



INTERPOL

ENVIRONMENTAL SECURITY SUB-DIRECTORATE

National Environmental Security Task Force

Bringing Compliance and Enforcement Agencies
Together to Maintain Environmental Security



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Overview

INTERPOL's Environmental Security Sub-Directorate (ENS), in partnership with other international organizations, is actively assisting its 190 member countries to improve enforcement of environmental laws and treaties to make the environment a less vulnerable target for criminal activities. Environmental crime imposes an extraordinary cost on both the natural environment and its citizens. Preventing environmental crime and maintaining environmental security are therefore inextricably linked to social and economic security.

Environmental crime is a growing, organized and sophisticated international crime that includes wildlife poaching, smuggling and trafficking of illicit products, dumping of electronic and toxic waste, illegal logging, illegal exploitation of fisheries and illegal mining of natural resources. Environmental criminals are also known to engage in fraud, money laundering, tax evasion, other kinds of smuggling, violence, extortion and even murder.

This global, multi-faceted crime is becoming increasingly profitable, attracting sophisticated and better organized criminal networks. It requires an international, multi-agency response to successfully combat it. INTERPOL's ENS recommends that member countries establish National Environmental Security Task Forces (NESTs), which are designed to address organized trans-national environmental crime with the coordinated, collaborative and international response required. This manual describes the steps for setting up NESTs and the recommended best practices for their operation.

Our experience with member countries that have already established NESTs has found them to be effective at uniting the national agencies responsible for enforcing environmental laws, including wildlife, pollution, forestry and fisheries agencies in addition to police, customs and financial and tax units. By bringing these agencies together, a NEST can ensure communication, cooperation and collaboration at all levels to facilitate stronger, more coordinated and more effective multi-agency actions against environmental crime. NESTs are also able to function at the international level through the INTERPOL National Central Bureau (NCB) network which can ensure information exchange and tactical support between national agencies in different countries.

National Environmental Security Task Force (NEST)

The task force brings together appropriate representation from agencies identified as necessary to address environmental crime. The NEST can ensure national level communication, coordination and cooperation between agencies and, through the INTERPOL NCB, act alongside other NESTs at the regional and international levels.

INTERPOL's ENS recommends that, prior to establishing a NEST, member countries host a high-level meeting (a National Environmental Security Seminar, or NESS) to bring together relevant experts, stakeholders and decision-makers to identify and prioritize the national environmental security needs. The issues identified at this seminar can then be used to guide the formation of the NEST. Following the seminar, it is also recommended that member countries consider establishing a National Environmental Security Steering Committee (NESSC) to guide the formation and direction of the NEST. To assist member countries through these steps, this manual also describes procedures for hosting the NESS and establishing the NESSC.

What is the INTERPOL Environmental Security Sub-Directorate?

INTERPOL is the world's largest police organization with 190 member countries. It was created in 1923 to facilitate cross-border law enforcement cooperation and support and assist all organizations, authorities and services whose mission is to prevent or combat international crime. As part of its international and impartial mandate, INTERPOL facilitates international law enforcement cooperation between countries even where diplomatic relations do not exist.

The INTERPOL Environmental Crime Programme was created in 2009 as a single unit dedicated to combating all forms of environmental crime. In October 2013, as a result of support from member countries and the international community coupled with sustained growth, the programme was restructured to become the Environmental Security Sub-Directorate (ENS). The sub-directorate's mission is to assist member countries in effectively enforcing national and international environmental laws and treaties to ensure the ongoing conservation of the world's environment, biodiversity and natural resources. To this end, the ENS works to enhance and develop the ability of member countries to deter, investigate, apprehend and prosecute environmental criminals, as well as coordinate international cases and operations.

The INTERPOL ENS works closely with the INTERPOL Environmental Compliance and Enforcement Committee (ECEC), investigators and decision-makers from member countries working under INTERPOL's auspices. The ECEC strives to identify new and emerging issues in environmental crime investigations and to identify solutions to these issues. Three working groups within the committee support its overall mission by focusing expertise on the fields of fisheries, pollution and wildlife crime.

Why is it important to address environmental security?

INTERPOL's ENS recognizes that addressing environmental security is closely linked to promoting economic viability, social and political stability and improving public health. The ENS works closely with member countries to maintain environmental security through enhancing compliance and enforcement of environmental laws. Environmental crime has a significant negative impact on the environment and threatens environmental security at national, regional and international levels. Environmental crime also has the potential to damage life expectancy and quality of life through undermining food availability and polluting air and water resources, while contributing to natural disasters and facilitating the spread of diseases. Illegal logging and land clearing, for example, can cause landslides and deny forest-dependent communities access to food, medicine and fuel.

Environmental crime is not restricted by national or regional boundaries and includes a variety of diverse crimes relating to wildlife, pollution, fisheries, forestry, natural resources and climate change. In many cases, environmental criminals are also responsible for other crimes including murder, extortion, corruption, fraud, money laundering and theft. Furthermore, as with any illegal and black market trade, environmental crime reduces government tax revenues which are essential to countries' development and sustainability.

Environmental security is therefore inextricably linked to social and economic security, and environmental crime threatens them both.

Why form a National Environmental Security Task Force?

The global nature of environmental crime calls for new global priorities to strengthen environmental security. Environmental crime is highly profitable, driven by greed rather than need, and low risk due to weak enforcement and low penalties. Evidence shows that environmental crime is growing, becoming increasingly organized and carried out by sophisticated criminal networks. The organized and clandestine nature of their activities makes such criminals difficult to detect without an equally sophisticated law enforcement response that is cooperative, collaborative and coordinated at national, regional and international levels.

INTERPOL therefore recommends that member countries develop 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 national environmental law enforcement – including police, customs, judiciary and environmental agencies. Law enforcement personnel should stand alongside scientific experts and civil society whose expertise, knowledge and access to resources are invaluable. While some environmental crime issues can be addressed by a single agency, in most cases an effective response requires the knowledge and expertise of multiple agencies working together.

By creating a firmly established team of experts, each with specialist skills, NESTs ensure that all criminal activities damaging environmental security are addressed. This multi-agency approach means that criminals can be attacked from all angles – from on-the-ground wildlife poaching or waste dumping to investigations into their financial and tax affairs – so that all avenues of escape and evasion are closed.

NESTs also centralize efforts against environmental crime, ensuring a coordinated, cooperative and collaborative response that avoids duplication of efforts, ensures the efficient use of resources, and facilitates the exchange of intelligence, capacity and capability among agencies. Furthermore, by using the gateway provided by the NCB, the NEST can have unique access to international communications and connectivity with other task forces around the world, ensuring an international response to this transnational crime.

Finally, a strong and effectively resourced NEST is tangible proof of a country's leadership, awareness of environmental security threats, and dedication to protecting its population from harm and providing security for future generations.

NESTs ensure the security of the environment, the security of nations, the security of the world.



How to establish a task force

INTERPOL’s ENS recommends that member countries wishing to form a NEST should first host a National Environmental Security Seminar (NESS), a high-level meeting bringing together relevant experts, stakeholders and decision makers to identify national environmental security needs, capacities and priorities. The seminar can then be used to guide the formation of the NEST. Following the NESS, it is also appropriate that a National Environmental Security Steering Committee (NESSC) be established to guide the activities of the NEST. The NESS and the NESSC are considered two vital steps towards forming the NEST.

National Environmental Security Seminar (NESS)

The NESS brings together experts and decision makers from national law enforcement and compliance agencies with responsibilities for environmental compliance and enforcement, along with regional and international stakeholders. The objective of the seminar is to identify priorities and develop strategies for combating environmental crime at the national level. The NESS is designed to lead to the formation of a NESSC and NEST.

National Environmental Security Steering Committee (NESSC)

The NESSC brings together the heads of national law enforcement agencies with responsibility for environmental compliance and enforcement to identify targets and activities within the priority areas and strategies developed during the NESS. The NESSC also identifies the necessary participants and direction for the NEST to be fully mandated.

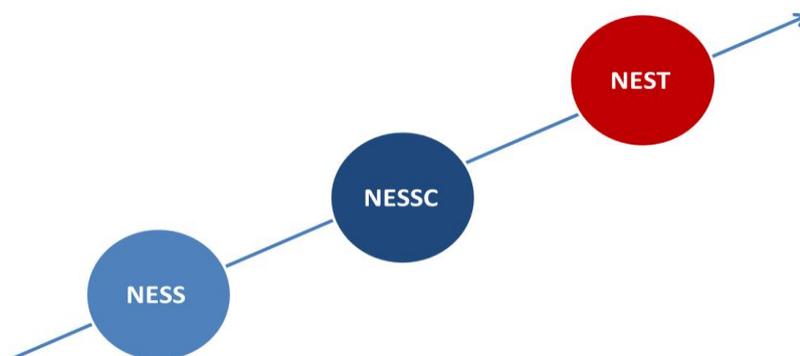


Figure 1: Methodology for establishing a NEST

Who should participate?

The key to any task force's success is its participant agencies. To ensure its success, the NEST should bring together participant agencies with different expertise, breadth of experience and abilities to complement each other's activities. Each agency involved will have its own unique skills, capabilities and experiences, rendering their participation invaluable.

This section provides an overview of suggested participants from different specialist areas, agencies and sectors of government and society. There may well be other agencies, organizations or entities which are also relevant and should be invited. In some cases, it may be appropriate to invite specific participants for individual actions and operations with the task force being maintained by a core group. The NCB and the INTERPOL ENS can assist in identifying and inviting additional participants if required. The ultimate objective, however, is that the network remain flexible in its composition.

