

# Cooperation between General Prosecutors' Offices in addressing transboundary environmental crime

---

European Conference of Prosecutors  
5-6 May 2022

---

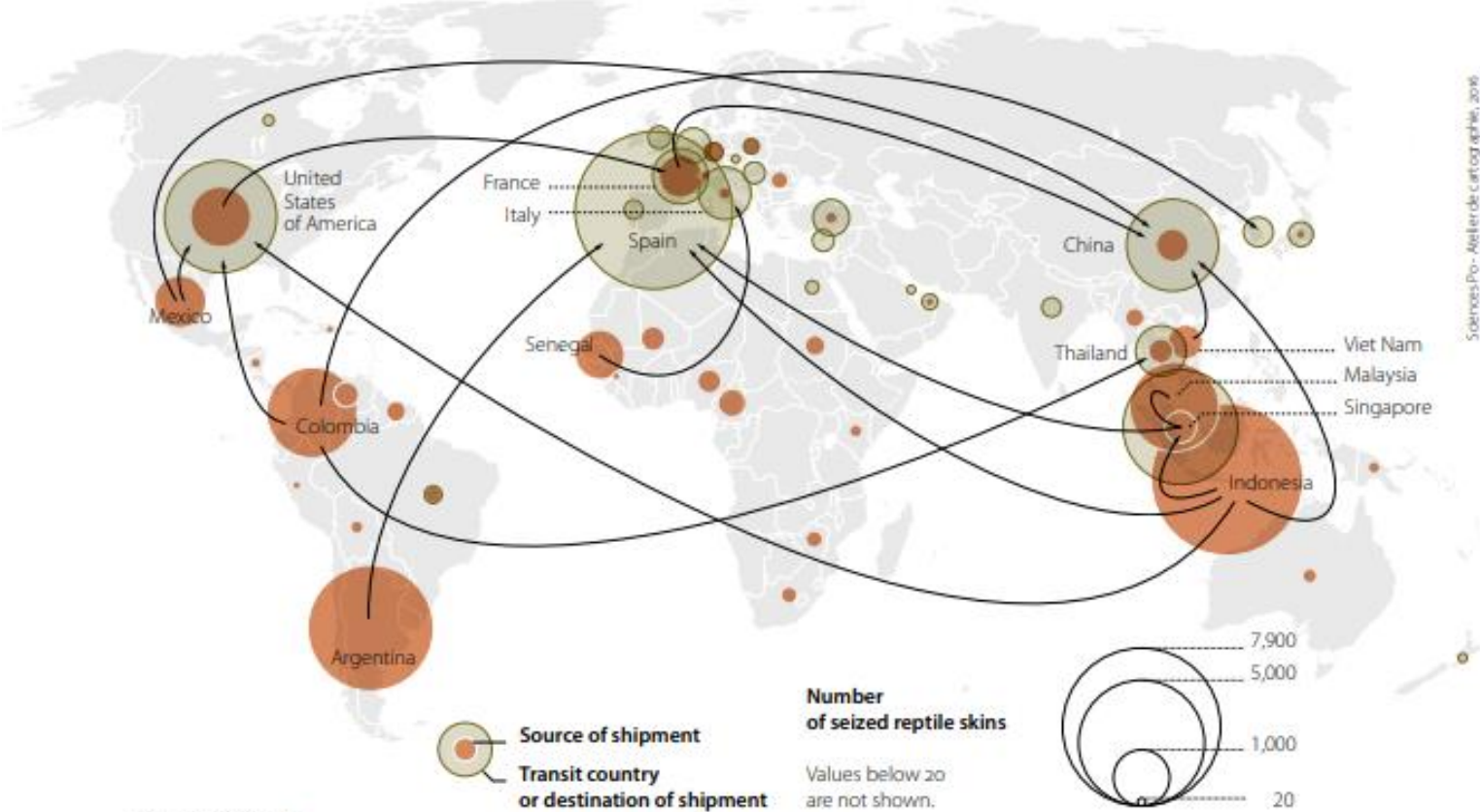
Marianna Bolshakova, Coordinator, Environmental Law and Governance  
UNEP Europe Office

# Content

- **Transboundary environmental crime**
- **Use of treaties**
- **Formal cooperation**
- **Informal cooperation**

