



Europe Latin America programme of assistance against transnational organised crime (EL PAcCTO): The Jaguar Network

Pedro Alexandre Maia Ribeiro

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Abstract

This work was carried out following an environmental crime workshop held by the European Union Agency for Law Enforcement Training (CEPOL).

As we know, environmental crime has no boundaries and speaks all languages, so international support and cooperation are key to undermining and tackling criminality related to the environment and nature.

Many international cooperation programmes exist: bilateral agreements, usually between neighbouring countries with similar issues, such as Portugal and Spain; training and capacity-building institutions like CEPOL; and coordinating and supporting organisations like Europol. The work presented here focuses on programmes that aim to promote cooperation between countries and organisations that share the same interests, like the Europe Latin America programme of assistance against transnational organised crime (EL PacCTO), which has supported the development of a dedicated programme on environmental crime called the Jaguar Network.

In this article, we will try to answer the following question: 'What new operational results does Jaguar Network bring to tackling transnational environmental crime?'

We first present a brief introduction to international institutions, focusing on cooperation bodies. Then, to try to identify and present an example of operational data on the Jaguar Network, we follow an on-the-ground operation

that took place in Portugal and in other countries in Europe through Europol's EMPACT coordinated effort (Europol, n.d.).

Keywords: Jaguar Network; EL PacCTO; Environmental Crime

Introduction

In our interconnected world, the persistence and complexities of international environmental crime pose significant challenges for our planet's well-being and the rule of law. The degradation of natural resources, illicit wildlife trade, illegal logging and toxic waste dumping are not merely local issues; they are part of a global web of criminal activities that transcends borders and threatens ecosystems worldwide.

Addressing these crimes demands a coordinated, multilateral effort that combines legal frameworks, enforcement strategies and international cooperation. This article explores the nature and impact of and responses to international environmental crime, shedding light on the urgent need for collective action to safeguard our environment for future generations.

International police cooperation plays a critical role in addressing the complex and far-reaching challenges posed by environmental crime on a global scale.

Environmental crime encompasses a wide range of illicit activities, including illegal logging, wildlife trafficking, illegal fishing, pollution and the illegal trade in hazardous waste. These crimes not only degrade natural resources but also contribute to biodiversity loss, threaten ecosystems and undermine sustainable development efforts.

In this article, we follow a case-study methodology to analyse the benefits of law enforcement cooperation and try to learn lessons and identify areas for enhancing public awareness of environmental crime policing.

The European framework

This topic is important on a European scale because of the fact that environmental crime knows no boundaries; for example, statistics show that Europe⁽²³⁾, through imports and exports, is a key player in this type of criminality, so enforcement of crime-tackling policies and increasing the collection and dissemination of data across world partners are key to tackling environmental crime efficiently.

European intelligence and cooperation systems are in place and are working to tackle environmental crime. However, as mentioned above, worldwide cooperation and partnerships are needed to ensure the availability of real-time information on this type of crime. Joint operations should be undertaken if the need arises, with training being provided to standardise procedures and paperwork, given the different legislation that is likely to apply across the countries and organisations involved in such operations. This is the main message of this work: cooperation is good, and interoperability is key. However, if legislation and criminal court proceedings differ between countries, is there any real advantage to allocating personnel, experts and funds to these institutions? This is the opening question for this work, and we will try to answer it in this article.

⁽²³⁾ See the Global Environmental Crime Tracker (<https://eia-international.org/global-environmental-crime-tracker>).

Background: national action and connection to international partners

In this article, we will look at a Portuguese example of cooperation to tackle environmental crime and its links to other institutional and cooperation bodies, such as the Jaguar Network. For this, we will take an in-depth look at one of the most established environmental 'enforcement police' forces in Europe and its development to incorporate national and international knowledge on tackling environmental crime.

In Portugal, the Serviço de Proteção da Natureza e do Ambiente⁽⁹⁴⁾ (SEPNA) of the National Republican Guard (GNR) was created, initially by order of the Honourable Lieutenant General, General Commander, of 15 January 2001, with an interest in the theme of defence and preservation of nature and the environment for the conservation of natural resources and the balance of ecosystems – a phenomenon of our time so profound and widespread that it required greater intervention by and co-responsibility of the state, as is enshrined in Articles 9 and 66 of the Constitution of the Portuguese Republic (Government of Portugal, 1975).

The growing concern about these matters, the increasing effects of climate change and Portugal's lack of a body with a comprehensive capacity to advise the country led to the signing of a protocol between the Ministry of Internal Affairs and the Ministry of Environment and Spatial Planning, also in the presence of the Secretary of State for Forests, representing the Minister of Agriculture, at an official ceremony held on 21 May 2001. This formalised an institutional partnership of action that has been successively expanded and reinforced, thus giving strength and legitimacy to the creation of the first national police force involved in the protection of the environment and the prevention and supervision of passive and active conduct contrary to the legal standards in force in the area of the environment.

SEPNA of the GNR went on to participate in numerous national and international forums and working groups, at the levels of Interpol, Europol and the EU, as a national Point of Contact (POC), and in several world-class conferences. The force's reputation grew and attracted much interest, having even been recognised as one of the best environmental police forces in Europe, alongside Seprona, the nature protection service of Spain's Civil Guard, in view of its results.