It is also important to be aware of potential overlapping responsibilities and jurisdictions between different agencies. The creation of a NEST can be an effective way to manage and coordinate these overlaps, to ensure efficient operations and avoid duplication of efforts.

National governmental agencies, organizations and departments

It is essential for the effectiveness of the NEST that it bring together all relevant national law enforcement agencies with responsibilities for environmental compliance and enforcement. The NEST provides the best opportunity for those agencies to work together to tackle environmental crime, alongside intergovernmental stakeholders.

Government agencies responsible for other crime types and those representing different parts of the law enforcement chain, such as prosecutors and the judiciary, should also participate in the NEST.

The list of participants will become more focused, through progress from the NESS to NESSC, as the priorities and objectives of the NEST are identified in each individual country.

Consideration should be given to the following non-exhaustive list of government agencies:

- INTERPOL National Central Bureau
- National and/or local police forces
- Customs and/or border control agencies
- Compliance and enforcement agencies for: environment, fisheries, forestry, natural resources (including agriculture), pollution, wildlife and environmental management authorities
- Management authorities for: environment, fisheries, forestry, natural resources (including agriculture), pollution and wildlife
- Finance and tax agencies
- Prosecution agencies
- Existing NEST-like structures

Global and regional agencies, organizations and networks

While the focus of a NEST should be on national concerns, the transnational nature of many environmental crimes means that a regional perspective followed by a global perspective may be needed to highlight or identify future national priorities. Consideration should be given to include representation from relevant bodies such as:

- INTERPOL, its Regional Bureaus and National Central Bureaus
- United Nations agencies such as UNEP, UNFAO, UNODC
- International Conventions and Treaties such as CITES and the Basel Convention
- World Customs Organization (WCO)
- Green Customs Initiative (GCI)
- International Consortium on Combating Wildlife Crime (ICCWC)

Other Experts: Civil society, research institutions and private sector

Civilian organizations can be invited to support components of the NEST. They bring vital skills and expertise to networks, if engaged appropriately. This includes access to specialist expertise and skills, access to important resources and wide knowledge bases, and fundraising and awareness raising capabilities.

The following civil society bodies should be considered as potential participants or advisors in the network:

- Non-governmental organizations (NGOs)
- Research and academic institutions, such as universities
- Private companies and enterprises with environmental or social concerns; programmes or areas of business which could be involved in private-public partnerships
- Scientific institutions and facilities such as forensics laboratories (these may also be private)
- Environmental and security policy institutes or “think tanks”

How to host a National Environmental Security Seminar

Overview

The NESS is the first step towards forming a NEST and also provides a unique opportunity to raise awareness of environmental issues at the national level. Similar seminars have already been held around the world, and these have been responsible for generating significant momentum and coordination against environmental crime.

A NESS brings together managers from different national agencies that address environmental compliance and enforcement, along with officers, experts and representatives of relevant regional networks to provide insight into wider international priorities and their links with national concerns. Open sessions should be considered to attract representatives from civil society, in particular from the scientific and academic communities and NGOs. These communities are vital in bringing together a wide array of skills, knowledge and abilities which may not be available to governmental law enforcement agencies.

The NESS facilitates high-level discussions of environmental issues at the national level, together with international awareness, to help identify enforcement priorities, the resources available, the resources still required, and the areas of overlap between different agencies. A NESS is an ideal opportunity for national agencies covering environmental crime to work together and lay the foundations for a NEST.

The INTERPOL ENS, through the NCBs, stands ready to assist member countries in hosting a NESS. Member countries should use their NCB resources to maintain or establish contact with the INTERPOL ENS for further advice and support. Information on previous seminars that the INTERPOL ENS has helped organize around the world can be found on our website at:

www.interpol.int/Crime-areas/Environmental-crime/Task-forces.



The Seminar's mission

The mission of the NESS is to bring together national agencies to consider more effective environmental compliance and enforcement measures to prioritize issues and develop coordinated multi-agency responses. The NESS should include those with responsibility for climate change, fisheries, forestry, natural resources, pollution and wildlife, alongside customs and revenue, the foreign affairs department, national police and the host country's NCB.

The Seminar's objectives

- Connect experts, decision makers and leaders from all national governmental agencies, organizations, departments and other bodies with responsibility for enforcing and ensuring compliance with environmental laws and regulations;
- Identify national environmental crime issues and priorities around specific areas (wildlife, pollution, forestry, fisheries, natural resources) and specific commodities within these areas (e.g. ivory, rhino horn, pangolin scales, tiger pelts, fish, electronic waste, shark fins, minerals, carbon credits and timber);
- Consider the wider regional issues linked to environmental crime, such as the international trafficking and transport of these products, whether into or out of the country;
- Consider coordinated and cooperative multi-agency operational responses and long-term strategies with a focus on initially forming and strengthening the NESSC and NEST as institutions;
- Generate interest for further cooperation and financial support from partners and raise public awareness of the issues and responses through media engagement;
- Develop synergies in the management of environmental information at the national and international levels.

Case Study - Australian National Environmental Enforcement Summit

Australia hosted its first National Environmental Enforcement Summit on 29 February 2012 in the nation's capital, Canberra.

The Summit was hosted and attended by the Australian Department of Sustainability, Environment, Water, Populations and Communities (DSEWPaC) and the Australian NCB, part of the Australian Federal Police (AFP). The Summit also featured regional level representation from the Australasian Environmental Law Enforcement and Regulators neTwork (AELERT) and academic representation from the Australian Transnational Environmental Crime Project (TEC), overseen by the Australian National University. The goal of the Summit was to bring together national law enforcement agencies, including police, customs and environmental agencies, to coordinate efforts against international environmental crime. To this end, more than 80 participants from 20 Australian government agencies and organizations attended the event.

During the Summit, DSEWPaC, AFP, researchers from the Australian Institute of Criminology and academics from the TEC gave presentations on their areas of expertise and experience. These presentations were followed by discussions among participants focused on five key areas:

- (i) evaluation of current national, regional and international environmental compliance and enforcement strategies
- (ii) investigative assistance and operational support
- (iii) intelligence management
- (iv) capacity building standards
- (v) effective networks.

The organization, national and regional scope, and goals of this Summit can provide a model for other countries.

How to form a National Environmental Security Steering Committee

Overview

The National Environmental Security Steering Committee (NESSC) should act as the guiding body for the formation and operation of the NEST. In particular, the Steering Committee can decide on the task force's mandate, its governance, its priority areas and strategic direction.

The NESSC should build on the presentations made at the NESS to generate further discussion amongst its participants to guide the formation of the NEST. The NESSC is also vital to ensuring effective communication with regional and international partners, including INTERPOL.

The Steering Committee should aim to meet at least every six months, in addition to any ad hoc meetings as required for operations or other activities.

How to structure the Steering Committee

The NESSC unites the heads, or their appropriate delegated representatives, of the national agencies with environmental compliance and enforcement responsibilities.

The INTERPOL NCB is an ideal host location for the NESSC's meetings due to the access it provides to INTERPOL's international communications systems and global community. More information on the Summit, including contact details of those involved, can be found in the TEC's newsletter, available to download from the INTERPOL public website at: www.interpol.int/Crime-areas/Environmental-crime/Task-forces.

The following diagram demonstrates the recommended NESSC structure, including coordination through the NCB.