# Transnational nature of environmental crime

**Map 1** Main flows of reptile skin seizures, 2005-2014

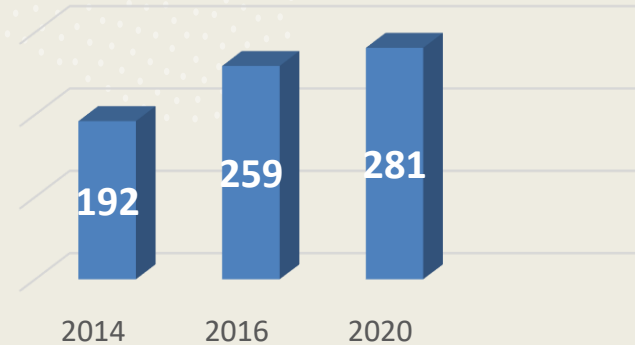


Source: World WISE

Note: The boundaries shown on this map do not imply official endorsement or acceptance by the United Nations. Dashed lines represent undetermined boundaries. The dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties. A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas). The final boundary between the Republic of the Sudan and the Republic of South Sudan has not yet been determined.

# Transboundary environmental crime as a growing trend

Growth in illegal revenue from environmental crime (upper range of the estimate in billion USD/year)

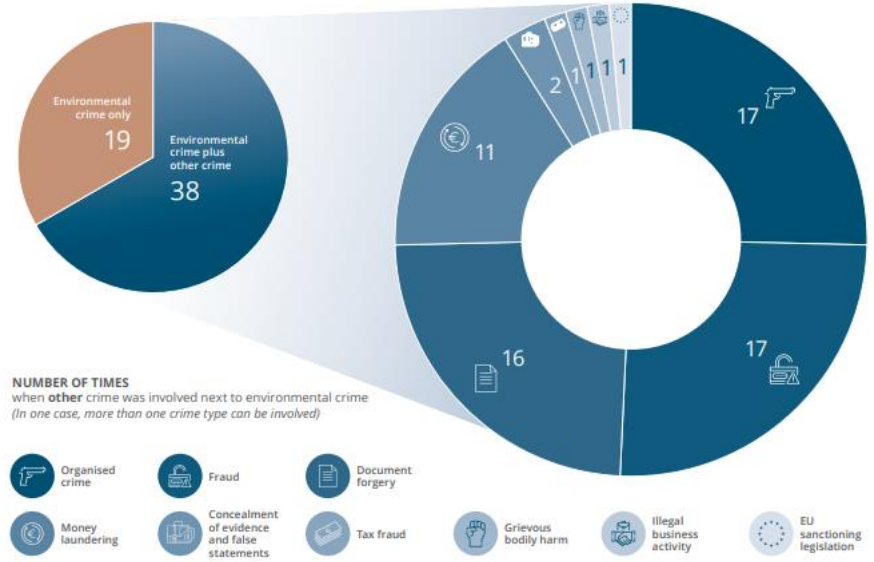
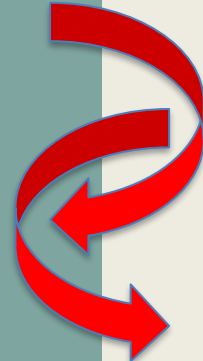


Sources: UNEP, FATF

4th largest area of transnational crime (after drugs, counterfeit and human trafficking)

## Main categories of TEC and links to other crime

- Illegal poaching, trade, trafficking and smuggling of **wildlife and plants**
- Illegal trafficking, dumping of and or trading of **chemicals and waste**
- Illegal trading in **ozone-depleting substances**
- Illegal mining and trading in **precious metals and minerals**



Source: Eurojust casework on environmental crime, 2021

Organized Crime  
Money laundering  
Fraud  
Tax evasion  
Corruption  
Drugs  
Human Trafficking  
Cybercrime

# Multilateral (Environmental Agreements) and TEC

Providing common points of reference, frameworks and definitions that can help address challenges posed by differences in legal standards in different jurisdictions

1973 **Convention on Illegal Trade in Endangered Species (CITES)** – calls for enforcement of provisions, including penalization of trade and confiscation of specimen

