdiction and legal procedures. All the investigating parties maintained that the seized ivory needed to be presented as evidence: this argument has been cited as a major cause for the delay in advancing prosecutions, as well as leading to an undue level of emphasis being placed on the DNA analysis of the ivory in terms of sovereign ownership and repatriation. A senior representative from the Zambian judiciary has refuted this assertion and has outlined a number of alternatives which would satisfy the requirements of the courts.⁴² Such a disparity of knowledge reflects a lack of communication amongst relevant agencies at both national and international levels, despite the coordinating efforts of LATF and Interpol. Making use of such intergovernmental bodies and the intelligence-sharing mechanisms they

facilitate, such as Interpol's Ecomessage system, is one obvious way in which levels of communication can be improved.

The problems outlined above have been galvanised further by a distinct absence of political will to prosecute those responsible. Until wildlife crime is taken seriously by governments and viewed on a par with other forms of serious trans-national organised crime, the plunder will continue, damaging biodiversity, threatening species with extinction, stealing from local and national economies, perpetuating corruption and undermining global efforts at sustainable development.

As the Singapore seizure case shows, those heading international ivory syndicates are rarely brought to justice, reinforcing perceptions of the illegal trade as a low risk – high return enterprise. The only way this situation can be reversed, and the current illegal trade regime tackled, is with high level political commitment, stringent and unambiguous legislation, and blanket application of meaningful, intelligence-led enforcement coordinated across national and international boundaries.

BELOW:

Rangers in Zambia display ivory seized from South Luangwa National Park.



© RATS (Rapid Action Team South Luangwa)

SUCCESSFUL ENFORCEMENT MODELS

Despite the low priority generally accorded to environmental crime around the world, examples exist where innovative cooperation mechanisms and proactive enforcement, backed up by political will, produce impressive results.

REGIONAL COOPERATION

Asia's Project Sky-Hole Patching

On 1st September 2006 the first coordinated customs enforcement operation against environmental crime in Asia was launched. Project Sky-Hole Patching was a ground-breaking initiative run by the World Customs Organisation's Regional Intelligence Liaison Office for Asia and the Pacific (RILO AP), and targeted both smuggling of ozone-depleting substances (ODS) and hazardous waste.

The project was first suggested by China Customs. China has a particular problem as it is a destination for huge amounts of hazardous waste – since 2000 it has seized over 85,000 tonnes of illegal waste shipments – and is also the source of most of the contraband ODS on the global market.

The project sought to harness the intelligence gathering capacity and information sharing networks of RILO to intercept shipments of illicit ODS and waste, using real-time intelligence. Customs authorities in 20 Asia-Pacific countries joined the project. The first phase ran from 1st September 2006 and focused on ODS. The second phase commenced on 1st March 2007 with a broadened remit to include hazardous waste. Since 1st November 2007 the project has been converted into a routine operation of customs authorities.

During the operation, over 100 tonnes of contraband ODS and 1,000 tonnes of illicit waste were seized. The project successfully raised awareness of ODS and waste smuggling amongst customs agencies across the region, and has led to greater cooperation beyond the target region, with RILO AP now collaborating with the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) on tackling shipments of illicit waste.

NATIONAL COORDINATION

US' Operation Cool Breeze

In the mid-1990s the US authorities realised that a hitherto little known crime was rapidly growing – smuggling of CFCs, with the port of Miami, Florida, emerging as a hub for the illicit trade. In response a multi-agency task force was set up and Operation Cool Breeze launched to proactively track down CFC smugglers and secure convictions.

The task force comprised the Department of Justice, the Environmental Protection Agency, the Federal Bureau of Investigation, the Inland Revenue Service, and customs agents from around the country. By pooling resources and intelligence, the task force was able to compile strong cases against a number of suspects and secure convictions. During the first two years of Operation Cool Breeze 18 convictions of major CFC smugglers were secured, resulting in millions of dollars in fines and prison sentences of up to almost five years.

In one of the biggest cases cracked by the task force, Irma Henneberg, manager of a Florida shipping company, received a 57-month jail sentence for filing false shipping manifests and diverting around 3,000 tonnes of CFCs onto the US market. In another case three company officials from the company Refrigeration USA pleaded guilty to smuggling 4,000 tonnes of CFCs into the US and forfeited property worth \$3million.

