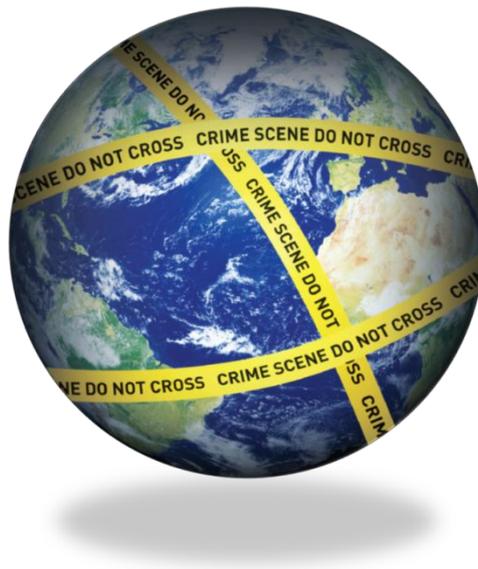




INTERPOL

ENVIRONMENTAL SECURITY SUB-DIRECTORATE

ENVIRONMENTAL CRIME RESOLUTIONS



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► **ABOUT INTERPOL**

INTERPOL is the world's largest international police organization. Our role is to assist law enforcement agencies in our 190 member countries to combat all forms of transnational crime. We work to help police across the world meet the growing challenges of crime in the 21st century by providing a high-tech infrastructure of technical and operational support. Our services include targeted training, expert investigative support, specialized databases and secure police communications channels.

► **OUR VISION: "CONNECTING POLICE FOR A SAFER WORLD"**

Our vision is that of a world where each and every law enforcement professional will be able through INTERPOL to securely communicate, share and access vital police information whenever and wherever needed, ensuring the safety of the world's citizens. We constantly provide and promote innovative and cutting-edge solutions to global challenges in policing and security.

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EXECUTIVE SUMMARY

Environmental frameworks have become central strategies to deal with transnational environmental crime. Each year new environmental agreements and other legal instruments are developed. Though the establishment of new agreements is often initiated by the international community, the enforcement and implementation of agreements remains the responsibility of the sovereign nations. Further development is required in implementing the existing international resolutions to ensure the intent in the creation of resolutions is fully realized. In the field of environmental law enforcement, INTERPOL has adopted eight resolutions to fight environmental crime. This report reflects on the implementation of the INTERPOL resolutions on environmental crime and the resolutions and declarations created by five organizations that are part of the International Consortium on Combatting Wildlife Crime (ICWC).

1. INTRODUCTION

Environmental crime is a growing, organized and transnational crime that includes wildlife poaching, smuggling and trafficking of illicit products, illegal logging, illegal exploitation of fisheries, waste dumping and illegal mining of natural resources.

The global scale and impact of environmental crime, calls for a coordinated, international and enforceable approach to tackle this problem. The global community addresses this need with the development of different tools and frameworks to fight environmental crime and to ensure global environmental sustainability. These frameworks vary from national environmental laws, to multilateral and bilateral environmental agreements, to memoranda of understanding between organizations and to declarations and resolutions created by governments and intergovernmental organizations.

Environmental frameworks have become central strategies to deal with transnational environmental crime. Each year new environmental agreements and other legal instruments are developed. A total of 1198 multilateral environmental agreements, 1595 bilateral environmental agreements, and 250 other environmental agreements have been established since 1857 and this number is still growing¹. Though there are already 1198 multilateral environmental agreements, much time is invested into the development of new agreements and resolutions, and little into the evaluation of existing agreements and resolutions. Considering the vast number of agreements, it is important to reflect on the implementation and effectiveness of these existing frameworks.

In the field of environmental law enforcement, INTERPOL has created eight resolutions to fight environmental crime. These resolutions were adopted during the annual INTERPOL General Assemblies. The objective of this report is to reflect on the implementation and value of these law enforcement instruments. The 'implementation', in this context, refers to all measures, procedures and actions taken to meet the obligations under the resolution. In addition to reflecting on the INTERPOL resolutions related to environmental crime, an overview will be provided of resolutions related to environmental crime by other inter-governmental organizations. This overview is narrowed to the resolutions by the five organizations that are part of the International Consortium on Combatting Wildlife Crime (ICWC). These are the CITES Secretariat, INTERPOL, the United Nations Office on Drugs and Crime (UNODC), the World Bank and the World Customs Organization (WCO).

¹ These can all be found in the Data from Ronald B. Mitchell. 2002-2013. *International Environmental Agreements Database Project (Version 2013.2)*. Available at: <http://iea.uoregon.edu/>. Date accessed: 10 October 2013

2. ENVIRONMENTAL AGREEMENTS

The last forty years an impressive number of agreements have been developed which reflects a public and political will to address environmental crime issues. Many countries have signed as a party to these agreements and have committed to implement these agreements nationally. Though the establishment of multilateral environmental agreements dates back to around 1857 (with the: 'Agreement respecting the regulation of the flow of water from Lake Constance'), the larger scale creation of environmental administrations started around the 1960s and 1970s. In 1972 the United Nations Stockholm Conference on the Human Environment was held, this was the first global environmental conference. The output of this conference was 'the United Nations Declaration on the Human Environment', also known as 'the Stockholm Declaration'. This declaration, together with the Rio Declaration (adopted at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992), is a milestone in the evolution of international environmental law. The Stockholm conference was the first attempt to assess and address the issues around the global human impact on the environment. After the Stockholm conference, global awareness of environmental issues highly increased. Around this time a number of multilateral environmental agreements were adopted that are still highly relevant today. A few examples are²:

- The Convention On Wetlands Of International Importance Especially As Waterfowl Habitat (the Ramsar Convention), signed in February 1971 and administered by the Ramsar Convention Bureau.
- The Convention On International Trade In Endangered Species Of Wild Fauna And Flora (CITES), signed in March 1973 and administered by the CITES Secretariat.
- The International Convention For The Prevention Of Pollution From Ships (MARPOL), signed in November 1973³ and administered by the International Maritime Organization .
- The Convention On The Conservation Of Migratory Species Of Wild Animals (CMS), signed in June 1979 and administered by the UNEP CMS Secretariat.
- The International Tropical Timber Agreement (ITT), signed in November 1983 and administered by the International Tropical Timber Organization.