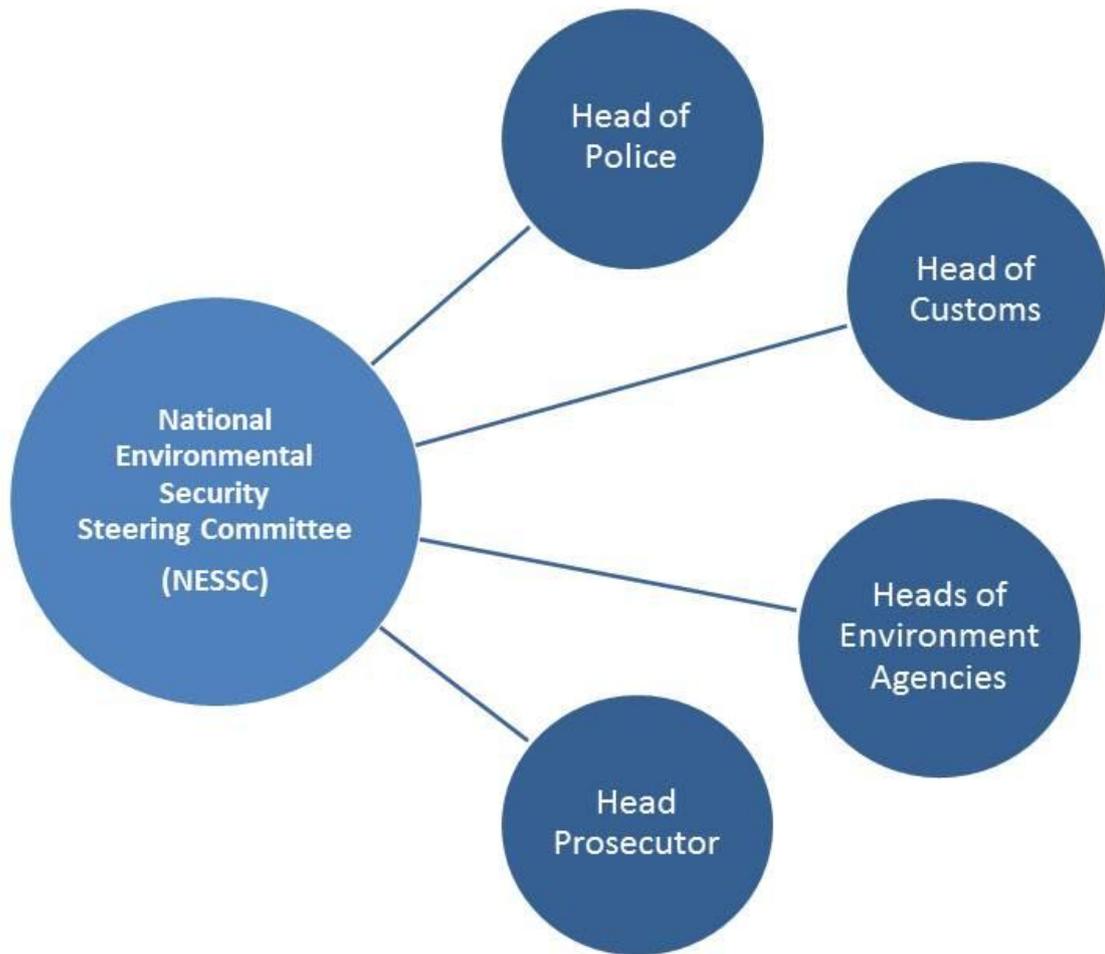


Figure 2: Recommended NESSC structure

The Steering Committee's mission

The mission of the NESSC is to bring together the heads of national agencies in regular meetings to discuss strategic activities, operations and actions addressing environmental compliance and enforcement.

The Steering Committee's objectives

- Bring together the heads, or appropriately delegated representatives, from all national governmental agencies, organizations, departments and other bodies responsible for enforcing and ensuring compliance with environmental laws and regulations;
- Develop objectives and plan actions based on the strategies and responses developed during the NESS, including joint intelligence gathering, operations, seizures and other activities;
- Develop a NEST, including identifying relevant participant agencies, organizations and other bodies, and developing its mandate and governance structure;
- Guide the actions of the NEST following its establishment, through regular teleconference calls, face-to-face meetings (for example, every six months) and further ad hoc face-to-face meetings as necessary;
- Coordinate and contribute to environmental information management at national, regional and international levels with a focus on intelligence and information sharing to facilitate intelligence-led enforcement;
- Maintain contact with:
 - International partners including the INTERPOL ENS, both directly and via the NCB, other NESTs, and regional networks;
 - Government departments and ministries to ensure high-level support and the allocation of required resources;
 - Civil society bodies to ensure access to further information and expertise, NGO awareness raising skills, and to gain access to other resources as necessary and appropriate.

National Environmental Security Task Forces

Overview

NESTs are national multi-agency task forces that allow national agencies to work together in a coordinated, cooperative and centralized way to address environmental compliance and enforcement and maintain environmental security. The NEST also acts as a national focal point for environmental enforcement issues, operations and initiatives with a regional and international scope. In addition, the INTERPOL NCBs can facilitate international coordination with other NESTs, ensuring international criminals are met with international responses.

The activities of the NEST should principally focus on proactive and dynamic intelligence-led enforcement based on priority target areas identified by the participating agencies. A NEST could initially focus on one commodity or crime type. However, as resources are secured and the NEST becomes stronger as an institution, the focus can widen to encompass further environmental crime types and commodities.

The Task Force's mission

A mission of the NEST is to provide coordinated, cooperative and centralized law enforcement support for environmental security by facilitating national multi-agency information sharing, intelligence-led operations and other collaborative compliance and enforcement actions.

The Task Force's objectives

- Exist as a permanent body to centralize information exchange, operational coordination and other actions as required through the NCB;
- Investigate high-profile national and international environmental cases;
- Communicate and coordinate among participating agencies and entities through a permanent staffed presence and through regular teleconference calls and face-to-face meetings;
- Maintain contact with the INTERPOL Environmental Security Sub-Directorate to ensure international coordination and collaboration on information exchange, operations and training programmes;

- Gather, collate and analyse intelligence from national sources and disseminate it to appropriate national, regional and international agencies and receive similar information from international sources and disseminate it to the appropriate national and sub-national entities;
- Develop, plan and execute national multi-agency operations against environmental crime with regional and international awareness and coordination;
- Develop, plan and execute training programmes to build the capabilities and capacities of national agencies;
- Develop strategic plans, communicate with governmental and civil society stakeholders, and identify resources to ensure the sustainability of the NEST and its effectiveness.

Key positions in the task force

The INTERPOL Environmental Security Sub-Directorate recommends that a number of key positions be part of a NEST. To ensure continuity, it is recommended that each position have a permanent officer attached, seconded from among the participating agencies. A NEST can operate with a reduced capacity, but it may weaken its effectiveness. Other positions may be created as required.

Senior Investigator/ Coordinator

The senior investigator/coordinator leads the NEST, coordinates contact with other agencies and guides actions in line with the objectives of the task force. The senior investigator/coordinator is also the national coordinator for intelligence gathering and operational activities. He/she is the principle officer who reports to the NESSC.

Criminal Strategic and Tactical Analysts

The analysts collect information and intelligence to be recorded, evaluated and shared with national agencies and other NESTs. The strategic analysts identify emerging threats, trends and medium- to long-term enforcement priorities in order to ensure the effective and efficient allocation of enforcement resources.

Task forces are encouraged to have both tactical and strategic analytical capacities.

Training Officer

The training officer utilizes manuals, guides and curricula to develop common training frameworks. INTERPOL can also provide and coordinate training in areas such as investigative skills, intelligence management, analysis and the NEST concept, structure and formation.

Prosecution/Legislative Support

The prosecutor can provide advice during investigations, particularly in relation to undercover operations and controlled deliveries. The prosecutor can also ensure that all legal requirements for evidence and detention are adhered to, thus enhancing the likelihood of successful prosecutions.

Task forces are encouraged to have experienced legal support and advisors available.

Legislative support can assist in reviewing and developing relevant legislation, overseeing the legality of enforcement procedures, reviewing evidence gathered during investigations and providing additional support for eventual prosecutions.

Financial Specialist

The financial specialist can uncover evidence of the financing of environmental crime and trace any criminal proceeds. This can uncover further links in crime chains and networks, enhance prosecutions and facilitate the seizure of criminal proceeds and assets.

Scientific/Academic Specialists

The scientific specialist can obtain key evidence through examining fibres, ballistics, firearms, documentation, and photographic and video evidence which may help to convict even the most sophisticated criminals.

Specialists can also examine seized samples and provide expert opinions on specialized subjects such as the content of polluted water and soil or species identification. Statements may need to be given by scientific experts to inform courts of the significance and scale of environmental crime.

Other key experts

A NEST can also include access to other specialists to enhance the core team. These specialists could come from health, safety, transportation, labour, postal services or anti-corruption departments and be attached to the NEST for specific operations, investigations, trainings or other activities as required. Consideration can also be given to engaging with NGOs in specific cases.

How to structure the National Environmental Security Task Forces

NESTs are national multi-agency task forces formed of experts from dedicated environmental law enforcement agencies, police, customs, revenue departments, health agencies and prosecutors. NESTs bring together these enforcement agencies around common goals, including the conservation of specific species, forestry issues and pollution controls.

NESTs should be based out of each country's National Central Bureau to provide rapid access to INTERPOL's secure communications tools, global community and unique criminal intelligence databases.