At the first forum of ministers responsible for the internal administration of the Community of Portuguese Language Countries, and coinciding with the second meeting of the community's chiefs of police in Lisbon in 2008, the creation of the Commission for the Protection of Nature and the Environment, coordinated by the GNR through SEPNA, was unanimously approved.

It is also important to highlight the creation, in 2002, of the 'Environment SOS hotline' in Portugal, which at that time was the only environmental hotline in Europe. This permanent service, managed 24 hours a day, gave all citizens the opportunity to report suspected violations of environmental legislation. The government has the capacity to intervene and carry out environmental inspections and investigations anywhere in the country, following the breadth of the mission to protect nature, the environment and forests under Decree-Law No 22/2006 and Ordinance No 798/2006, which trigger the mechanisms necessary for a full inspection throughout the national territory.

⁽⁹⁴⁾ The Environmental and Nature Protection Service.

- SEPNA of the GNR has crossed national borders, becoming a service that, in addition to supporting and intervening in areas related to various ministries, acts with national and international bodies, both governmental and non-governmental. Further proof of its importance can be found in two of the final recommendations of the eighth round of mutual evaluations on 'The practical implementation and operation of the European policies on preventing and combating environmental crime', under Section 10.2.2 'Recommendations to the European Union, its institutions and to other Member States':
- "Member States are also invited to consider establishing dedicated reporting points for environmental crime, in order to encourage citizens to inform the competent authorities of possible environmental offences." (Council of the European Union, 2019). Such as the Environment SOS hotline operated by the GNR;
- "Member States should consider designating a central body/entity or platform at national level in charge of coordinating the efforts of all the authorities involved in the fight against environmental crime, including waste-related crime, with a view to providing synergies, as well as maximising readiness and reaction capabilities." (Council of the European Union, 2019). As the example within the specialized police service SEPNA from the GNR in Portugal.

At the national level, SEPNA of the GNR, in addition to its responsibility as a national and international POC for environmental crime, coordinates all information and other bodies involved in environmental crime, thus ensuring national representation in multiple international forums, such as Europol, Interpol, CITES/EU enforcement, EnviCrimeNet, EL PacCTO and Jaguar Network.

EL PacCTO is an international cooperation programme funded by the EU that seeks to contribute to security and justice in Latin America by supporting the fight against transnational organised crime. EL PacCTO approaches the entire criminal chain from a holistic perspective through its work in three areas: police, justice and prisons ⁽⁹⁵⁾.

Within EL PacCTO, there is a specialised network focused on only environmental crime, namely the Network of Police Specialised in Environmental Crimes in Latin America and the European Union (the Jaguar Network) supported as a coordinated Operational Action within the framework of European Multidisciplinary Platform Against Criminal Threats (EMPACT). The actions and development of activities of this network are specifically focused on the Latin American region, more precisely on the 18 countries that work with EL PacCTO (Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela), as well as the 27 EU Member States ⁽⁹⁶⁾.

Data – operational insight on Jaguar Network and Portugal/Europol

Regarding the scope of the present work, it is the author's aim to present an example of an operation carried out in cooperation between participants in Europe and Latin America under the umbrella of Europol's EMPACT operational actions.

Portugal participated in Operation Madeira de Lei during September 2022, carrying out investigative and inspection actions to combat the illegal trade of and crimes committed against wildlife, especially flora, and in particular with

⁽⁹⁵⁾ <https://www.elpaccto.eu/pt/sobre-o-el-paccto/o-que-e-o-el-paccto/>.

⁽⁹⁶⁾ https://elpaccto.eu/?page_id=24&lang=pt.

regard to the trafficking, exploitation, commercialisation and ownership of timber in violation of the legislation in force (Europol, 2022).

The national coordination of this operation, encouraged by Europol and EL PacCTO, fell to the GNR, in close collaboration with the Tax and Customs Authority, the Institute for the Conservation of Nature and Forests, the Public Security Police and the Maritime Police. It also counted on the special collaboration, with regard to certain inspection actions in the districts of Braga and Porto, of experts from the Federal Police of Brazil and the Brazilian Institute of Environment and Renewable Natural Resources, better known as IBAMA, in wood identification and forest information analysis. These entities developed the research and inspection actions mainly within the framework of CITES, also known as the Washington Convention, to which 184 countries have acceded and the objective of which is to ensure that the trade in animals and plants does not endanger their survival in the wild. The actions were also developed within the framework of the EU timber regulation, which aims to combat illegal logging and the associated trade in timber and timber products in the Member States, and ultimately contribute to the sustainable management of forests and reduce CO₂ emissions resulting from deforestation and/or forest degradation beyond the borders of the EU.

Within the scope of this operation, 234 inspection actions were carried out in Portugal by the entities mentioned above, namely:

- 118 actions related to operators of the trade and processing of timber and derivatives;
- 102 actions related to road transporters of timber and derivatives;
- 14 actions related to containers in seaports.