In the years following the Stockholm conference, there was a shift in focus from environmental crime to a focus on sustainable development. This included the creation of conventions directed at climate change, biodiversity and international trade of harmful substances into developing countries, such as chemicals and hazardous waste. This is referred to as the second generation of environmental law. In 1992 the United Nations Rio Conference on Environment and Development was held, also called the 'Earth Summit'. Some examples of important multilateral environmental agreements adopted in the 1990s are:

- The Convention On The Ban Of The Import Into Africa And The Control Of Transboundary Movement And Management Of Hazardous Wastes Within Africa, signed in January 1991 and administered by the African Union (formerly Organization of African Unity).
- The Convention on Biological Diversity (CBD), signed in 1992 and administered by the Secretariat for the Convention on Biological Diversity.

² Data from Ronald B. Mitchell. 2002-2013. *International Environmental Agreements Database Project (Version 2013.2)*. Available at: <http://iea.uoregon.edu/>. Date accessed: 10 October 2013

³ The first version of the MARPOL convention was signed 1954, but was called the International Convention For The Prevention Of Pollution Of The Sea By Oil.

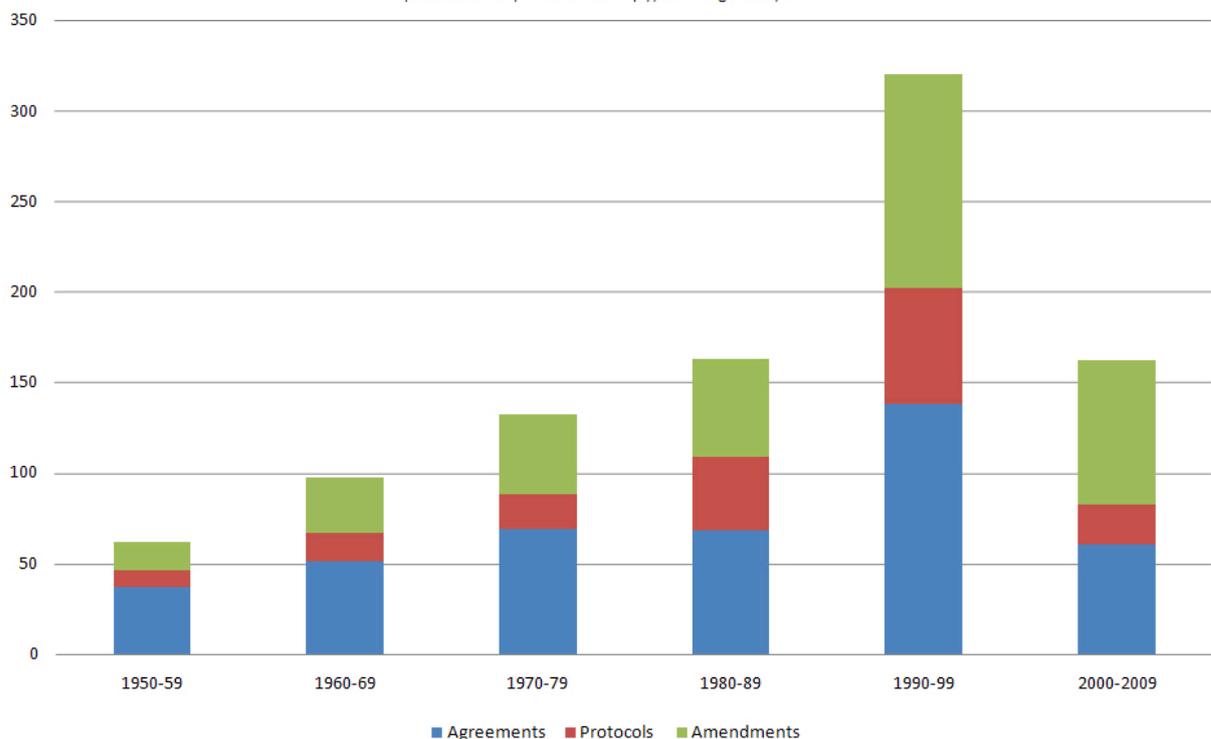
- The Convention For The Protection Of The Marine Environment Of The North East Atlantic (OSPAR), signed in September 1992 and administered by the OSPAR commission.
- The United Nations Framework Convention on Climate Change, including the Kyoto Protocol opened for signatory since June 1992, and entered into force March 1994, administered by the United Nations Secretariat.

In annex two an overview can be found of multilateral conventions and agreements on the movements of waste. On this specific topic there are seven conventions and three agreements.

The conventions and frameworks established as a result of the two global conferences in Stockholm and Rio are still in the process of implementation. In the years after, a number of amendments were added to existing conventions and agreements. The following graph provides an overview of all the agreements, amendments and protocols created between 1950 and 2009.

Multilateral Environmental Agreements

Source: Ronald B. Mitchell. 2002-2010. *International Environmental Agreements Database Project* (Version 2010.2). Available at: <http://iea.uoregon.edu/>.



As displayed in the graph, most agreements, protocols and amendments were created in the 1990s, however a number of agreements were added during each time period.⁴

There are still many challenges and gaps in the implementation of these frameworks. Though the establishment of new agreements is often initiated by the international community, the enforcement and implementation of agreements remains the responsibility of the sovereign nations. After a state has adopted an environmental agreement, national laws, legal measures and policies need to be established, and these need to be enforced. The effective enforcement of the agreements depends on different factors, such as the capacity of law enforcement personnel, financial resources and the degree of awareness of the environmental laws.