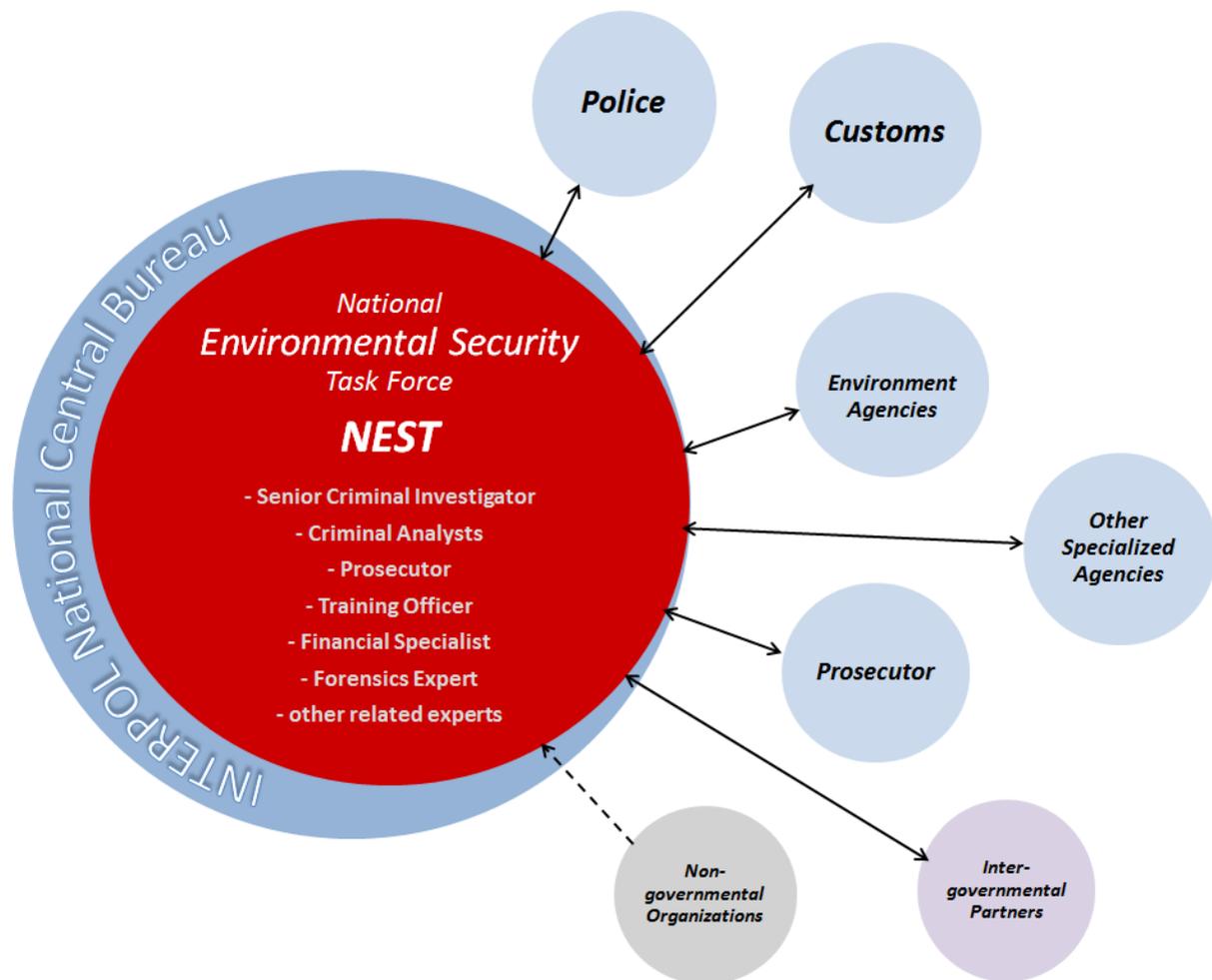


Figure 3: Recommended NEST structure

Ensuring effective communication with other agencies

Communication with the INTERPOL National Central Bureau

INTERPOL's NCBs offer the ideal location for NESTs due to their access to INTERPOL's secure global police communications system (I-24/7), the global community, INTERPOL databases, and their ability to bring together different national agencies addressing environmental compliance and enforcement. It is recommended that the NEST become an integral part of the NCB and the focal point for environmental compliance and enforcement issues, both domestic and international. However, when it is not feasible to locate the NEST within the NCB, there should nevertheless be daily communication between the two. If located outside the NCB, it is highly encouraged that an extension of I-24/7 be established to the NEST.

Communication with regional and global intergovernmental organizations

There may already be international networks working on various aspects of environmental security in your area. Cooperation is especially encouraged in intelligence campaigns or operational activities to avoid duplication of efforts and further enhance international connectivity. Newly formed NESTs can also learn from the experience of existing regional equivalents. The NEST is crucial in capturing all of the available information and support that exists around the world.

Communication with non-governmental organizations

NGOs provide access to expertise in areas including training, species identification, securing resources and institutional knowledge of environmental compliance and enforcement. Where appropriate, NGOs can also provide information to a NEST pertaining to an alleged breach of legislation, which may then be assessed and acted on accordingly by the relevant, mandated government authorities.

Civil society also has the ability to raise awareness and accelerate decision making, for example by issuing public reports. Such reports have the ability to gain widespread media attention and can often provoke action from the international law enforcement community and political decision makers.

Recommended communication channels

Strong, regular and fast communication between NEST participants is of the utmost importance. Formal procedures and mechanisms should be developed and followed to ensure effective and regular communication.

Communication can best be conducted in three ways:

(i) Secure e-mail services

Electronic messaging services are vital for exchanging information and documents; they are also inexpensive and require few resources to operate. However, for security reasons, government provided e-mail servers and networks should be used. Secure email services do not include private and commercial services. While these systems may be useful for maintaining relationships at an informal level, they should not be used to discuss sensitive matters (such as operational planning) or exchange criminal intelligence information. At an international level, the NCBs provide a fast, secure and efficient electronic communications network. The NCB offers direct access to I-24/7, INTERPOL's secure global police communications system, ensuring direct and instant access to information. If the NEST is located outside of the NCB, I-24/7 should be extended to the NEST agencies as a matter of priority.

(ii) Teleconference calls and video links

Teleconference calls and video links allow more interactive discussion than e-mail conversations and are often vital to operational planning. They are also relatively inexpensive, requiring few resources. It is recommended that NESTs unable to maintain a permanent office conduct teleconference calls among participants on a weekly basis. Extra calls can be held as required, such as during operational planning.

(iii) Face-to-face meetings

Existing networks and task forces show that face-to-face communications are the most efficient and effective means of communication but are often costly. A permanently staffed NEST office based in the NCB is the best way to achieve this.

Working in partnership with other agencies

A NEST may require both formal and informal partnerships between a number of different bodies and agencies including the participating agencies, other NESTs, international, intergovernmental and civil society organizations and regional networks.

The most common method used to establish formal partnerships is a Memorandum of Understanding (MoU), which defines the roles and responsibilities of the different signatory entities.

Between participating governmental agencies

An MoU can:

- Recognize the specific roles and responsibilities of the participating agencies;
- Provide guiding principles on cooperation and coordination between the participants;
- Provide guidelines on joint operational principles;
- Provide goals, objectives and performance standards for participating agencies and personnel;
- Provide rules and regulations governing financial and budgetary resources and responsibilities;
- Provide guidelines for establishing information-sharing mechanisms;
- Set out obligations to ensure that all members of the NEST are notified if any agency suspects that a relevant offence is being, or might be, committed;
- Set out obligations to ensure each participating agency gives its enforcement officers suitable information and training concerning environmental crimes;
- Establish procedures to consult with other agencies in the NEST, along with the NCBs, when considering regulatory or administrative measures;
- Provide guidelines for the regular inspection of enforcement procedures to ensure that all parties' needs are taken into account as much as possible;
- Designate intermediary or final destinations for seized goods, in particular live flora and fauna, by providing lists of approved animal refuges, and establishing procedures to help

determine the final destinations of the specimens, including sending them back to their country of origin;

- Provide for collaboration in enforcement, awareness-raising and training activities.

As an example, *Appendix I* reproduces the MoU used to establish the New Zealand Wildlife Enforcement Group (WEG). This document can be used as a template for other countries wishing to form a NEST.

International and intergovernmental organizations and networks

Between a NEST and other regional and international organizations, an MoU can:

- Define areas of mutual assistance and areas of independent action;
- Ensure that relevant information is exchanged between the entities in a timely and secure manner;
- Provide formal, managed access to resources such as international databases and other tools.

Guidelines for the development of an MoU between a NEST and international organizations are provided in *Appendix II*.

NGOs, academic institutions and other civil society entities

An MoU between a NEST and civil society entities can:

- Define mutual and individual goals for the participants;
- Define limitations and requirements governing information and data exchange between governmental and non-governmental entities;
- Define the extent of the civil society entities' involvement in compliance and enforcement matters to ensure accountability and avoid breaches of rule of law.

Recommended reporting requirements

General reporting

Ensuring accountability and transparency is vital to any governmental body. The reporting requirements of the NEST should, therefore, be incorporated into the documents of establishment (MoUs, employment contracts).

Specific activity reporting

INTERPOL recommends that annual reports be provided to participating agencies and supporting intergovernmental bodies. This should include details such as the agencies involved, operational activities (such as locations and individuals targeted), methods used (such as controlled deliveries, intensified searches at border crossings), operational results (such as arrests and seizures), and intelligence gathered during the operation.

All reports to international partners should be sent via the NCB.

Appendix IV shows an INTERPOL General Assembly Resolution which encourages National Central Bureaus to set up, within their Bureaus, a national working party comprising representation of all the law enforcement agencies and administrative departments responsible for the control of waste products. Chiefs of police worldwide further encourage the national working party to prepare an annual summary report for the General Secretariat of INTERPOL.

Recommended best practices for conducting NEST activities

Specific operational actions will be decided during the NESS and meetings of the NESSC. However, it is also recommended that the following general actions be part of the regular activities of the NEST:

Exchange, analysis and assessment of information

- The analyst collates and examines new information received from various sources and evaluates it for further action (recording, analysis, storage, further sharing);
- The analyst uses this information to identify new and emerging threats and opportunities and reports them to the senior investigator;
- Other relevant specialists are brought in to assist in assessing the information and intelligence;

- The senior investigator uses the briefs supplied to identify new opportunities for compliance and enforcement actions including operations, investigations and trainings.

Operational review, assessment and development

- The senior investigator monitors current operations and investigations being conducted by the NEST, leading their review and adaptation based on new circumstances as necessary;
- The senior investigator also leads the monitoring of operations and investigations being conducted by national agencies, intergovernmental partners and other NESTs to identify areas of overlap and opportunities for collaboration, cooperation and coordination;
- Prosecution and legislative support personnel review current operations to identify areas where legal support may be required;
- The training officer identifies areas for improvement which require capacity building. This can be conducted with assistance from the analyst. The training officer also responds to any emerging issues identified.

Participation in operations

NEST personnel may find it useful and appropriate to participate in operations, investigations and other field activities.

