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Pollution, Wildlife, and Fisheries Working Group Meeting Reports

Bangkok, Thailand, 13-17 February, 2012

Summary

Executive Summary : Reports on the meetings of the INTERPOL Pollution and Wildlife Crime Working Groups and INTERPOL *ad hoc* Fisheries Crime Working Group held in Bangkok, Thailand, 13-17 February, 2012. The reports include summaries of discussions held, status reports on ongoing projects, and recommendations for future activities.

Strategic direction :

Submitted by : INTERPOL

Action to be taken : For information and discussion

Related documents :

Pollution Crime Working Group

Prepared by Mr. Frans Geysels, Chairperson, Belgian Federal Judicial Police. During the meeting the Working Group's various specific projects were discussed, the following summaries provide overviews of activities to date and decisions reached during the meeting:

I. **Project Clean Seas** (project leader Mrs. Annaliese Caston - Australian Maritime Safety Authority)

1. The project was established in 2002 in response to concerns about ship sourced illegal oil discharges and criminal aspects of these incidents.
2. The objectives for the near future are:
 - a. An update in 2013 of the "Investigative Manual on Illegal Oil Discharges from Vessels" first published in 2007 (available on the INTERPOL website).
 - b. The publication by the end of 2012 of a model training course curriculum on "Illegal Vessel Oil Discharge Investigations."
 - c. The draft version of "The Garbage Investigation Supplementary Manual" is to be completed and the final version will be ready by end 2012, taking into consideration the new international regulations which become effective 1 January 2013 (Revised Annex V (garbage) of the International Convention for the Prevention of Pollution from Ships – MARPOL).
 - d. A new approach for INTERPOL's internal 'Worst Offenders Database' (a confidential data base of ships and their parent companies that have been cited repeatedly for MARPOL violations) and external 'Ship Prosecutions Database' (the public analog to the Worst Offenders Database).
 - e. organize an international operation, based on the experience of AQUAPOL (EU water police) in 2012-2013, in order to undertake an international, targeted series of inspections to uncover illegal discharges of pollution from ships.
 - e. The update of the MOU (2006) between INTERPOL and the International Maritime Organization in order to provide an update on activities and to seek closer cooperation between the two organizations, especially for technical assistance.

II. **Project Pollution Crime Forensics** (project leader Mr. Peter Krahn – Environment Canada)

1. The purpose of this project is to: 1. maintain a dynamic network of environmental technical and forensic experts in order to promote best practices and innovation in environmental forensics; and 2. publish a basic pollution crime forensics manual to assist developing programs around the world.
2. During the meetings in Bangkok, five technical working groups conducted detailed reviews of the 15 scenarios that have been submitted to date for inclusion in the INTERPOL Pollution Crimes Environmental Forensics Manual. In addition, one technical working group conducted a detailed review of the analytical section of the draft manual. The Bangkok meetings allowed potential users of the manual to examine its format and content and provide their input on the product.
3. Path Forward:
 - a. The INTERPOL Environmental Crime Programme will assess the possibility for the General Secretariat's Communication and Press Office (CPO) to assist in the editing, graphical designing

and publication of the manual. The publication specialist will be required to provide guidance on content and formatting so that the transition from working draft to publication draft will incorporate publication criteria at an early stage and avoid costly formatting issues.

- b. When both the "Scenario Section" and the "Analytical Section" are in a first draft form they will be edited for consistency.
- c. The current project timetable still stands with a target date for final publication of May 2013.

III. Project Climate Change Crime and Corruption (project leader Mr. Ted Owens - US Environmental Protection Agency)

1. The purpose of this project is to explore legislative restraints and potential loopholes that may lead to the development of new crime areas connected to the issue of climate change.
2. Members of the project will review the draft document "Quick Guide to Carbon Trading Crime" which will be a useful summary of the carbon trading market and of the crimes perpetrated on it. This document will be published in final form by INTERPOL this spring.
3. Ensure proper and complete distribution of this document when completed and published by INTERPOL.
4. Create a summary of completed criminal carbon cases including press releases, news articles, and contact information for the investigators and prosecutors who handled each case.