⁴ Data from Ronald B. Mitchell. 2002-2013. *International Environmental Agreements Database Project* (Version 2013.2). Available at: <http://iea.uoregon.edu/>. Date accessed: 10 October 2013

3. ENVIRONMENTAL RESOLUTIONS

In short, a resolution is a motion that is adopted by a legislative body. Different intergovernmental organizations have adopted resolutions on environmental crime, that will be implemented within the organization and/or in its member countries. This chapter will summarize the implementation and effectiveness of the INTERPOL resolutions related to environmental crime, and in addition, it provides an overview of the resolutions adopted by other intergovernmental organizations addressing environmental crime. This overview is narrowed to the resolutions adopted by the four organizations that are part of the International Consortium on Combatting Wildlife Crime (ICCWC). These are the CITES Secretariat, INTERPOL, the United Nations Office on Drugs and Crime (UNODC) and World Customs Organization. The World Bank is also an organization under ICCWC, but is excluded from this overview, as it has not adopted resolutions on environmental crime.

Intergovernmental Organization:	INTERPOL ECP	CITES Secretariat	UNODC	WCO
Number of Resolutions on environmental crime:	Eight resolutions on environmental crime.	Around 272 Resolutions have been adopted of which 90 resolutions are currently in effect. ⁵	Eight Resolutions on forest and wildlife crime.	Two declarations directed towards the enforcement of environmental conventions.
Examples of topics of the resolutions:	The establishment of an Environmental Crime Committee and the Illicit trade in species of wild fauna and flora.	The financing and costing programme of the Secretariat and the movement of musical instruments derived from CITES species.	Combating the problem of transnational organized crime committed at sea and the Illicit trafficking in protected species of wild flora and fauna.	The promotion of conventions and other international instruments.

Resolutions by organizations under ICCWC, with the exception of the World Bank.

⁵ Cites Resolutions (2013). <http://www.cites.org/eng/res/intro.php>
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3.1 INTERPOL Resolutions on Environmental Crime

Formation of the Resolutions

Since 1976, INTERPOL has created eight resolutions in the field of environmental crime that have been adopted by the General Assembly. The General Assembly is composed of delegates appointed by the governments of the INTERPOL member countries, it is the INTERPOL supreme governing body and it meets once a year. At the General Assembly decisions are made that are affecting: general policy, the resources needed for international co-operation, working methods, finances and programmes related to each activity. In the appendix the full text of each INTERPOL environmental crime related resolution can be found. This chapter reflects on the measures and actions that have been taken to meet the obligations under the resolutions and on how this has helped INTERPOL to fight environmental crime.

Implementation of the INTERPOL resolutions

- **Resolution No. AGN/45/RES/4. Police Intervention and Co-operation in Connection with the Illegal Traffic in Wildlife and its Products.**

Adopted at the 45th General Assembly session in Accra, 1976.

The first Environmental Crime Resolution of INTERPOL, resolution AGN/45/RES/4, was signed in 1976, before the establishment of the Environmental Crime Committee. This resolution calls for police intervention and co-operation in connection with the illegal traffic in wildlife and its products. The resolution urges the National Central Bureaus to take the action that lies in their power when they receive requests for co-operation on cases of traffic in wildlife and its products which is illegal in the country of origin. The text of this resolution has been implemented by the Environmental Crime Committee (ECC), and Environmental Security Sub-directorate (ENS) (formerly called the Environmental Crime Programme) since 1992. The Environmental Security Sub-Directorate works closely with its member countries to ensure they take action on cases of wildlife trafficking. The resolution also urges the National Central Bureaus to ask other appropriate authorities to intervene in such cases. By implementing a multi-agency approach the Environmental Security Sub-Directorate urges environmental and custom agencies to co-operate on cases of environmental crime within the countries. Finally the resolution urges the National Central Bureaus to assist other countries in the detection of illegal traffic in wildlife and its products. Cooperation among countries is encouraged by INTERPOL, for example by the deployment of operations, in which multiple countries work together during a specific time period to combat a specific environmental crime type. This resolution concerns the core activities of INTERPOL, therefore its implementation is still active and useful.

- **Resolution AGN/61/RES/12. Environmental Crime Committee.**

Adopted at the 61st General Assembly session in Dakar, 1992.

In resolution AGN/61/RES/12 it was agreed to set up an environmental crime working party under the auspice of INTERPOL. This resolution was implemented by the establishment of the working groups in 1992, under the name: 'Environmental Crime Committee'. Since its establishment, the working groups have assisted INTERPOL in identifying emerging patterns and trends in the field of environmental crime enforcement. There are three working groups: the wildlife crime working group, the pollution crime working group and the fisheries crime working group. Each working group

leads projects in specific areas and makes recommendations regarding legislations to combat environmental crime. INTERPOL hosts the biennial conference of the Environmental Crime Committee. In March 2012, the decision was made to restructure the Environmental Crime Committee. This initiative, known as the Environmental Compliance and Enforcement Committee (ECEC), brings together executive leaders and decision makers from all 190 INTERPOL member countries and from member countries of the UNEP governing council. Though the structure of the Environmental Crime Committee has changed, this resolution has been implemented effectively and is still relevant in the work of INTERPOL.

- **Resolution AGN-62-RES-6. Illicit trade in species of wild fauna and flora.**

Adopted at the 62nd General Assembly in Aruba, 1993

In resolution AGN-62-RES-6, INTERPOL recommends that its member countries urge their government to do their utmost to take measures against the illegal wildlife trade. This resolution is implemented through the efforts of the Environmental Crime Committee and Environmental Security Sub-Directorate to work towards enhancing and developing the abilities of member countries and encouraging them to take measures against all forms of environmental crime. In practice, this is done by the creation of networks of traditional police agencies and environmental law enforcement agencies within the countries, by developing and enhancing skills in the field of environmental enforcement and by providing technical support and expertise to environmental law enforcement agencies. The implementation of this resolution is also an ongoing task, fitting within the framework of the goal of INTERPOL to assist its member countries.

- **Resolution AGN/62/RES/5. The transborder movements of dangerous waste**

Adopted at the 62nd General Assembly in Aruba, 1993

In resolution AGN/62/RES/5, INTERPOL recommends that the Organization's Members urge their governments to do their utmost to ensure that measures are taken to control transborder movements of dangerous waste and to make illicit traffic in such waste a criminal offence. This resolution is similar to the previous resolution, except that this one targets the transborder movements of dangerous waste. This resolution is implemented by enhancing and developing the abilities of the member countries, and by deploying operations against these type of crimes, in which the member countries are involved.