The INTERPOL Environmental Security Sub-Directorate has developed a number of law enforcement manuals which provide guidance on different operational skills and techniques which may be useful to NEST personnel. These can be accessed online for authorized users by logging on to INTERPOL's secure website at secure.interpol.int. Law enforcement officials can request access through their NCB or by contacting the INTERPOL Environmental Security Sub-Directorate at environmentalcrime@interpol.int.

These manuals include:

- Forest Crime Manual: An Officer's Guide to Illegal Logging and Forest Crime (2013)
- Wildlife Crime Scene Investigation: Guide to evidence collection and management (2013)
- Vessel Tracking for Analysis of Timber and Fisheries Crime (2013)
- Ozone Depleting Substances Case Study Handbook (2013)

- An Investigation into the Ivory Trade over the Internet within the European Union (2013)
- Strategic Analysis Report on Illegal Export of Electronic Waste to Non-OECD Countries (2011)
- Strategic Analysis on Rhinoceros Crime (2011)
- The Waste Transport Checks Manual - AUGIAS (2011)
- Wildlife Smuggling Concealment - Case Study Handbook (2010)
- Questioning Wildlife Smugglers - A Technique for Investigating Wildlife Crime (2010)
- Controlled Deliveries - A Technique for Investigating Wildlife Crime (2010)
- Illegal Oil Discharges from Vessels: Investigative Manual (2007)
- Intelligence-Led Enforcement: A technique for investigating environmental crime (2012)
- Sign and the art of tracking: A guide to support law enforcement tracking and anti-poaching operations (prepared with the United Nations Environment Programme) (2011)

Case studies – examples of existing environmental task forces

Many countries have already developed task forces similar to NESTs which can serve as models and guides for creating a complete NEST. The development of these strong, dedicated task forces to address environmental compliance and enforcement demonstrates the countries' leadership in the fight against environmental crime, their awareness of threats to environmental security, and their responsibility towards protecting and ensuring security for current and future generations.

New Zealand Wildlife Enforcement Group

The New Zealand Wildlife Enforcement Group (WEG), formed in 2008, is a model of a successfully established and operational national task force for the environment.

The agencies participating in the WEG are:

- (i) the Ministry of Agriculture and Forestry
- (ii) the Department of Conservation
- (iii) the New Zealand Customs Service.

These three agencies signed an MoU detailing the roles and responsibilities of the group as a whole and each agency in particular.

The WEG is governed by senior representatives from the participating agencies, with the leader of the agency responsible for the enforcement of legislation deciding on the WEG's course of action.

The WEG's multi-disciplinary nature means that special attention was given to the fact that each participating agency has its own areas of applicable legislation falling under the jurisdiction of the group. Officers are trained in their particular enforcement powers before joining the group, and all officers are given the power to enforce the legislation of each participating agency while assigned to the WEG. While the WEG focuses on domestic issues, it is flexible enough to operate at the international level.

Each participating agency pays the salaries of its staff members appointed to the group and contributes equal funding to the WEG. However, only one agency is tasked with administering the overall budget.

The MoU, formalizing the collaboration between multiple agencies, is set out in *Appendix I*. It can be used as a template for task forces in other countries.

Belgian Environmental Crime Service

In Belgium, the multi-agency Environmental Crime Service exists under the Federal Judicial Police and is the national and international focal point for environmental enforcement. The Environmental Crime Service works with Belgium's federal and local police, federal and regional environmental agencies, and federal customs authorities against environmental crimes and also maintains contact with the non-governmental sector.

How to set up a NEST

After hosting a National Environmental Security Seminar and forming a National Environmental Security Steering Committee, the next step is to set up the NEST. There are many ways to go about setting up a NEST, although the INTERPOL ENS offers the following recommendations which are intended to ensure that the NEST is fully mandated, has appropriate participation, and has clear priorities and objectives at the national level. The INTERPOL ENS can also provide additional assistance, including making contact with established task forces to provide further guidance and best practices.

Key steps

- Identify and assess the current environmental compliance and enforcement situation in the country - its needs, resources, relevant national agencies and opportunities;
- Establish the NEST's primary mission, commodity focus, objectives, goals, action areas and participating agencies;
- Assess each agency's capacity to participate in the NEST and identify a lead agency;
- Identify skill, capacity and/or knowledge gaps that need to be filled;
- Invite external partners that have the necessary skills, capacities and/or knowledge to fill those gaps;
- Identify a location for the NEST to be based, ideally the INTERPOL NCB;
- Finalize the mission, objectives, goals, activities and tasks for each agency and, if necessary, formalize the relationship through an MoU or similar agreement.

Following the achievement of the NEST's initial objectives and goals, further missions and areas of focus can be identified. This may require the NEST to adapt its composition of participating agencies and relevant experts and re-evaluate its skill and knowledge needs.

Financing the costs of a NEST

To be fully successful, a NEST will require sustainable financial resources, preferably from the national government. While NEST members will continue to be paid by their respective agencies, countries may also create funds to allow the NEST to obtain financial donations from other sources.

Costs required to ensure a fully functioning NEST may include system support and analysis tools, hardware, software, and administration costs. Attendance at seminars, meetings and training sessions may also require travel and per diem costs.

While some agencies may be understandably reluctant to commit scarce resources to a NEST, a successful NEST will bring success to the participating agencies, assisting them in their work. The NEST should therefore be viewed as a reallocation of resources to more effectively fight environmental crime, rather than an additional financial burden.

Appendix I

Memorandum of Understanding establishing the New Zealand Wildlife Enforcement Group



Department of Conservation
Te Papa Atatuhi



Te Mana Arai o Aotearoa

MEMORANDUM OF UNDERSTANDING

between the

**MINISTRY OF AGRICULTURE AND
FORESTRY**

the

DEPARTMENT OF CONSERVATION

and the

NEW ZEALAND CUSTOMS SERVICE

concerning

**THE ILLEGAL TRADE IN WILDLIFE AND
ENDANGERED SPECIES**

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PART 1 INTRODUCTION

Participants

- 1 The participants to this Memorandum of Understanding are the Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service hereafter referred to as "the participants".

Purpose

- 2 The purpose of this Memorandum is to promote partnership in law enforcement in the operation of the Wildlife Enforcement Group (WEG), which shall consist of suitable and agreed representatives appointed from each of the participant agencies.
- 3 The Memorandum recognises:
 - the role and competence of the Ministry of Agriculture and Forestry in managing the border and internal risks associated with the importation and proliferation of illegal wildlife, organisms and plant material; and
 - the role and competence of the Department of Conservation in the conservation of New Zealand's natural and historic heritage to the benefit of all New Zealanders; and
 - the role and competence of the New Zealand Customs Service as the border agency responsible for managing the movement of persons, goods and craft across the New Zealand border and minimising the risks associated with that cross border movement; and
 - the role of the WEG in enforcing the statutory responsibilities of the parent agencies through the collation and investigation of information from national and international sources leading to the interdiction and prosecution of offenders involved in the illegal trade in wildlife.

Interpretation

- 4 In this Memorandum the following terms shall have the meaning set out below:
- *Areas of common interest* - mean those matters where each participant has a shared statutory, investigative or intelligence role.
 - *Illegal [trade in] wildlife* - means all wildlife (flora and fauna) species either native to New Zealand or any other country where their introduction or removal creates an offence to the sovereign law of New Zealand or the law of any other country, or where it is in breach of the provisions of any international convention or treaty to which New Zealand is a signatory.

PART 2 GENERAL PROVISIONS

Construction

- 5 This Memorandum contains guiding principles on cooperation and coordination between the participants.
- 6 This Memorandum may contain annexes that shall detail the relationship between the participants on specific areas of common interest and performance standards. Annexes may cover (and are not limited to) governance and administration, information and data access, joint communications, and joint operations.

Government goals

- 7 The Government sets goals and outcomes for State Sector agencies and has an expectation that by working together, agencies will be better positioned to achieve these in a timely and efficient manner.
- 8 This Memorandum recognises the role each participant has in contributing to the Government's goals and objectives and that through forging a closer working relationship in areas of common interest, each participant will be better positioned to achieve their individual agency objectives and outcomes and meet Government's expectations for the protection and well-being of all New Zealanders.
- 9 This Memorandum further requires that all expenditure of public funds by the WEG meets the specific requirements of the Public Finance Act 1989.

Relationship between the participants

- 10 The Memorandum recognises that the participants share statutory responsibilities and areas of common interest in combating the illegal trade in wildlife. The Memorandum seeks to develop the close cooperation and working relationship already established by the participants through the WEG and to enhance the strategic and operational capabilities of the participants to effectively and proactively meet existing and emerging threats, particularly those risks posed through organised and trans-national crime groups.

Consultation and cooperation

- 11 The participants shall, where practicable, consult and cooperate on areas of common interest.
- 12 In relation to areas of common interest the participants shall, where practicable, work together to:
- develop enhanced investigative techniques, including technological applications;
 - develop and deliver specialist training;
 - identify policy linkages between the participants;
 - develop sound and consistent policy advice;
 - commit to full and early consultation on matters falling within this agreement;
 - commit to desired results rather than fixed processes;
 - commit to identifying and resolving differences of approach and any relationship concerns;
 - consider impact for other parts of Government and for external agencies; and
 - enhance strategic relationships and the operational interface with other agencies, where appropriate.

- 13 The participants shall, whenever practicable, consult prior to making public comment on areas of common interest. Where appropriate, joint policy positions will be developed.