IV. Project Global E-Waste Crime Group (project leader Mr. Huib van Westen – Human Environment and Transport Inspectorate, The Netherlands)

1. During the meetings in Bangkok, delegates from the exporting countries of Europe, North America, and Australia and the importing countries of Asia and Africa discussed the problem from their perspectives in an effort to facilitate international enforcement coordination.
2. Since its establishment in 2010, the project has been responsible for the sharing of intelligence which has led to successful operations in several countries. This sharing of intelligence continues to improve.
3. It was agreed that there needs to be more frequent communication of information and intelligence among project group members, and perhaps the established of a secure website to assist in the transmission of this information.
4. The project wants to move from the data gathering phase and into an Intelligence led operation by the end of 2012 or beginning of 2013.

V. Action points and suggestions

1. Request INTERPOL to assess the possibility of establishing a secure interactive website or electronic forum containing information and intelligence regarding waste crime;
2. The link towards the academic world is important in the analysis and mapping of pollution crime;

3. The need for stronger enforcement along the trade chain;
4. Penal enforcement should be optimised via a multidisciplinary approach;
5. Emphasize the importance of information led policing;
6. The need for a more structured collaboration with public prosecutors;
7. Forensics should be used to strengthen ongoing investigations.

Wildlife Crime Working Group

The INTERPOL Wildlife Crime Working Group follows the Environmental Crime Committee's international strategies to deal with this type of crime. Leading global and regional operations using the intelligence-led policing is the main focus together with coordinating and developing an international law enforcement best practice manuals, guides and other resources.

I. Major current issues

1. The illegal wildlife trade over the internet

The emergence of the problem of the illegal wildlife trade over the internet is an important trend that should not be ignored. IFAW presented on the challenges of countering the illegal wildlife trade on the internet and the difficulties that this poses, as it is very difficult to monitor the illegal wildlife trade. It highlighted the work that it has been doing with internet based market places and called for more action to ban CITES listed species on the internet. It was stressed that the internet needs to be constantly monitored as the trade over the internet is not static and it adapts to bans by changing names or adopting nicknames or codenames for particular items.

2. Rhino

There has been a radical increase in the illegal rhino horn trade, leading many subspecies close to extinction. It was highlighted that demand for rhino horn is one of the greater challenges as people believe it can cure cancer. It was suggested that the regulatory system should be improved to ensure specimens that are given a permit as a trophy are not resold or laundered into the illegal trade. The need for better enforcement along the trade chain (from supply to demand) was also highlighted. An increasing demand for rhino horn in the illegal market and this is fueling the illegal poaching of rhinos. Intelligence gathered highlights that the criminals involved in this trade are highly resourceful and organized. It was noted that research should be conducted to examine the actual effects of rhino horn and that the results should be made available to consumer countries to raise awareness and reduce misconceptions about the real effects of rhino horn.

3. Forensic and the wildlife trade

It was noted that forensics could be used to map the illegal trade hotspots, as well as for species identification. This data could then be used to for preventive action, as it could provide information to law enforcement on the main trade hotspots where efforts could be strengthened. It was suggested that INTERPOL could consider the development of a forensics manual for member states.

4. New trends in Asia and the Pacific

The pacific region was highlighted as a source for certain wild species. The illegal wildlife trade from the pacific is an emerging trend that needs further research. The problem is amplified by the lack of awareness and importance given to the illegal wildlife trade in many islands of the pacific region. Courier or mail is often use to smuggle illegal wildlife, making it more difficult to detect and distancing the offender from the crime. An increase in the illegal trade in ivory and rhino horn over the internet was reported.

5. Tigers

The importance of increased commitment at the highest levels was stressed, as well as the need for multiagency enforcement cooperation and intelligence-led policing. It was noted that despite the

creation of many networks, most countries do not submit and share data on the illegal wildlife trade and commitments have not been translated into action in the field. One of the main reasons for this is that the necessary human and financial resources have not been committed to the fight against the illegal wildlife trade.