1979 Convention on the Conservation of Migratory Species of Wild Animals (CMS)

1972 World Heritage Convention

1971 Ramsar Convention on Wetlands

1992 Biodiversity Convention

1989 **Basel Convention on the Control of transboundary Movement of Hazardous Wastes and Other Wastes and their Disposal**

1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain **Hazardous Chemicals and Pesticides in International trade**

2001 Stockholm Convention on Persistent organic Pollutants

1987 **Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer**

2013 Minamata Convention on Mercury

1973 International Convention for the Prevention of Pollution from Ships (MARPOL)



1959 European Convention on Mutual Assistance in Criminal Matters and its protocols

2000 United Nations Convention against Transnational Organized Crime (UNTOC)

2003 UN Convention against Corruption

2001 Budapest Cybercrime Convention

...

# Formal cooperation

Letters rogatory, MLAs, JITs/JTFs, MoUs, regional procedures (Eurojust)

## Benefits

MLA - **widely used** in gathering and transfer of evidence in environmental cases  
30 out of 57 Eurojust environmental cases (2014-2018)

**Admissibility** of evidence

**Joint investigative teams/ ad-hoc task forces** - help in tracking criminal networks, simultaneous action in multiple jurisdictions, common investigation and prosecution strategies

## Challenges

**Length** of procedures (especially for requests via MoFA)

**Hierarchy** of approval

**Differences** in

- legal frameworks (double criminality)
- thresholds and standards
- methodologies for calculating damages
- sentencing guidelines (triggering MLA under UNTOC)
- language

**Reluctance** of national authorities to engage:

- insufficient specialized knowledge of environmental legislation
- de-prioritization of environmental crime
- for illegal wildlife trafficking – link to certain customs and traditions/beliefs

**Complexity and multidisciplinary nature** of environmental crime:

- many specialized authorities involved at each national level
- confusing mandates

# Formal cooperation

## Some good practice approaches

- Formal cooperation for collection of admissible evidence and for coercive measures (searches, seizures, confiscations, issuing record production orders and subpoenas) - **crucial for successful conviction**
- Reaching out **informally** before formalizing MLA/formal request (where the law allows)
- Requesting **intelligence information** before formal request for information in evidential format
- Clarifying relevant **mandates** – addressing requests to authorities with the right powers to execute
- **Prior research** on national legislation (procedural and substantive)
- Identifying **related “classical” crimes** to elevate prioritization (e.g. most environmental crimes involve financial crimes such as money laundering, fraud, tax evasion; many TECs involve cross-border organized crime)
- **Exploring combinations:** e.g. money laundering in one jurisdiction and predicate environmental offence in another jurisdiction as the basis for formal cooperation (e.g. where dual criminality is required)
- **JITs/JTFs** help address multidisciplinary nature and complexity of authorities involved



# Informal cooperation and networks



# Informal cooperation and networks

## **Specialized**

[European Network of Prosecutors for the Environment \(ENPE\)](#)

[Network of Prosecutors on Environmental Crimes \(Baltics\)](#)

[International Network for Environmental Compliance and Enforcement \(INECE\)](#) and the informal Global Network of Environmental Prosecutors

[European Network for the Implementation and Enforcement of environmental Law \(IMPEL\)](#)

## **General**

[European Judicial Network](#)

[COE Committee of Experts on the Operation of European Conventions on co-Operation in Criminal Matters](#)

[Camden Assets Recovery Interagency Network](#)

[International Association of Prosecutors](#)

[OECD Anti-Corruption Network for Eastern Europe and Central Asia...](#)

## **Regional**

South-East European Prosecutors Advisory Group; Commonwealth Network of Contact Persons (CNCP) (MLA); The Great Lakes Judicial Cooperation Network; South East Asia Justice Network; Hemispheric Information Exchange Network for MLA; Latin American Environmental Prosecutors Network; Judicial Cooperation network for CA and South Caucasus; West Africa Network of Central Authorities and Prosecutors against Organized Crime...

**Bilateral** (National legislation permitting)

## **Organizations / arrangements**

[EUROJUST](#)

[Financial Action Task Force \(FATF\)](#)

[CoE Consultative Council of European Prosecutors \(CCPE\)](#)

[UNODC](#)

[UNEP](#)

**Thank you**

---

---



[www.unep.org](http://www.unep.org)