Miscellaneous cooperation

- 14 The participants shall, as far as practicable, seek to ensure consistency of policy and procedures affecting areas of common interest, bearing in mind the different focus and skills of each participant.

PART 3 ADMINISTRATIVE MATTERS

Contacts

- 15 The contact persons for this Memorandum shall be:

Ministry of Agriculture and Forestry
Deputy Director-General

Department of Conservation
General Manager, Operations (Northern)

New Zealand Customs Service
Deputy Comptroller, Operations

- 16 In addition to clause 15, where necessary the annexes to this Memorandum may identify points of contact between the participants on specific areas of common interest.
- 17 For the purposes of the administrative and governance overview of the WEG, there shall be a *WEG Working Group* which comprises mid-level representatives of the participant agencies. This Group is responsible for oversight of work outcomes and outputs consistent with agreed strategic direction and annual plans, and reports to the *WEG Reference Group*.
- 18 The *WEG Reference Group* is made up of senior representatives of the participant agencies. This Group approves strategic direction and governance issues on behalf of the Chief Executives of the participant agencies.
- 19 *The Host Agency* is that agency agreed by the participants where the WEG is located and to whom falls responsibility for the day-to-day administrative functions, including funding accountability.

Commencement, review and duration

- 20 This Memorandum shall come into effect on the day that it is signed and dated, and remain in effect unless otherwise notified and agreed to in writing by the participants.
- 21 This Memorandum shall be reviewed by the participants no less than once every three years from the date it is signed.
- 22 This Memorandum may be terminated at any time by any participant, one month after formal notice in writing is given.

Dispute resolution

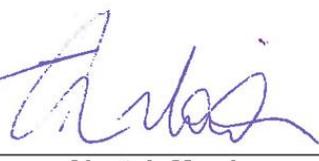
- 23 Any matters not covered by this Memorandum or any clarification required as to the application of this Memorandum shall be referred to the Director-General of the Ministry of Agriculture and Forestry and the Director-General of the Department of Conservation and the Comptroller of the New Zealand Customs Service, for a decision.

Previous Memorandum

- 24 This Memorandum replaces the previous Memorandum of Agreement between the participants, which was signed on 16 July 2001.

Agreement

Agreed at WELLINGTON this 18th day of DECEMBER 2008

		
Murray Sherwin Director-General for the Ministry of Agriculture and Forestry	Alastair Morrison Director-General for the Department of Conservation	Martyn Dunne, CNZM Comptroller of Customs for the New Zealand Customs Service

Joint Operations Annexe

An Annexe to the Memorandum of Understanding

between the

Ministry of Agriculture and Forestry

the

Department of Conservation

and the

New Zealand Customs Service

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1 INTRODUCTION

The Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service have developed this annexe to the Memorandum of Understanding (MOU) for the purpose of managing joint operations against the illegal trade in wildlife, initiated by the Wildlife Enforcement Group (WEG).

2 PARTICIPANTS

The participants to this annexe are the Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service hereafter referred to as "the participants".

3 INTERPRETATION

In this annexe the following terms shall have the meaning set out below:

Illegal [trade in] wildlife - means all wildlife (flora and fauna) species either native to New Zealand or any other country where their introduction or removal creates an offence to the sovereign law of New Zealand or the law of any other country, or where it is in breach of the provisions of any international convention or treaty to which New Zealand is a signatory.

Joint Operation – any WEG investigation into the illegal trade in wildlife where the participants agree to commit resources.

4 PURPOSE

The purpose of this annexe is to continue to promote partnership in law enforcement and to further enhance cooperation between the participants in joint operational activities to combat the illegal trade in wildlife.

5 CONSTRUCTION

- 5.1 This document is an annexe as referred to in paragraph 6 of the MOU signed between the participants on 18 December 2008 and as updated from time to time.
- 5.2 This annexe has been negotiated by the Deputy Director-General on behalf of the Ministry of Agriculture and Forestry, the General Manager Operations (Northern) on behalf of the Department of Conservation, and the Deputy Comptroller, Operations, on behalf of the New Zealand Customs Service.

6 OPERATING GUIDELINES

General Provisions

- 6.1 Joint operations are to be conducted, where practicable, pursuant to operational orders that are discussed and agreed to by the WEG operatives prior to the commencement of the operation. Any changes affecting the course or outcome of the operation are to be agreed by the WEG operatives prior to implementation.
- 6.2 All participants will share proportionate costs, as agreed, that may be incurred through participation in a joint operation.

Command Structure:

- 6.3 The participants agree that in joint operations there shall be appointed an Officer in Charge (OIC) from within the WEG operatives who shall have overall responsibility for all operational decision-making, including the operational termination. The OIC will be appointed after due consideration of operation location, jurisdiction, nature, scope of deployed force elements, and the expected outcome of the enquiry.
- 6.4 All decisions made by the OIC will be made following consultation between the WEG operatives where practicable.
- 6.5 Notwithstanding the above, it is recognised that the OIC responsibility may be transferred to a parent agency on their behest should jurisdictional issues so dictate.

Operational matters:

- 6.6 The participants shall make available operational and specialist personnel and equipment in support of joint operations. The allocation and use of these resources will be determined under the Operational Orders.
- 6.7 It is the responsibility of the participants to ensure all involved operatives are informed of the contents of this annexe.
- 6.8 Any operational phase that could involve an armed response shall be immediately referred to and discussed with the New Zealand Police before any decision is taken to proceed with the Operation. This is the responsibility of the appointed OIC.
- 6.9 Participants should ensure compatibility of technical equipment where relevant. Consideration should also be given to share training opportunities in the utilisation of equipment where commonality exists. Technical capabilities, and platforms supporting technical capability, should be shared where relevant.
- 6.10 Where wildlife and related exhibits are seized during the course of a joint operation, their custody, safe keeping and control will be determined by the OIC with due consideration to all biosecurity issues, and the status of any species pursuant to the Trade in Endangered Species and / or Wildlife Acts.

Prosecution of Offences:

- 6.11 The prosecution of offences is the responsibility of the parent agency having jurisdiction over the relevant legislation, with timely consultation between the participants where alternate offences may be considered.
- 6.12 The costs of the prosecution shall be borne by the initiating participant(s).

Processing of Arrested Offenders:

- 6.13 Where an offender(s) is arrested under a joint operation, the arresting officer must act lawfully and in accordance with any policy and procedures that are currently applied by the parent agency having jurisdiction over the relevant legislation. The arresting officer, supported by the OIC, is responsible for the offender(s) transfer into Police custody and for the processing of all relevant documentation subsequent to the arrest.
- 6.14 Under a joint operation the responsibility for the prosecution of an arrested offender(s) is vested with the OIC with the full cooperation of the parent agency having jurisdiction over the relevant legislation.

7 DISPUTE

In the case of any dispute, or other problem arising through the conduct of a joint operation, the participants shall endeavour to obtain resolution at a senior level of engagement first before relying on the dispute resolution procedures contained within the overarching MOU.

8 TERMINATION

Any participant may, by giving three months notice in writing to the other participants, withdraw from the provisions of this annexe to the MOU.

9 COMMENCEMENT DATE AND REVIEW OF ANNEXE

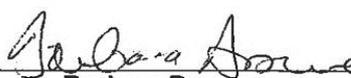
This annexe shall come into effect on the date on which it is signed and shall thereafter be reviewed every three years, or at such other time as may be agreed between the participants.

Where no amendment is made to this annexe as a result of a review, formal re-signing shall not be required.

No variation to this annexe shall be effective unless it is in writing and executed by the duly authorised representatives of each participant.

10 AGREEMENT

Agreed at WELLINGTON this 18 day of DECEMBER 2008

 Larry Fergusson Deputy Director- General for the Ministry of Agriculture and Forestry	 Barbara Browne General Manager Operations (Northern) for the Department of Conservation	 Robert Lake Deputy Comptroller, Operations for the New Zealand Customs Service
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Joint Communications Annexe

An Annexe to the Memorandum of Understanding

between the

Ministry of Agriculture and Forestry

the

Department of Conservation

and the

New Zealand Customs Service

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1 INTRODUCTION

The Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service have developed this annexe to the Memorandum of Understanding (MOU) for the purpose of managing media communications concerning the Wildlife Enforcement Group (WEG).

2 PARTICIPANTS

The participants to this annexe are the Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service hereafter referred to as "the participants".

3 INTERPRETATION

In this annexe the following terms shall have the meaning set out below:

Communications personnel - means any person who is currently employed by the participants within their respective Communications work area and who has the responsibility for preparing, issuing or making of media comment on matters pertaining to the operation of each organisation.

Illegal [trade in] wildlife - means all wildlife (flora and fauna) species either native to New Zealand or any other country where their introduction or removal creates an offence to the sovereign law of New Zealand or the law of any other country, or where it is in breach of the provisions of any international convention or treaty to which New Zealand is a signatory.

4 PURPOSE

The purpose of this annexe is to ensure a nationally consistent approach to managing media and public affairs issues specific to the activities of the WEG in relation to the illegal trade in wildlife, and to reflect the participants' commitment to work cooperatively to maximise positive media coverage.

5 CONSTRUCTION

- 5.1 This document is an annexe as referred to in paragraph 6 of the MOU signed between the participants on 18 December 2008 and as updated from time to time.
- 5.2 This annexe has been negotiated by the Deputy Director-General on behalf of the Ministry of Agriculture and Forestry, the General Manager Operations (Northern) on behalf of the Department of Conservation, and the Deputy Comptroller, Operations, on behalf of the NZ Customs Service.