The multi-agency cooperation inherent in the success of Operation Cool Breeze provided a strong and rapid response to the threat of CFC smuggling. The resulting convictions provided a powerful deterrent and sharp fall in the amount of contraband CFCs entering the US.

POLITICAL WILL

Indonesia's Operation Hutan Lestari

In March 2005, after years of procrastination and half-measures to tackle rampant illegal logging in Indonesia, the government finally began taking decisive measures, led by President Susilo Bambang Yudhoyono. Faced with compelling evidence of the vast scale of illegal logging in Papua, he despatched 1,500 police, military and forestry officers to the area in eastern Indonesia. The clampdown, termed Operasi Hutan Lestari II (OHLII), rapidly staunched the flow of illegal logs and seemed to mark a new phase in the battle to save Indonesia's forests. President Yudhoyono stated: "I, all of us, must declare war against illegal logging. Anyone involved in illegal logging, anyone, must be severely punished. Our patience has run out. Our environment is destroyed, our economy is suffering."⁴³ In April 2005 the president followed up by issuing the Presidential Instruction on Eradication of Illegal Logging to 18 government agencies, compelling them to join together to curb illegal logging. The effort is coordinated by the Minister for Political, Law and Security Affairs, and involves the ministries of forestry, defence, law and human rights, finance, the heads of police, military and intelligence, and regional governors. Progress reports must be made to the President every three months. Since 2005 the Indonesian government has made progress against the epidemic of illegal logging which had gripped the country. Although the problem remains, enforcement has improved markedly. For instance, EIA investigations in China have documented less illegal timber from Indonesia being shipped, with Chinese wood traders aware of the clampdown in Indonesia. This progress can largely be attributed to strong political will from the highest level of the Indonesian government.

SPECIALISED INTELLIGENCE UNITS

India's Wildlife Crime Control Bureau

The illegal trade in Asian big cat parts and derivatives illustrates the need for a more sophisticated and strategic enforcement approach. The concept of intelligence-led enforcement, alongside preventative policing, is gradually being embraced and recent commitments in India and by the international community suggest a new era of wildlife crime enforcement is being ushered in.

The fledgling Wildlife Crime Control Bureau (WCCB) in India is a specialised enforcement unit, tasked with drawing on the expertise of police and customs to collate, analyse and disseminate intelligence on wildlife crime. Since commencing operations in early 2008 the WCCB has collaborated with NGO specialists to deliver actionable intelligence to local forces resulting in seizures, arrests and the disruption of criminal networks at a domestic level.

Approval for the CITES Secretariat's proposals to arrange intelligence training for tiger range states and to engage professional enforcement officers of the rank of Commissioner of Police and DG Customs, reflects a triumph in the long fought battle to convince the international community that there is much more that countries can do to improve enforcement against wildlife crime.

LOCAL PARTNERSHIPS

Zambia's South Luangwa Conservation Society

Established to provide support for an overstretched wildlife authority, the South Luangwa Conservation Society (SLCS), works alongside government park rangers in the fight against poaching in the South Luangwa National Park, Zambia. SLCS is made up of personnel from local communities, who actively gather intelligence on illicit wildlife trade, especially ivory poaching, in the area around the park and conduct patrols. In 2002 SLCS was instrumental in exposing a massive ivory cartel. Through utilising the skills and experiences of local communities and working in partnership with the government's wildlife authority SLCS is helping to conserve the wildlife of South Luangwa and disrupting wildlife trafficking in the region.

WHAT NEEDS TO BE DONE?

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 organised 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.

There is arguably a level of institutional complacency with regard to environmental crime, and perhaps a fundamental lack of awareness of the scale of the problem, or the responses needed to tackle it. Furthermore, there needs to be recognition that, unlike other forms of crime, this one is time critical. In order to redress the balance, the international community should finally accept that environmental crime requires a substantial, committed and sustained global response – and act immediately before it is too late.

