Environmental Networking Handbook

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* All references to Kosovo in this publication are to be understood without prejudice to positions on status, and in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.
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The need for efficient and effective multidisciplinary enforcement

BY FRANS GEYSELS
Cooperation is an essential element in the development of organisations. Cooperation, of course, implies more than discussions among employees. It is a means of realising ideas, formulating proposals, building on experiences and consolidating knowledge.

The importance of cooperation, or networking, in a national and international context is growing steadily, and this tendency can also be observed within the police services. The objective is to make improvements and innovations in the field of policing.

The present publication explores the concept of networking, focusing in particular on combating environmental crime. It contains discussion of a number of definitions and operating rules, and goes more deeply into practical contexts, such as the work of the National Environmental Security Task Force (INTERPOL).

But is networking really relevant in the context of the authorities? We believe that as problems become more complicated and citizens create greater demands, the need for cooperation between the various parties involved (authorities, administrations, companies, non-profit organisations) is becoming greater than ever.

Discussions and exchanges on cooperation and networking will help to ensure better understanding and will help to establish efficient models. It is helpful initially to define what networks are, and when they can be of value.

**Definition**

In order to solve complex problems, it is important to be able to count on and cooperate with others. Various organisations can join together to form ‘meta-organisations’, since individual organisations are unable to solve large-scale problems such as climate change or GHG emissions. The structure of inter-organisational networks will thus become an important governance model.

Cooperation is a means rather than a goal: people cooperate because they need each other in order to reach a specific objective. Cooperation may take many different forms, from consultation groups to mergers. Cooperation within a network allows people to deal with complex problems by producing knowledge and know-how collectively.
A network can therefore be defined as “a specific form of cooperation between several organisations or key figures. We speak of a network if the participating parties voluntarily decide to undertake joint activities, based on interdependence and with regard to a certain subject, in order to obtain certain advantages or to avoid certain disadvantages for their own organisation or for the whole. Whether the cooperation is lasting depends on the duration of interdependence on the subject, and also on the cost/benefit this cooperation generates.”  

In order to explain the principles of networking, we need to go more deeply into certain aspects of network development. We will focus on operating standards (objectives, parties, functioning, output) and on the differences between the various types of networks.

All of us belong to different networks, whether family, friends, acquaintances or sports clubs, or professional networks among people in similar occupations; but we tend only to speak of a network when certain characteristics are fulfilled. One characteristic is the network’s raison d’être: having a specific goal in mind. Moreover, all members of the network have to accept this goal, and a field of action needs to be determined and marked out clearly. Finally, network members need to agree on a number of other things, such as the way that objectives should be reached, a communication strategy, shared and designated responsibilities etc.

**Different types of networks: An overview**

**Social networks**

Social networks connect individuals in their private lives, ensuring social interaction, material and emotional support, identification, integration within groups, and the formation of public opinion.

**Relationship networks**

Relationships between individuals from certain professional groups — including those of an informal nature — form a type of network.

**Inter-organisational networks**

The term ‘inter-organisational’ applies to cooperation in which different partners share a significant part of their own operations with the whole, but without merging completely.

Inter-organisational networks comprise cooperative relationships between organisations and are linked to the larger community of authorities, legislative bodies, bureaux and the general public. There are five main types of inter-organisational networks:
• Volunteer networks — for example support networks and autonomously organised citizens’ initiatives.

• Professional networks — associations of organisations with stable structures and power relations that provide professional services or products while distributing tasks and work amongst themselves.

• Policy networks — mixed networks of private organisations and government institutions and services.

• Issue networks — as a particular issue forms the starting point of formation, these networks are strongly problem oriented and usually temporary in nature.

• Organisation networks — longer lasting, these networks engage with problems that require continuous cooperation. They comprise representatives from participating organisations and have a more formal composition. Cooperation is structural and strategic. Network members retain their autonomy and identity as separate organisations, and cooperation is usually aimed at developing high-quality services, new facilities or a new policy.

Starting up a network

If unpleasant surprises are to be avoided, starting up a network should be done in a careful and rational way. The following considerations should be addressed at the outset.

The issue: This is the primary subject of cooperation, and it needs to be attractive and capable of motivating potential partners. The issue, on which all the partners will hopefully agree, should not be too vague, but neither should it be too specific. A concrete definition of the problem and objective will become clearer during the course of cooperation.

Identifying potential partners: A network needs partners that have both willingness and capability to act. Perhaps one organisation has shown prior initiative in tackling the issue at hand, while another has ample financial resources, expertise or valuable connections.

Once the partners have been identified, it is vital to decide on the types of relationship that each of the partners will have with the others. This can be defined as having a ‘network formula’. Partners are often key figures from an organisation, but not all partners should be involved in the same way. Bearing in mind the vital importance of balance, different types of parties can be distinguished:

• Establishment parties have power and character that can legitimise the network.

• Context parties can influence network operations from a distance.
• Member parties are actually part of the network and can be subdivided into core (i.e. crucial) parties and peripheral parties.

• Supporting parties assist with network coordination.

Preconditions and starting conditions: Finally, good arrangements have to be made with partners and policy makers. A network can only work well if the initiators and partners invest the necessary time, energy and resources.

Conditions for the proper functioning of a network

It is important to realise that a network depends on the commitment and responsibility of all its members, without any supervision being needed. In other words, a system of self-regulation needs to be implemented instead of hierarchical or control mechanisms.

It is of vital importance to overcome possible cultural differences between the different partners. The more diverse the network is, the bigger the differences will be. Naturally, cultural differences are greatest in international networks, and they should be addressed with care so as not to jeopardise the network’s functioning capacity. There are, for example, some cultures in which giving one’s word does not mean the same thing as keeping it.

Make sure that the concepts used within the network transmit the same meaning to all members. It is often the case that a word can mean several different things to different people within a diverse network. Not all differences are cultural: some are professional. A police officer and administrative officer, for example, might interpret the word ‘control’ quite differently.

It is extremely helpful for an international organisation to draw up beforehand a glossary in order to carefully define particular terms and encourage uniformity of use and interpretation.

Operating standards

Objectives

It is very important that clear operational and policy objectives are defined and assessed periodically. This will allow for directional focus of operations and clear expression of ambitions. The need to formulate both types of objectives lies in the fact that what looks good on paper will also need to be translated into action. In concrete terms, these objectives must be connected directly with core tasks.
One important relevant aspect is to store and share knowledge and information — a policy objective that can be combined with possible contact with experts. This type of interactive virtual network context requires technological support.

Concerned parties
Good composition, in which involved parties have clear-cut tasks, is of vital importance in pursuing network goals. Criteria should be established so that two specific parties will be determined.

A so-called sponsor offers the biggest chance to obtain results, and also plays an important role where implementation is concerned.

The enlisting of support from a network ‘coordinator’ is another necessity: such a party can provide the type of mandate needed to obtain concrete results.

Functioning
In order to obtain better contributions from parties, it is important that a clear structure is followed, and that operating rules are established in writing. Each party involved will then be made aware of everyone’s expectations.

At the same time, an agenda for planned meetings should be drawn up. This leads to transparency and efficiency. A report should be written following each meeting, and each report should include a recommendation for distribution not only to network members but to non-members as well (e.g. police or administrative authorities). This allows for a wide range of constructive feedback.

Lastly, attention should also be paid to communication channels. Are network members communicating amongst themselves in ways that develop network expertise or serve to provide a unique contribution? There is no clear standard here, but solid arrangements should be in place in order to maximise efficiency.

A well-functioning network also requires logistical support (including clerical staff), for which resources need to be made available.

In order to prevent a network from failing to pursue its claimed objectives, periodical assessments should be carried out, preferably by external parties. If it is determined that concrete results and objectives have been or are being attained, it will be useful to raise the question as to whether or not it is worth prolonging the network cooperation.

Outputs
In the framework of a strategic objective, it is advisable to take a number of elements into consideration for each network, such as:
- the identification, development and use of competences;
- the implementation of best practices; and
- the development and implementation of standards and procedures.

The results flowing from objectives need to be SMART (specific, measurable, attainable, relevant, and time-bound). Finally, outputs need to be implemented at two complementary levels: through reference persons to the target group, and through the target group coordinator.
Environmental crime

To commit an environmental crime is to deliberately violate environmental standards that are protected by law. Such actions can very well result in legal action, whether administrative, penal, civil or commercial in nature.

Environmental crime is local or supra-local, national or international, static or mobile. It may be committed by individuals or an organisation, and in both instances possibly related to other types of criminal behaviour.

Some types of environmental crime should be categorised as ‘organisation crime’ rather than being attributed to ‘criminal organisations’.

**Characteristics of environmental crime**

**Few offenders, many victims**

There are numerous examples of this first characteristic, one of which is the illegal burning of waste oil — possibly mixed with chemical waste — which is used to heat greenhouses for growing vegetables. The pollutants emitted by these greenhouse incinerators pose extreme danger when they spread to surrounding areas. The vapours, which travel close to the ground, threaten water and soil ecosystems and the health of many local residents.

Besides the spatial nature of this type of environmental crime, it also has temporal implications. Different chemical substances are mixed into oil waste to lower the flash point or raise the end product’s calorific value. These toxic brews are very persistent and accumulate in food chains, thereby posing a long-term threat to a growing number of victims.

**Invisible offenders**

The perpetrators of environmental crime are relatively invisible, and it is often frustratingly difficult to bring them to justice. Also, complex organisational structures
make it difficult to bring specific legal charges against large firms for suspected repeated criminal offences — or, at least, to make the charges stick.

Power imbalance between offenders and victims
Government officials wield power and influence, but polluting industries tend to have great economic and social power as well. This dynamic sets the stage for many a conflict of interest.

Legally speaking, two groups of citizens (inhabitants and producers) come into conflict, whereas the government should act as a mediator or decision maker. Very often, government inactivity is attributed to conflicting interests between prosperity (employment, economic profit) and welfare (threat of environmental pollution), and fierce struggles often break out between competing interest groups. All too often, however, groups of embittered inhabitants are left to live with the consequences of environmental damage.

Relatively small chance to catch offenders
This is of course a direct consequence of the offenders’ relative invisibility. More than once, we see that environmental crime is really organised with obscure international branches and structures.

In the Walloon Brabant village of Mellery, Belgium, thousands of tonnes of Dutch chemical waste were dumped illegally through international cooperation between Dutch and Belgian waste brokers, a Belgian conveyor and a local dump manager. Each transaction yielded hundreds of thousands of euros, and each person involved received a share commensurate with his or her contribution. A limited liability company in Jersey was used to launder the share of one of the Belgian main suspects. Despite the fact that it was illegal to dump foreign-generated waste across the border into Belgium, the criminal activity went unnoticed for years.

Denial of an existing problem
Our list of environmental crime characteristics has to include recognition of the fact that environmental crimes do not rank very high on the general list of social concerns. A casual approach to environmental problems has had disastrous repercussions both in terms of legislation and administrative organisation, and there has certainly been a lack of concerted action to enforce existing environmental legislation. If this is to change, environmental crime is something that both government and citizens need to take seriously.
Lack of attention

Basically, environmental crime is a type of crime that is not widely reported. Compared to other crimes and acts of violence, environmental crime flies beneath the media radar. As a result, reports of environmental crime tend to come directly from the investigators and enforcers themselves.

Police data on traditional crime are quite exhaustive and draw an accurate picture of the phenomenon, but this is by no means the case with environmental crime. It is possible to draw a complete picture of vehicle theft on the basis of police reports: not so with regard to the illegal timber trade. The lack of a phenomenological profile of a given crime complicates proactive police action. As environmental crime is much less visible, police officers who are not specialised in the field typically lack sufficient training to recognise when and where it occurs (see Annex 1).

Environmental crime motives

Crimes are committed for different reasons. Some environmental crimes involve planning and malice aforethought, while others are committed through ignorance, bungling or carelessness.

Ignorance of the law

A number of offences are committed out of sheer ignorance of the law. People are often unaware of the harmful effects of certain acts on their own environment. Although dumping coolant down a drain may at first seem harmless, it can damage water organisms that cannot withstand great temperature fluctuations. Dumped in large quantities, coolants can alter the diversity and stability of ecosystems.

Carelessness

Although occurring less and less often, certain environmental offences are still committed out of carelessness or sloth. Someone might pour frying oil into the sewer to spare themself the trouble of visiting a nearby waste oil container. Other types of criminal activity usually attributed to carelessness are actually carried out with the clear intention of either cutting costs or maximising profits — that is, cheating.

Bending the rules

Companies often resort to any of a number of activities that are in violation of general environmental law or the ecological conditions of operational permits. Most vi-
Violations involve the release of pollutants into the environment, whether through burning or dumping.

Illegal dumping itself takes on a number of guises. A company might dump waste (harmful or not) at an unauthorised location; it might be discharging any number of unacknowledged harmful substances; it might be using a bypass to exceed permissible flow rates of drained wastewater; or it might be dumping excessive amounts of any given waste material.

These activities might at first appear incidental, but a closer investigation into, for instance, administrative data (waybills, burning certificates, flow-rate registration, analysis reports, invoices etc.) can reveal years of illegal activity.

Sometimes a monitoring authority attempts to deal with such crimes, but the reports have never been completed and the nature of the criminal structure remains hidden. Rules, conditions and standards are observed more closely when enforcement mechanisms function effectively, but it is always possible that criminals will resort to trickery to circumvent environmental legislation — and such methods, as they grow in sophistication over time, can quickly degenerate into serious organised crime.

Flagrant cheating

Malicious intent lies behind many of the more elaborate offences. Thinking purely of turning a quick profit, offenders consciously determine which rules, conditions or laws to break, or the minimum number of permits to acquire. These people are not at all concerned about the environmental harm — some of it possibly irreversible — that they will cause.

Again, the systematic dumping of illegal waste is a convenient example. The costs of waste collection and treatment have skyrocketed in recent years, partly due to higher taxes. A ‘bad faith’ manager might therefore attempt to dump all or part of a company’s produced waste illegally in order to cut treatment costs and avoid paying the related taxes. As a result, dangerous waste is dumped into domestic waste containers. The dangerous substances, if they end up in the wrong dumping site, can damage the native soil and drinking water supply. Or maybe the hazardous substances will be improperly incinerated, thereby befouling the air. This jeopardises the health not only of the local population, but also of the workers at the respective processing companies.

Differing criminal magnitudes

A distinction can be made between ‘less-serious’, ‘more-serious’ and ‘serious’ environmental crime. The difference between a mere offence and a serious crime is obvious, but public perception is less nuanced. This is certainly the case if we compare
the current state of affairs with past years. Nowadays, sentences for violations of environmental legislation are much heavier. Nevertheless, criminal boundaries are vague in terms of severity, and there is often little clear distance between a minor infraction and a serious violation of the law.

**Less-serious environmental crime**

‘Less-serious’ environmental criminal offences (largely committed outside companies) generally refer to unsophisticated environmental offences that the average police officer can easily establish and report. There are plenty of examples: dumping waste on a verge illegally; putting dustbins outside too early; noise pollution; emptying used solvents into the sewer etc. These are not earth-shattering environmental offences, but they do cause direct harm and are worthy of attention.

**More-serious environmental crime**

‘More-serious’ environmental crime usually refers to crimes in and around companies — settings in which environmental enforcement partners are expected to cooperate closely. The administrative role is of vital importance here in that this is the sphere in which operating permits are granted or denied. Relevant authorities must also verify compliance with permit conditions. If a company violates conditions or operates without a permit, it is time to conduct an investigation, and it is at this juncture that police and judicial authorities enter into play as enforcers of the law.

**Serious environmental crime**

‘Serious’ environmental crime, according to the definition provided by INTERPOL, has the following characteristics:

- repeated systematic activity in violation of environmental legislation and other provisions of common criminal law (with a particularly strong connection with fraud);
- organised activity (usually within companies);
- of a supra-regional nature involving international branches;
- substantial profit seeking as a prime motivation; and
- significant, often irreparable, damage to the environment and human health.

There is often also a connection between criminal activity and administrative action, and criminals frequently try to establish contacts with corrupt public servants. This dynamic makes it difficult for enforcement personnel to distinguish between legal and illegal activities.
Belgium’s police divides ‘serious’ environmental crime into four primary categories (see Annex 1):

- waste trafficking;
- trafficking in protected fauna and/or flora (biodiversity);
- trafficking in radioactive substances; and
- trafficking in fireworks.

Bottlenecks in environmental enforcement

Structured consultation between administrative and judicial services

Environmental issues are so complex that it is necessary for different jurisdictions to take an integrated approach towards solving relevant problems.

Efficient legislation

Current legislation has obvious shortcomings at regional, national and international levels. The legal framework with respect to enforcement is inadequate, the complexity and technical nature of environmental legislation hampers enforcement; and sentencing for offences has been far too lenient (although recent legislation brings heavier penalties).

The enforcement network still lacks the authority to truly implement and enforce international guidelines within the legislative corpus of each EU member state. The fight against cross-border environmental crime is weakened through differences of approach where legislation and punitive action are concerned.

If environmental legislation is to be effective it has to meet certain conditions with respect to enforcement feasibility and caseload. The aim is not just to enable effective government enforcement within a minimum of means, but also to encourage legal subjects to observe the letter and respect the spirit of the law.

Environmental legislation, if it is to be effective, must:

- make clear legal distinctions and express them in simple language;
- provide a means of verification of legal standards;
- require a minimum of administrative obligations towards the legal subject; and
- treat all legal subjects equally.

One of the greatest aids to law enforcement personnel working to combat environmental crime is to have behind them a well-crafted and well-written body of environmental legislation.
Close cooperation

Many authorities are involved in environmental legislation enforcement. The activities of various authorities need to be harmonised in order to prevent undesirable concurrences or unwanted gaps in enforcement. Also, police services and administration personnel are dependent upon each other for information and the carrying out of necessary actions.

While cooperation is always desirable, no network is ever completely interwoven. This dynamic always produces mixed results. Owing to a lack of consultation, some companies will pay out several penal sanctions despite doing nothing wholly in the wrong. An organisation with good connections to government officials will learn how to avoid official investigations — or how to write them off — and stay off the hook.

Pursuant to Article 44/1 of the Law on the Police Function, the police services are not allowed to provide police data to environmental authorities. The king of Belgium, however, may make a list of administrations with which the police can exchange more information, but as yet no such list exists.

An efficient cooperation structure implies the elaboration of an enforcement strategy (i.e. determining how and when action will be taken, and by whom) that has been translated into concrete arrangements. Setting down these arrangements in writing helps to ensure enforcement feasibility. It is, of course, highly desirable to achieve a certain policy consensus beforehand. It should also be guaranteed that enforcement partners within the consultative bodies have power of decision. Finally, it is important that cooperation offers an added value to all participants.

Structural cooperation in environmental legislation enforcement is essential for police services and environmental authorities. However, the ways in which this cooperation is organised may differ depending on the place or region, provided that a number of minimum conditions are met.