Secondly, resolution AGN/62/RES/5 invites the organization's member countries to set up a special police department in each country to deal with law enforcement, investigations and statistics relating to environmental crime. And thirdly, it asks the Interpol Working Party on environmental crime to foster co-ordination of the actions taken by countries that have signed the various international conventions in this area. INTERPOL's mission is to assist member countries in the effective enforcement of national and international environmental laws and treaties. INTERPOL does this through the exchange of information and intelligence between agencies, developing networks, developing skills in the field of environmental law enforcement. INTERPOL asks the working parties to support actions taken by countries on environmental crime. However, these are recommendations that have not been followed up by all the member countries, therefore the implementation of the resolution remains an ongoing process.

- **Resolution AGN-63-RES-12. Ecomessage**

Adopted by the General Assembly in 1994.

Resolution AGN-63-RES-12, recommends that member countries place responsibility on their National Central Bureaus for the co-ordination of the international exchange of information. It asks the National Central Bureaus to use the 'Eco Message' in order to share to the greatest extent possible such information with each other and with the General Secretariat. The INTERPOL Ecomessage system provides a uniform information and data reporting system for the many different law enforcement agencies involved. The Ecomessage has been developed and implemented since the adoption of the resolution. Though the format has changed and been improved, the 'Eco message' is still used as a tool to collect, record and evaluate sensitive information. This enables both INTERPOL and national decision-makers to proactively identify high-risk areas and persons and to devise activities and operations. Some countries are more active in using the Ecomessage than others. INTERPOL encourages member countries to share as much information as possible, hence this remains a continuous task within the Environmental Security Sub-Directorate.

- **Resolution AGN/65/RES/25. Establishment of national working parties on problems of waste**

Adopted at the 65th session in Antalya, 1996.

Resolution AGN/65/RES/25 proposes the National Central Bureaus to set up a national working party within the National Central Bureau, that comprises representatives of all the law-enforcement agencies and administrative departments responsible for the control of waste products (and environmental crime). They would be responsible to carry out the following tasks:

- Ensure greater effectiveness in using the "Eco Message";
- Collect information and statistics on environmental crime;
- Ensure that crime analysis of data is carried out in each country;
- Be attentive to the problems of the law-enforcement agencies and the administrative departments responsible for waste control, and look for ways of solving the identified problems;

This resolution also recommends to the national working parties to prepare an annual summary report for the General Secretariat. This resolution was adopted at the General Assembly, but has only been implemented by Finland. NCB Finland has established a national working group connected with the National Bureau of Investigation (NBI) on the 1st of October 1997. This group is called 'the Finnish National Group for Monitoring of Environmental Offences'. The goal of the working group is to monitor environmental crime and development, in cooperation with various supervisory authorities. The working group prepares an annual report on the environmental crime situation in Finland and provides advice and legal assistance when requested. Finland has proven that the establishment of a working party is useful and ensures greater effectiveness in intelligence exchange. Therefore the Environmental Security Sub-Directorate encourages the member countries to implement this resolution and to establish working parties on environmental crime within the National Central Bureaus.

- **Resolution AG-2006-RES-17. MoU with the Lusaka Agreement Task Force.**

Adopted at the 75th General Assembly in Rio de Janeiro, 2006.

Resolution No AG-2006-RES-17 is a Memorandum of Understanding between INTERPOL and the Lusaka Agreement Task Force. The Lusaka Agreement Task Force is an African environmental law enforcement network, with a mission to reduce and ultimately eliminate the illegal trade in wild fauna and flora. The Lusaka Agreement Task Force was launched on 1st June 1999, with its headquarters located in Nairobi, Kenya. The Lusaka Agreement Task Force investigates incident in co-operation with police authorities. Actions taken to implement this resolution are to hold regular meetings, to exchange information and facilitate technical cooperation between INTERPOL and the Lusaka Agreement Task.

- **Resolution AG-2010-RES-03. Sustainable Environmental Crime Programme**

Adopted at the 79th General Assembly in Doha, 2010

Resolution AG-2010-RES-03 regards the establishment of a sustainable Environmental Crime Programme (current name Environmental Security Sub-Directorate). Firstly, it urges the member countries and partner organizations of INTERPOL to support the organization by making voluntary financial contributions or, in the case of member countries, by seconding specialized personnel to support the INTERPOL Environmental Crime Programme. This resolution is implemented by the establishment of the Environmental Crime Programme in 2009. From 2009 till 2013 the Environmental Crime Programme has been supported by voluntary financial contributions and through seconded specialized personnel sent by the member countries. It is still works towards becoming fully sustainable.

Secondly, resolution AG-2010-RES-03 urges the National Central Bureaus to support the Environmental Crime Programme by connecting them with the responsible national agencies and encouraging their involvement and support. The Environmental Crime Programme (Environmental Security Sub-Directorate) currently does this for example through the establishment of National Environmental Security Task Forces (NESTs), to ensure a coordinated multi-agency response to tackling environmental crime and enhancing environmental security. This means the involvement of all agencies responsible for countries' environmental law enforcement - including police, customs, judiciary and environmental agencies.

3.2 CITES Resolutions

Formation CITES Resolutions

The Convention on the International Trade in Endangered Species (CITES), is an international agreement to which countries adhere voluntarily. States that have agreed to the Convention, are known as parties. There are 177 countries that have adhered CITES. The text of the convention provides the basic framework for the implementation of CITES and each Party has to adopt its own domestic legislation in order to ensure that CITES is implemented at the national level.⁶ The parties of CITES are collectively referred to as the Conference of the Parties.

Every two to three years, the Conference of the Parties meets to review the implementation of the Convention.⁷ A task of the Conference of the Parties (Conf) is to make recommendations to improve the effectiveness of the convention. These recommendations are recorded in resolutions or decisions. A draft resolution to be considered must be submitted to the Secretariat 150 days before the meeting so that Parties have time to receive and consider them well in advance. The resolutions are intended to guide implementation for periods of many years. Around 272 Resolutions have been adopted since the first meeting of the Conference of the Parties in 1976, but 90 resolutions are currently in effect⁸.

