
ENVIRONMENTAL CRIME AND THE ROLE OF ICPO-INTERPOL

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SUMMARY

Interpol is an international police organization comprising 174 member states from all over the world. The purpose of Interpol is to ensure the widest possible mutual assistance between all criminal police authorities, within the limits of the laws existing in its member states and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

The principles on which Interpol's functioning is based have stood the test of time. It has become clear that the organization cannot have teams of detectives with supranational powers who travel around investigation cases in different countries. Briefly, international police co-operation is the coordinated action of the member states' police forces, all of which supply and request information and services.

The Interpol general secretariat is the center for coordinating the fight against international crime. Its activities, conducted at the request of police departments and judicial authorities of member states, are all focused on crime prevention and enforcement. Each of the 174 member states have appointed an Interpol National Central Bureau (NCB) as its national department to serve as the permanent focal point for international police co-operation.

1 INTERPOL'S MANDATE TO COMBAT INTERNATIONAL ENVIRONMENTAL CRIME

Environmental crime is a relatively new phenomenon for any police force in the world and consequently also for Interpol and its general secretariat. This type of crime is extremely diversified and encompasses a large number of related offenses which can be covered in either specific, general or civil legislation depending on the legal systems and type of crimes committed in the countries concerned. In this connection it should be noted that Interpol is mandated to fight international environmental crime only in cases where the crimes are being investigated and prosecuted under ordinary criminal law.

As early as 1976 an Interpol resolution was adopted on combating the illegal traffic in species of wild flora and fauna. Today, however, the general secretariat's major preoccupation is the illegal traffic in hazardous waste and dangerous substances, a problem which is becoming more and more dangerous for the public health in many countries.

So far approximately 70 cases involving environmental crimes have been reported to the general secretariat by member states. About 80 percent of these cases were reported by European countries, 15 percent from the United States and the rest from Africa and the Middle East. For the most part the cases concern illegal transborder movements of dangerous substances, i.e. waste traffic and dumping and/or traffic in radioactive substances.

In this connection the basel convention, the international treaty which regulates the transborder movements of waste among the more than 45 nations which have ratified it, is a clear invitation to the international law enforcement community and therefore Interpol to become actively involved in the fight against this kind of criminality.

Under article 4 of the convention, contracting parties agree to the following:

- Section 3: the parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

- Section 4: each party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this convention, including measures to prevent and punish conduct in contravention of the convention.

It is obvious that legislative tools to fight international environmental crime will mean little, unless the capabilities to enforce those laws are also improved nationally as well as internationally.

2 ACTIONS TAKEN BY INTERPOL TO FIGHT INTERNATIONAL ENVIRONMENTAL CRIME

Experience has shown that investigations into cases relating to international environmental crime encounter many problems because information is often widely scattered, there is generally no central contact point, there is no uniform international definition of "environmental crime", and professional environmental criminals generally hide their illegal activities behind a legal facade sometimes involving the corruption of government officials.

Interpol is currently trying to improve this situation and a number of recommendations have recently been adopted by the Interpol general assembly to combat international environmental crime and more particularly the illegal transborder movements of hazardous waste.

The most recent initiative taken by Interpol general secretariat to combat international environmental crime was to set up a working group on the subject.

The working group was established on the basis of a resolution on environmental crime which was adopted at the general assembly's session in Daka in November 1992. Following this resolution, a series of meetings on environmental crime - and especially on traffic in hazardous waste - will be held under Interpol's auspices.

The aim of the working party is to identify the various problems that arise in connection with environmental crime investigations and to find possible solutions. Such solutions could include improving co-operation and the exchange of information through existing Interpol channels and distributing information, possibly in the form of a handbook covering environmental crime, to member states. The working party could also make recommendations regarding the adoption of legislation to combat environmental crime and the harmonization of existing legislation.

The working party's first meeting took place at the general secretariat on 16th and 17th september 1993.