It should be noted, however, that too little attention is paid to how police pursue criminals. The key departmental difference between police officers and environmental officials (in other words, detection versus monitoring) often hampers cooperation. What is obviously lacking is a forum that speaks the same language and could encourage efficient cooperation through consultation and planning. The Flemish High Council of Environmental Enforcement (VHRM) has worked to achieve this aim since 2009.

Expertise

Since environmental legislation enforcement requires specialised knowledge about the subject, enforcers should receive extra training, with a special focus on ecology, personal safety, sampling and competences.
DATA CONFIDENTIALITY

This note concerns the exchange of information between police and administration personnel, the confidentiality of certain data and documents, and the so-called secrecy of criminal investigation.

In principle, the (Belgian) public prosecutor can ask the relevant authority to provide information “in order to reveal the truth.” With respect to the confidentiality of administration data and official secrecy, the following apply:

- In principle, government services are not bound by any mutual pledge of secrecy, unless otherwise provided by law. As long as the data are used for the goal for which they were obtained or have to be used, there is no pledge of secrecy.

- Official secrecy does not apply to data that have to be published under the law, for instance general data that have to be provided by the administration on request by any natural or legal person. However, those data should not harm the confidentiality of public authorities’ actions nor contain any personal, commercial and industrial details, including intellectual property.

With respect to the notification of data to the public prosecutor’s office, Belgium applies the following rules:

- Pursuant to Article 29 of the Code of Criminal Procedure, officials should inform the public prosecutor of the crimes reported in their official capacity and provide all the necessary information related to those crimes. This obligation also applies to data supplied by private persons because official secrecy cannot give cause for a crime’s impunity.

- If environmental legislation stipulates a duty to report linked to a criminal offence (for instance the duty to report that applies to waste producers), the public prosecutor can verify whether the reporting was done in a correct way and can consult the data provided to the administration.

By definition, special officials who detect and report violations are not bound by the pledge of secrecy. Only the public prosecutor can institute criminal proceedings. All these principles allow the public prosecutor’s office to consult a whole series of environmental administration data.

Notification of criminal investigation data

Here, the principle of the secrecy of criminal investigation applies. Only the procurator general can grant permission to consult criminal investigation data. This principle continues to apply after the investigation is closed, and even after criminal proceedings. The secrecy of criminal investigation is a general principle and therefore also applies to environmental administrations. It is based on the legitimate wish of suspects, but also on behalf of victims wishing to safeguard their personal privacy. In practice, when it is judged necessary to supply criminal investigation documents to the environmental administration, the police ask permission from the public prosecutor.
Environmental training should:

- provide a sufficient amount of general and specialised knowledge of environmental protection law;
- offer an adequate number of additional, high-quality training courses that focus on the relationship between environmental protection and the proper investigative techniques to be applied in specific situations;
- provide skills training in the field of cooperation and problem solving;
- ensure that police officers in the field are kept up to date with the latest knowledge;
- teach applicable investigative techniques to environmental authorities so that, on one hand, they can detect environmental offences and, on the other, refer cases to the proper police units; and
- provide insight into production processes, business administration methods and disaster protection strategies.

Money and capacity

Law enforcement is time-consuming and expensive. Typically, serious environmental offences can only be prosecuted after long and complex investigations. As part of these investigations, police units have to establish priorities, pass on tasks that are not within their competency, and sometimes — at high cost — recruit extra staff.

Heavy workloads for other authorities

Increased police action in the field of environmental enforcement involves heavier workloads for other authorities as well. Authorities have to process additional demands concerning permits, and the public prosecutor’s office will inevitably be tasked with filing greater numbers of reports.

Positioning

Administrative and law enforcement personnel should be able to function independently and simultaneously. A good division of tasks is a precondition for close cooperation, both in terms of monitoring and control versus detection, and repairing environmental damage versus punishment.
The distinction between control and detection is important because it is prohibited by law to use investigation competences to control, and to use control competences after suspicion has been raised.

A model of administrative law enforcement has to have a present focus on repairing environmental damage while also looking to prevent future disturbances. The criminal law enforcement model, on the other hand, aims to punish responsible parties.

Consultation and cooperation between both models is necessary. Apart from communication, structured consultations should be organised on a regular basis. Within the framework of detection and prosecution, the public prosecutor’s office should be able to appeal to officials and their technical expertise. Conversely, administrative authorities should have convenient access to police services.

Depending on a given situation, the police play either a preventive role or a supporting role. The former involves detecting violations of environmental legislation. The latter involves conducting and coordinating the detection of common law offences or large-scale investigations, and this requires cooperation with the monitoring authorities.

The main features of a police supporting role are to:

- be the eyes, ears and nose during patrols;
- enforce, where appropriate, the observance of environmental laws;
- advise authorities;
- take preventive or assertive action with regard to offences reported by the authorities; and
- establish cooperation with authorities involved with or charged with the enforcement of environmental legislation.

Detection of less serious offences

Usually, in tackling less serious environmental offences, the police only require limited environmental technology skills. Most of these are isolated incidents involving people’s immediate surroundings, such as street litter, stray dogs, roadside dumping, damage caused to public parks and recreation areas, noise pollution and waste burning.

Detection of more serious and serious offences

It is more complicated to tackle more serious environmental offences, including illegal dumping into surface water or a sewer, or dumping chemical waste. Serious offences are usually committed by agricultural or industrial companies, causing
major environmental damage. The type of damage caused, the motives involved, the degree of responsibility or potential for profit are all factors in determining whether or not a serious offence has been committed.

The role of standard police units and their expertise is of primary importance for the conduct and coordination of large criminal investigations, especially in a technical and tactical capacity.
Interpol and environmental enforcement

With 190 member countries, Interpol is the world’s largest international police organisation. Interpol has been active in the enforcement of environmental crime since 1993.

The INTERPOL Environmental Crime Programme was created in 2009 as a single unit dedicated to combating all forms of environmental crime. The programme’s mission is to assist member countries in effectively enforcing national and international environmental laws and treaties to ensure the on-going conservation of the world’s environment, biodiversity and natural resources. To this end, the Environmental Crime Programme works to enhance and develop the ability of member countries in deterring, investigating, apprehending and prosecuting environmental criminals, as well as coordinating international cases and operations.

The Environmental Crime Programme works closely with the INTERPOL Environmental Crime Committee, investigators and decision makers from member countries working under Interpol’s auspices. The Environmental Crime Committee strives to identify new and emerging issues in environmental crime investigations and to identify solutions. Three working groups within the committee support its overall mission by focusing expertise on the fields of fisheries, pollution and wildlife crime.

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

This global and multifaceted criminal activity is becoming increasingly profitable, attracting better-organised and sophisticated criminal networks. It requires an international, multi-agency response to combat it successfully. INTERPOL’s Environmental Crime Programme recommends that member countries establish national environmental security task forces (NESTs)\(^{10}\), which are designed to address organ-
ised transnational environmental crime with the type of coordinated, collaborative and international response required.

Environmental crime is not restricted to national or regional boundaries and includes a variety of diverse crimes related 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 national development and sustainability. Environmental security is therefore inextricably linked to social and economic security, and environmental crime threatens them all.

Environmental crime is highly profitable, driven by greed rather than need; weak enforcement and low penalties also make it a fairly low-risk operation. Evidence shows that environmental crime is growing, becoming increasingly organised and carried out by sophisticated criminal networks. The organised 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 level.

Building a NEST, or international network for environmental law enforcement

On September 18, 2012, INTERPOL officially launched the National Environmental Security Task Force (NEST) initiative. INTERPOL recommends that its member countries develop a network to ensure a coordinated multi-agency response to tackle environmental crime and enhance environmental security. This means the involvement of all agencies responsible for any country’s environmental law enforcement, including police, customs, judiciary and environmental agencies. Law enforcement personnel should stand alongside scientific and civil society communities 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 centralise efforts against environmental crime, ensuring a coordinated, cooperative and collaborative response that avoids duplication of efforts, en-
sures the efficient use of resources, and facilitates intelligence, capacity and capability exchange among agencies. Furthermore, by using the gateway provided by INTERPOL’s national central bureaux (NCBs)\textsuperscript{11}, a 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.

**HOW TO ESTABLISH A NEST**

INTERPOL’s Environmental Crime Programme recommends that member countries wishing to form a NEST should first host a national environmental security seminar (NESS), which is 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 (NEESC) be established to guide the activities of the NEST. The security seminar and the NESSC are considered two vital steps towards forming a NEST.

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 national level. The NESS is designed to lead to the formation of a NESSC and a NEST.

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 security seminar. The NESSC will also identify the necessary participants and direction for the NEST to be fully mandated. The NESSC should hold regular meetings to discuss strategic activities, operations and actions in the fields of environmental compliance and enforcement.

**The objectives of the NESSC**

The NESSC is tasked with fulfilling a broad range of objectives, including to:

- bring together the heads, or appropriately delegated representatives, of all national governmental agencies, organisations, 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, organisations and other bodies, and developing its mandate and governance structure;

- guide the actions of the NEST, following its establishment, through regular teleconferences, face-to-face meetings every six months and further ad hoc face-to-face meetings if necessary;

- coordinate and contribute to environmental information management at national, regional and international level with a focus on intelligence and information sharing to facilitate intelligence-led enforcement; and

- maintain contact with:
  - international partners, including the INTERPOL Environmental Crime Programme, 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; and
  - civil society bodies, to ensure access to further information, expertise and NGO awareness-raising skills, and to gain access to other resources if necessary and appropriate.

**Forming an NESSC**

The 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 in 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.

**The structure of the NESSC**

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 meetings due to the access it provides to INTERPOL’s international communications systems and global community.
It is also important to be aware of potentially overlapping responsibilities and jurisdictions between different agencies. 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. 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.

THE FOCUS OF THE NEST
While the focus of a NEST should be on national concerns, the transnational nature of many environmental crimes means a regional perspective followed by a global perspective in highlighting or identifying future national priorities. Consideration should be given to including regional representation from relevant bodies.

Civilian organisations can be invited to support components of the NEST. If engaged properly, they bring vital skills and expertise to networks. This includes access to specialist expertise and skills, access to important resources and wide knowledge bases as well as fundraising and awareness-raising capabilities.

NEST ACTIVITIES
NESTs are national multi-agency task forces that allow national agencies to work together in a coordinated, cooperative and centralised 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 responses to international criminals.

A NEST’s activities should principally be 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.
NEST MISSION AND OBJECTIVES

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

The aims of the NEST are to:

- exist as a permanent body to centralise information exchange, operational coordination and other actions as required through the INTERPOL NCB;
- investigate high-profile national and international environmental cases;
- communicate and coordinate among participating agencies and entities through a permanent staffed presence, regular teleconference calls and face-to-face meetings;
- maintain contact with the INTERPOL Environmental Crime Programme 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 the 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; and
- develop strategic plans, communicate with governmental and civil society stakeholders, and identify resources to ensure the sustainability of the NEST and its effectiveness.

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 inter-governmental, regional networks and civil society organisations.

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.

**Ecomessages**

A vital step towards effective intelligence-led policing is the comprehensive collection of data from INTERPOL’s member countries across the world, in order to enable a truly global analysis of environmental crime.

The INTERPOL Ecomessage system (see Annex 2) provides a uniform intelligence data reporting system for the many different law enforcement agencies involved. These messages are passed from an enforcement agency located in one country, via INTERPOL NCBs, to relevant agencies in the other countries concerned.

There are several advantages to this workflow:

- Data are shared in a standard format.
- Information passes through secure communications links at all stages of the process.
- The INTERPOL General Secretariat is copied on all messages and the information is entered into the organisation’s databases where it can then be cross-referenced with other entries.

   Equally, there are a number of benefits for investigators:

- INTERPOL criminal analysts can study the data and begin to discern information such as the structure, extent and dynamics of the international criminals and organisations involved.
- The reporting country can ask questions or make requests. For example, a customs agency in one country may have seized contraband smuggled from a second country. The Ecomessage system allows the first country to enquire about the exporter or carrier in the second country. In the case of smuggled wildlife, countries can address such issues as the repatriation and preservation of the seized wildlife.
- The cross-referencing of material can produce rapid and valuable feedback. For example, if a country reports the arrest of a suspect, the INTERPOL database may reveal that the same suspect is wanted on similar charges in a different country, or have prior convictions. This information would be of great interest and importance to prosecuting authorities.
THE PROCESS
The source and destination of environmental intelligence is not necessarily a police agency but is often another designated authority with investigative powers, such as environmental inspectorates and wildlife authorities.

As such, it is imperative to establish secure links and standard operating procedures between INTERPOL NCBs and the various environmental law enforcement agencies.

ECOMESSAGE WORKFLOW
A local law enforcement officer who wishes to share sensitive information from an investigation follows the workflow described below:

- The local officer uses the proper chain of command to send sensitive information to the intelligence unit in his or her local agency.
- The local intelligence unit then sends the sensitive information to the national law enforcement intelligence unit. (There might be a need for an MoU between agencies if a formal agreement is not in place for the sharing of intelligence.)
- The national law enforcement intelligence unit puts the sensitive information into the Ecomessage format and transmits it to the INTERPOL NCB.
- The NCB uses INTERPOL’s secure global communications system (known as I-24/7) to transmit the intelligence to relevant NCBs in other countries. The INTERPOL General Secretariat is copied, with a request that the intelligence be recorded in INTERPOL’s global database.
- The receiving NCBs then disseminate the information to the appropriate national law enforcement agency, and action is taken. Members of the public are encouraged to contact their national law enforcement agency (police, customs or environmental government agencies) if they wish to provide sensitive information and help in investigations, using the Ecomessage system.

Europol and environmental enforcement

Europol

The Maastricht Treaty provides for the establishment of Europol, which started its activities in 1994 as a European drug unit. Gradually, some other types of crime were added to the list, including environmental crime (trafficking and environmental damage, trafficking in endangered species). The Europol agreement was ratified by the EU member states and came into effect on October 1, 1998. After September 11, 2001, Europol considered the fight against international crime a top priority.
Despite the fact that Europol is competent to address issues related to environmental crime, it takes no action on behalf of individual EU member state initiatives.

In June 2010, the EU’s Justice and Home Affairs Council\textsuperscript{12} accepted the conclusions formulated during the international meeting on international waste trafficking, which was held in Paris on October 7–9, 2008. Europol is urged to play a more active role, especially with respect to imaging and structural information exchange between member states and with competent international organisations. In cooperation with member states, procedures should be elaborated to make the fight against environmental crime more efficient.

SERIOUS AND ORGANISED CRIME THREAT ASSESSMENT (SOCTA)\textsuperscript{13}

Europol recently issued the first Serious and Organised Crime Threat Assessment (SOCTA)\textsuperscript{14} together with an executive summary, which includes conclusions and a list of recommended crime priorities in accordance with actions 26 and 27 of the Policy Cycle. Along with the SOCTA, Europol delivered a strategic report identifying threats in the EU and assessing vulnerabilities and opportunities for crime, including findings specific to regions and member states that are to be translated into political priorities, namely multi-annual strategic plans (MASPs) and operational action plans (OAPs).

The 2013 SOCTA identifies several serious and organised crime threats that require concerted action by EU member states. These threats include crime areas that have recently gained significance or were not regarded beforehand as priority areas but now stand out against other crime threats because of their impact on society.

Based on the findings of this assessment, Europol recommends that the operational response to serious and organised crime in the EU should focus on seven high-priority threats, including counterfeit goods, illicit waste and trafficking in endangered species, and energy fraud.

Counterfeit goods

Counterfeit goods can have a significant environmental impact. For instance, counterfeit pesticides contain many untested active substances that may contaminate soil and surface water. Counterfeit pesticides, mainly from China, have the potential to cause serious damage to the environment and significant harm to the end consumer.

Illicit waste and endangered species trafficking

Illicit waste is smuggled to West Africa and China, and illicit waste dumping is increasingly reported by EU member states. Waste is trafficked internally within the EU on land routes, and Europe’s well-developed port infrastructure facilitates the trafficking of hazardous waste to poorer countries, especially in Africa and Asia.

Trafficking in illicit waste can have serious short- and long-term impacts on the
Environment and on societies as a whole. Illicit waste disposal increases levels of pollution, degrades wildlife, reduces biodiversity, disturbs the ecological balance and puts public health at risk. Restoration efforts are also very costly.

The current economic crisis is driving companies to cut costs associated with the production process, and may encourage the use of organised crime groups (OCGs) offering illicit waste trafficking and disposal services.

Meanwhile, trafficking in endangered species is a niche market attracting highly specialised OCGs. The EU remains one of the most important markets for trafficking in endangered species. Trafficking activity often involves rhino horn, elephant ivory and birds of prey. Increasingly, OCGs target wildlife covered by the CITES Convention due to increasing demand for the rarest and most valuable flora and fauna specimens.

The groups involved in these activities are innovative. For instance, OCGs steal rhino horns from exhibition halls, museums, during sightseeing tours in castles or during auction sales. A perception of low risk and high profitability associated with this crime area is likely to continue to attract interest from OCGs.

Energy fraud
According to Action 3 of the EU Policy Cycle mechanism, Europol should monitor threats of energy fraud, taking into account their possible rapid evolution. Notices should be submitted to the Committee on Operational Cooperation on Internal Security (COSI) when deemed necessary.

EnviCrimeNet
The federal judicial police’s Central Environmental Department contributed to the establishment of EnviCrimeNet. Within the framework of the European AUGIAS project during the Belgian (July–December 2010) and Hungarian (January–June 2011) EU presidencies, there were efforts to sensitisise and motivate police services with respect to waste control. At the same time, those efforts had to be embedded in
Europol. During the expert conference of the AUGIAS project, held in Budapest on March 24–25, 2011, EnviCrimeNet was established as an informal platform to fight against environmental crime.\textsuperscript{15}

The network is expected to:

- make member states aware of the need to tackle environmental crime at a strategic level;
- detect criminal networks that are suspected of involvement in waste trafficking in order to reveal the ties between this type of crime and other types of (organised) crime, as well as routes, destinations, modi operandi and criminal activities;
- detect indicators of cross-border and domestic activities linked to environmental crime;
- improve information exchange, optimise information gathering on criminal activities and carry out risk and threat analyses regularly;
- gather and exchange information about environmental crime developments in close cooperation with different stakeholders at national and international level; and
- train enforcers and exchange best practices.

All EU member states are encouraged to participate actively in the network. Although EnviCrimeNet is at the environmental enforcer’s disposal, national restrictions concerning the notification of police data to third parties limit the dissemination of information from a practical point of view.

Europol puts two of its systems at EnviCrimeNet’s disposal: the Europol Platform for Experts, as a secure online forum to exchange knowledge and best practices; and the Secure Information Exchange Network Application (SIENA) for the exchange of operational information about environmental crime.