CITES resolutions 2013

In order to provide information on the topics of the resolutions a short summary is given of the resolutions that have been adopted in the CITES conference of the Parties 2013. The resolutions call for different actions:

- The first resolution, Conf 16.1, calls for the declaration of a World Wildlife Day.
- Resolution Conf 16.2 and Conf 16.3 concern internal strategies of the CITES secretariat. Conf 16.2 regards the financing and costing programme of the Secretariat and Conf 16.3 regards the CITES strategic vision 2008-2020.
- Conf 16.4 covers cooperation with other biodiversity-related conventions and Conf 16.5 regards cooperation with the Global Strategy for Plant Conservation of the Convention on Biological Diversity.
- Resolution Conf. 16.6. provides a list of recommendation to be considered when Parties address livelihood issues. It concerns the empowerment of rural communities and enabling policies and the potential shift from 'in situ' to 'ex situ' production.
- Conf 16.7 pertains 'non-detriment findings'. It recommends that Scientific Authorities take into account certain concepts and non-binding guiding principle when considering if the trade would

⁶ <http://www.cites.org/eng/disc/what.php>

⁷ <http://www.cites.org/eng/disc/cop.php>

⁸ Cites Resolutions (2013). <http://www.cites.org/eng/res/intro.php>

be detrimental to the survival of a species. These concepts are described in the text of the resolution.⁹ And it recommends Scientific Authorities to consider the information included in the Annex to document AC26/PC20 Doc. 8.4 and any subsequent updates available on the CITES website (with reference to making non-detriment findings).

- Resolution Conf. 16.8 covers the frequent cross-border non-commercial movements of musical instruments. In the resolution a list of recommendations can be found on the non-commercial cross-border movement of musical instruments derived from CITES species, other than Appendix-I specimens acquired after the species was included in the Appendices. For example that competent CITES authority only issue a musical instrument certificate when it is satisfied that the CITES specimens used in the manufacture of the musical instrument have not been acquired in contravention of the provisions of the Convention.¹⁰
- Resolution 16.9 pertains an African Elephant Action plan and African Elephant fund. This resolution urges all Parties, donors, intergovernmental organizations and non-governmental organizations to provide in-kind support, including translation, to the African Elephant Fund Steering Committee and the African elephant range States, and it requests the CITES Secretariat and UNEP to promote fundraising for the implementation of the African Elephant Action Plan.
- Finally resolution Conference of the Parties 16.10 concerns the convention for agar wood-producing taxa. This resolution deals with the change of the definition of 'artificially propagated' in Resolution Conf. 11.11 (Rev. CoP15).

⁹ <http://www.cites.org/eng/res/16/16-07.php>

¹⁰ <http://www.cites.org/eng/res/16/16-08.php>

3.3 UNODC resolutions on Wildlife and Forest Crimes

Formation UNODC resolution on wildlife and forest crimes

In the framework of the United Nations Convention against Transnational Organized Crime (UNTOC), UNODC has adopted eight resolutions on environmental crime. The convention contains provisions to support international cooperation in criminal matters and to provide for specific and innovative forms of cooperation that can be applied in the field of wildlife and forest crimes. This includes joint investigations and other investigative techniques.

Resolutions UNODC on wildlife and forest crimes¹¹

- Resolution 55/25 regards the United Nations Convention against Transnational Organized Crime., it states that the United Nations Convention against Transnational Organized Crime (UNTOC) is relevant in fighting illicit trafficking in natural resources.
- Resolution 2001/12 concerns the Illicit trafficking in protected species of wild flora and Fauna. In resolution 2001/12, the Economic and Social Council (ECOSOC) urged the Member States to adopt "the legislative or other measures necessary for establishing illicit trafficking in protected species of wild fauna and flora as a criminal offence in their domestic legislation."
- ECOSOC Resolution 2003/27 is about Illicit trafficking in protected species of wild flora and Fauna. Resolution 2003/27 urges the Member states to cooperate with the UNODC and the secretariats of CITES and CBD (Convention on Biological Diversity). The view of this is to prevent, combat and eradicate trafficking in protected species of wild fauna and flora. The resolution also encouraged member states to adopt, where necessary, preventive measures together with a review of their criminal legislation in order to ensure that the serious nature of these offences relating to trafficking in protected species is punishable by appropriate penalties.
- Resolution 16/1 concerns International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. In 2007, the Commission on Crime Prevention and Criminal Justice (CCPCJ) adopted resolution 16/1 on "International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife, and other forest biological resources". In this resolution, the Commission recognized the potential role of UNODC in preventing and combating these and other related offences.
- ECOSOC Resolution 2008/25 concerns international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. In resolution 2008/25, the ECOSOC reiterated the need for international cooperation and called for "holistic and comprehensive national multi-sectoral approaches to preventing and combating illicit international trafficking in forest products, including timber wildlife, and other forest biological resources."

¹¹ UNODC. (2013). <https://www.unodc.org/unodc/en/wildlife-and-forest-crime/>

- Resolution, 2011/36 regards crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora. In 2011, the ECOSOC adopted resolution 2011/36. In this resolution, the Council invited Member States to consider making illicit trafficking in endangered species of wild fauna and flora a serious crime and requested UNODC to provide technical assistance to States, upon request, particularly as regards the prevention, investigation and prosecution of trafficking in endangered species of wild fauna and flora, within its mandate and in cooperation with Member States, relevant international organizations and the private sector.
- Resolution 20/5 is about combating the problem of transnational organized crime committed at sea. In resolution 20/5 also adopted in 2011 by the CCPCJ, addresses the problem of transnational organized crime committed at sea. This resolution offers Member States and UNODC a unique opportunity to tackle wildlife trafficking at sea.
- And finally resolution 2012/19 is about strengthening international cooperation in combating transnational organized crime in all its forms and manifestations. In 2012, the Economic and Social Council adopted resolution 2012/19, on the recommendation of the CCPCJ, on strengthening international cooperation in combating transnational organized crime in all its forms and manifestation. In this resolution, the Council recognized the involvement of transnational criminal organizations in all aspects of crimes that have a significant impact on the environment and urged Member States to consider addressing different forms and manifestations of such crime.¹²