6. Illegal logging

The problem of the illegal timber trade in Indonesia was highlighted and noted that the illicit timber trade is run by organized criminals with links to corrupt officials in the military, police and government. Recent efforts have reduced the level of illegal timber trade in the region and have resulted in the corrupt networks to be dismantled. The illegal trade, however, continues and most criminals and corrupt officials that were previously involved in the illegal trade remain at large and have not been prosecuted.

7. Elephant ivory

LATF introduced the task force and highlighted the need for intelligence sharing and to cooperate with regional bodies to counter the illegal wildlife trade. The task force also highlighted the successes of the network and the current challenges faced, and called partners to support the task for with additional capacity building and sharing of information.

8. Illegal trade in birds

It was highlighted that a large quantity of bird species are very endangered and in some cases more than tigers or rhinoceros. This should be taken into consideration and more importance should be given to such illicit trade.

II. Key areas for next year

During the 23rd Wildlife Crime Working Group, INTERPOL member states identified key areas that will remain the main focus of INTERPOL over the next year.

1. Forensics – Lead: USFWS

Agreement was reached to draft a manual or guidance notes for the use of forensics in investigations. A group to further discuss the details of the manual and the work that is to be conducted during the following year will be created. The group will also assess what needs to be done next. It was agreed that a database of forensic experts that can be contacted for guidance will be developed (to be maintained on an annual basis). The group will ask for support and assistance during the wildlife forensics society meeting and will engage with civil society organizations as appropriate.

2. Internet crime – Lead: Australia

A group will be created to discuss the emerging trends of illegal trade over the internet and an operation will be developed in selected countries. The group will seek assistance from NGOs for monitoring when appropriate.

3. Ivory – Lead: INTERPOL

An operation to counter the illegal ivory trade will take place shortly after the current meeting. Beyond this, the group will share information and best practices and will work to build links between source and destination countries to enhance cooperation. The group will aim to establish mechanisms between

countries to strengthen cooperation. The groups should link, where appropriate, with the other groups, particularly with the internet crime group.

4. Rhino – Lead: South Africa

The group will establish a network to further understand the dynamics of the illegal trade and will provide guidelines to deal with the illicit trade. The group raised the importance of forensics and will liaise with the forensics group. The group will aim to address the problem of permits issued for hunting trophies and was requested to examine the possibility to create a database of suspects (and forensics data) to be circulated through INTERPOL. The group will meet to discuss next steps with INTERPOL and appropriate civil society partners and relevant academics. The Check Republic requested to participate in the group as there are a growing number of its nationals involved in the illegal trade. The need for resources and fundraising was highlighted.

5. Tigers - Lead: India

The group will meet to discuss further operations and actions to be taken in the coming year. The group will work on the issue of captive breeding of tigers and strengthen cooperation to combat the trade, particularly in the Asian region.

6. Illegal logging – Lead: No lead identified

The issue is to be further discussed in the next INTERPOL meeting.

III. Action points and suggestions

8. The need to use new technologies as they have a great impact. It is important to discuss this further and keep new technologies in mind when developing awareness raising strategies.
9. NGOs seem to be overlapping in many areas. Instead of duplicating efforts, the NGO community should/could focus on a single approach.
10. Academic research is important and should be used to analyze and map the illegal wildlife trade.
11. The need to raise the profile of the illegal wildlife trade and environmental crimes as major transnational organized crimes was highlighted.
12. Need for stronger enforcement along the trade chain and encourage intelligence-led law enforcement to catch high level traffickers.
13. Should work more closely with judges and prosecutors.
14. Should focus more on crime prevention.
15. Political commitment is critical but it should be translated into action
16. Need to involve communities as they play a critical role in the prevention of poaching and could be useful allies to the law enforcement community.
17. Forensics should be used to strengthen ongoing investigations.
18. Strengthen the capacity of the forensics department in the different countries and more training should be conducted
19. Existing forensics networks should be strengthened.
20. INTERPOL could consider the development of a forensics manual for member states.