6 OPERATING GUIDELINES

General Provisions

This annexe recognises that:

- 6.1 The participants share an enduring tradition of close cooperation and partnership in the joint operational activities of the WEG and in the maintenance of the law in New Zealand; and
- 6.2 Requires that the Offices of the Director-General of the Ministry of Agriculture and Forestry, Director-General of the Department of Conservation, and the Comptroller of Customs are accurately and appropriately reflected in the media.

The participants agree that for as long as this annexe is in effect, the operating guidelines in respect to joint communications shall be as follows:

- 6.3 Each participant shall, where practicable, consult with the other participants prior to any media or public release of information where such release could involve public scrutiny in any area of the other participants' legal responsibilities.
- 6.4 This consultation shall be conducted between the participants' communications personnel.
- 6.5 To the extent possible, same day turnaround in clearing media material by participants is to be achieved.

7 DISPUTE

In the case of any dispute or other problem arising from this annexe, the participants shall endeavour to obtain resolution at a senior level of engagement first before relying on the dispute resolution procedures contained within the overarching MOU.

8 TERMINATION

Any participant may, by giving three months notice in writing to the other participants, withdraw from the provisions of this annexe to the MOU.

9 COMMENCEMENT DATE AND REVIEW OF ANNEXE

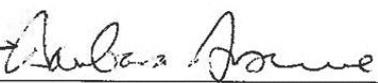
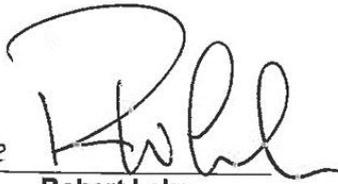
This annexe shall come into effect on the date on which it is signed and shall thereafter be reviewed every three years, or at such other time as may be agreed between the participants.

Where no amendment is made to this annexe as a result of a review, formal re-signing shall not be required.

No variation to this annexe shall be effective unless it is in writing and executed by the duly authorised representatives of each participant.

10 AGREEMENT

Agreed at WELLINGTON this 18 day of DECEMBER 2008

		
Larry Fergusson Deputy Director- General for the Ministry of Agriculture and Forestry	Barbara Browne General Manager Operations (Northern) for the Department of Conservation	Robert Lake Deputy Comptroller, Operations for the New Zealand Customs Service

Information and Data Access Annexe

An Annexe to the Memorandum of Understanding

between the

**Ministry of Agriculture and
Forestry**

the

Department of Conservation

and the

New Zealand Customs Service

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1 INTRODUCTION

The Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service have developed this annexe to the Memorandum of Understanding (MOU) for the purpose of mutual cooperation in the exchange of information and access to data held by participant agencies relative to the operation of the Wildlife Enforcement Group (WEG).

2 PARTICIPANTS

The participants to this annexe are the Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service hereafter referred to as "the participants".

3 INTERPRETATION

In this annexe the following terms shall have the meaning set out below:

Data access – means accessing data held on participant databases to an agreed level of access.

Information exchange – means the lawful exchange of information between the participants to an agreed level and in accordance with the terms and provisions of the Privacy Act 1993.

MAF database – means relevant databases maintained by the Ministry of Agriculture and Forestry, including information and intelligence.

DoC database – means relevant databases maintained by the Department of Conservation, including records of concessions, permits and export certificates.

CusMod – means the computer application managed by the New Zealand Customs Service, and includes information, intelligence and alerts on the movement of persons, goods and craft into and out of New Zealand.

Illegal [trade in] wildlife - means all wildlife (flora and fauna) species either native to New Zealand or any other country where their introduction or removal creates an offence to the sovereign law of New Zealand or the law of any other country, or where it is in breach of the

provisions of any international convention or treaty to which New Zealand is a signatory.

4 PURPOSE

The purpose of this annexe is to continue to promote partnership in law enforcement and to further enhance cooperation between the participants in the area of information exchange and data access specific to the identification and investigation of those persons and entities involved in the illegal trade in wildlife.

5 CONSTRUCTION

- 5.1 This document is an annexe as referred to in paragraph 6 of the MOU signed between the participants on 18 December 2008 and as updated from time to time.
- 5.2 This annexe has been negotiated by the Deputy Director-General on behalf of the Ministry of Agriculture and Forestry, the General Manager Operations (Northern) on behalf of the Department of Conservation, and the Deputy Comptroller, Operations, on behalf of the New Zealand Customs Service.

6 OPERATING GUIDELINES

General provisions

- 6.1 This annexe recognises that the participants share an enduring tradition of close cooperation and joint operational activity in the maintenance of all New Zealand laws pertaining to the illegal trade in wildlife.
- 6.2 The participants agree that for as long as this annexe remains in effect, the operating guidelines to be followed in regard to data access and information exchange shall be as follows.
- 6.3 Each participant shall designate persons / positions from within their organisation that shall be authorised to respond to requests for information or intelligence from the WEG, to the agreed level, and only as such requests relate specifically to the identification, investigation and prosecution of individuals or entities involved in the illegal trade in wildlife.
- 6.4 In making such designations each participant undertakes to designate only those persons / positions from within their organisation for which the provision of information or intelligence

from the other participants' database(s) is an appropriate part of their duties.

- 6.5 Requests for information and / or intelligence may be made verbally, electronically or in writing by the WEG and shall be responded to in a timely manner. Each participant shall be responsible for maintaining relevant records of information requests and releases.
- 6.6 Participants agree that information and / or intelligence received from another will not be disclosed to an unauthorised third party or used in judicial proceedings without first obtaining agreement from the providing participant(s).
- 6.7 Participants shall respect and adhere to any security endorsement or caveat (including any Government Security Classification) attached to any information or intelligence product provided.
- 6.8 Ownership of information and / or intelligence shall remain with the providing participant(s).
- 6.9 The obligations contained herein are subject to any rights or obligations as to the disclosure or withholding of information as may be imposed by New Zealand law. Participants shall not be obliged to supply information and / or intelligence where to do so:
 - a) constitutes a breach of the law relating to defamation or breach of confidence;
 - b) breaches any law relating to the withholding or disclosure of information by a Government Department or statutory body (including the Privacy Act 1993 and the Official Information Act 1982), or any enactment in substitution or of like effect);
 - c) infringes copyright.
- 6.10 Inappropriate access, dissemination or use of information and / or intelligence obtained by one participant from another is to be subject to disciplinary action by the participant responsible for the breach in accordance with that participant's Code of Conduct.

Information and Intelligence Exchange

- 6.11 Each participant will on request or at their own behest provide to the other participant(s) information and / or intelligence held by them on all matters connected to the enforcement and maintenance of law for which the participants have a statutory investigative or intelligence interest.

Data access

6.12 Officers designated and appointed as WEG operatives and on secondment from their parent organisations to the WEG are to be allowed direct personal access to reciprocal information and / or intelligence contained within participant databases only on the basis that such information and / or intelligence has a direct association or connection to a matter that is or may be under investigation by the WEG.

7 DISPUTE

In the case of any dispute, or other problem arising from this annexe, the participants shall endeavour to obtain resolution at a senior level of engagement first before relying on the dispute resolution procedures contained within the overarching MOU.

8 TERMINATION

Any participant may, by providing three months notice in writing to the other participants, withdraw from the provisions of this annexe to the MOU.

9 COMMENCEMENT DATE AND REVIEW OF ANNEXE

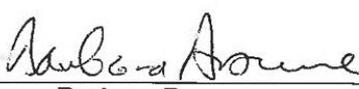
This annexe shall come into effect on the date on which it is signed and shall thereafter be reviewed every three years, or at such other time as may be agreed between the participants.

Where no amendment is made to this annexe as a result of a review, formal re-signing shall not be required.

No variation to this annexe shall be effective unless it is in writing and executed by the duly authorised representatives of each participant.

10 AGREEMENT

Agreed at WELLINGTON this 18 day of DECEMBER 2008

		
Larry Fergusson Deputy Director- General for the Ministry of Agriculture and Forestry	Barbara Browne General Manager Operations (Northern) for the Department of Conservation	Robert Lake Deputy Comptroller, Operations for the New Zealand Customs Service

Governance and Administration Annexe

An Annexe to the Memorandum of Understanding

between the

Ministry of Agriculture and Forestry

the

Department of Conservation

and the

New Zealand Customs Service

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1 INTRODUCTION

The Ministry of Agriculture and Forestry, the Department of Conservation and the New Zealand Customs Service have developed this annexe to the Memorandum of Understanding (MOU) for the purpose of ensuring correct governance and efficient administration of the Wildlife Enforcement Group (WEG).

2 PARTICIPANTS

The participants to this annexe are the Ministry of Agriculture and Forestry, and the Department of Conservation and the New Zealand Customs Service hereafter referred to as "the participants".

3 PURPOSE

The purpose of this annexe is to continue to promote partnership in law enforcement and to further enhance cooperation between the participants in the governance and effective administration of the WEG to the required standards of Government.

4 CONSTRUCTION

- 4.1 This document is an annexe as referred to in paragraph 6 of the MOU signed between the participants on 18 December 2008 and as updated from time to time.
- 4.2 This annexe has been negotiated by the Deputy Director-General on behalf of the Ministry of Agriculture and Forestry, the General Manager Operations (Northern) on behalf of the Department of Conservation, and the Deputy Comptroller, Operations, on behalf of the NZ Customs Service.