During the opening meeting, attended by representatives from 21 member states, Serbia, Eurojust, Europol and the European Commission, it was decided to organise an annual meeting. A five-member steering committee guarantees the network’s functioning and appoints a president.

Information is available from the official website: http://www.envicrimenet.com

**Eurojust**

In 2000, the EU Treaty provided for the creation of Eurojust,\textsuperscript{16} which was established by the Council Decision of February 28, 2002.\textsuperscript{17} This agency, consisting of one magistrate per member state and situated in The Hague, is intended to improve cooperation between member states with respect to judicial inquiry and the prosecution of cross-border organised crime. Eurojust stimulates information exchange through frequent contacts and provides for the creation of a general database containing
legal documents. Eurojust deals with criminal offences that fall under Europol’s competence (including environmental crime) and other related criminal offences. At a member state’s request, Eurojust can also render assistance in relation to other criminal offences.

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The EU Network for the Implementation and Enforcement of Environmental Law

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of EU member states, potential candidate and candidate countries, and the countries of the European Economic Area (EEA) and the European Free Trade Association (EFTA). The association is registered in Belgium, and both its legal seat and secretariat are in Brussels. Currently, IMPEL has 47 members from 33 countries, including all EU member states, Croatia, Iceland, the former Yugoslav Republic of Macedonia, Norway, Switzerland and Turkey.

THE TRANSFRONTIER SHIPMENT OF WASTE CLUSTER

The Transfrontier Shipment of Waste (TFS) cluster was set up in 1992 as an informal network in order to harmonise the European enforcement regulations on trans-frontier shipments of waste. The cluster is led by a steering committee that consists of representatives from eight member countries. The chair of the steering committee rotates annually between the members. Each participating country has a TFS national contact point.

Scope

The operational scope of the cluster is the practical implementation and enforcement of international and European waste shipment rules. This is done through awareness raising, capacity building, and facilitating inter-agency and cross-border collaboration, as well as operational enforcement activities. Members of the cluster represent environmental authorities, but also customs, police services and other authorities with a role in the enforcement of regulations on transfrontier waste shipments.
Objectives
According to its mission statement, the goal of the TFS is: “To ensure that all those involved in the international trade in waste are aware of and comply with their international obligations under international law. IMPEL TFS will maximise this by employing the combined resources of the competent authorities in the field of the Waste Shipment Regulation to maximise the effectiveness and efficiency of regulation and enforcement to protect the environment.”

The aims of the network are to:

- promote compliance with European Waste Shipment Regulation No. 1013/2006 through enforcement;
- carry out joint enforcement projects;
- promote the exchange of knowledge, best practices and experience in relation to the enforcement of Regulation 1013/2006; and
- stimulate uniform enforcement of EU Regulation 1013/2006.

Meetings
The IMPEL TFS cluster holds an annual conference for all its members, partner organisations and relevant third parties. This conference provides an opportunity to share experiences, receive updates concerning on-going activities and provide input on the work of the cluster in an informal setting.

Projects under the umbrella of the cluster organise regular project meetings. The cluster steering committee, together with the TFS secretariat, meets three or four times a year to discuss the progress of cluster activities and decide on future projects.

Achievements
At the core of the cluster are the enforcement projects, which aim to prevent and detect illegal movements of waste. One of the main objectives of these projects is to work towards an adequate level of inspections by introducing measures that will prevent and detect illegal waste shipments (e.g. risk assessments, cradle-to-grave approaches and effective communication).

Another aim is to verify waste destination and the treatment at destination within or outside Europe to ensure environmentally sound management. In case of illegal shipments, procedures have been developed to facilitate the take-back of waste.

A final objective is to maintain and improve the network and collaboration of front-line inspectors and other competent authorities and enforcement partners through the exchange of information and knowledge.
Tools
The TFS has developed several tools to help inspectors:

- manuals that explain different inspection and detection methods;
- waste watches to identify and classify waste streams;
- a methodology for threat assessments, which will make it easier for competent authorities to set enforcement priorities;
- tools (e.g. brochures) to increase awareness among persons subject to controls of the TFS legislation; and
- a guidance manual on the return of illegal waste shipments back to the country of dispatch.

Inspector exchange programmes
The TFS facilitates exchange programmes for inspectors that enable inspectors from one country to attend an inspection in another country. Sharing experiences and opinions on the spot is a very effective training tool.

Collaboration
Collaboration at both the national and international level is of crucial importance for compliance checking on waste shipments. As the enforcement of waste shipments is not just a matter for environmental authorities, the TFS also tries to involve other national enforcement authorities such as the police and customs. At international level, the TFS establishes contacts with key countries that are at the receiving end of waste shipments. For the moment, the main efforts are concentrated on the Asian Pacific region and West Africa.

European legislation on waste shipments has its main origin in the Basel Convention. The secretariat to this multilateral environmental agreement is therefore an important partner for the TFS. To underline this, IMPEL has signed an MoU with the Basel Convention Secretariat.
The Belgian police have dealt with environmental crime in a structured way since 1995, initially within the former gendarmerie, then, after the 2001 police reorganisation, within the integrated police, where the central service of the Federal Judicial Police deals with serious environmental crime.

At the outset, it was decided to build a voluntary network within the police structure that would involve all field units and operational levels. Privileged contacts with various external partners were also pursued. These partners include environmental authorities, magistrates and customs officials. In order to make these contacts permanent, it was decided to formalise them in MoUs.

Each MoU is built on two pillars: information exchange; and mutual support in the field and in training.

**Belgium’s environmental police**

The goal is to have at least one chargé d’affaires in each field unit of the local and federal police. There are 195 local police zones in total. Field units of the federal police are placed within the waterway police (SPN), railway police (SPC) and traffic police (WPR).

The chargé d’affaires is expected to respond to environmental crime at a local level and to act as a contact person for colleagues dealing with aspects of environmental legislation. The chargé d’affaires is not expected to take on environmental cases directly.

At district level, the police structure contains a district information crossroads, including an ‘environmental coordinator’. The coordinator is expected to respond to environmental crime at an immediate level and to size up the situation. This requires the establishment of contacts with chargés d’affaires from each of the involved units, representatives from municipal and regional environmental administrations, and environmental magistrates from the Public Prosecutor’s Office located in the district. For
easier and more structured contacts, it is recommended to organise occasional meetings with all parties involved in order to analyse the situation and make enforcement more efficient and effective through cooperation and division of tasks. Projects can also be developed and implemented to deal with persistent local problems.

There is also an investigation unit of the Federal Judicial Police at district level. These units are expected to provide capacity for investigating serious environmental crime in both a proactive and reactive way.

A central service within the Federal Judicial Police deals with four specific areas of serious environmental crime, namely:

- trafficking in waste;
- trafficking in biodiversity;
- trafficking in radioactive materials; and
- trafficking in fireworks.

This department deals with several issues, including:

- making strategic analyses to conceptualise criminal phenomena;
- giving advice and ensuring coordination in interventions and investigations;
- developing expert databases;
- providing specific expertise and support for police services;
- ensuring information control and exploitation;
- developing the environmental network;
- providing specific training for members of the environmental network;
- promoting integrated police methodology to tackle phenomena;
- initiating and executing proactive investigations; and
- concluding skeleton agreements with police and environmental authorities.

Another important task of the central service is to improve field officers’ ability to tackle criminal phenomena on three levels: knowledge, ability and motivation. Since environmental legislation is very diverse, complex and not always the speciality of just one service or authority, the correct course of action is not often clear to the non-specialist police officer in the field. There are often doubts as to which investigation techniques or strategies are best suited to the case, and this hampers efforts to take effective action against environmental crime.
ENVIRONMENTAL POLICY MAKING

Every four years, the police initiate a cycle that results in the implementation of a national security plan establishing top priorities. Starting from a global security picture, criminal phenomena are listed based on a threat analysis, vulnerability analysis and impact study. The minister of justice and minister of the interior take the final decision with regard to the definitive list of priority phenomena. Waste management fraud was chosen as a priority for the period 2012–2015. From 2002, the fight against waste trafficking has been a constant priority for the Belgian police.
For each priority phenomenon, a programme file is drawn up that covers the entire four-year period. The programme file serves as a basis from which to draw up annual action plans that contain concrete strategic and operational objectives.

The central service has chosen the following strategic objectives:

- taking action against serious environmental crime and groups of criminal offenders, with special attention focused on waste products that are harmful to public health and/or to the environment and that yield large illegal profits; and
- developing communication on all levels with a view to the most effective information exchange possible.

Expertise networks

In May 2001, several expertise networks, including Environment and Urbanism, were set up according to subjects that are considered priorities and are connected with the organisation of the Public Prosecutor’s Office and the development of criminal policy. It was suggested that the criminal-law treatment of environmental crimes requires a degree of specialisation. Accordingly, different levels of the Public Prosecutor’s Office requested structural support.

The prosecutor-general at the Court of Appeals in Brussels is responsible for overall management of the expertise network. The network consists of environmental magistrates at the different public prosecutor’s offices, members of the Criminal Policy Department, federal and local police, and external members.

A coordination team is responsible for the network’s general operations. This team is led by a chief coordinator and consists of a magistrate from each prosecutor-general’s office, the Federal Prosecutor’s Office and an environmental magistrate from one of any of the public prosecutor’s offices. The coordination team meets at least twice per year. Within the framework of the tasks it receives, the team can entrust internal and external ad hoc working groups with the development of concrete projects.

As a result of the tripartite regionalisation of environmental legislation, regional working groups have been set up for Flanders, Wallonia and Brussels.

FURTHER SPECIALISATION AT THE MAGISTRACY

The possibility for public prosecutor’s offices to enter into cooperation agreements within the existing jurisdictions materialised from the end of 2010 in the appointment of a team of environmental magistrates who treat all environmental files for different public prosecutor’s offices. The Public Prosecutor’s Office in Kortrijk, for instance, deals with all environmental crimes within the Province of West Flanders.

As a result of a reorganisation within the Department of Justice, the number of
public prosecutor’s offices will be reduced over time from 27 to 13. This will allow prosecutors to become more specialised.

**The Flemish High Council of Environmental Enforcement (VHRM)**

The Flemish Government actively monitors compliance with its own environmental legislation. An important way of giving shape to this enforcement policy is systematic consultation with all competent authorities in the field of environmental enforcement. The Flemish High Council of Environmental Enforcement (VHRM), as a formal network, supports the government and parliament in this field. In addition to the representatives of the competent Flemish environmental administrations, councils and associations, a number of federal departments are also represented in the VHRM (i.e. local and federal police and public prosecutor’s offices).

The VHRM helps the government to supervise coordination and give shape to enforcement policy. This takes place at three levels:

- giving advice on all matters that concern the enforcement of Flemish environmental law;
- acting as a driving force to conclude environmental enforcement protocols between the different parties involved in environmental enforcement; and
- coordinating the yearly drawing up of the Environmental Enforcement Report and the Environmental Enforcement Programme.19

The Environmental Enforcement Report comprises, at a minimum, the following elements:

- an overall evaluation of the Regional Environmental Enforcement Policy during the past calendar year;
- a specific evaluation of the use of individual enforcement tools;
- an overview of cases in which no verdict was given on appeals against decrees concerning administrative measures within established time limits;
- an evaluation of decisions taken by public prosecutor’s offices regarding whether or not to prosecute a reported environmental crime;
- an overview and comparison of the Environmental Enforcement Policy as pursued by municipalities and provinces;
- an inventory of insights gained during enforcement that can be used to improve environmental legislation, political vision and the implementation of policies; and
• recommendations for further development of the Environmental Enforcement Policy.

In order to draw up the report, the authorities that are part of the VHRM provide, upon request or on their own initiative, all useful information\textsuperscript{20} at their disposal.

Four working groups were established within the VHRM to deal with specific subjects, namely:
• discovery and monitoring/administrative and criminal penalisation;
• information exchange;
• data collection, knowledge construction and innovation; and
• development of a strategic multi-annual programme.

With a view to uniformity, the VHRM drew up a glossary that lists and defines different terms with regard to environmental law enforcement. The initial purpose was to explain to parties involved in enforcement, and who receive the questionnaire as part of the annual enforcement report, what is meant by the search terms.

In 2013, the VHRM updated the existing priority note on prosecution policy in the Flemish region. The note was signed by the competent ministers of environment and justice and will allow for greater harmonisation between supervision and penalisation. The full text of the note is reproduced in Annex 3 of this publication.

Structured cooperation
In addition to the regular police, who have a general competence, environmental legislation often provides for the creation of specific environmental enforcement agencies that have a particular and restricted competence. This makes enforcement complex and calls for transparent agreements regarding cooperation and the division of labour. In Belgium, the situation is even more complex because environment-related matters have become regional affairs. The police prefer to establish protocol agreements with the environmental agencies. These agreements include: mutual support in the field, training organised by all parties, and information exchange.

The division of labour between police and environmental agencies is based on their specific strengths. Environmental agencies focus rather on checks in situ (company sites) and direct their attention mostly to the conditions set by their respective permits and administrative obligations. Reports are treated internally or, in very exceptional cases, sent to the prosecutor’s office. Police services, on the other hand, have a general competence and can direct their attention to all kinds of infringements. Often
these include ‘regular’ offences related to environmental crime for which the environmental agencies are not competent. Local police focus mainly on local forms of nuisance (odours; noise; pollution of water, soil, air etc.). The judicial police mainly investigate environmental crimes that are of an unusually serious or complex nature.

**Targeted information gathering**

The more information one has and the better the quality, the more one is able to tackle illegal behaviour in an intelligence-led way. The same logic applies to environmental crime. On one hand, there is the intention of optimising existing data systems and adapting them to specific needs; on the other, new sources of information can be put to use. Access to non-police sources is especially important when dealing with environmental crime. The competent environmental agencies are, after all, those authorities who manage administrative information regarding permits, attestations, the production and processing of information etc.

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**LAW ENFORCEMENT COLLABORATION**

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<td>• Specific competences in environmental legislation</td>
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<td>• Competence in the enforcement of environmental legislation</td>
<td>• Transfrontier (EU) shipments of goods and waste</td>
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<td>• Approachable 24/24</td>
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<td>• Recognisable for the public</td>
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**Expertise in**

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<td>• Privileged contacts with public prosecutors</td>
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The PUBLIC PROSECUTOR is the keystone of penal enforcement
The Belgian police link checks of waste shipments to a particular system of dataflow. Through the use of a distinct, standardised information carrier (the ECO-form), it is possible to report infringements in the same manner. This information is processed centrally, allowing punctual investigation as well as strategic and tactical analysis. Data exchange with the competent environmental agencies only enriches the quality of the information and informs the agencies about the actual shipments.

When planning waste transport checks, the police usually invite the environmental agencies to join them in the field so that their expertise and administrative authority can be used to detect illegal waste shipments and take all necessary measures. This collaboration results in more and better checks, to the police’s and administrations’ satisfaction. For several years now, an estimated 15 percent of checked waste shipments are in violation of established law.

Aside from enhancing opportunity, the database helps law enforcement personnel to respond in a timely way. There is also the possibility to provide historical information regarding waste shipments, which enables and facilitates large-scale investigations. All waste transport movements must be registered, and a paper trail can be cross-checked with information resulting from the in-the-field check to determine whether all records have been filled out correctly: based on experience, this is not usually the case. This additional information is consequently important for investigators because it can indicate that a particular company works with ‘improvised’ records.

The created system offers several significant advantages deemed important enough to give it a European dimension. During the Belgian presidency of the EU in the second half of 2010, the AUGIAS project was launched (see Annex 4). This project aimed to motivate European police services to check waste shipments, preferably in close cooperation with their own national competent environmental authorities and/or customs. Completing an ECO-form (Annex 5) for each checked waste shipment made the data resulting from these checks exchangeable and manageable.

In the course of the project, 25 countries showed interest in the development of such a system on a European level at one time or another. An additional merit of the AUGIAS project is that it also revealed the restrictions when it comes to gathering and/or sharing data. On one hand, there are the frictions between services that prevent information from being exchanged; on the other, there are legal restrictions prohibiting the exchange of certain personal data. Unfortunately, these problems also occur on an international level. However, INTERPOL and Europol do provide an infrastructure for the exchange of police information.
Information exchange problems

As mentioned, the exchange of police information between the police and third parties is legally very restricted. Control data (including data supplied from ECO-forms) can be exchanged with those environmental administrations which can carry out such controls within their range of authority. Administrative data can be passed on to the police, but there is no obligation to do so.

MAJOR BENEFITS OF THE ECO-FORM

- Feedback to the field
- Ops analysis with determination of - risk groups - risk behaviour
- Strategic analysis
- Source of historical data (to support big cases)
- Control audit: 15% infringements
Preliminary phase of an investigation
It is particularly useful for police services to have administrative information at their disposal during the preliminary phase of an investigation — especially the results of controls carried out by company administrators. Memoranda of understanding can be helpful in making possible the exchange of such data.

Preliminary or judicial investigation
It is advisable during a police investigation to involve administrative personnel that are experts in the field. This requires the consent of a judge or magistrate. From this moment onwards, all data with regard to the investigation can be exchanged between all investigators.

International police information
INTERPOL and Europol place their secured systems at the disposal of environmental administrations with limited criminal competencies. These contacts go through a central contact point directed by the federal police. It is the central service’s task to make sure that police information from abroad that is destined for administrative personnel is filtered so that the information provided is restricted to what is legally permissible. (Police have been trying to reduce legal restrictions for some years, but so far to no avail.)

Option to exchange non-personal information
Non-personal information can be exchanged without restriction at national and international level. Restrictions imposed by privacy and other legal initiatives do not apply here. Another successful example of this type of network is the EU Trade in Wildlife Information Exchange (EU-TWIX).

European Union — Trade in Wildlife Information Exchange
The EU-TWIX online database, created in 2005, helps police and control services in the EU to combat illegal wildlife trade. The database contains all seizures of wild animals and flora in the EU. This interactive system allows rapid information exchange and better coordination of international investigations into illegal wildlife trade. Database references begin from the unique name that marks all fauna and flora. It is available to all police and control officers in the 28 EU countries, plus Montenegro, Norway, Serbia, Switzerland and Ukraine, each of whom receives a special access...
code. The system supplements existing types of European information exchange on illegal wildlife trade.

The database was developed by the Belgian Federal Police, in cooperation with Belgian Customs, the Federal Public Service for Environment, and Traffic Europe. The project is co-financed by the European Commission.

In addition to faster information exchange, the EU-TWIX database also enables risk analyses to be carried out and new types of fraud and illegal wildlife trade to be detected. The system can help coordinate police actions in the field, and it makes an essential contribution to the fight against this type of cross-border crime. The database is managed by Traffic Europe.