Delegates from 11 countries (belgium, chile, denmark, france, germany, the netherlands, Nigeria, norway, saudi arabia, spain and the United States) participated in the meeting, and the following items were discussed:

- Transborder movement and dumping of waste products.
- Illegal traffic in radioactive substances
- Illegal traffic in species of wild flora and fauna.
- Training courses relating to environmental crime.

Let me comment briefly on each of these items.

2.1 Transborder movement and dumping of waste products

First, the illegal transborder movement and dumping of waste products.

A typical situation is one where a company wishing to dispose of its waste is approached by a dealer offering to do it at a very cheap price. Instead of processing the waste, the dealer illegally dumps it in another country and presents the firm with a forged invoice from an alleged processing company.

More and more often, waste brokers operating at international level are handling the transport, export and disposal of waste materials. There are indications of organized crime structures. The

names of the suspect companies may constantly change, but the people responsible behind the scenes remain the same. An increasing number of criminals are coming to notice who have experience in the field of white-collar crime.

Let me give you two examples of such cases reported to the general secretariat by Interpol member states.

2.1.1 Case example from Nigeria

In 1988, in Nigeria, it became known that since August 1987 huge consignments of toxic waste had been illegally imported from Italy and dumped in a small port called "koko town" on the outskirts of Warri in Delta State.

The main suspect in this case was an Italian national, working for a construction company in Nigeria. Through a Nigerian accomplice he managed to get a permit to import chemicals and other substances into the country. He subsequently transported huge amounts of toxic waste to Nigeria in five ships from different places in Italy and illegally dumped the waste in the port of Koko Town.

Investigations revealed extensive irregularities in the clearing of the toxic waste consignments. None of the shipping documents described in the manifest corresponded to the items listed in the pharmaceutical permit. The items listed in the permit were clearly different from what was imported.

Investigations at the dumping site revealed that the waste was toxic and radioactive and harmful to human lives, animals, plants and the environment. Many of the drums containing the waste had been damaged due to poor handling and storage, and others as a result of corrosion. Consequently, the contents of the drums had been spilled, contaminating the soil, the ground water supplies and the nearby river in Koko.

Many international agencies and experts were immediately mobilized to evacuate the toxic waste and clean up the dumping site in Koko Town. About 4,000 tons of toxic and radioactive waste materials were eventually taken back to Italy and the Italian government took over the responsibility for cleaning up and decontamination of the dumping site in Nigeria.

As a result of the Koko toxic waste episode the Nigerian government promulgated a decree in November 1988 under which all activities relating to the purchase, sale, importation, transit, transportation, deposit and storage of harmful waste were declared a criminal offence liable to a maximum sentence of life imprisonment.

2.1.2 Case example from the United States

Another interesting case was reported to the general secretariat in September 1993 by the United States Environmental Protection Agency (U.S. EPA).

The case, known as "United States vs. Stoller Chemical Company et al.", was recently concluded and resulted in the conviction of three individuals and two corporations for illegally attempting to export hazardous waste from the United States to Bangladesh and Australia after it had been mixed with fertilizer.

The Stoller company had been lawfully authorized to use a certain category of waste product from copper processing plants, known as KO61, as a feed stock in making fertilizer, principally due to the waste's high zinc content. Because this reclamation process is recognized by law, KO61 is exempt from regulations that otherwise require reporting and environmentally sound disposal of such waste. An investigation into Stoller's environmental management practices revealed a shortage of the KO61 material during the period of time when Stoller was mixing a 3,000 ton shipment of fertilizer for use in Bangladesh and Australia. At about the same time, a waste broker who regularly supplied Stoller with the KO61 waste had an excess of similar waste product that also had the high zinc content desired for fertilizer supplementation. However, this waste also contained high amounts of lead and cadmium, above the toxicity limits that render it a regulated hazardous waste, which preclude its use as a fertilizer supplement.