3.4 WCO Declarations

World Customs Organization has a total of eleven declarations, of which two are directed towards the enforcement of environmental conventions.¹³

- In May 1984 the Seoul Declaration was adopted: ‘the declaration of the Council concerning promotion of Conventions and other international instruments designed to harmonize and standardize Customs laws and regulations and technical co-operation’. This declaration calls for member countries of WCO and other customs or economic unions, that are not yet parties of the Kyoto Convention (and various other international instruments), to intensify their efforts to accede to those instruments and implement them as soon as possible.
- In the Ottawa Declaration (June 1987), Declaration of the Council for meeting the challenges of the year 2000, is considered. The Customs Co-operation Council should continue to promote the adoption of the Kyoto Convention as standard bases for tariff classification, valuation and Customs procedures in modern trade.¹⁴

¹² UNODC. (2013). <https://www.unodc.org/unodc/en/wildlife-and-forest-crime/>

¹³World Customs Organization. (2013). Seoul Declaration. <http://www.wcoomd.org/en/about-us/legal-instruments/~media/1D4CED2A921C4F2A8229DC6A55C8EC5C.ashx>

¹⁴World Customs Organization. (2013). Ottawa Declaration. <http://www.wcoomd.org/en/about-us/legal-instruments/~media/E21C69F231F54252BE37A1599FDCD942.ashx>

3.5 Conclusions

Environmental Agreements

In the last forty years a staggering amount of environmental agreements have been developed. The most important agreements have been adopted around the two United Nations conferences on environmental crime, that were held in 1972 and 1992. The number of agreements, amendments and protocols is still growing. Currently there are a total of 1198 Multilateral Environmental agreements, 1595 Bilateral Environmental Agreements, and 250 other agreements.¹⁵ The international community aims to create political will of governments to fight environmental crime, which often results in the adoption of environmental agreements by governments. The enforcement and implementation of these agreements however, remains the responsibility of the sovereign nations. Developing and signing new agreements and resolutions, while existing agreements are not fully operationalized, does not address the immediate response required to address environmental crime. Therefore, it is important to reflect on current frameworks and on how to use these effectively.

INTERPOL Resolutions

Most of the discussed INTERPOL resolutions are closely connected with the core activities of INTERPOL, such as international cooperation reflected in the Resolution No. AGN/45/RES/4 on police Intervention and Co-operation and the exchange of intelligence in Resolution AGN-63-RES-12. The deployment of these resolutions has been active, as it concerns the daily proceedings of INTERPOL. Some resolutions, with more specific goals have not been implemented to their full extent. In particular resolution AGN/65/RES/25 on the establishment of national working parties. A national working party has only been established in Finland. Therefore the Environmental Security Sub-Directorate needs to keep encouraging the member countries to implement this resolution and to establish working parties on environmental crime within the National Central Bureaus. Another example is resolution AG-2010-RES-03, on becoming a sustainable Environmental Crime Programme (Environmental Security Sub-Directorate). INTERPOL continues to work on the implementation of these resolutions.

Resolutions by the other ICCWC members

The Convention on International Trade in Endangered Species (CITES), is an international agreement signed by 177 countries. Around 272 Resolutions have been adopted since the first meeting of the Conference of the Parties in 1976 and 90 resolutions are currently in effect¹⁶. The United Nations Office on Drugs and Crime UNODC has adopted eight resolutions related to environmental crime. Also, the World Customs Organization has created a total of eleven declarations, of which two are directed towards the enforcement of environmental conventions. The resolutions cover different topics, ranging from administrative resolutions to resolutions about combating organized crime and the illicit trafficking of endangered species.

¹⁵ Data from Ronald B. Mitchell. 2002-2013. *International Environmental Agreements Database Project (Version 2013.2)*. Available at: <http://iea.uoregon.edu/>. Date accessed: 10 October 2013 .

¹⁶ Cites Resolutions (2013). <http://www.cites.org/eng/res/intro.php>
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ANNEX : INTERPOL RESOLUTIONS**1) Resolution No. AGN/45/RES/4. Police Intervention and Co-operation in Connection with the Illegal Traffic in Wildlife and its Products.**

1976, adopted at the 45th General Assembly session in Accra

To be classified as follows:

1 copy in the Chronological Series: year 1976

1 copy in the Subject Series

Heading: Traffic, illicit and smuggling (excluding traffic in drugs and counterfeit currency)

1 copy in the Subject Series

Heading: Environment, protection of –related offences

Text of the Resolution

HAVING NOTED report No. 11 submitted by the General Secretariat on police intervention and co-operation in connection with the traffic in wild animals,

CONSIDERING that illegal traffic in wild life and its products jeopardises the efforts being made by certain countries to protect their indigenous wild life,

NOTING that, in a large number of countries, the ICPO-INTERPOL National Central Bureaus and police authorities are able to take action to combat this form of traffic, or can ask the competent authorities to take action,

The ICPO-INTERPOL General Assembly, meeting in Accra from 14th to 20th October 1976 at its 45th session:

URGES the National Central Bureaus:

- 1)- To take any action that lies in their power when they receive requests for co-operation on cases of traffic in wild life and its products which is illegal in the country of origin;
- 2)- To ask other appropriate authorities to intervene in such cases;
- 3)- To assist other countries in the detection of illegal traffic in wild life and its products.

2) Resolution AGN/61/RES/12. Environmental Crime Committee.

1992, adopted at the 61st General Assembly in Dakar

Text of the Resolution

Subject: Environmental crime

CONSCIOUS of the fact that environmental crime is increasing and becoming a more and more international problem,

AWARE that considerable problems of co-ordination and co-operation have arisen during investigations into international cases of environmental crime because the legislations and departments responsible for dealing with this type of crime differ from country to country,

REALIZING that criminals involved in this type of activity generally operate in a highly professional manner whereas national law enforcement and legislative authorities sometimes have little experience of the problem,

HAVING NOTED the proposal, made by the Netherlands and supported by other Member States, to set up a Working Party under Interpol's auspices to fight against international environmental crime,

CONVINCED that international police co-operation is essential to combat environmental crime effectively,

The ICPO-Interpol General Assembly, meeting in Dakar from 4th to 11th November at its 61st session:

DECIDES to set up a working party composed of investigators and/or decision-makers from member countries under Interpol's auspices to identify the various problems that arise in connection with environmental crime investigations and find possible solutions. Such solutions could include improving cooperation and the exchange of information through existing Interpol channels and distributing information possibly in the form of a handbook covering environmental crime to Member States. The Working Party could inter alia make recommendations regarding the adoption of legislation to combat environmental crime and the harmonization of existing legislation.