Traffic Europe
Bd. Emile Jacqmain 90
1000 Brussels
Phone: +32 2 340 09 27
Fax: +32 2 343 25 65
Email: vsacre@traffic-europe.com
The Netherlands

The composition of the National Police

As of January 1, 2013, the National Police comprises a national force of 10 regional units, one national unit, and a national service comprising support divisions. These basic teams are the foundations of the police, and all basic police processes are united in these teams: emergency aid, intake and service, enforcement and detection. Environmental tasks are also among the core tasks of these teams.

The regional criminal investigation departments conduct problem-oriented and thematic investigations into criminal forms of cooperation, investigations into offences that have a high impact, and investigations into priority themes — including the fight against environmental crime.

The fight against environmental crime is included as a priority in the work programme of the minister of security and justice. There is also a focus on environmental crime within the force, while environmental enforcement is included in the generic list of police tasks. Regional units and the national unit (412 full-time employees) are responsible for environmental investigation. Investigation, information and expertise functions are all on board with regard to combating environmental crime.

The Landelijk Milieu Expertise Centrum (National Environmental Expertise Centre) is set up within the national unit. The experts employed in this unit possess thorough knowledge of the environmental field. They give support and advice in criminal investigations, and also lend support to policy development.

A strategic environmental chamber and a national environmental chamber are used as part of the thematic approach. The first chamber determines its strategic framework on the basis of national and local priorities; the second chamber deals with medium-serious to serious environmental cases.

The investigation of environmental crimes of a particularly serious and international nature are carried out by a national environmental investigation team (25 FTEs)
and 10 regional environmental investigation teams (326 FTEs).

The Infrastructure Department is responsible for environmental tasks that concern road police, railway police and waterway police.

As much environmental crime goes unreported, further investment is needed in information gathering: 47 FTEs, spread over the national unit and the 10 regional units, will be deployed for this.

The Dutch police work in a multidisciplinary way and have formal structural contacts with both the Public Prosecutor’s Office and competent environmental administrations.

Scotlant

Scotland decided in June 2012 to implement the NEST model. Police, administrative personnel and public prosecutor’s offices have been working together in a structured way since then. Scotland’s Environmental Crime Task Force has been directed to consider the following deliverables:

- Increase understanding and awareness of environmental crime and its implications in Scotland.
- Identify priority areas of environmental crime for future action.
- Initiate opportunities for joint interventions to deter and tackle environmental crime in these areas.
- Make proposals to improve Scotland’s effectiveness in tackling and deterring environmental crime.

The core membership of the task force is currently:

- Association of Chief Police Officers in Scotland (ACPOS)
- Crown Office and Procurator Fiscal Service (COPFS)
- Environmental Quality Division, Scottish Government
- Justice Directorate, Scottish Government
- Natural Resources Division, Scottish Government
- Scottish Environment Protection Agency (SEPA)
- Society of Local Authority Chief Executives and Senior Managers (UK) (SOLACE)
- Scottish National Heritage (SNH)
The task force agreed the following priority areas:

- transport of waste;
- serious organised crime in the waste industry;
- taking a multi-agency approach to significant large-scale deliberate acts of environmental degradation; and
- legislative change.

INTERPOL’s Environmental Crime Programme document “National Environmental Security Task Force: Bringing Compliance and Enforcement Agencies Together to Maintain Environmental Security”, has been used as a guide and reference for setting up and running the Scotland NEST.

The task force has improved communication, cooperation and collaboration between these organisations to facilitate stronger, more coordinated and more effective multiagency actions against environmental crime. It is also improving information-sharing capabilities and further developing the intelligence-led approach.

On the ground, the task force has facilitated the execution of national multiagency operations against environmental crime and reported back to ministers in July 2013.

France

France decided in 2004 to create a single multidisciplinary department that deals with criminal law enforcement of environmental crime.

The Central Office for Coordinating Environment and Public Health Crime (OCLAESP) is a criminal investigation unit with nationwide jurisdiction. In 2009, the unit’s area of responsibility was broadened to anti-doping. Its main missions are to:

- conduct and coordinate criminal investigations and assist investigators and concerned ministries;
- observe and analyse the most characteristic behaviours of offenders and their accomplices, centralise information, and participate in training and information exchange sessions;
- handle national and international requests for assistance through institutional channels (e.g. INTERPOL and Europol) as well as via other networks (e.g. IMPEL/TFS and EU-TWIX).
To fulfil its mission, the office relies on 66 gendarmes and police officers, supported by four technical advisers:

- a member of the National Agency for Hunting and Wildlife;
- a member of the Sports Ministry;
- a pharmacist or public health inspector from the Public Health Ministry; and
- a member of the Ministry of Environment.

The office is composed of:

- a command unit;
- an investigation division, comprising three groups, which encompasses staff members in charge of coordination and cooperation in criminal investigations;
- an environment group, which tackles issues related to pollution, wildlife protection and illegal waste trafficking;
- a public health group, which handles medical and paramedical criminal behaviours; it also investigates infringements pertaining to sanitary and/or food safety and anti-doping;
- an overseas group, which concentrates on major environmental and sanitary issues occurring in French-controlled overseas territories and communities;
- an intelligence and international cooperation division, which is dedicated to intelligence gathering;
- an international relations group, which relays at international levels the office’s action (set as a French hub for foreign law enforcement services it is, within its field of expertise, the extension of the French INTERPOL NCB and the liaison desk at Europol, as well as a contact point for Eurojust);
- the support and evaluation group, which analyses cases brought to the office and performs the judicial implementation of intelligence and information (follows up on the work performed by investigation teams and relevant working groups, and is the sole entry point of cases handled by the office); and
- the documentation, analysis, training group, which carries out strategic analyses (monitors the evolution of national, European and international laws and keeps the documentation updated; prepares statistics and the annual activity report; manages the network of investigators and of local referents to crimes against the environment and public health; and disseminates relevant information and methodological memoranda to the benefit of law enforcement investigators).
Enforcement in relation to a phenomenon like environmental crime requires a multidisciplinary approach, involving several parties, with different competences and objectives in an administrative or criminal context, who seek to implement a complicated set of rules.

It is of vital importance to set up a network at regional, national and international level in order to improve enforcement efficiency and effectiveness. Before considering starting up a new international environmental network, it is advisable to verify what networks already exist and whether or not an existing network meets your set of demands. In any case, a proliferation of networks that work and act separately should be avoided.

Cooperation can be optimised through these networks. Existing models can be used when setting up a network, but adaptation to national specifications is required. Cultural differences between different enforcement organisations should be taken into consideration in every instance; and in the case of international networks, cultural differences are obviously even bigger and more difficult to surmount.

Cooperation is difficult, but essential. Compromise slows down the decision-making process and involves a sacrifice of autonomy, but complementary interests lead to exciting and unexpected positive results for the partners involved. Cooperation between organisations is an additional means to achieve certain goals or results, and this involves four phases:

- choosing partners;
- determining a shared direction forward;
- organising cooperation; and
- actual cooperation.

Active and positive cooperation is only possible if clear agreements are made and if everyone keeps to those agreements. Even if we think we are speaking the
same language, a shared glossary helps to ensure that we all think in the same language. A transparent division of tasks (optimally based on partner strengths) and good coordination in carrying out the tasks guarantees successful action. Attention should be given to those priorities which are determined by the various partners.

Periodic assessment and reporting should lead to permanent improvement and optimised cooperation.

Environmental crime is an ‘unreported’ crime. Findings are often based on combined and confused efforts, and much useful information is either distorted or useless. Once again, cooperation leads to a more complete and accurate understanding. Imaging is a necessary basis for further priority setting, which can then be further concretised in security plans and programmes.

Last but not least, networking should improve actual operational cooperation in the field, support mutual training and, especially, allow information exchange. With regard to information exchange, relevant legal restrictions should always be taken into account.

**Cooperation = Synergy**
The end result of cooperation is always greater than that which is achieved separately.
## Annex 1  Environmental crimes reported by the Belgian Police

<table>
<thead>
<tr>
<th>TYPE OF CRIME</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste-related crime (serious)</td>
<td>1,095</td>
<td>1,123</td>
<td>1,212</td>
<td>9</td>
<td>577</td>
</tr>
<tr>
<td>Waste violations by professionals</td>
<td>793</td>
<td>779</td>
<td>749</td>
<td>634</td>
<td>312</td>
</tr>
<tr>
<td>Waste: transport</td>
<td>210</td>
<td>229</td>
<td>363</td>
<td>258</td>
<td>218</td>
</tr>
<tr>
<td>Waste: permit authorisation</td>
<td>92</td>
<td>115</td>
<td>100</td>
<td>102</td>
<td>47</td>
</tr>
<tr>
<td>Waste-related crime (local)</td>
<td>6,868</td>
<td>6,967</td>
<td>6,848</td>
<td>6,720</td>
<td>2,992</td>
</tr>
<tr>
<td>Waste violations by private persons</td>
<td>5,568</td>
<td>5,688</td>
<td>5,763</td>
<td>5,211</td>
<td>2,553</td>
</tr>
<tr>
<td>Air pollution</td>
<td>724</td>
<td>664</td>
<td>594</td>
<td>561</td>
<td>223</td>
</tr>
<tr>
<td>Water pollution</td>
<td>374</td>
<td>421</td>
<td>311</td>
<td>303</td>
<td>153</td>
</tr>
<tr>
<td>Soil pollution</td>
<td>200</td>
<td>188</td>
<td>178</td>
<td>190</td>
<td>62</td>
</tr>
<tr>
<td>Taxes: charges on environment</td>
<td>2</td>
<td>6</td>
<td>2</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td><strong>Biodiversity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flora and fauna: CITES</td>
<td>41</td>
<td>37</td>
<td>45</td>
<td>33</td>
<td>10</td>
</tr>
<tr>
<td>Flora and fauna: destruction</td>
<td>642</td>
<td>584</td>
<td>609</td>
<td>568</td>
<td>240</td>
</tr>
<tr>
<td>Flora and fauna: animal welfare</td>
<td>1,238</td>
<td>1,377</td>
<td>1,385</td>
<td>1,467</td>
<td>662</td>
</tr>
<tr>
<td>Flora and fauna: nature conservation</td>
<td>375</td>
<td>367</td>
<td>423</td>
<td>342</td>
<td>113</td>
</tr>
<tr>
<td>Flora and fauna: permit authorisation</td>
<td>136</td>
<td>132</td>
<td>198</td>
<td>128</td>
<td>64</td>
</tr>
<tr>
<td>Flora and fauna: other</td>
<td>2</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Trafficking in radioactive materials</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Fireworks</td>
<td>43</td>
<td>34</td>
<td>40</td>
<td>51</td>
<td>14</td>
</tr>
<tr>
<td>Urbanism</td>
<td>2,682</td>
<td>3,069</td>
<td>3,187</td>
<td>3,081</td>
<td>1,511</td>
</tr>
<tr>
<td>Other actions linked to environmental crime</td>
<td>15,256</td>
<td>16,285</td>
<td>17,097</td>
<td>15,564</td>
<td>7,062</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>28,560</td>
<td>29,982</td>
<td>31,048</td>
<td>25,503</td>
<td>13,248</td>
</tr>
</tbody>
</table>

*up to June 30, 2013
## Annex 2 INTERPOL Ecomessage

### ECOMESSAGE

*Please note that subject fields in red are mandatory*

<table>
<thead>
<tr>
<th>Subject</th>
<th>1. Brief description of the offence</th>
<th>1. Code name</th>
<th>1.3 Legal description of the offence (reference number, citation of legislation violated and legally possible penalties)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place and method of discovery</td>
<td>2.1 Place where the offence was discovered (e.g. the name of a port or city). Whether from at sea or on land, indicate distance and direction to a known reference point</td>
<td>2.2 Description of how the offence was discovered (customs control inspection, informant information, etc.)</td>
<td>2.3 City and country in which offence was discovered</td>
</tr>
<tr>
<td>Date and time</td>
<td>3. Time at which the offence was discovered</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contraband products</td>
<td>4.1 Illegal waste: Specify the nature of the wastes and their place of production; or radioactive substances: Specify the nature of the radioactive substances; or Wildlife: List the common and scientific names of the species involved, with a precise description of the specimen (e.g. living, dead, part or derivative, age, sex, etc.)</td>
<td>4.2 Quantity and estimated value: Specify the currency and units of measure involved in the estimate</td>
<td></td>
</tr>
<tr>
<td>Identity of person(s) involved</td>
<td>5. Identity of person(s) involved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date of arrest</td>
<td>a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family name (plus maiden name, if applicable)</td>
<td>b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First name(s)</td>
<td>c)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sex</td>
<td>d)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alias (or aliases)</td>
<td>e)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date and place of birth</td>
<td>f)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nationality</td>
<td>g)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>h)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Multidisciplinary enforcement**

**Annex 2 ENetworking handbook**
<table>
<thead>
<tr>
<th><strong>ECOMESSAGE (continued)</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(continued)</strong></td>
<td></td>
</tr>
<tr>
<td>6. <strong>Companies involved</strong></td>
<td>6. <strong>Companies involved</strong></td>
</tr>
<tr>
<td>Note: Information pertains to each business involved</td>
<td>Note: Information pertains to each business involved</td>
</tr>
<tr>
<td>a) Type: Company’s legal personality</td>
<td>a)</td>
</tr>
<tr>
<td>b) Name: Specify both the legal name and any trade names</td>
<td>b)</td>
</tr>
<tr>
<td>c) Activities</td>
<td>c)</td>
</tr>
<tr>
<td>d) Address and telecommunications details of headquarters</td>
<td>d)</td>
</tr>
<tr>
<td>e) Registration number</td>
<td>e)</td>
</tr>
<tr>
<td>f) Business address and phone/fax (if not the same as item ‘d’)</td>
<td>f)</td>
</tr>
<tr>
<td>7. <strong>Means of transport and route</strong></td>
<td>7. <strong>Means of transport and route</strong></td>
</tr>
<tr>
<td>Provide maximum detail on means and routes of transportation or violations involving transport of contraband</td>
<td></td>
</tr>
<tr>
<td>8. <strong>Locations</strong></td>
<td>8. <strong>Locations</strong></td>
</tr>
<tr>
<td>a) Country and town of origin: For wildlife, indicate country of origin according to CITES (country from which the specimen was taken from the wild or bred in captivity), as well as according to the customs definition (country in which the last substantial transformation occurred). Specimens originating from the sea should be described as such</td>
<td>a)</td>
</tr>
<tr>
<td>b) Country of provenance: Country of last re-export</td>
<td>b)</td>
</tr>
<tr>
<td>c) Country(ies) of transit: As far as can be determined</td>
<td>c)</td>
</tr>
<tr>
<td>d) Country and address of destination: Both the destination declared on transport documents, and the real destination, if known</td>
<td>d)</td>
</tr>
<tr>
<td>9. <strong>Identification of documents used</strong></td>
<td>9. <strong>Identification of documents used</strong></td>
</tr>
<tr>
<td>Specify the types of documents, including authorisations, transport documents, permits and certificates, invoices, etc. Specify if such documents are altered or fraudulent</td>
<td></td>
</tr>
<tr>
<td>10. <strong>Law enforcement agency</strong></td>
<td>10. <strong>Law enforcement agency</strong></td>
</tr>
<tr>
<td>Specify the name and address of the agency with primary responsibility for the case, along with telecommunications information and, if possible, a contact person</td>
<td></td>
</tr>
</tbody>
</table>
**Annex 3:** *Priority Note on Prosecution Policy on Environmental Law in the Flemish Region 2012*


**I. Introduction**

Following consultation between all parties concerned within the framework of the Flemish High Council of Environmental Enforcement and following the Environmental Enforcement Decree (inserted as title XVI of the Decree of April 5, 1995, laying down general provisions relating to environmental policy), the priorities with regard to the prosecution of environmental crimes in the field of environmental health and environmental management law are determined below and guidelines with regard to its realisation are established. It is an update of the Priority Note on

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**ECOMESSAGE (continued)**

<table>
<thead>
<tr>
<th>11. Modus operandi</th>
<th>11. Modus operandi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe the modus operandi precisely, including: technique of concealment, type of packaging, techniques of document falsification, etc., as well as possible relationship with other cases. Attach photocopies of paperwork (e.g. false documents) and photos (e.g. container) that illustrate the modus operandi used.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>12. Additional information</th>
<th>12. Additional information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other details deemed relevant</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13. Information requested</th>
<th>13. Information requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do investigators require additional information available from foreign countries (e.g. details about a foreign national’s arrest record or a freight forwarding company’s history of violations)?</td>
<td></td>
</tr>
</tbody>
</table>
Prosecution Policy on Environmental Law in the Flemish Region, which was adopted by the Prosecution Policy Commission on May 30, 2000. An update was required as a result of the changed environmental enforcement landscape in the Flemish Region in the framework of the Environmental Enforcement Decree.

The fact that priorities with regard to the criminal prosecution of certain types of environmental crimes are determined certainly does not mean that all other environmental crimes will no longer be given any attention or be reported, or that it would be advisable to dismiss cases systematically, or even that only administrative enforcement (e.g. if applicable the alternative administrative fine imposed by the Division for Environmental Enforcement, Environmental Damage and Crisis Management of the Environment, Nature and Energy Department) would be advisable.

When a specified category of environmental crimes is defined as a ‘priority’, the file will consequently be treated in the most effective way, both with regard to the criminal measures (e.g. criminal proceedings, amicable arrangement, praetorian probation) and with regard to the administrative measures and fines.

In addition to the general agreements on the handling of reports of environmental crimes, the following agreements apply:

- When an officer draws up a report of an environmental crime that is defined as a priority in this note, the officer may explicitly inform the Public Prosecutor’s Office of its priority nature. The reporting officer indicates as well as possible why the Public Prosecutor’s Office in question should handle the file as a priority. The reporting officer refers to the criteria and environmental crimes that are mentioned in this note. Of course, the Public Prosecutor’s Office remains fully competent and responsible for prosecution policy with regard to the environment.

- The inspection bodies give priority to supervising compliance with the regulations whose violation may constitute a priority environmental crime stipulated hereinafter. The detection also focuses mainly on the priority environmental crimes that are determined below. In the framework of the environmental enforcement programme of the Flemish High Council of Environmental Enforcement, these priorities can be concretised in an enforcement programme.

- Officers sending the VHRM “reporting authority feedback form” together with the report will be informed about how the Public Prosecutor’s Office handles the report.

- If the environmental crime is dismissed, the grounds for this decision are communicated. These grounds should allow the officer who drew up the report to optimise their method of working further and/or to provide the Public Prosecutor’s Office with a well-founded request for reconsideration.

- The reporting authority commits itself to answer claims and requests from the public prosecutor within a reasonable time. If there are reasons why no action is
taken within a reasonable term, the reporting authority will inform the public prosecutor immediately.

- With regard to environmental crimes, the reporting authorities can be called in following a well-founded request to take part in an investigation as a technical expert led by a magistrate or a judicial police officer (assigned by the magistrate), insofar as this does not burden a methodical approach of the administrative enforcement too heavily.