Ad hoc Fisheries Crime Working Group

The meeting on the formation of an INTERPOL *ad hoc* Fisheries Crime Working Group met on 16 and 17 February 2012 under the chairmanship of Gunnar Stølvik (chair), Norway, and Stuart Cory (vice-chair), United States of America.

The meeting was attended by the following INTERPOL member countries:

- Canada
- Ghana
- Malaysia
- Namibia
- New Zealand
- Nigeria
- Norway
- Thailand
- United States of America

The meeting was also attended by observers from the following intergovernmental organizations:

- International Organisation for Migration (IOM)
- United Nations Office on Drugs and Crime (UNODC)

And by observers from the following invited non-governmental organizations:

- Pew Charitable Trust
- World Wide Fund for Nature (WWF)

I. Summary of presentations and discussions

1. The group shall agree on a 'road map' for an INTERPOL *ad hoc* Fisheries Crime Working Group (*ad hoc* FWG) to be presented at the 1st International Chiefs of Environmental Compliance and Enforcement Summit 27-29 March 2012 in Lyon, France.
2. The group was presented a case from Sierra Leone that illustrated the law enforcement challenges coastal States face and highlighted the need for international law enforcement cooperation.
3. The group expressed concerns about key fisheries law enforcement challenges, including:
 - The lack of law enforcement by some flag States (notably 'flags of convenience');
 - The lack of transparency of vessel beneficial ownership information through the use of secrecy jurisdictions coupled with registration in flags of convenience or statelessness;
 - The lack of transparency of vessel identity including renaming and re-flagging;
 - The lack of knowledge of vessel movements;
 - The problem of vessels fleeing coastal State fisheries law enforcement jurisdiction;
 - The limited resources available to conduct controls, monitoring and surveillance of potentially large areas at sea;

- The lack of coordinated law enforcement action between agencies both within and among States; and
 - The increasingly organized and transnational nature of fisheries crime and its links to other forms of crime including human trafficking, traffic in illicit drugs and psychotropic substances, tax and customs evasion, money laundering and corruption.
4. On the basis of the above the group concluded that grave and transnational forms of fisheries crimes are currently not adequately brought to justice.
 5. With 'fisheries crime' the group agreed there was a need to understand the term broadly to include crimes which cause harms to all forms of living marine resources. 'Living marine resources' also include species such as marine mammals and corals.
 6. The group noted that whereas a number of law enforcement coordination initiatives are in place at international and regional levels, it is important to further emphasize operational law enforcement. The group therefore agreed that there is a need to establish an INTERPOL ad hoc Fisheries Crime Working Group. The aim of the ad hoc FWG is to promote cost effective, predictive, efficient and timely fisheries law enforcement and crime detection.
 7. The ad hoc FWG shall consider the services INTERPOL can provide its member countries, amongst others:
 - Intelligence sharing;
 - Mutual legal assistance;
 - Securing evidence;
 - Predictive, strategic, and tactical crime analysis;
 - Awareness raising;
 - Retrieval of proceeds of fisheries crime;
 - Targeted rule of law and governance operations, focused on for instance king crab or sturgeon;
 - Improved inter-agency law enforcement coordination;
 - Improved law enforcement capacity;
 - The development of a 'vessel watch list'; and
 - Extraditions.
 8. The INTERPOL General Secretariat informed the group that it currently provides most of the identified services in other crime areas and can further develop the expertise required to assist member States in their operational fisheries law enforcement subject to funding. For instance, the INTERPOL General Secretariat's Environmental Crime Programme (ECP) already has an information sharing system in place, which may be adapted to also target fisheries related offences. A number of ports and customs and environmental protection agencies are currently connected to the INTERPOL National Central Bureaus (NCBs). The NCBs could also connect with fisheries enforcement agencies and fisheries enforcement agencies can make use of data available through INTERPOL notices and alerts.
 9. The INTERPOL General Secretariat welcomed the establishment of an INTERPOL ad hoc Working Group on Fisheries Crime to further explore the role of INTERPOL to assist member States with fisheries law enforcement.