The investigation revealed that it was this hazardous waste product that was mixed with the fertilizer and was being shipped abroad. When confronted with this finding, the suspect broker claimed that the waste had undergone treatment to remove the lead and cadmium. In fact, no such treatment existed. There was also evidence of a "commission" being paid to the waste broker for processing which never took place. Luckily the us authorities managed to alert the receiving countries and prevent the hazardous waste from being used as fertilizers there.

Three people have now been convicted, including the waste broker and company manager who authorized his "commission". They all face significant terms of imprisonment, as well as fines.

2.1.3 Measures which will be taken to improve international law enforcement in cases relating to waste traffic and dumping

Based on the experiences gained from these and other previous cases, a number of practical measures have now been recommended by the Interpol working party to improve international law enforcement in cases relating to waste traffic and dumping.

The measures will all be taken within the framework of Interpol's existing facilities, including the Interpol telecommunications and criminal information system.

The aim of the measures will be:

- To improve the exchange of information, i.e. operational, statistical, legal and other information on the subject
- To look into the illicit waste streams
- To look into the modus operandi used by waste brokers
- To learn from previous cases
- To look into the possibilities of analysis of information at international level
- To establish an international network of knowledgeable law enforcement contacts
- To establish profiles of international waste and chemical brokers
- To establish a database concerning the sites which purport to be recycling, reclamation of disposal facilities and which accept waste from foreign nationals
- To develop a listing of toxic and hazardous waste products according to national laws and distribute it to member states

2.1.4 Interpol study on environmental crime with the emphasis on the illegal transborder movements of hazardous waste

In order to know more about this relatively new kind of criminality the general secretariat has completed a study on environmental crime with the emphasis on the illegal transborder movements of hazardous waste. We have also circulated information on national and international legislation to the Interpol member states.

The study on environmental crime was based on the replies received from 48 member states general secretariat questionnaire and the results were distributed to member states in september 1992.

From the documentation received it appeared that north america and western europe had relatively more legislation and law enforcement capabilities to deal with the problems than countries in africa, south america and asia.

It also appeared that countries which had limited or no statistics on environmental crime also had relatively limited legislation to deal with this problem including illegal traffic and dumping of waste. The collection, analysis and interpretation of statistics seems to cause tremendous problems. Firstly, there is usually a considerable backlog in the collection and processing of this data. Secondly, the statistical problems are closely connected to the legal definition of environmental crime which often varies considerably from country to country as well as from state to state.

It was noted that illegal waste traffic and dumping are associated with violations in other fields of law, such as fraud, fraudulent conversion, bribery, document forgery, etc.

In many countries, higher priority has been given to the fight against environmental crime, and for example in the United States and Canada specialized units have been established.

Furthermore, closer co-operation has been established between the relevant police units and civil administrations including environmental control agencies.

Cross-border co-operation to combat international environmental crime has so far been carried out on a regional basis and between neighboring countries. An example of this is the co-operation between law enforcement agencies in Canada and the United States and between countries in Western Europe.

On an international level, the Basel Convention is a very important tool to fight this kind of criminality. Many of the countries which have signed the Basel Convention are presently in the process of developing domestic legislation before they can ratify the treaty. However, as already mentioned, we will need to improve the capacity to conduct international police investigations if this convention is to be effective.

2.2 Illegal traffic in radioactive substances

The most recent phenomenon which we have classified within the context of environmental crime is the illegal traffic in radioactive substances. This problem is currently predominant in Europe where radioactive substances have been offered for sale more and more frequently after the collapse of the former Eastern Bloc. In most cases these substances do not even exist and the only intention is to defraud. In some cases, however, radioactive substances have been located and seized by the police. Both the quantities of the radioactive substances which have so far been seized and their enrichment are far too low to be used in the production of nuclear weapons. However, the substances can be extremely dangerous for individuals who come into contact with them. Tiny quantities of radioactive substances could kill a large number of human beings if they were introduced into a ventilation system, for instance or into drinking water.

At the request of Germany, a meeting on this subject was held at the General Secretariat on 19th and 20th January this year. It was attended by representatives from 24 European countries. At the meeting a list was drawn up of police liaison officers to contact in urgent cases involving radioactive substances. Furthermore, a proposal was made that a working party should be established under the auspices of Interpol to deal with the subject. However, the illegal traffic in radioactive substances is not only a European problem.