- The public prosecutor and the reporting authorities of the Flemish Region can bring an action for an injunction with regard to the prosecutable matters mentioned in this note, which are a clear violation or which seriously threaten to violate one or several provisions of laws, decrees, ordinances or regulations concerning environmental protection. Each intention is communicated to the other authority involved. In urgent cases, the notification can also be given afterwards. The Flemish Region can bring an action for an injunction whenever an administrative measure that can be considered final is ignored.

- Upon request, the Division for Environmental Enforcement, Environmental Damage and Crisis Management (AMMC) gives periodical feedback to the public prosecutor about its decisions concerning fines. In accordance with the applicable legal conditions, the public prosecutor can give information to the AMMC concerning relevant judgments in criminal cases regarding environmental crimes.

- The Public Prosecutor’s Office addresses the reporting authority to demand an appropriate measure before a criminal court, if necessary.

- Arrangements will be made between the Public Prosecutor’s Office and the reporting authorities to have more clarity and uniformity with regard to the indictment codes that have to be used.

The indicated order of priorities under a section (whether in a numbered sequence or not) says nothing about the mutual value of these priorities. The same goes for the sequential order of the sections.

Within the Flemish High Council of Environmental Enforcement, the following model letters, used by the environmental enforcement authorities, were drawn up:

- Sending and decision form from the Public Prosecutor’s Office (original notice): This template must be used to accompany a report to the Public Prosecutor’s Office. The Public Prosecutor’s Office will be able to inform the Division for Environmental Enforcement (AMMC) of the action taken (particularly with regard to criminal law treatment, administrative sanctions or postponement of a decision).

- Sending and decision form from the Public Prosecutor’s Office (reminder): This template must be used to remind the Public Prosecutor’s Office that the 180-day decision period has expired.
Feedback form reporting authority/Public Prosecutor’s Office: If the inspection body chooses to attach this document to the report when sending it to the Public Prosecutor’s Office, the latter may subsequently inform the reporting authority about the action it has taken.

These VHRM arrangements support and streamline the course of the environmental enforcement procedures in a practical way. The recommendations can be found on the website of the Flemish High Council of Environmental Enforcement.27 The priorities in this note apply in principle for a five-year period. The priority note will be reviewed on the initiative of and within the Flemish High Council of Environmental Enforcement.

II. General criteria for establishing priorities

A. SEVERITY OF THE ENVIRONMENTAL CRIME

The question of whether or not the specific environmental crimes listed in parts III and IV of this note are priorities should be answered on the basis of the criteria mentioned here. The fact that one or more of the general criteria listed below are met can also be sufficient to justify their prioritisation.

The following are general criteria:

- The most important criterion is if serious consequences result from an environmental crime. The consequences might be serious environmental damage and/or pollution, and/or damage to nature, and/or pose considerable risks to human beings, nature or the environment. Indicators include the following:
  - There is clear, significant damage to public health.
  - There is significant potential damage to public health.
  - Damage caused is irreparable or very difficult to repair (e.g. soil or groundwater pollution).
  - The extent of damage is significant (e.g. mass fish die-off or a sewage works coming to a halt).
  - The crime involves serious non-compliance with applicable limits.
  - There is damage to protected areas referred to in IV.A.1 or to protected water collection zones.

- The organised nature28 of an environmental crime involves several establishments and/or persons. The crime takes place on an interregional or international scale.

- The nature of the environmental crime is systematic and long-lasting.29

- The environmental crime involves a substantial pecuniary gain for the offender/operator.

- The crime involves exploiting an establishment or carrying out an activity that is generally banned.
• Operations are performed without government authorisation (licence or permit).
• The crime results in the need to take new administrative action.

B. ACTIVELY OPPOSING ENFORCEMENT
There are a number of criminal offences related to wilful non-compliance and general resistance to cooperate with legal requirements and law enforcement mechanisms, such as the following:
• Deliberate violation of the rights of monitoring, including:
  - denying or obstructing access to premises;
  - denying or obstructing consultation or requests to furnish business information;
  - denying or obstructing an investigation into individuals;
  - denying or obstructing an investigation into means of transport; and
  - denying or obstructing access to audio-visual evidence.
• Non-implementation, non-payment or ignorance of imposed administrative measures, administrative fines, deprivation of gains, security measures or measures imposed by a judge.
• Discovery of numerous prior convictions.

III. Environmental health
A. GENERAL
• Environmental crimes that are the result of a structural disregard for the environment in a business context (e.g. insufficient environmental provisions within company operations). This is to prevent long-lasting or repeated damage, or to control waste flows. This also includes seemingly accidental events that are partly caused by a structural lack of care and that have serious consequences for the environment (see II.A.1).
• Environmental crimes that occur in the context of activities involving high environmental risk (establishments that work with substantial amounts of dangerous substances).
• Activities that violate establishment rules in accordance with Vlarem II.30
• Environmental crimes that can have a direct impact on the population and public health or create a public nuisance.

B. WASTE31
• Dumping hazardous waste or large amounts of untreated waste.
• Illegal collection, shipment and processing of company waste.
- Waste trafficking,\textsuperscript{32} including liquid waste; waste entering the human or animal food chain; unlawful acceptance of waste; mixing soil and waste; waste containing asbestos.
- Violations as defined in the European Regulation on Shipments of Waste.

C. SOIL

- Significant and irreversible pollution of the soil and groundwater.

D. MANURE

- Dumping of manure or other fertilisers.
- Illegal sale of manure.
- Illegal transport of manure in an organised commercial or professional context.
- Violations of the provisions for spreading manure on farmland and working manure into the soil.
- Not or insufficiently selling the produced manure.

E. SURFACE WATER\textsuperscript{33}

- Pollution of surface water or public sewers with objects and substances that disrupt the proper functioning of sewage works.

IV. Environmental management

A. AREA PROTECTION

Crimes committed in the following protected areas constitute a priority:

- Vulnerable spatial areas referred to in the Flemish Codex on Spatial Planning.
- Areas for which Flanders bears an international responsibility (Birds Directive, Habitats Directive, Ramsar site).
- Nature reserves.
- Areas protected in accordance with the Dunes Decree (protection implies the maintenance of an absolute ban on construction in designated coastal dune areas).

B. SPECIES PROTECTION (FLORA AND FAUNA)

The following crimes against species constitute a priority:

- Illegal trafficking and the large-scale capture of protected species of birds.
- Killing protected birds of prey and other protected animals of prey by using poison or traps or by digging up burrows.

C. NATURE CONSERVATION
- Violations of rules established to protect or restore nature.

D. FOREST CRIMES
- Illegal deforestation.
- Misappropriation of public woods.
- Other violations that cause real damage to woodlands in the Flemish Region, taking into account the seriousness and importance of the matter, which must be explained in every report.

E. HUNTING
- Organised poaching.

Annex 4: AUGIAS: An intelligence-led approach to tackling illegal international waste shipments

The AUGIAS project (November 2009 to November 2011) was launched to combat waste trafficking by exploring ways to enforce existing legislation on waste shipments. Project partners were Belgium (Federal Police), France (Gendarmerie Nationale), Hungary (Ministry of Justice and Home Affairs), the Netherlands (KLPD), Europol, INTERPOL and IMPEL-TFS. The European Police College (Cepol), although not an official partner, offered valuable assistance to the project working group.

Waste trafficking is a serious offence. It not only poses a threat to the environment and public health, but it is also often linked to other forms of crime such as forgery, money laundering, tax evasion and organised crime. Because environmental crime is typically of an international and cross-border nature, tackling it in a European context offers real added value in terms of the effectiveness and efficiency of environmental law enforcement.

The AUGIAS project was based on the recommendations of an earlier seminar (held in 2008 during France’s EU presidency) on how to combat international waste trafficking. The seminar identified the need to increase awareness about environmental crime, to improve the exchange of relevant information, and to develop tools to enhance efficiency.
One good way to tackle waste trafficking is to check whether waste shipments are in accordance with EU legislation, although the technicalities involved make this difficult for non-specialist police to handle alone. The sheer number of shipments makes it impossible even for specialised law enforcement personnel to control the problem completely. There is also a lack of international cooperation and information exchange, and when the AUGIAS project was launched no standardised methods or tools were available at EU level. The project therefore aimed to:

- develop a user-friendly manual to help first-line police officers determine whether international waste transports are in compliance with technical legislations (Regulation 2006/1013 on Shipments of Waste);
- develop a standardised form (WTC form) to facilitate the collection, analysis and exchange of data on waste shipments (Annex 5);
- collect data on the current state of affairs concerning waste trafficking and identify existing lacunae in the implementation of EU legislation;
- raise awareness and convince EU member states to use the developed tools; and
- take the first steps towards the development of a platform for information exchange with regard to environmental crime.

Both tools are available to law enforcement organisations upon request from djb.mil@telenet.be. The European Traffic Police Network (TISPOL), the European network for cross-border cooperation on law enforcement in waterborne transport (AQUAPOL), Cepol and INTERPOL have also disseminated the tools. Europol is involved in the follow-up project EnviCrimeNet, within which the Europol Platform of Experts (EPE) will be involved in dissemination.

The project working group has also begun work on a booklet on waste and waste shipments to help first-line police officers identify types of waste and to explain the procedures to be followed. The booklet, which also includes safety tips, is being developed in collaboration with the Flemish Waste Authority, which has a similar online tool.

All these tools are relevant to the whole of the EU and were designed with the help of experts from several member states and from international organisations including Europol, INTERPOL and IMPEL-TFS. Experts from all member states were invited to contribute feedback on the design and usability of the tools during a practical training seminar and after a one-week police action. The manual is available in all official EU languages.

The AUGIAS project led to European Council conclusions (Doc. 10291/11, June 9, 2011) that were unanimously accepted. All member states were invited to continue the fight against waste trafficking, to make use of the tools and to take part in the EnviCrimeNet follow-up project.
Annex 5: **Front-page sample of WTC document**

![Waste Transport Check-form -- WTC-form](image_url)
Annex 6: International framework for fighting environmental crime

INTERNATIONAL FRAMEWORK

Global level

- UNEP/INECE
- INTERPOL
- WCO

EU level

- IMPEL/TFS (PPP)
- Europol

Various environmental authorities

Agreement

National/regional level

- Various police services
- Customs

- Public prosecutor

Environmental authorities

Police

Customs

Justice

UNEP: United Nations Environmental Programme
INECE: International Network for Environmental Compliance and Enforcement
IMPEL/TFS: EU Network for the Implementation and Enforcement of Environmental Law / Transfrontier Shipment of Waste Cluster
WCO: World Customs Organisation
PPP: Public Prosecutors Project
ENPE: European Network of Prosecutors for the Environment
GNEP: Global Network for Environmental Prosecutors

Eurojust

Europol

Environmental authorities

Police

Customs

Justice
Endnotes


6. A ‘sponsor’ is an authority unit or figure operating outside the network but assisting in establishing objectives and implementation. Sponsors can come from inside or outside an organisation.

7. ‘Organisation crime’ means crimes committed by members of a totally legal organisation (private or public company, non-profit organisation or other) that uses structures offered by the organisation, while the organisation itself does not function as a criminal organisation. These crimes are committed individually or in groups by members of respectable and bona fide organisations within the framework of the execution of its regular mission. ‘Organisation crime’ differs from organised crime in the sense that, in the former, the organisation is a means through which to commit crimes, whereas in the latter, the organisation is at the basis of the crimes committed.

8. Article 324bis of the Belgian Penal Code stipulates: “[A] ‘criminal organisation’ means each structured association of more than two persons that persists in time, with the intention of committing crimes and offences that are punishable by three years’ imprisonment or a heavier sentence in order to obtain profits directly or indirectly. An organisation that actually only pursues a political, trade union, humanitarian, philosophical or religious goal or any other legitimate goal cannot be regarded as a criminal organisation such as described in paragraph 1.”

9. According to Article 324ter of the Penal Code: “When the criminal organisation uses intimidation, threats, violence, ruse, corruption or commercial or other structures to cover up or facilitate the perpetration of crimes, everyone knowingly taking part in it will be punished by one to three years’ imprisonment and a fine of 100 euros up to 5,000 euros or by one of those sentences alone …” “When carrying out the missions entrusted to them, the police services can gather personal data and information, in particular with respect to events, groupings and persons that are of concrete importance to carry out their missions of administrative and judicial police. […] Those data and information can only be provided to Belgian or foreign police services … which need them to carry out their missions. They can also be provided to international police cooperation organisations to which the Belgian public authorities or police services have obligations. The King determines which other public authorities can receive the same data and information.” (Article 41/1 of the Law on the Police Function from August 5, 1992. Belgian Law Gazette, December 22, 1992).


11. In every INTERPOL member country there is a national central bureau (NCB) that links the national police with the INTERPOL global network.

18 ‘Serious’ environmental crime is defined as any of the following: organised and recurring; of a fraudulent nature and carried out to make considerable profits; supra-local and/or international in scope; significantly harmful to the environment and/or public health.

19 The extent to which a multi-annual programme can replace the current annual programme is being investigated at present.

20 Also refers to personal information, as police data cannot be given to third parties.

21 The INTERPOL form in Annex 5, based on the ECO-form, is known as the Waste Transport Check (WTC) document.

22 This chamber comprises representatives from the police, competent environmental administrations and the Public Prosecutor’s Office. It is responsible for strategy that needs to be followed by special investigation services, regional units and national teams responding to environmental cases.

23 This chamber consists of the same services as the strategic chamber. It is responsible for the tactical and operational direction of environmental cases, as listed by the strategic environmental chamber. The functioning Public Prosecutor’s Office is in command here.

24 ‘Praetorian probation’ is defined as the measures imposed by the public prosecutor as part of a criminal investigation that will influence the final decision of the Public Prosecutor’s Office (dismissal, amicable arrangement, summons), depending on how the person concerned acts on these measures.

25 Magistrates at the Public Prosecutor’s Office handling reports drawn up by regional officials are expected to send to the administration a receipt with a record number.

26 Referred to in the law of January 12, 1993, concerning right of action with regard to environmental protection (Belgian Official Gazette, February 19, 1993).

27 www.vhrm.be/documenten/milieuhandhavingsprotocollen

28 This does not apply to criminal organisations as described in Articles 322–326 of the Penal Code.

29 This applies if an offence is committed repeatedly; if the offender does not respond to friendly warnings or heed advice to seek solutions to a problem; or if a deadline has passed for paying criminal fines or penalties.

30 Establishment rules include prohibitory and distance provisions. Prohibitory provisions concern the incompatibility between certain establishments or parts of establishments, and certain activities, zones or areas. Distance provisions concern the minimum distances of establishments or parts of establishments that must be observed in relation to certain activities, zones or areas.


32 Any type of environmental crime that meets one or more of the criteria of ‘serious crime’.

33 Law of March 26, 1971, repeatedly amended as far as the Flemish Region is concerned.
Possible roles of CSO and NGO networks in fighting environmental crime

BY NATHAN JOHNSON
Organised environmental crime has risen sharply in the past decade, and many types of environmental crime are now multi-billion-dollar enterprises.¹ The escalation of this type of criminal activity is widely attributed to three main factors: rising financial incentives, loosely enforced laws, and a low-solve rate of cases.²

Each of these factors is an outgrowth from different types of problems emerging from different social and political strata, and each problem requires a different kind of understanding and calls for a unique approach. Much of the high profit margin attached to environmental crime, for example, stems from demand for an illicit resource, as is certainly the case with illegal wildlife trafficking. In this case, a good awareness-raising or educational campaign can shrink demand. When laws are non-existent, poorly written or poorly enforced, it goes without saying that there is much work to be done at the political and legislative level; and improved legislation and enforcement can help simultaneously to prevent criminal activity and improve the solve rate of cases. There are, however, other factors involved in improving policing capacity to help solve further crimes — many having to do with police being provided with solid, up-to-date information and a reliable, efficient network of contacts.

Frans Geysels, in Part 1 of this publication, has written in detail about European police networks involved in combating environmental crime. It should also be noted that civil society organisations (CSOs) and non-governmental organisations (NGOs) can play valuable complementary roles in helping to address environmental crime.

The CSO/NGO community is ideally equipped to develop and implement educational and awareness-raising programmes for citizens from all educational backgrounds and all walks of life, and can also help raise awareness through coordinated media campaigns or specialist publications that reach people in charge of drafting policy and legislation, fields in which other organisations are influential at one or several levels of government. Finally, CSOs/NGOs can take advantage of their ties to research institutes and academia to help interpret, store and disseminate relevant information and data to law enforcement personnel as circumstances warrant. In short, a potentially vast network of non-profit organisations can help to bridge gaps or
provide what little extra might be needed at the lacunae between government authorities, administrative authorities and police units.

When talking about environmental crime, a well-known medical analogy applies: “Prevention is better than cure.” While law enforcement and judicial mechanisms are established — at local, regional, national and international levels — to investigate, prosecute and mete out consequences after a crime has been committed, CSOs and NGOs can help to create conditions that deter criminal activity from the outset. Prevention not only represents a victory of sorts in itself, but reduced caseloads allow law enforcement personnel and court systems to concentrate resources and focus on hard, persistent incidences of serious crime carried out by the worst perpetrators.

In order for environmental CSOs and NGOs to have a meaningful impact, they have to be well structured and effectively organised. There are several good resources ready to hand for organisations bent on making a difference and seeking guidance to achieve their goals, and the aim of this chapter is to explore one specific tool contained in just one of these resources, focusing particularly on its potential to assist in taking a strategic approach towards building network capacity.

The Organisational Viability Toolkit

In 2009, the Regional Environmental Center for Central and Eastern Europe (REC) published the *Organisational Viability Toolkit: A Practical Approach towards Organisational Development for Environmental Civil Society Organisations.*

The primary aim of this publication was to supply a methodology that allows CSOs the internal capability “to assess their organisational performance and enhance their organisational capacity.” The methodology presented in the toolkit was designed to be applicable in a worldwide context, but was developed with South Eastern Europe specifically in mind. It is no less relevant today.

What is explored throughout the remainder of this section is Toolkit Annex 2, Section 7: Inter-institutional linkages. The annex comprises a table of eight categories, each of which is explained below in more or less detail as it relates to potential relationships between CSOs/NGOs and other parties with a mutual interest in solving problems.

While only a few of the sections below deal directly with environmental crime, all of them are generally applicable to a wide range of concerns and interests. Likewise, the following text does not deal with a specific geographical region, but with CSOs/NGOs in general insofar as various circumstances and conditions might apply within a certain geographical or geopolitical context. As a great deal of organised environmental crime operates at a global level, it is best to conceive of multiple and various organisations having global network capacity.
Information and communication networks

Inter-institutional linkages
Relevant information sources are easily accessible for members of the organisation

What this recommendation suggests, first of all, is that the appointed leadership personnel of an organisation will take certain decisions concerning which sources of information are relevant to the organisation. This does not specifically recommend the withholding of certain sources and types of information, but it does imply a sort of informational prioritisation held at a certain discretionary level.