10. The group made recommendations on strategic goals for INTERPOLs engagement in fisheries law enforcement and a road map for the work of the ad hoc FWG, as contained in the Annex.

II. Road map - INTERPOL ad hoc Fisheries Crime Working Group

1. Strategic goals:

In line with the overall Environmental Crime Programme (ECP) strategic plan 2011-2013, the strategic goals of INTERPOLs engagement in fisheries law enforcement are:

Strategic goal 1: Enhance and develop the capacity, capability, and cooperation of member States to effectively enforce fisheries and related crimes, such as crossover crimes.¹

Strategic goal 2: Encourage and assist the exchange of fisheries crime related information and intelligence between member States.

Strategic goal 3: Provide analytical and operational support to member States in the enforcement of fisheries laws and regulations.

Strategic goal 4: Encourage and facilitate networking, channels of communication, and exchange of technical expertise between member States for the purpose of fisheries law enforcement.

2. Road map:

- a. The group agreed that the current chairs will continue in their roles as the chair and vice-chair of the INTERPOL ad hoc Fisheries Crime Working Group (ad hoc FWG). The chairs shall appoint a reporter who shall maintain a written record of ad hoc FWG meetings and activities. INTERPOL General Secretariat shall provide the ad hoc FWG administrative support.
- b. The group determined that the ad hoc FWG shall have the following out-puts:
 - The ad hoc FWG shall, under the overall direction of the chairs, and in consultation with INTERPOL General Secretariat, examine and recommend how INTERPOL can effectively meet strategic goals 1-4. In particular the ad hoc FWG shall:
 - Through ad hoc FWG meetings identify and recommend objectives, strategies, indicators, outcomes and priorities to achieve strategic goals 1-4, keeping in mind the special needs of developing countries;
 - Examine the need, if any, for capacity within ECP and National Central Bureaus (NCBs) to effectively meet strategic goals 1-4, and may examine the need of other agencies; and
 - Make recommendations to ECP and INTERPOL member States in furtherance thereof keeping in mind the special needs of developing countries.
- c. The ad hoc FWG shall test the functionality of INTERPOL information sharing systems and the operational capability of INTERPOL and member States, through actual test cases, exercises, or operations and strive to identify contact points within the fisheries enforcement community that can be linked to the National Central Bureaus.

- d. The ad hoc FWG shall be supported by a case study including three expert consultations with a focus on West Africa containing a gap-analysis and needs assessment to support effective fisheries law enforcement in the region.
- e. The ad hoc FWG may invite stakeholders to present relevant studies, cases, and information from other parts of the world to the ad hoc FWG or suggest that such studies, cases and information is compiled and presented subject to funding becoming available.
- f. The ad hoc FWG shall identify the need for a permanent FWG and recommend how such permanent FWG can support the INTERPOL General Secretariat.
- g. The ad hoc FWG shall, if needed, seek to establish a coalition of funders to support the INTERPOL General Secretariat and a permanent FWG.
- h. In carrying out its mandate the ad hoc FWG shall explore, identify, and establish communication with relevant international, regional, and national institutions, partners, non-governmental organizations, and other leading experts engaged in law enforcement related to fisheries crime.
- i. Members of the ad hoc FWG shall seek to raise awareness of the processes and objectives of the ad hoc FWG within their own organisations and relevant forums in which they participate.
- j. The ad hoc FWG shall present its preliminary findings at the 24th Meeting of the Wildlife Crime Working Group/18th Meeting of the Pollution Crime Working Group and final outcomes and recommendations at the 8th International Conference on Environmental Crime.
- k. The first meeting of the ad hoc FWG will be held in second half of 2012 in Lyon, France.