ASKS the Secretary General to place the subject of environmental crime on the agendas of international meetings on economic crime held by the General Secretariat.

Adopted with 109 votes in favour, none against and no abstention

3) Resolution AGN-62-RES-6. Illicit trade in species of wild fauna and flora.

1993, adopted at the 62nd General Assembly in Aruba

To be classified as follows:

1 copy in the CHRONOLOGICAL SERIES year 1993

1 copy in the SUBJECT SERIES

Heading: Environment, Protection of- related offences

Text of the Resolution

IN VIEW OF THE FACT that illicit trade in species of wild fauna and flora is growing at an alarming rate, that destruction of the natural scenic beauty of our planet is increasing, and that it is absolutely essential to protect species of fauna and flora which are vulnerable, endangered or threatened with extinction and which are vital for maintaining the ecosystem,

BELIEVING that it is indispensable and a matter of the greatest urgency for Interpol NCB officials to become more familiar with the illicit trade in species of wild fauna and flora,

BEARING IN MIND the inter-American convention on nature protection and Wildlife Preservation in the Western Hemisphere signed in Washington in 1940, and the convention on biological diversity, signed in Rio de Janeiro in 1992,

HAVING TAKEN NOTE OF the recommendation adopted by the 13th Interpol American Regional Conference held in Santiago, Chile, from 22nd to 26th March 1993,

The ICPO Interpol General Assembly, meeting in Aruba from 29th September to 5th October 1993 at its 62nd session:

RECOMMENDS that the Organizations Members urge their governments to do their utmost to ensure that measures are taken to control trade in, possession of, and illicit traffic in species of wild fauna and flora.

4) Resolution AGN/62/RES/5. Transborder movement1993, adopted at the 62nd General Assembly in Aruba

Subject: Environmental Crime

AWARE OF THE FACT that environmental problems are of concern to all countries in that pollution of the air, earth and water, which seriously endangers man and his natural environment, cannot be confined within national borders,

NOTING THAT, because they are interdependent, countries are not and cannot remain indifferent to environmental problems affecting other countries, however remote,

RECALLING Resolution AGN/61/RES/12 adopted in Dakar, Senegal, in November 1992. Deciding to set up a working party composed of investigators and/or decision-makers from member countries to identify the various problems that arise in connection with environmental crime investigations,

TAKING NOTE OF Article 4 (3) of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal signed in Basel, Switzerland, on 22nd March 1989,

HAVING TAKEN NOTE OF the recommendation adopted by the 13th Interpol American Regional Conference held in Santiago, Chile, from 22nd to 26th March 1993,

The ICPO-Interpol General Assembly, meeting in Aruba from 29th September to 5th October 1993 at its 62nd session:

RECOMMENDS that the Organization's Members urge their governments to do their utmost to ensure that measures are taken control transborder movements of dangerous waste and to make illicit traffic in such waste a criminal offence;

INVITES the Organization's Members to encourage the setting up of a special police department in each country to deal with law enforcement, investigations and statistics relating to environmental crime;

ASKS the Interpol Working Party on environmental crime to foster co-ordination of the actions taken by countries that have signed the various international conventions in this area.

Adopted with 111 votes in favour, non against and no abstentions.

5) Resolution AGN-63-RES-12. Eco message- Environmental Crime

1994.

TO BE CLASSIFIED AS FOLLOWS:

1 copy in the CHRONOLOGICAL SERIES year 1994

1 copy in the SUBJECT SERIES

Heading: Environment, Protection of- Related Offences

Text of the Resolution

BEARING IN MIND the following Resolutions regarding international environmental crime:
 AGN/45/RES/4, adopted at the 45th General Assembly session in Accra in 1976, dealing with the illegal traffic in wild life and its products,
 AGN/61/RES/12, adopted at the 61st General Assembly session in Dakar in 1992, deciding to set up a working party under Interpol's auspices and asking the Secretary General to place the subject of environmental crime on the agendas of international meetings on economic crime held by the General Secretariat,
 AGN/62/RES/5, adopted at the 62nd General Assembly in Aruba in 1993, concerning transborder movements of dangerous waste,
 AGN/62/RES/6, adopted at the 62nd General Assembly session, in Aruba in 1993, concerning illicit trade in species of wild fauna and flora,

TAKING NOTE OF the conclusions of the Interpol Working Party on Environmental Crime during its first two meetings in Lyons, in September 1993 and May 1994 respectively,

NOTING the recent increase of reported offences related to environmental crime in general and to trafficking in radioactive and nuclear substances in particular,

CONSCIOUS of the serious threat to humanity and its natural environment posed by this form of criminality,

IN THE LIGHT OF the proposal made by the delegates at the second meeting of the Interpol Working Party on Environmental Crime that the General Secretariat should act as a central information collection point for information on international environmental crime should be established and that an 'Eco Message' should be used to report international environmental crime cases,

BELIEVING THAT the use of the 'Eco Message' will improve the exchange of information in international environmental crime cases as well as the collection, storage, analysis and circulation of such information with the assistance of the General Secretariat,

CONVINCED THAT international police co-operation is absolutely essential for combating environmental crime,

The ICPO-Interpol General Assembly, meeting in Rome from 28th September to 4th October 1994 at its 63ed session:

RECOMMENDS that member countries place responsibility on their National Central Bureaus for the co-ordination of the international exchange of information relating to trafficking in radioactive and nuclear substances, especially where a number of different specialized national agencies may be involved,

ASKS the National Central Bureaus to:
Use the 'Eco Message' (copy attached) to report all international environmental crime cases;
Share to the greatest extent possible such information with each other and with the General Secretariat;

CALLS UPON the General Secretariat to monitor closely all information submitted by way of the ECO message and to issue regular bulletins informing member countries of trends and new developments.