On the other hand, the recommendation also suggests that all members within an organisation are to be allowed easy access to all information deemed ‘relevant’. Clearly, where information is concerned — especially where information related to environmental crime is concerned — every member of an organisation needs to be aware of its terms of access, and for what reasons. Without such proper understanding of information flow, the communication of relevant information to relevant stakeholders will be inefficient, improperly delivered — or, perhaps, severely compromised.

Information is shared with the relevant stakeholders in the appropriate form and style

The reception and management of information can be active or passive, but the communication of information held within an organisation is essentially an active enterprise, and one that should be handled with care. No organisation worthy of the name will treat with disregard the reckless communication of held relevant information from within its membership to inappropriate channels.

‘Reckless communication’ is not just the stuff of spy novels. Frequent occurrences are far more banal — poorly formatted letters to public officials, the publishing of unverified facts, uncivil public behaviour (not to be confused with civil disobedience), badly translated publications, or poor telephone and email communication skills.
Good communication between an organisation and the general public, authority figures and law enforcement personnel requires proper training and know-how, in both the sharing and gathering of information. Each member of an organisation must be made to know and feel that they are a vital link in the information chain.

**Communication**

The CSO conveys important messages regarding environmental protection and health and safety affecting or likely to affect the community and the role of the CSO

An organisation is built on the foundation of a purpose. The proper action of an environmental CSO is to communicate information downward, upward and laterally pursuant to its purpose. The CSO functions as a channel between the public and public authorities; it acts both as a voice-box of public concern and as an interpreter for or mediator of responsive authority; and it communicates with similar or related CSOs/NGOs to coordinate or carry out actions of mutual interest and concern.

Furthermore, it is the duty of an active CSO to follow its information flow in all directions. Has vital information been brought to the community? And how is this verified? Has information been properly delivered to higher authorities? And how is this verified? Is an organisation’s quality of communication with other groups enhancing or harming mutual efforts?

Where the community is concerned, organisation members can visit, for example, schools, churches and community centres to see if messages are being put across. Where higher authorities are concerned, key organisation members should be in charge of ensuring that communication is delivered through acceptable channels and adheres to acceptable protocols.

The CSO has a communication plan or strategy for various stakeholders

Every actual and potential stakeholder has an existing or unarticulated need for certain types of information. Most existing stakeholders are already involved because of an expressed need or expectation, although it is possible that not all needs or expectations are known at the time of forming an original acquaintance or partnership. Potential future partnerships will be formed based not only on direct links to existing partnerships and a solid reputation, but also on an acute sense of unexpressed needs and expectations.

Every stakeholder has different needs and different requirements, and for some
stakeholders, the needs and requirements are constantly shifting, and for different reasons. Organisation staff members each need to know the specific role to play with regard to different stakeholders. Not ‘just anyone’ is suited to deal with each and every stakeholder.

An organisational plan in this regard means appointing the right people to know the right ways to deal with the right stakeholders. This means that certain people will be familiar with and know how to communicate information to figures of varying levels of authority, while others will be tasked with communicating information to members of the general public, meanwhile assessing their various needs and demands.

All organisation members must, meanwhile, in the performance of their duties, be constantly aware of unspoken needs. Some of the greatest public needs and concerns remain unexpressed, whether due to fear of authorities or lack of general knowledge. A CSO can help both to disseminate knowledge and placate public fear of authorities dealing with environmental crime issues.

The CSO has good communication skills and techniques

Just as far too few organisations draw a meaningful distinction between ‘information’ and ‘communication’, even fewer are likely to discern a meaningful difference between a ‘skill’ and a ‘technique’. To have a skill is to possess basic knowledge of a set of tools; to have a technique is to display an individual capability of making artful use of that set of tools.

An organisation may welcome anyone with devotion to a purpose. Skill sets are appreciated, but not absolutely necessary. Any organisation with the proper resources can provide the right tools for people with the required desire who want to develop their skills. The development of technique is something that brings a unique quality to any organisation. Anyone within an organisation who develops or possesses a technique for communicating certain types of relevant information to certain stakeholders may be of value, and such a skilled technique should be rewarded.

A skilled technique might include fluency in multiple languages, being able to take rapid dictation, a practised writing style, an easy-mannered confidence in everyday situations, or a dogged journalistic persistence.

The CSO uses public relations to build the image of the organisation

“Public relations is the discipline which looks after reputation, with the aim of earning understanding and support and influencing opinion and behaviour. It is the planned and sustained effort to establish and maintain goodwill and mutual understanding between an organisation and its stakeholders.”
The unique aspect of public relations is that it involves a conscious effort to shape the ‘image’ of an organisation, which is distinct from merely communicating factual information. A PR campaign might be used to raise awareness ahead of a planned activity so that stakeholders will be more aware of and — hopefully — more appreciative of the result. A successful campaign of this type will raise the prestige of the organisation, which in turn makes it easier to win funding for projects, to tackle greater responsibilities and to gain greater access to mass media as a trusted and reliable voice (see also the following section on media).

Unfortunately, every organisation suffers occasional failures and shortcomings, and another part of public relations is to restore the good name and image of an organisation in the wake of such disappointments. When failure is addressed publicly in an open and honest way, the results can even be positive, as stakeholders will often appreciate such a candid and humble stance.

Another and oftentimes very important aspect of public relations is to counter false and misleading information from sources hostile to an organisation or NGO/CSO network. To take a hypothetical example: Citizens living in the vicinity of a chemical plant begin to complain about toxins entering the local water supply; an NGO coordinates efforts to conduct a study to verify the presence of toxins in the water supply and to confirm the source of the pollution; all of the information, proving conclusive, results in the preparation of a court action against the chemical company; the chemical company reacts by conducting an aggressive PR campaign, not only to deny the charges prior to the court case but to discredit the organisational network involved in gathering data and building the case against the company.

In such a case, the organisation or network of organisations acting on behalf of the public can help build momentum for the prosecution by responding effectively to hostile PR efforts. A small organisational network will likely lack the financial resources to entirely quash a dishonest smear campaign waged by a wealthy conglomerate, but a well-managed PR effort can be vital towards attracting law enforcement units and networks with greater jurisdiction and resources to see that justice is served.

**Relations with media**

The preceding section deals with all organisational communication in a general sense, while this section focuses on communication with a single but vital sphere: media. What follows is a brief survey of the importance of good media relations in the context of fighting environmental crime.
The CSO has a strategy to work with media

One of the keys to developing a good media strategy is to identify those media channels which are most suited for reaching your intended stakeholders. This holds true in both a general and specific sense: there will, for example, be media channels that will remain good, reliable dissemination vehicles over the long term. On other occasions, a specific project or concern will demand that the organisation shift its focus to a specific media channel to disseminate information over the short term.

If a small NGO has been established to address a single, local issue (e.g. illegal logging in a protected forest), the organisation can develop a multi-pronged media strategy to bring as much attention as possible to their concern. Getting the local media involved is an obvious foot forward, but it also makes sense to weave the local problem into a story of broader magnitude, and to develop a ‘big picture’ story that can attract regional, national, and even international media outlets.

On the other hand, a media strategy might be focused on saturation coverage across all types of media within a specific locale or stakeholder demographic. An organisation might, for example, strive to attract local coverage from print and online media (including bloggers), television and radio. Alternatively, an organisation might choose to focus on media that reach an oppositional demographic, or media that can help build a groundswell of otherwise non-unified or non-articulated support.

In summary, there is no end to the possibilities that an organisation or network can develop in terms of a media strategy. The most salient feature of a media strategy, however, is that it represents a clear, coordinated and proactive approach that can build momentum towards achieving an ultimate organisational aim.

The CSO uses media as a channel for messages and actions

Much of what this recommendation entails has already been discussed, but it is worth noting that messages and actions require different kinds of media engagement, although they are often intertwined. A message, for example, can be a national newspaper article concerning the outcomes of a conference organised by a CSO network; while an earlier listing of the event in a high-profile international events calendar, although technically a message, is something quite different.

Messages tend to be open ended, and can take on many shapes and meanings. An action, however, is something more specific and tends to fit more comfortably within a particular time horizon. An action might be a one-time event (a street demonstration, for example), a one-day training seminar, a weekend or week-long conference, or it might be the multi-year duration of a programme or project.
The way that messages are communicated is usually the result of a two-way or multi-directional flow of information and opinion, but organisations and networks should do everything they can to proactively generate as much information flow as possible with regard to specific actions that they carry out. To take the example of a calendar listing: an organisation might quite easily get details of an upcoming event published in a high-profile publication, but it is extremely unlikely that the publication will ask the organisation to do so.

In any case, organisations with limited financial resources should seek every opportunity to take advantage of free or inexpensive media channels through which to promote both their messages and their actions.

The CSO has potential to attract media attention (in terms of good media relationships, skilled PR staff, capabilities to present issues in a style that is attractive for media)

For better or for worse, nearly all mainstream media outlets (i.e. those media outlets that reach the most people) are established and operated as business enterprises, which means that their product has been developed to generate surplus revenue (i.e. profit). Within the media industry, company revenue is typically generated in two ways: product sales (e.g. over-the-counter sales and subscriptions) and advertising.

The head of a publishing enterprise, as a result, must perform something of a balancing act. The publisher seeks to attract and maintain as many readers, listeners or viewers as possible, while at the same time seeking to limit the risk of publishing content that will discourage or drive away active or potential sponsors. Generally speaking, a popular, mainstream publication will not publish content that either bears a radical message or is geared towards a narrow audience. One consequence of this publishing industry dynamic is that the current of public opinion, once established, is difficult to swim against.

Nonetheless, CSOs and NGOs do have several means at their disposal to maximise their potential to attract media attention and to bring their concerns from the margins of public consciousness into the mainstream spotlight.

The most reputable news outlets are those with editorial and reporting staff members that are given considerable freedom to develop and publish potentially controversial stories. An organisation can cultivate a good relationship with a reputable news outlet if it establishes itself as an accessible and reliable source of interesting information. Any organisation or network that establishes itself as the foremost authority on a given issue will become a ‘go to’ point for news gatherers. The same more or less holds true for establishing a good relationship between an organisation and a niche media publication.
Part of a broader PR strategy for an organisation or network can involve finding ways to make a single issue or set of issues appealing to a broader or narrower target audience as circumstances dictate. An effort, for example, to persuade local authorities to address a local environmental issue more effectively might call for framing the issue in a new way — that is, by placing the local issue in a national or regional context, or by providing compelling data to a prestigious scientific publication.

Media consults the CSO on relevant environmental issues and/or publicises the activities of CSO partnership networks

This recommendation goes hand in hand with the preceding recommendations, but places the emphasis on an organisation or network’s having already established itself as a respected and reputable authority and as an information source with regard to a specific range of environmental issues.

The organisation or network should go to great lengths to cultivate and maintain good relationships with important and relevant media outlets. To do this, however, means that all dealings with the media outlet should be carried out in a thoroughly professional and reliably consistent way — preferably by one or two experienced people who deal regularly with media communications. Organisation spokespeople must in turn have complete confidence in their organisation or network to pass reliable information on to them from below. Information should always be treated with care and discretion, however comfortable or cosy the relationship between an organisation and a media outlet may be. This is necessary in order to protect all parties involved in the dissemination and publishing of information, as well as to avoid crippling wider efforts to address any given environmental or environmental crime-related problem.
Networking with other CSOs
The CSO networks and shares resources and expertise with local, regional, national and international CSOs

The more sophisticated and complex a criminal enterprise, the more difficult it is to bring down. This is why CSOs and NGOs involved in addressing environmental crime need to establish far-reaching links of their own. The sharing of resources and expertise between networked organisations means that all the organisations within the network will be of maximum assistance to law enforcement agencies and legal authorities involved in efforts to thwart criminal activity at all levels. Information and resource sharing is especially vital where crime fighting is concerned, due to the speed with which it is necessary to react to or anticipate the perpetration of a crime.

To begin with, a CSO network that encompasses local, regional, national and international organisations can use cross-referenced information to help determine with a fair degree of accuracy the scope, range and magnitude of a criminal enterprise. By sharing the right kind of information, various links can be established between points of criminal activity and related money flows. The illegal felling of timber at a certain location might, for example, be found to be the work of a small group of individuals motivated solely out of hardship; it might, on the other hand, be determined to be the work of a larger enterprise involving transboundary shipment and large sums of money. By using shared knowledge to determine the scale of a criminal enterprise, law enforcement resources can be allocated more effectively and efficiently.

The CSO engages in intensive networking such as building common platforms and putting pressure on authorities

A network that connects the smallest organisations to the largest organisations through all points in between might be described as ‘linear’ or ‘cross-linear’ in structure. Alternatively — or preferably simultaneously — organisations will strive to es-
establish close levels of cooperation with strictly like-minded organisations in order to concentrate efforts on a single concern.

At the level of law enforcement, the pooling of resources and information gathered from multiple organisations focusing on a single issue or topic can be of great benefit to police and legal authorities during the solving of a particular crime.

The CSO plays an active role in promoting networking among other CSOs (as opposed to passive response to calls for networking)

Taking action is essential in a networking context. Organisations that rely passively on other partners to take the lead, to establish connections with other potential partners, and to make other types of valuable contributions, will quickly find themselves deemed of considerably less value to the very network of which they are a part, thereby risking their own future participation within that network.

The fact that many organisations have come into existence through funding or are the product of pooled special interests at some point in the past can in itself cultivate an organisational mentality accustomed to being ‘on the receiving end’ — whether this refers to financial or in-kind contributions, expertise or advice and direction. It is, however, vitally important that organisations seize the initiative and develop their original resources — whatever their provenance — in ways that allow the organisation to be proactive in as many ways as possible. This can mean, for example, being the party who picks up the telephone and makes the call to another network party, rather than always being the party that picks up the telephone when it happens to ring.

By taking the lead wherever and whenever possible, an organisation can benefit the network not only by strengthening its own position and achieving more effective results; it can also demonstrate a positive example to other organisations within the network — encouraging them to raise their own standards of excellence and to become more valuable partners in efforts to achieve mutual goals.

The CSO participates in advocacy activities (as lobbyist, as complainant, as enforcer of legislation)

To begin with, although most people use the words interchangeably, there is a distinction between advocacy and lobbying that is helpful to understand. When non-profit organisations advocate on their own behalf, they seek to affect some aspect of society, whether they appeal to individuals about their behaviour, employers about their rules, or the government about its laws. Lobbying refers specifically to advocacy efforts that attempt to influence legislation. This distinction is helpful to keep
in mind because it means that laws limiting the lobbying done by non-profit organisations do not govern other advocacy activities.\(^9\)

Advocacy and lobbying involve two distinct but interlinked types of activity: coalition building and public engagement. A coalition is a group of independent actors that are focused on either advancing or opposing an issue. One group of actors, for example, might wish to raise public awareness about rising levels of a certain type of criminal activity, and move through public efforts to influence decision makers to take some sort of action to reduce the level of criminal activity. Another group, on the other hand, might oppose a certain piece of legislation that demonstrably increases levels of criminal activity, and hopes through its efforts to strike down or amend the legislation.

What coalition building entails is the development of an ability to present a ‘united front’. A coalition mobilises its allies through grassroots efforts to win community understanding and support. But “a coalition is effective only when its issue has merit and the coalition members are organised, informed and dedicated to communicating the importance of the effort. Coalition building calls for establishing and developing contacts that work well together.”\(^10\)

In order for a coalition to develop, the general public requires certain levels of information and awareness, and this is where a well-orchestrated public engagement campaign involving certain strategic activities can be tremendously beneficial. A good campaign, for example, can result in:

- A greater base for mobilisation goals. By recruiting new allies, a campaign can generate financial support, volunteers, and other resources to help achieve goals.
- Access to a mass audience. By working with media as part of a public engagement campaign, you can tell your story or provide useful information to greater numbers of people than can be reached through other channels.
- Greater leverage with decision makers. By creating popular buy-in for the initiative and by generating press coverage, policy makers and others are more likely to join, support and protect your organisation’s visions and goals.\(^11\)

Relations with local and central authorities
The CSO has regular and meaningful contacts with local authorities (cooperative activities, joint initiatives)

It should go without saying that any organisation or network of organisations that aims to have a large impact (whether regional, national, international or global) will at some point have made a meaningful impact at local level. In other words, national legitimacy must (at least in a democratic context) reflect a given multiple of local legitimacy.
Local authorities and CSOs, by forming close partnerships, can work together to bring in more resources and strengthen capacity to tackle local problems and advance grassroots causes by providing a more visible platform. But the first thing that needs to happen in order for CSOs and local authorities to develop permanent partnerships is to build awareness of the mutual benefits of such partnerships, and this is accomplished by encouraging sustainable dialogue.

Once a good relationship is established between a CSO or network and a single local/municipal authority or network, the aim should be to “generate unified and transparent mechanisms for disbursing municipal funds foreseen for CSO project-based activities in accordance with local service needs and identified priorities, and to ensure a sustainable source of funding through a municipal budget line for financing CSO projects.”

In turn, NGOs/CSOs should be encouraged to specialise and professionalise their own activities. This includes adopting a longer-term planning perspective and becoming more responsive to local needs and less dependent on original or existing donor priorities.

The CSO has regular and meaningful contacts with central authorities

As NGOs and CSOs often have means of access and special capabilities that are found wanting within state agencies, voluntary and not-for-profit organisations have played important developmental roles in some countries. In other countries, however, “NGOs are weak or play more of an oppositional rather than operational role, and governments are highly suspicious of them.”

While extreme scenarios still exist, CSOs and central authorities have established and maintain meaningful contacts in many countries. A state of ‘normalised’ relations between the central government and voluntary sectors can greatly influence multiple aspects of operation, and have effects that are mutually reinforcing. The nature and quality of governance (e.g. with regard to pluralism and accountability) pertains to both organisations and governments. And while a highly influential voluntary sector is capable of holding its national government to higher standards, the opposite holds true as well.

Nonetheless, a healthy relationship between the state and civil society can only exist when both parties share the same objectives. If the state (or an influential component of a given administration) has a vested interest in not tackling a particular problem (drug trafficking, for example), there is little that a network of concerned organisations will be able to do unless or until there is change of administration or state policy. It is only when the various parties see eye to eye on a particular problem that the cooperating parties can begin to assist each other in trying to solve it.
The CSO is able to engage with policy makers and is accepted as a partner (capable of working together effectively)

The issue of the legitimate role of civil society participation in international environmental policy making was addressed by both the Rio Declaration on Environment and Development and Agenda 21, both of which were adopted at the 1992 United Nations Conference on Environment and Development (UNCED). In a regional context, a number of relevant principles were established in the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

Principle 10 of the Rio Declaration very broadly states: “Environmental issues are best handled with the participation of all concerned citizens, at the relevant level.” This general acknowledgement is broadly understood to include NGOs and CSOs. Building on Principle 10, Agenda 21 dedicates an entire chapter to NGOs and the strengthening of their role as “partners for sustainable development”. Agenda 21 also recognises that NGOs play a “vital role in the shaping and implementation of participatory democracy” and that NGO involvement in such processes requires “real participation”.