With this in mind it was decided to make the subject of radioactive substances an integral part of the program of the present working party on environmental crime which I referred to earlier.

2.3 Illegal traffic in species of wild flora and fauna

As to the illegal traffic in species of wild flora and fauna an Interpol resolution on this specific topic was adopted in 1976 as a result of the Washington Convention, the so-called Convention on International Trade in Endangered Species of Wild Fauna and Flora, also called "CITES", which has now been signed by 120 countries.

As you know, CITES is part of the United Nations Environment Program with its Secretariat based in Geneva. Its task is to preserve species of wild fauna and flora which are threatened with extinction. In practical terms this means to control the international trade in them by issuing export and import licenses and check the validity of the licenses presented.

To carry out its task, it is crucial for this organization to get support from the customs and police authorities in particular.

In this connection, Interpol plays an important role as a coordinator between national police forces and CITES in Geneva. The previously mentioned Interpol working party is currently exchanging information on the following points:

- Persons and/or companies involved in the illegal trade in flora and fauna
- Organizations involved in this trade
- Methods/trends of such illegal trade, including the use of false cites documents, forgery and means of transport

2.4 Training courses relating to environmental crime

As to training programs relating to environmental crime, it is important to note that police officers dealing with these cases require special skills including scientific knowledge as well as a good understanding of police tactics and investigation techniques, criminology and white collar crime.

A number of training programs on the subject are currently taking place at national and regional level and the working party intends to co-ordinate these activities and to make sure that experience and knowledge are being shared by the various countries involved in these projects.

Germany is currently organizing such training programs for european police officers, and chile will host an american regional training course on environmental crime which is planned to take place in santiago in march next year. Also, a number of national training programs on environmental crime are being held mostly in north america, western europe and industrialized asian countries such as japan.

3 FACILITIES AVAILABLE IN INTERPOL FOR COMBATING INTERNATIONAL ENVIRONMENTAL CRIME

Interpol and its general secretariat already offer a wide range of possibilities for combating international environmental crime.

Let me mention just a few very important facilities which are currently available to the 174 Interpol member states.

First, system for exchanging information rapidly and under secure conditions through our independent world-wide telecommunications network. The system allows for the use of all standard forms of communication, ranging from telex to satellite via the computerized facilities now in operation (amss, x.400 system);

Second, a computerized criminal records' system including archives, indexes and files of the names, fingerprints and photographs of international offenders, investigation analyses and summaries, etc.

Third, international notices: notices circulated at the request of national authorities about offenders recorded or wanted at international level, stolen property, methods used by criminals etc.

Fourth, an analytical criminal intelligence unit (aciu) providing professional analysis of criminal information;

Fifth, our legal and police expertise.

The general secretariat co-ordinates the organization's activities and maintains and develops co-operation with other international organizations including;

- The commission of the european communities in brussels
- The world wildlife fund in Washington D.C.
- The environmental protection agency in United States
- The regional environmental center for central and eastern europe in budapest
- The convention on international trade in endangered species of wild fauna and flora, "cites" in geneva

When we receive information on traffic in hazardous waste for instance we immediately respond to the countries concerned if elements in the message appear in the general secretariat's

files particularly of course if this information is not already known to the countries. This response is normally sent out immediately and in any case within 24 hours.

Furthermore, if we see crime patterns or trends we send out a general broadcast to inform and warn countries for example regarding a group of criminals or a special kind of modus operandi. This message can be sent all over the world within seconds.

Interpol provides the machinery for international police co-operation which is increasingly necessary in today's world. Criminals are not impeded by national frontiers. Law enforcement agencies must work together in spite of the vast differences in laws, customs, judicial systems and law enforcement methods.

Interpol's main mission is to facilitate and foster better understanding and closer co-operation between members of the international law enforcement community, and also with other appropriate international bodies.