6) Resolution No AGN/65/RES/25. Establishment of national working parties on problems of waste
1996, adopted at the 65th General Assembly in Antalya

Environmental crime - Establishment of national working parties on problems of waste

BEARING IN MIND the following Resolutions on international environmental crime, with particular reference to the international traffic in waste products:

AGN/61/RES/12, adopted at the 61st General Assembly session in Dakar in 1992, deciding to set up a working party under INTERPOL's auspices and asking the General Secretariat to place the subject of environmental crime on the agendas of international meetings on economic crime held by the General Secretariat,

AGN/62/RES/5, adopted at the 62nd General Assembly session in Aruba in 1993, dealing with the transborder movements of dangerous waste,

AGN/63/RES/12, adopted at the 63rd General Assembly session in Rome in 1994, concerning the use of "ECO Messages",

TAKING INTO ACCOUNT the experience shared by the delegates at the first three meetings of the Working Party on Environmental Crime, held in Lyons in September 1993, May 1994 and May 1995,

IN VIEW OF the proposal made by the delegates at the Third Meeting of the Working Party on Environmental Crime to establish, in each member country, a national working group (comprising representatives of law-enforcement agencies and administrative control departments) to examine the problem posed by traffic in waste, to co-ordinate law-enforcement measures, to submit proposals to the different departments involved, and to send the General Secretariat annual reports on the subject,

CONSIDERING that these proposals may usefully supplement the "Eco Message", which focuses on the exchange of information on international cases of environmental crime, and on the collection, storage, analysis and circulation of such information with the assistance of the General Secretariat,

CONSIDERING that international police co-operation is essential in the fight against environmental crime,

CONSIDERING that international police co-operation requires, at national level, close co-operation not only between the different law-enforcement agencies but also between those agencies and the administrative bodies concerned,

The ICPO-INTERPOL General Assembly, meeting in Antalya from 23rd to 29th October 1996 at its 65th session: ASKS the National Central Bureaus to:

(1) Set up, within their Bureaus, a national working party comprising representatives of all the law-enforcement agencies and administrative departments responsible for the control of waste products, in order to carry out the following priority tasks:

- ensure greater effectiveness in using the "Eco Message";
- collect information and statistics on environmental crime;
- ensure that crime analysis of data is carried out in each country;
- be attentive to the problems of the law-enforcement agencies and the administrative departments responsible for waste control and look for ways of solving those problems;

(2) Ask the national working party to prepare an annual summary report for the General Secretariat.

7) Resolution No AG-2006-RES-17.**Draft Co-operation Agreement between INTERPOL and the Lusaka Agreement Task Force**

2006, adopted at the 75th INTERPOL General Assembly in Rio de Janeiro.

Resolution

The ICPO-INTERPOL General Assembly, meeting in Rio de Janeiro, Brazil, from 19 to 22 September 2006 at its 75th session:

HAVING EXAMINED Report AG-2006-RAP-09, which sets out a Draft Co-operation Agreement with the Lusaka Agreement Task Force (LATF),

RECALLING its previous Resolutions, AGN/45/RES/4 (1976) and AGN/62/RES/6 (1993), by means of which the Organization underscored the importance of combating illegal trade in wild fauna and flora and urged its Members to do their utmost to ensure police co-operation in the field,

ALSO RECALLING the 1998 Memorandum of Understanding with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),

RECOGNIZING the interest of formalizing relations between the ICPO-INTERPOL and LATF in an agreement to support police co-operation initiatives in combating such illegal trade in wild fauna and flora,

DEEMING that the Draft Agreement at Appendix 1 to Report AG-2006-RAP-09 is in conformity with the Organization's interests and rules,

APPROVES the Draft Co-operation Agreement contained in Appendix 1 to Report AG-2006-RAP-09;

AUTHORIZES the Secretary General to sign it.

Adopted.

8) Resolution AG-2010-RES-03. Sustainable Environmental Crime Programme

2010, adopted at the 79th General Assembly in Doha

Text of the Resolution

Subject: Sustainable Environmental Crime Programme

The ICPO-INTERPOL General Assembly, meeting in Doha, Qatar, from 8 to 11 November 2010 at its 79th session:

DEEPLY CONCERNED about the impact that environmental crime can have on the planet, the environment, biodiversity and human life,

TROUBLED by the influence that environmental crime has on the global economy and security,

RECOGNIZING that environmental crime is not restricted by borders and involves organized crime which engage in other crime types including murder, corruption, fraud and theft,

BEARING IN MIND the long-standing commitment by INTERPOL to fighting environmental crime, evidenced by AGN/61/RES/12 recommending that INTERPOL form the Environmental Crime Committee,

ACKNOWLEDGING that environmental law enforcement is not always the responsibility of one national agency, but rather, is multi-disciplinary in nature due to the complexity and diversity of the crime type which can encompass disciplines such as wildlife, pollution, fisheries, forestry, natural resources and climate change, with reaching effect into other areas of crime,

TAKING INTO ACCOUNT that there is a vital need for a global response to combating environmental crime and that INTERPOL, as the largest international police organization, should play a leading role in supporting the international enforcement efforts,

CONSIDERING that not one national agency is responsible for enforcing environmental laws, that there is a need for these responsible agencies to be connected with INTERPOL and the National Central Bureaus and that these agencies contribute to the enforcement efforts alongside the international police community,

URGES the member countries and partner organizations of INTERPOL to support the Organization by making voluntary financial contributions or, in the case of member countries, by seconding specialized personnel in support of the INTERPOL Environmental Crime Programme;

URGES the National Central Bureaus to support the Environmental Crime Programme by connecting with the responsible national agencies and encouraging their involvement and support.

Adopted



INTERPOL

**General Secretariat
200 quai Charles de Gaulle
69006 Lyon
France**

**Tel: +33 4 72 44 70 00
Fax: +33 4 72 44 71 63**

**Twitter: @INTERPOL_HQ
YouTube: INTERPOLHQ**

www.interpol.int