Civil society organisations therefore need to be aware of their acknowledged legitimacy in national, regional and international policy-making processes and should seek to take full advantage of opportunities that derive from such a status — at least within the limits of a given political and legal environment. It should be borne in mind that Agenda 21 also established an action plan “aimed at establishing formal participatory procedures ‘for the involvement of [NGOs] at all levels from policy making and decision making to implementation.’ The same institutions are called on to provide access to accurate and timely data and information. Finally, international institutions as well as the private sector are encouraged to increase levels of financial and administrative support for NGOs, in particular those based in developing countries.”

Concerning the Aarhus Convention in general, and its second pillar of public participation in decision making in particular, there are a number of common principles for public/NGO participation that may be transferable to the international level. “Such common elements include that public participation should start early in the process, that time-frames should allow for effective participation, that it should be possible to submit comments, information and analyses (directly or through representative consultative bodies) and that the public should be considered in the final decision.”

As CSO networks can be valuable assets in fighting environmental crime, it is likewise up to policy makers to allow relevant groups and public stakeholders to take full advantage of their opportunity to participate in decision-making processes and to be accepted as full partners while doing so. Every potential partner on either side of
The table needs to be fully aware of the legal and policy mechanisms in place that facilitate advanced levels of cooperation. Of course, CSOs need to fulfil their end of the bargain by bringing valuable information, expertise and resources with them to the negotiating table.

**The CSO and government share and exchange resources and expertise**

One of the key elements of Agenda 21 was that it declared the need for new forms of NGO participation:

“The United Nations system, including international finance and development agencies, and all intergovernmental organizations and forums, should in consultation with non-governmental organizations, take measures to…enhance existing or, where they do not exist establish, mechanisms and procedures within each agency to draw on the expertise and views of non-governmental organizations in policy and program design, implementation and evaluation.”

Indeed, these new forms of participation have led to significant changes in international environmental policy making. Chernovitz (1997) and Esty (1998) identified several types of NGO involvement in global environmental governance, a number of which reflect enhanced abilities and capacities when compared with conventional institutions of authority. These include:

- Expert advice and analysis — NGOs can facilitate negotiations by giving politicians access to competing ideas from outside the normal bureaucratic channels.
- Intellectual competition — NGOs often have much better analytical and technical skills and capacity to respond more quickly than government officials.
- Service provision — NGOs can deliver technical expertise on particular topics as needed by government officials, and can participate directly in operational activities.
- Monitoring and assessment — NGOs can help strengthen international agreements by monitoring negotiation efforts and governmental compliance.
- Legitimisation of global-scale decision-making mechanisms — NGOs have the potential to broaden the base of information for decision making, improving the quality, authoritativeness and legitimacy of the policy choices of international organisations.

It is also possible for civil society to play an essential role in environmental governance. A good example of this is TRAFFIC, which is a partnership between the World Wide Fund for Nature (WWF) and the World Conservation Union (IUCN). TRAFFIC was established as the wildlife monitoring network for the 1975 Convention on Interna-
The CSO prepares and makes publicly available its annual report

A lack of financial transparency leaves any CSO or NGO open to legitimate concerns about organisational integrity and autonomy. Whether making a contribution to governance processes or conducting research and analysis, a civil society organisation needs to be forthright about the sources, amounts and use of its funding. One of the primary components of organisational transparency is the publication of an annual report that is made available not just to donors, board members and trustees, but to the general public as well.

But damage limitation is not the sole purpose of the creation and publication of an annual report. A good annual report can make a significant contribution to fundraising. First, the report makes the wider public aware of the organisation’s activities and accomplishments of the previous 12-month period. Second, the writing of the report provides an excellent opportunity for organisation staff members to critically examine what has been done correctly, what has been done incorrectly, and what remains to be done; it is a means of drawing on past experience to plan strategy for the future. Third, consecutive reports allow the organisation to build up an archive and database of activities that old and new members alike can draw upon in the writing of new reports; in short, a succession of annual reports is the real history of the organisation.
The activities and recommendations of NGOs influence or are integrated into government policy making and development plans

The Central and Eastern European region (CEE) has been a stage on which enormous political and economic changes have taken place since the early 1990s. Among the many issues that had to be addressed in the newly emerging democracies was “how to enhance public participation, improve the quality of governance, [and] overcome the democratic deficit in the formation of policies and development of laws. The main models and good practices, which can be applied in most of the countries of Central and Eastern Europe, are outlined based on consideration of various strategic documents and institutional mechanisms for interaction between public authorities and NGOs.”

The new CEE democracies, “following the implementation of successful political and economic reforms and the consolidation of an autonomous civil society, are gradually adopting the established European practices of cooperation with NGOs. This process is not developing at the same rate in all countries; therefore the existing mechanisms of participation of NGOs in the decision-making processes differ.”

Some critics maintain that ‘participatory democracy’ is inconsistent with and undermines representative democracy, and that it is inadvisable for NGOs/CSOs to exert too much influence within the sphere of electoral systems of government. However, several national constitutions "are quite explicit in stressing that people participate in the governance of a country directly in addition to being represented by their elected representatives. Therefore, political elections are not the only way by which people can impact the decision-making process. […] The participation of citizens in the decision-making process is directly related to the principle of good governance. It leads to higher transparency and accountability of the institutions. When people are aware of the way of decision making, it helps the foreseeability of the laws which are produced.”

Whether or not a CSO or organisational network plays an influential role in national policy making and decision making thus depends greatly on how committed and open government authorities are to public participation mechanisms (of which CSOs are a vital component); but it also depends equally on how committed CSOs and organisations themselves are to working with government officials to the fullest extent possible within established or variable conditions for providing recommendations and advancing policy objectives.

In the context of international law and environmental crime, CSO networks can help to bridge considerable differences between countries in terms of law enforcement capacity, jurisdiction and policy implementation and enforcement.
Relations with donors

The CSO has diversified contacts with the donor community

Funding is the lifeblood of any not-for-profit enterprise, and donors range from large, multinational conglomerates to private individuals. This section touches briefly on why it is important to seek and obtain funding from a diversity of sources.

Unless a CSO or NGO is focused solely on a specific localised issue and has an objective that it will concretely achieve or fail to achieve within a given timeframe, an organisation will typically have long-term objectives and hope to achieve as broad an impact as possible in spatial or geographical terms. An organisation needs to have a strategy to secure donor funding that ensures, as far as possible, its ability to achieve its long-term goals and to have the biggest possible impact. There are, at the very least, two situations that an organisation should attempt to avoid over-reliance upon a single, large donor; and purely short-term funding arrangements.

Over-reliance on a single donor makes an organisation vulnerable to two undesirable outcomes: sudden withdrawal of support; and undue donor influence. While an organisation should consider itself fortunate to find a generous donor, to rely heavily or completely on a single source is to put all one’s eggs into a single basket. Any number of reasons can result in losing this vital support: a change of donor ownership or leadership, resulting in a shift of priorities and away from current funding practices; withdrawal of support due to the beneficiary organisation not meeting donor expectations or failure to live up to contractual expectations; untoward behaviour stemming from either or both parties, resulting in a withdrawal of funding due to strained personal relationships; or unexpected financial difficulty for the donor resulting in fewer or no funds being made available for not-for-profit entities. Given any donor-supported organisation’s vulnerability in the face of so many risky scenarios, each organisation should seek funding from as many sources as possible.

Another important reason to attract a diverse donor portfolio is to limit any undue influence that a single donor might have in terms of organisational activity. Having more donors allows a CSO more freedom in which to operate according to its principles and ideals. A helpful comparison here might be between an authoritarian government and a multiple party electoral system. A single ruling party or autocrat can wield as heavy a hand over its populace as it pleases, so long as it is able to retain power; on the other hand, an incumbent or ruling party facing an upcoming election needs to bend on occasion to the will of the people or respond to effective opposition in order to retain power. If a donor should happen to make an unreasonable demand upon an organisation it supports, that organisation — if it has funding from multiple sources that make no such demands — is in a far better position to say: “Thanks, but no thanks.”
The CSO is seen as credible by donors

It is an enormous challenge to establish a not-for-profit institution and to get it off the ground. And once early aims have been achieved, there is no end to the challenges ahead, and this is especially the case where building and maintaining trust is concerned. Trust is perhaps the most precious commodity in the not-for-profit sector, and once squandered it is difficult, if not impossible, to win back. Trust is arguably even more important in the context of fighting environmental crime, as shared information must be handled with care and discretion so as not to jeopardise complex crime-fighting efforts or make mistakes that result in a miscarriage of justice.

In order to establish and build credibility, organisations have to be accountable, both for their actions and their finances. A basic rule of thumb is to make sure that your organisation uses any money raised for the specific purposes outlined in its solicitations. Another important means of establishing trust and credibility with donors is to demonstrate consistent behaviour, which entails everything from mode and manner of communication with the donor/s to event scheduling, publishing of project outcomes and timely delivery of results. The donor wants to know that an organisation is reliable and not likely to indulge in reckless behaviour or deliver inconsistent results — however occasionally brilliant some results might be.

Depending on the type of work being performed, as well as on donor preferences as far as public recognition is concerned, an organisation can do wonders for its reputation (and, by association, its donor base) by raising its media profile and bringing positive outcomes to a wider public. But this is a line to tread carefully, as high-profile negative publicity can have quite the opposite effect and do irreparable harm both to your organisation and your donor’s reputation.

The other tried and true method of raising awareness of an organisation and its work is through simple word of mouth. Some businesses actually rely on this strategy alone, and it can work effectively in the not-for-profit sector as well. A word-of-mouth campaign can not only help to establish a solid local reputation, but can also attract donors from unexpected sources who would not be likely to become aware of an organisation through a traditional type of marketing campaign.

Finally, the surest means of building credibility—above and beyond consistent performance — is continually improved performance. It is one thing for a donor to know that a given organisation is a safe place to put money in order to obtain a guaranteed result. It is quite another for an organisation to deliver above and beyond what is expected, to deliver an added value on an investment made in the organisation. Noticeable and continual improvement through all levels of an organisation will not only result in more effective programme and project delivery, but will also result in donors being enthusiastic about being affiliated with the organisation.
Donors see the CSO as a valuable resource

As mentioned in the previous section, a donor’s reputation is enhanced when an organisation to which it provides funding performs activities that are widely acknowledged to contribute to the greater good. The primary way that a network of CSOs can perform up to expectations depends, first of all, on aid or funding being distributed in the most effective ways. Secondly, there needs to be a mechanism in place that is capable of monitoring and measuring CSO performance so that achievements and results can be verified and reported back to donors to prove the value of an investment.

Dating from 2005, the Paris Declaration on Aid Effectiveness established 56 partnership commitments organised around five principles to make donor aid to CSOs more effective in an international context, the five principles being: ownership, alignment, harmonisation, managing for results, and mutual accountability.

Under the ownership principle, developing countries set their own development strategies, improve their institutions and tackle corruption. Alignment means that donor countries and organisations bring their support in line with these strategies and use local systems. Harmonisation means that donor countries and organisations coordinate their actions, simplify procedures and share information to avoid duplication. Managing for results requires developing countries and donors to focus on producing and measuring results. Finally, donors and developing countries are to be held accountable for development results.

It should always be borne in mind, however, that what holds true in theory is often difficult to apply in practice. Aid mechanisms often form complex webs of accountability, and CSOs can often fall victim to forces beyond their ability to anticipate or control, especially in an international context that involves large gaps between entities in terms of financial and political power. For example, “communities often have high expectations of CSOs that come to them, including an expectation that CSOs pursue downward accountability and promote democratic control. Yet for many of these CSOs, upward accountability to donors [...] is governed by strict contractual obligations, which often trump CSOs’ moral and ethical obligations of accountability to the community.”

Large donors should always be mindful of the built-in limitations of smaller CSOs within their national context, as well as certain national limitations placed on certain countries that are target areas for aid within a wider, international context. Aid should be provided in ways that best help CSOs not only to overcome natural or built-in disadvantages, but actually emerge as key assets that can apply local expertise to assist in international efforts to address a wide range of problems, including environmental crime issues.
The CSO has the opportunity to engage in open and frank dialogue with donors

Communication between human beings — whether between individuals or between smaller or larger groups of people — is always easier when things are going well and running smoothly, and generally if the parties are on easy and relaxed footing with one another. On the other hand, communication is far more difficult when relations are strained, when a significant problem has occurred, or if one party is aware of a looming or potential problem that needs to be brought to the other’s attention. However difficult it may be to have — let alone instigate — an awkward conversation, failure to do so at a key stage of a problematic development can be disastrous for all of the parties concerned. It is therefore essential that CSO management feels assured that, should problems emerge that require immediate attention, the donor’s door is always open.

At the same time, a good relationship will also mean that the donor feels welcome to voice concerns or expectations regarding a beneficiary organisation without the latter feeling unduly threatened. There are, naturally, plenty of donors that take a bullying approach, but this will seldom produce desirable outcomes for all parties involved. Constant scolding will not only weaken organisational morale, but an otherwise timely and serious warning will likely be taken less seriously than it should.

Optimally, communication between donors and CSOs will be limited and meaningful, and as open and honest as possible. Good communication between all parties is the key to a long and productive collaborative relationship.

The CSO can influence a donor’s agenda

It is easy to imagine several ways by which a large donor can influence a CSO’s agenda — many of them negative. It is somewhat more difficult to imagine how a CSO might be able to influence a donor’s agenda. The spirit of altruism is what motivates some individuals or groups that donate money to the not-for-profit sector or engage in other acts of philanthropy, but the pedestrian truth of the matter is that the vast majority of donors take a pragmatic approach towards any aid-related activity or charitable work. Still others have baser motives behind their actions — such as dispensing with otherwise taxable income.

In reality, it seems less a question of individual CSOs lighting a fresh spark of conscience in the mind of a fabulously wealthy executive of a multinational company. It seems more realistic to assume that civil society as a whole — myriad CSOs and NGOs — have the combined capability and shared vision to bring about certain paradigm shifts in human relationships. A shift can take place by simply getting people to acknowledge a problem that very few people know anything about (e.g. where was cli-
mate change as an issue 20 years ago?); or a shift can also occur when convincing evidence is provided to drive a radical change of approach that might be necessary to solve an acknowledged, persistent problem (such as failed drug policies).

One of the reasons that environmental groups have been very successful in influencing the course of environmental policy development in recent decades is because humankind has never faced these kinds of challenges before. Without contributions from scientists, data and experts from the civil society sector, local and national government officials would be utterly lost in trying to navigate the sea of problems related to climate change. The fact that these issues are being addressed by multiple stakeholders represents in itself a sort of paradigm shift, and more and more donors — even, and perhaps especially, the largest donors — are beginning to appreciate the magnitude of the problems we face. When, for example, an environmental disaster-in-waiting threatens to wipe out billions in profits for many of the world’s wealthiest corporations, the pragmatic approach for company executives will be — or certainly should be at the very least — to change business practices in ways that preserve long-term sustainability.

It has been clear for some time now that there are environmental limits to ‘business as usual’, and that civil society will need to continue to keep up the pressure on government authorities and the private sector if humanity is to achieve a complete paradigm shift capable of preserving, rather than destroying, life on Earth. Whatever the immediate concern of a CSO or NGO, the organisation should always strive to see its place in the far bigger picture.

Relations with the local community

The CSO engages in dialogue with the local community on a regular basis (not only through or during a project)

While “much has been written about ‘community engagement’ and ‘community participation’ in donor-funded development projects [...] there is very little literature on this in relation to partnerships that involve organisations in the private, public and civil society sectors working together around sustainable development issues.”

- The terms ‘community’ and ‘engagement’ are loose concepts. ‘Community’, which is often used interchangeably with ‘civil society’ and even ‘the third sector’, can mean a group of people who share anything from geographic location to similar circumstances, interests or values. The concept of ‘engagement’ is also broad and used to encompass ‘consultation’, ‘involvement’ and ‘participation’, usually with an implication that such activities offer some form of empowerment.
‘Community engagement’ as a concept is value laden and can be interpreted in different ways by different audiences while masking deep-seated issues of power and control. It is therefore essential that partnership practitioners identify exactly what they mean by the term in relation to their work and are able to articulate this with regard to specific partnership purposes and context throughout the different phases of partnering.30

In addition to complications that surround this particular terminology, partnerships are constantly in a state of flux. This does mean that a CSO is likely to be more actively involved and visible within a community during the implementation period of a given project, but it does not mean that the partnership should cease until another period of visible activity commences. Rather, “community engagement needs to be examined in relation to the different process of a partnership project’s development and reviewed on a regular basis.” 31

There are many phases of partnering (some studies suggest up to a dozen or more), but Stott and Keatman draw almost everything together into five broad phases “in which review processes (monitoring and evaluation) are implicit within each.”32 These five phases are presented below (some aspects will be presented later with regard to other aspects of CSO/community involvement and partnerships):

- **Scoping:** researching the contextual case for partnership and drawing on relevant prior experiences. Selecting partners by identifying incentives for working together, analysing the strengths and weaknesses of potential contributions and the value and risks of working together.
- **Initiating:** establishing the ground rules for collaboration. Agreeing on core principles, objectives and goals, the different roles and responsibilities that will be undertaken, as well as appropriate partnership structures.
- **Implementing:** ensuring the engagement of all partners and monitoring that tasks are being carried out as agreed. Developing and reviewing management and decision-making structures and using appropriate systems for communication, accounting, reporting, conflict resolution etc.
- **Consolidating:** strengthening and refining methods for working together effectively. Building appropriate structures and mechanisms for the partnership to ensure longer-term commitment and continuity and reinforcing wider societal linkages.
- **Sustaining/terminating:** making decisions about what should happen after a partnership has completed its activities. Agreeing on an appropriate conclusion or developing further work.33
These broad guidelines should be able to help CSOs involved in any of number of issues to draw up an effective, multi-pronged strategy for long-term community engagement.

The CSO’s objectives and goals are presented to and understood by the local community

Having investigated the characteristics of community participation in development projects in China, Janelle Plummer and John G. Taylor created a spider diagram to chart the level of local involvement within a community project cycle. The methodology used is ideal for establishing the degree to which local communities understand, participate in and value what a CSO is doing within a single project or larger, long-term context.