RECOMMENDATIONS

Improved enforcement co-operation and 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 recognised at the 15th Conference of Parties to CITES, for “closer international liaison between the Convention's institutions, national enforcement agencies, and existing intergovernmental bodies...”
- **Encourage the application of existing national criminal laws**, proceeds of crime and seizure of assets legislation against environmental criminals in addition to “environmental specific” legislation.
- **Develop new, or participate in existing international, national and regional environmental crime enforcement units**, and border liaison offices that would share intelligence with each other in order to develop investigations and operations targeting criminal networks.
- Support the **participation by relevant personnel in the CITES Enforcement Experts Group to demonstrate adequate investment and political commitment to tackle wildlife crime.**

REFERENCES

1. Environment crime now high on the world agenda - <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=530&ArticleID=5764&l=en>
2. United Nations Convention Against Corruption - preamble
3. Financial Action Task Force - Designated Categories of Offences - <http://www.fatf-gafi.org>
4. World Bank: Weak Forest Governance Costs US\$15 Billion A Year - News Release No.2007/86/SDN
5. Road map towards the implementation of the United Nations Millennium Declaration
6. UNODC - "Rule of Law: A (missing) Millennium Development Goal that can help reach the other MDGs"††
7. Millennium Development Goals Report 2007 - <http://www.un.org/millenniumgoals/pdf/mdg2007.pdf>
8. Environmental Refugees: The Forgotten Migrants - a panel discussion - May 2007
9. World Bank, Strengthening Forest Law Enforcement and Governance - Addressing a Systemic Constraint to Sustainable Development, 2006.
10. Tempo Magazine, "The Rape of Merbau", 7th March 2005
11. World Health Organisation (Per capita total expenditure on health at international dollar rate, 2004)
12. AFP, Activists Protest Indonesia Deforestation, 16 March 2007
13. Suripto, Member of Commission 1, Indonesian Parliament, "Transnational Crime of Illegal Logging", presentation to EIA/Telapak workshop, September 2006.
14. Xinhua, "Illegal Logging Destroying Last Strongholds of Orangutans in Southeast Asia: UN report", 6th February 2007
15. EIA/Telapak, The Last Frontier, 2005
16. Surya Citra TV, Timber Flowing Out to Neighbouring Countries, 12th March 2004
17. EIA/Telapak, The Thousand-Headed Snake, 2006
18. WWF, Failing the Forests - Europe's Illegal Timber Trade, 2006
19. United Nations CCPCJ resolution 16/1, 2007
20. EIA/Telapak, The Final Cut, 1999
21. Resolution 55, UN General Assembly, 2001
22. EIA, Tiger Skin Trail, 2004
23. EIA and WPSI, Skinning the Cat: Crime and Politics of the Big Cat Skin Trade, 2006
24. Data from the Wildlife Protection Society of India - Wildlife Crime Database
25. Rai, L. C. & Mallick, N. 1998. Algal responses to enhanced ultraviolet-B radiation. PNASA B64(2), 125 -146.
26. Shindell, D.T., Rind, D. & Lonergan, P. 1998. Increased polar stratospheric ozone losses and delayed eventual recovery owing to increasing greenhouse-gas concentrations. Nature, 392, 589 - 592.
27. World Health Organization & United Nations Environment Programme. Children Suffer Most from the Effects of Ozone Depletion. Press Release. Geneva/Paris 16 September 2003.
28. Environmental Effects of Ozone Depletion 2002 Assessment. UNEP. Pg. 42.
29. Environmental Effects of Ozone Depletion and its Interactions with Climate Change: 2002 Assessment. United Nations Environment Programme, Nairobi 2003.
30. Vallette, J. 1995. Deadly complacency: US CFC Production, the Black Market and Ozone Depletion. Ozone Action, Washington
31. EIA, "Chilling facts about a burning issue: CFC smuggling in the European Union" 1997
32. EIA, A Crime Against Nature, 1998
33. EIA, Unfinished Business, 2001
34. EIA, Lost in Transit, 2003
35. EIA, Under the Counter, 2005
36. Controlling the ODS Trade: The need to strengthen licensing systems. EIA Briefing, March 2005.
37. <http://www.un.org/millenniumgoals/#>
38. Gross Domestic Product
39. http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf
40. http://www.transparency.org/about_us
41. 'Illegal ivory trade thriving despite government denial' - The Guardian (IPP Media): 15/07/2005
42. Proceedings from the EIA Ivory Enforcement Training Workshop, Zambia, 19-21st April 2006
43. Agence France Presse, 7th March 2005
44. CITES Resolution Conf.11.3 (Rev. CoP14) Compliance and enforcement





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