5 OPERATING GUIDELINES

General Provisions

Governance:

- 5.1 The WEG shall be governed by the WEG Working Group.
- 5.2 The WEG Working Group shall meet tri-annually or as required together with agency representatives.
- 5.3 A principle requirement of the WEG Working Group will be to ensure that all appropriations are accounted for in compliance with the provisions of the Public Finance Act 1989.
- 5.4 The WEG Working Group are to ensure that Annual Plans are developed and align with the agreed Strategic Direction.
- 5.5 The WEG Working Group are to ensure that operational security provisions and reporting caveats are in place and operating effectively for the WEG, and that these provisions are reviewed as appropriate.
- 5.6 The WEG Working Group are to have in place an effective Performance Management and reporting programme for participant officers of the WEG.
- 5.7 The WEG Working Group is to ensure that an effective officer replacement programme is in place across participant agencies.

Administration:

- 5.8 The host agency of the WEG shall pay up front all operating expenses, to be divided equally between participants and invoiced out quarterly.
- 5.9 The host agency is responsible for ensuring that the WEG has sufficient resources available to it to operate effectively on a day-to-day basis and that all incurred expenses are properly recorded and accounted for to all participants.
- 5.10 The WEG Working Group is to annually review the budget of the WEG to ensure that funding is sufficient to meet operational requirements and to have in place a budget for this purpose.

Location:

5.11 The WEG's physical location shall be at the discretion of the participants.

Maintenance of Security:

5.12 Each WEG officer is to have, or be in the process of obtaining, a government security clearance to the level of "Secret".

Caveat:

5.13 The standard caveat for WEG report dissemination is as follows:

"The information contained within this document is provided for the use of law enforcement authorities only. It must not be disseminated without the express permission of the Wildlife Enforcement Group and must be stored in a secure manner."

6 DISPUTE

In the case of any dispute, or other problem arising through the conduct of the governance or administration of the WEG, the participants shall endeavour to obtain resolution at a senior level of engagement first before relying on the dispute resolution procedures contained within the overarching MOU.

7 TERMINATION

Any participant may, by giving three months notice in writing to the other participants, withdraw from the provisions of this annexe to the MOU.

8 COMMENCEMENT DATE AND REVIEW OF ANNEXE

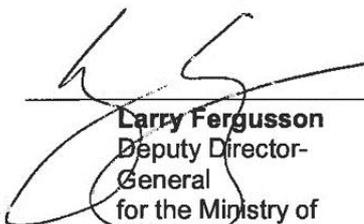
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Appendix II

Guidelines for the development of a Memorandum of Understanding between National Environmental Security Task Forces (NESTs) and International Organizations

INTRODUCTION

The increase in environmental crime worldwide has led environmental law compliance and enforcement agencies to examine various ways of increasing their effectiveness in combating the many different aspects of environmental crime.

The transnational nature of many environmental crimes requires improved coordination and collaboration between national, regional and international agencies. A regional perspective can also be important in highlighting wider international priorities and identifying future criminal trends and their links with national concerns.

Regional and international networks can work to bring together NESTs from different countries in a cooperative and centralized approach to address environmental compliance and enforcement issues. The NESTs, in return, act as national focal points for regional and international organizations and networks.

In order to establish formal partnerships between the NEST and other regional and international organizations, it is useful to develop an MoU between the participating agencies of the NEST and the regional or international organization. An MoU ensures formal cooperation between the NEST and the regional/international networks in intelligence campaigns and operational activities. It also establishes an appropriate framework for sharing information, so as to improve targeting of high-risk criminals and organizations engaged in environmental crimes.

The MoU is a useful tool that permits the implementation of joint measures between two or more international agencies. This further enhances international connectivity while avoiding duplication of efforts between agencies working on environmental security.

The INTERPOL Environmental Security Sub-Directorate strongly encourages NESTs to set up an MoU programme as part of their overall strategy for combating environmental crime, including the illicit trade in protected species, pollution control violations, illegal deforestation and fisheries crime. The following guidelines present the different measures to be taken to help NESTs prepare such MoUs.

BASIC PRINCIPLES

The aim of these guidelines is to encourage NESTs to establish MoUs with intergovernmental and other international bodies that jointly devise practical measures to improve cooperation and consultation.

The following principles should be respected:

The main responsibility of each participating agency in the NEST is to engage in prevention and suppression of environmental crime, each in its own field, with mutual respect for the scope of their activities and in accordance with the laws and regulations in force.

Any exchange of intelligence between the NEST agencies and the intergovernmental and other international body shall be affected in accordance with legislation on confidentiality of data and professional secrecy.

The measures contained in these guidelines:

- are voluntary
- must be compatible with the requirements of all Parties
- cannot call into question existing obligations
- do not impose new legal obligations
- do not prevent the Parties from signing similar agreements with other Parties.

RECOMMENDED MEASURES

General

The NEST agencies and the intergovernmental and other international organizations, as well as other associated bodies, shall regularly examine the scope and conditions of application of these guidelines, both locally, regionally and even globally.

The NEST agencies shall:

- Inform their staff of the commitments entered into, on the understanding that it accepts the MoU and expects its staff to abide by them. Other bodies associated with the NEST agencies (e.g. scientific authorities) must be informed that the agency has signed the MoU;
- Encourage permanent and unrestricted information exchange between the parties to the MoU, directly or through forums set up for that purpose, such as joint consultative meetings;
- The MoU should include the name and address (including telephone and fax numbers and e-mail addresses) of contact points.

The intergovernmental and international bodies shall:

- Inform all environmental law enforcement and compliance agencies that are part of their network of the substance of the MoU and shall recommend that they implement the guidelines and cooperate with staff from the NEST;
- Give its enforcement officers suitable information and training concerning identifying intelligence and information required by the NEST;
- Consider the wider regional and international issues linked to environmental crime, such as the international trade of illicit products, and assist the NEST in international enforcement operations.

Documentation and information

The NEST agencies shall:

- Maintain contact with intergovernmental and other international organizations to ensure international coordination and collaboration on information exchange, operations and training programmes;
- Develop, in consultation with NCBs, guidelines to be included in the MoU regarding requests for information and presumption of environmental offences;
- Reply to requests for information from intergovernmental and other international organizations and facilitate transmission of information and contact with specialists, especially in the field of commodity identification;
- Provide the NCBs with information received from the other parties to the MoU, where this may be of use to other law enforcement agencies;
- Provide the intergovernmental and international organizations with information, on request, relating to operators, consignments, specific products or commercial transactions, with guarantees of confidentiality regarding operations;
- Provide the intergovernmental and international organizations, as rapidly as possible, with any unusual or suspicious data relating to the international movement of wildlife/forestry commodities or waste;
- When requested, provide information on natural and legal persons involved in the international related crime, especially access to information on natural and/or legal persons applying for permits or certificates.

The intergovernmental and other international organizations shall:

- Maintain contact and work with any National Environmental Security Steering Committee responsible for guiding the actions of the NEST;
- In consultation with the NCB, maintain contact with law enforcement agencies in other countries and with other regional and international networks, and facilitate their coordination with the NEST;
- Draw up, in consultation with the NEST, criteria for selecting information from other members of the international network to be sent to the NEST;
- Coordinate environmental information management at national, regional and international levels with a focus on gathering, collating and analysing intelligence and disseminating it to appropriate national, regional and international agencies to facilitate intelligence-led enforcement;
- Send the NEST the names and addresses (including telephone and fax numbers and e-mail addresses) of officials designated to receive information from those agencies and who can be contacted if an offence is being, or might be, committed;
- Recommend that members of their network contact the NEST if they suspect that a relevant offence is being, or might be, committed;
- Inform the NEST of applicable offences detected by members of their network;
- Send to members of its network information on procedures and documentation used by the participating agencies of the NEST;
- Provide staff in the NEST with teaching material and specialist advice (provided this does not compromise police operational activities and investigations) to assist in:
 - identifying suspicious persons and/or freight
 - identifying signs of possible commodity-related fraud.

Confidentiality

Formal procedures and mechanisms should be developed and followed to ensure the confidentiality of information is maintained and communication is effective and secure. These include the use of secure e-mail services, teleconference calls and face-to-face meetings.

The intergovernmental and international organizations shall:

- Protect the confidentiality of information sent by the NEST, especially regarding traders and non-governmental organizations;
- Take all reasonable precautions to ensure that staff within the intergovernmental or international organisation having access to the information have authorization commensurate with the level of confidentiality of that information;
- Actively cooperate with the NEST agencies to develop measures for protecting the information.

Reporting

The MoU should set out clear reporting obligations between the parties, including:

- The NEST should provide regular reports to the intergovernmental organization, to allow it to identify opportunities for collaboration with other NESTS, while also contributing to a global overview of environmental security threats, trends, priorities and responses.
- During coordinated operations and investigations, the NEST should provide regular update reports to the intergovernmental organizations.
- At the conclusion of the operation or investigation, it is also recommended that the NEST provide a full report.

It is recommended that all reports to the intergovernmental organization be sent via the NCBs.

Training

The intergovernmental and other international organizations shall:

Work with members of its network to raise awareness regarding:

- environmental offences
- methods for identifying the existence of possible environmental offences
- providing assistance to NEST agencies in training, including the preparation of teaching material.

Appendix III

1996 Resolution AGN-65-RES-25:

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

ICPO-INTERPOL - General Assembly 65th Session - Antalya - 23-29 October 1996

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 trans-border 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 Lyon 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.



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