The main stages of a community project cycle are problem identification, planning, design, construction, financial management, monitoring, evaluation and follow-up management. If each project stage represents a separate spoke of a wheel on the diagram, the degree of involvement for each is broken down into seven distinct levels, with the highest level of involvement represented as greater in distance from the wheel hub or web centre.

A mark of ‘0’ represents zero involvement or no public participation whatsoever within a given project stage. A ‘1’ means there is some participation, but it is literally or figuratively forced on the community, implying coercion on the part of the CSO, donor(s) and/or, quite possibly, local or national government authorities. A ‘2’ stands for ‘notification’: the CSO has duly notified the local community of project activities through means that make it clear that public involvement in the effort is voluntary; notification efforts may not be successful in attracting interest, but such efforts are to be preferred to manipulative strategies of force and involuntary participation.

A mark of ‘3’ represents attendance: it may be many or just a few, but attendance nonetheless, and without coercion. Essentially, attendance covers half the distance to successful community involvement, but even at such a stage has little impact in itself. Significant headway is made when stage ‘4’ is reached: expression. This means that one or several people take the floor and give voice to hopes, anger, concerns, frustration etc. No problem can be solved without the problem first being identified, and expression is how local authorities can obtain first-hand awareness from their constituents of the sorts of issues that need to be tackled.

Once an issue has been raised, it is important to follow it up with some discussion, which is stage ‘5’. Discussion can take place in several contexts. Local authorities in some communities schedule ‘town hall’-style meetings to open the floor to citizens
or to present a new policy. If the agenda is not too broad or one-sided, it is possible to have a back-and-forth between citizens and authorities (or between citizens with opposing points of view) over the course of the meeting. Perhaps an impromptu meeting has been called because a single issue of concern needs immediate attention: such a meeting is an opportunity for citizens to make recommendations and enter into constructive dialogue with their local authorities to find a solution. In these instances, it is typically the case that the local authorities have taken the initiative to invite discussion, but also — which is vital — the local community has seized the opportunity to move the debate forward.

When members of a community are able to reach a firm decision and to apply the pressure needed to influence a final decision of the local authorities, then stage ‘6’ — decision making — has been reached. This represents near-total effectiveness of citizen involvement in community affairs. A key criterion for being able to reach a decision is that the amount and quality of information provided to the debating parties is reliable and persuasive, and CSOs involved in local issues have a great responsibility to produce and disseminate such information in a timely manner so that good decisions can be made. The more convincing the information supplied to the general public, the more likely it is that decisions will have broad community support. Broad support, in turn, is needed to bring pressure on recalcitrant authorities acting more in the service of conflicting interests.

The ultimate goal of community involvement in local affairs, our stage ‘7’, is when a substantial number of people act without any outside prompting from local authorities, other forms of coercion, or even media reports. Taking the initiative means proactively identifying problems and solutions, and CSOs should help provide citizens with all the tools and means necessary to shape their communities in ways that are best for the people who live in them, rather than being passive victims of policy objectives wrought from outside or stemming from ulterior political or financial motives.

When a CSO is working on a specific project within the local community, these seven indicators can be used to chart the level of public sector involvement. Total community involvement and optimum results are elusive targets and require a great deal of time, energy and resources to meet. When a network comes into play it is therefore essential that each partner knows their particular role and the proper stage on which they should play it.

The CSO has a positive image in the community

The vast majority of CSOs and NGOs come into being to act as bridges between various levels of government and a larger or smaller group of the public sector. This is a dynamic that cuts both ways. On one hand, members of the general public might
participate in CSO programmes or use services provided by non-profit organisations because they can be more convenient, more approachable, or more effective than standard government channels.

But CSOs and NGOs need to be wary of projecting images of ineffectiveness, aloofness and elitism, so as not to create an unbridgeable distance between themselves and the public. It is a very positive development if an organisation or network is able to achieve a high level of visibility for its work and engagement within a given community. However, if an NGO community becomes well known for its own ease of access to authority figures and for privileges that such cozy relationships often confer, then the public will begin to resent its presence and take a generally dim view of other, more well-meaning and potentially effective organisations in future.

This is especially the case in predominantly poorer communities in which well-funded NGO communities may lead comfortable, high-profile lifestyles while the vast majority of the population fails to see any improvement in their own living conditions. If CSO and NGO networks are eager to promote their local image in positive ways through media channels, they would do well to take a page or two from the business sector’s public relations approach, which has become known as corporate social responsibility (CSR). A large business or corporation engages in CSR to convince the public that its operations are motivated by considerations other than strictly making a profit. Other campaigns acknowledge the harmful consequences of a particular industry (e.g. mining, energy production or chemical manufacturing), but place greater emphasis on the fact that it is providing a public service that we generally prefer to live with — despite the consequences — than live without. Some — if not many — of these campaigns are cynical at best, but such communication strategies can be studied and put to good use for the worthiest of causes.

Sometimes a CSO does very good work and is making a real difference in some people’s lives — say, for a marginalised group of the local population — but financial support is waning and the wider public perhaps knows little or nothing of the work being performed. Rather than trying to put a good spin on bad practices, the object here is to raise awareness of good practices from obscurity to recognition and then to widely accepted understanding.

The CSO has regular activities that serve the community’s needs and interests

All communities have problems to solve; and each community, insofar as it exists within a greater national community, bears a greater or lesser burden of the problems that its national government faces. It is logical to extrapolate from this that each national government is part of an even larger international community, and that
each national government shoulders a greater or lesser burden of problems faced at global level. Throughout the world, CSOs and NGOs are active at all socio-political junctures at which problems need to be recognised, understood and solved.

Bearing all of this complexity in mind, big pictures are merely aggregates and agglomerations of smaller or micro-level pictures. Just as, from a scientific perspective, the study of atomic and molecular structure gives us a wider understanding of physical reality, social interests, desires, motivations, aspirations and problems are most perfectly understood when examined at the community level. When all of the social give and take between multiple communities is better understood, it is easier to determine whether problems more or less originate within a ‘community’ (however defined), or are more or less imposed from ‘outside’ (however defined).36

More often than one might suppose, the origin of a particular problem is also the place where its consequences are felt most deeply. Mining towns, for example, so often born overnight in the discovery of a mother-lode or prospective vein of mineral wealth, bequeath a mixed legacy: bustle, community pride and unlimited prospects on one hand; wrecked health, a despoiled environment and exhausted prospects on the other. The involvement of CSOs/NGOs in communities therefore requires a proper understanding of local dynamics with regard to the type of problem(s) with which an organisation or organisational network is involved.

A good place for the CSO community to start is education for young people. Children are most receptive to new information and capable of cultivating new ways of behaviour, and will also have an impact on the communities in which they live as adults. Working with children is an investment with long-term payoff potential.

Where adults are concerned, it is important for organisations to make information accessible and understandable through awareness-raising campaigns or public meetings. Citizens need to feel a sense of empowerment rather than just being talked down to. Above all, CSOs and NGOs need to be plugged into the key local issues. This requires direct involvement with people on the street, in their homes, at civic events and volunteer relief or fundraising efforts.

When a community faces a local problem that it cannot solve on its own (e.g. illegal cross-border waste disposal), CSOs and NGOs should use their resources and connections to bring the problem to the attention of national or regional authorities who, in turn, can respond with the resources necessary to take meaningful action.

Information on CSO activities is disseminated to the community regularly and in the proper format and style

The most important thing here is to keep the line of communication between an organisation and the community open at all times. An organisation must make sure
that its contact information is widely published through all possible communications media. If few people in the community have Internet access, greater effort will be needed to disseminate contact information through other media: newspapers, flyers, bulletin boards, job centres, churches, community centres, open-air markets, sporting events, concerts, word of mouth etc.

It is also important to establish (or get to know) relevant people inside the network and the community for the communication of certain types of information. It might be people at the local newspaper (e.g. crime beat reporter or news editor), the high school principal, chief of police or committed local activist. Why make hundreds of phone calls and send thousands of emails when you can get the ball rolling by contacting just a few well-placed individuals?

Once an organisation has identified its most valuable contacts, it should establish how much and what kind of information is needed. If a major press conference will be held, only those directly involved will need all the detailed information — although the organisation should be prepared to give information to anyone who asks for it.

Something that should not be done is to assume that one person or group that is supplied with information will automatically inform everybody else that needs to know. Take the responsibility for making sure that everyone on a contact list has been reached, even if that means just following up to see that another partner has done so.

Another extremely important point in an international context (and certainly in the context of the Themis Network) is to bear in mind that not everybody speaks the same language with equal facility, as multiple languages might be spoken within a region. Messages must be communicated in the clearest possible terms, and in as many of the given region’s languages as possible. Many organisations take for granted that the entire world speaks English, which is plainly not the case. If an organisation lacks in-house capacity to communicate in one or more local languages, official texts should be capably translated for all potential stakeholders.

Finally, be wary of any attempts within an organisation or network to censor the flow of information. If word gets out that an organisation has been keeping important news from the public, for whatever reason, trust will be severely undermined and will be difficult to regain.

The CSO participates in community partnerships

A community-based approach towards crime prevention is becoming increasingly common practice in countries of the British Commonwealth — namely Australia, Canada, New Zealand and the United Kingdom. In many cases, “central agencies provide short-term funding or technical support or establish partnerships with re-
gional branches of government authorities, local government and non-government organisations to plan and deliver crime prevention initiatives, and to implement the national or state and territory strategy.”

It is possible for CSOs and NGOs to become involved in ‘intervention’-type approaches that emphasise community development and engagement, “particularly through local government crime-prevention planning processes, but also involving police, government and non-government organisations”. Other efforts are aimed more directly at developmental crime prevention and “involve providing basic services or resources to individuals, families, schools or disadvantaged communities to reduce risk factors and enhance protective factors for crime and anti-social behaviour.”

The not-for-profit sector can also get involved with government and police crime prevention initiatives by coordinating funding programmes for personal development projects and support services to enhance service coordination. Meanwhile, “education, employment and vocational skills training, diversionary activities for young people (such as sport and recreation projects, mentoring and arts development projects [have] also proved popular.”

While many of the previous approaches apply to all types of criminal activity in general, special efforts are being directed at crimes of a more specific and local nature, sometimes referred to as ‘situational crime prevention’. These sorts of efforts are especially effective for addressing environmental crime. Urban redesign and the installation of closed-circuit televisions in public spaces have been introduced with some effectiveness, in addition to a number of awareness-raising campaigns related to environmental crime.

According to the Australian authorities, “the growth in popularity of environmental approaches reflects the increasingly prominent role of local government, who have been responsible for leading the development of local crime prevention plans, developing and implementing crime prevention initiatives in partnership with other stakeholders, and performing a range of functions relevant to environmental crime prevention.”

Obviously, CSO networks can play an invaluable role in assisting national and local authorities and police services in any number of policy approaches, interventions and public initiatives dedicated to reducing or preventing environmental crime. This requires establishing close working relationships and being able to provide sufficient expertise and high-quality services.
Structures are in place and actions (e.g. regular discussion forums) are taken to facilitate working relationships between the organisation and civil society at large

The CSO/NGO community comprises a “bewildering array of groups and organisations — from activist groups ‘reclaiming the streets’ to development organisations delivering aid and providing essential public services. Other NGOs are research-driven policy organisations, looking to engage with decision makers. Still others see themselves as watchdogs, casting a critical eye over current events. (…) Some are highly sophisticated, media-savvy organisations … while others are tiny, grassroots collectives, never destined to be household names.”

Each with its own role to play, not every type of organisation will engage with the public directly or in the same way; but if a network is coordinated and structured properly, indirect involvement of certain networked organisations with the community will be equally crucial towards achieving a desired overall result. To create a highly coordinated structure involves a deep and complex understanding of how different problems affect entire communities, or just certain vulnerable members.

As a hypothetical example, let us assume that a poorer section of a community has been suffering recently from ill health due to what is alleged to be the illegal dumping of hazardous waste at a nearby rubbish tip. In this case, it might require the work of a self-styled ‘activist’ organisation to rally affected members of the community to raise awareness of the problem, whether by taking to the streets or contacting the media. This is often necessary when large segments of the local population are either unaware or unaffected by the problem (which, in turn, can be attributed to lack of government or media resources, or just general complacency).

In any case, what is important in this instance is to get everyone in the community to feel that they have a vital stake in what is taking place and have an opportunity to make a genuine difference or alter an outcome.

At this stage, aid organisations can step in and make a careful assessment — and possibly a diagnosis — of the health problems of the affected population; they can draw on their own resources and connections with other organisations more suited to fundraising activity to ensure that the money, supplies and medical personnel for necessary treatment are made available quickly.

Meanwhile, research organisations can provide existing data and carry out research on new findings to help validate claims (or find them unsubstantiated), while policy-oriented organisations can use new evidence to help steer legislation in a new direction, if necessary.

As evidence pours forth from the community, those charged with criminal activity will mount their own case against the charges. A watchdog NGO in such a sit-
uation will examine the past history of the accused party or parties, and will follow how the accused respond to verifiable charges.

A well-coordinated NGO network is able to rally an entire community behind its efforts with a well-timed public communication effort. When there is a compelling case for a CSO network to make, representatives from every important angle can make their case to the public — and to present authorities. When a compelling case is made on all sides, not only is it possible to win a favourable legal verdict (should it go to court), but the CSO/NGO community makes significant gains within the community, and this provides an even larger base for future activity.

### Relations and cooperation with local business

The CSO has relations and cooperation with the private sector

Relationships between CSOs and the private sector are changing rapidly. There are two important reasons for this that are worth mentioning. First, the arrival and persistence of the global financial crisis has tightened government purse-strings, and NGOs that were formerly reliable sources of agency funding are either shrinking the amounts of financial support they provide or withdrawing their support altogether. As a consequence, more and more NGOs are turning to the private sector for sponsorship or partnership arrangements that can improve the prospects of organisational sustainability.

The second key reason marking a shift toward greater collaboration between NGOs and the private sector is coming from the private sector itself. The fact that CSR is now a business strategy component of nearly every major company in the world is a response to rising consumer and stakeholder awareness of environmental issues. Businesses are aware of these concerns and are eager to seize the initiative to promote their own vision of environmental stewardship. It is largely in this capacity that many businesses today are looking to form partnerships with NGOs that can provide them with the knowledge and capacity to help promote this aspect of their business model.

In any case, what an effective business–NGO relationship essentially comes down to is a “strategic partnership between organisations. In the same way that two organisations might create a strategic partnership to create a competitive advantage, a business should seek out an NGO whose unique expertise provides a competitive advantage in achieving a CSR goal. On the flip side, this means that if done correctly, an NGO should also be able to utilise the technical advantages of a business to become a better organisation and ultimately produce better results in the field. With this synergy, the partnership should be greater than the sum of its parts.”

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1. EnvironmEntal nEtworking handbook
2. Relations and cooperation with local business
3. The CSO has relations and cooperation with the private sector
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But what is especially interesting about this cooperative shift is that NGOs have traditionally had a more adversarial relationship with the business community — for example the ‘watchdogging’ of local business practices being viewed as a vital component of environmental advocacy and community service. Clearly, this remains the important duty of many NGOs, and especially in the fight against businesses suspected of involvement in any number of illegal activities detrimental to the environment, such as dealing in illegally harvested timber, illegal dumping of waste, unlawful pollution and other harmful practices, whether committed out of negligence or through wilful and covert means.

In keeping a watchful eye on local businesses, NGOs can be a great ally to law enforcement personnel in a number of ways: blowing the whistle on suspected unlawful activity; taking samples and storing scientific data to substantiate claims (of levels of toxicity, for example); providing support for citizens willing to give testimony; developing a media campaign to raise greater public awareness of a problem; assisting outside police units with logistics etc.

The CSO communicates its objectives and goals, and disseminates information about its activities to local businesses

Regardless of whether a CSO or NGO is looking to partner with or keep an eye on local businesses, what the organisational community as a whole needs to communicate is a desire to encourage ethical and environmentally responsible behaviour on the part of the private sector. With more and more businesses eager to promote a ‘green’ image to the public, CSOs stand to benefit by actively promoting themselves as possible partners to help companies develop sustainable business strategies and, in so doing, enhancing private-sector credibility. Successful partnerships, effectively promoted, can generate a bandwagon effect that will encourage more businesses to follow suit.

On the other hand, there are always companies that are less willing to play by the rules, and local organisations need to make their presence known in various ways that demonstrate a capability to take or inspire effective action — and this includes cooperation with local or, if need be, national or international law enforcement personnel. If a company feels sufficient pressure from the public sector and comes to believe that operating in violation or potential violation of the law is not worth the risks involved, it may even feel compelled to reach out to the CSO/NGO community for advice on how to run a cleaner operation, become more transparent financially, deal with internal corruption or find legal support to deal with pressuring outside influences.
Endnotes

1 According to Havocscope.com, recent estimated illegal global revenue figures for different types of environmental crime are: illegal fishing USD 23.5 bln; illegal logging USD 30 bln; metals and minerals smuggling USD 2.3 bln; oil theft USD 37.23 bln; waste dumping USD 11 bln; and wildlife trafficking USD 32 bln.


6 Chartered Institute for Public Relations (UK), 2011.

7 One example springs immediately to mind: Former US Vice President Al Gore’s 2006 feature-length film “An Inconvenient Truth”, by reaching millions of viewers, helped enormously in ushering the issue of climate change into mainstream public discourse — one consequence of which is that climate change now receives far more mainstream media coverage than it did before.

8 It should be made clear that it is not the task of CSOs/NGOs to conduct police work. Rather, these organisations assist police and law enforcement personnel by providing information and data related to environmental damage. It is then up to the relevant law enforcement personnel to determine whether or not criminal activity is taking place and how best to respond.


10 Ibid.

11 Ibid.


13 John Clark, The Relationship between the State and the Voluntary Sector. www.gdrc.org/ngo/state-ngo.html

14 Principle 10 of the Rio Declaration.

15 Chapter 23.2 of Agenda 21.

16 Ibid.


18 Ibid.

19 Chapter 27 of Agenda 21 (1994)

20 Barbara Gemmill and Abimbola Bamidele-Izu, “The Role of NGOs and Civil Society in Global En-
environmental Governance”,

21 Ibid, p. 12.
www.icnl.org/research/resources/ngogovcoop/partngo.pdf
24 Ibid.
26 The Paris Declaration on Aid Effectiveness: Five Principles for Smart Aid
27 Ibid.
30 Ibid.
31 Ibid.
32 Ibid.
33 Ibid.
35 For a stark example of the hostile reactions in Haiti to the NGO community following the 2010 earthquake, see: www.publicintegrity.org/2012/01/10/7838/after-quake-praise-becomes-resentment-haiti
36 Within such a model of general understanding it becomes apparent why so many social problems are wholly (and often deliberately) attributed to ethnic and racial differences, rather than to a complex brew of political, social, economic and other factors.
38 Ibid.
39 Ibid.
40 Ibid.
41 Ibid.
42 Ibid.