Twelve notices for violation of the legal provisions in force were prepared, namely;

- three for failing to present an import notification to the customs service in advance;
- three for lacking a licence for the detention/exhibition/marketing of exotic woods;
- two for failing to declare the non-inclusion of species in the CITES regulation;
- two for failing to register with, and register data in, the integrated system of electronic registration of waste (SIRER);
- one for failing to declare in advance the cutting, extraordinary cutting, thinning or uprooting of trees of forest species in the information system of cutting manifest (SiCorte);
- one for lacking proof of the constitution of financial guarantee of environmental responsibility of the initial destination.

At the international level, the operational actions involved, in addition to authorities in Portugal, the police authorities of Brazil, France, Italy, the Netherlands and Spain, as well as EL PacCTO. The actions targeted networks involved in environmental crimes, illegal logging, smuggling, tax evasion, money laundering and document fraud.

From a total of more than 350 enforcement actions that took place on the days of joint action in September 2022, irregularities were detected by investigators in 17 companies (1 in Italy, 1 in the Netherlands, 3 in Spain and 12 in Portugal). The competent authorities have launched criminal proceedings against one of these companies.

National authorities carried out the checks mainly at Brazilian ports for exports and at European ports for illegal imports. Criminal networks falsify documents to disguise the origin of wood or the actual species contained in the shipment to pass through customs controls and reach consumers. Corruption is also an enabler of this criminal activity.

This was the first time that the countries of origin and destination of the illegal timber trade joined forces in coordinated surveillance between the countries that trade in timber. Enforcement actions focused on different criminal activities used by criminal networks to facilitate the illegal timber trade, including document fraud and bribery to disguise the origin or true species of the goods.

Outcomes

In this article, taking into account time and space constraints, we tried to present an example of an operational activity focusing on environmental crime within the context of international cooperation, mainly cooperation between the countries of Latin America and Europe.

In response to the opening question, 'Is there any real advantage to allocating personnel, experts and funds to these institutions?', based on the example given, we think the answer is blunt and simple 'yes', but it is not easy to achieve and not as straightforward as one might think.

SEPNA was put forward as an example of an enforcement police force dedicated to the environment with years of practice; however, cooperation on the Madeira the Lei operation was possible only due to international mechanisms facilitated by Europol and EL PacCTO (the Jaguar Network). Furthermore, in this instance, the expertise and knowledge of Brazilian colleagues on illicit timber trafficking were key to the whole operation in Europe. However, the national legislation of Brazil is different from that of the other countries of Latin America and Europe, and the penalisation of this kind of criminality is possible only with great effort from all parties, since it is virtually impossible to detect, in this example timber trafficking, without the flagging of suspicious activities by the exporting country.

Working in isolation versus working in collaboration

The operation described above was the first of its kind on a national territory, so, at the time of writing this article, no operational comparison was possible. However, we can assure you that, in other cases regarding CITES, and not only in relation to timber, there is a real need for intelligence from the exporting country, and it is not always possible to gather this.

Working on environmental crime in isolation versus working with a network can have significant implications for the effectiveness and impact of law enforcement efforts. We will now explore the key differences through a comparative lens.

An isolated investigation limits the scope of operations to within one's own jurisdiction. This can be restrictive when dealing with crimes that have transnational aspects, such as wildlife trafficking or illegal logging, which spans across borders.

Working with and within a network enables the pooling of resources, sharing of expertise and access to technologies that may not be available to individual bodies. This enhances the capacity to conduct more robust and sophisticated operations against perpetrators of environmental crime.

Legal framework and jurisdiction

Collaboration with a network facilitates the harmonisation of legal frameworks, extradition agreements and mutual assistance treaties between countries. This streamlines legal processes and allows for the more effective pursuit and prosecution of criminals across borders. Working with a partner country also promotes information and intelligence sharing. This facilitates a more comprehensive analysis of criminal patterns and behaviours, enabling law enforcement agencies to make informed decisions and target high-value individuals or operations.

Tackling crime as an isolated country/organisation may not achieve the necessary deterrence effect on perpetrators of environmental crime, especially those who operate with impunity due to weak law enforcement in certain jurisdictions.

In summary, tackling environmental crime in isolation is often challenging and limited in scope, and partnering with another country/organisation/network offers numerous advantages. Collaboration enhances operational reach, optimises resource allocation, overcomes legal hurdles, promotes information sharing and strengthens deterrence. By leveraging the benefits of international cooperation, LEAs can combat environmental crime more effectively and protect natural resources on a global scale.

Conclusions

We can conclude that the importance of international police cooperation in combating environmental crime cannot be overstated for several key reasons.

- **Transnational nature of environmental crime.** Environmental crimes often involve perpetrators operating across multiple jurisdictions. Traffickers of wildlife products, for example, may exploit weak law enforcement in one country to smuggle goods into another. Effective police cooperation is essential for tracking and disrupting these networks that operate internationally.
- **Sharing intelligence and resources.** International cooperation enables LEAs to share intelligence, expertise and resources. By pooling information and coordinating efforts, police can better understand the modus operandi of criminal networks, identify key players and dismantle their operations more effectively.
- **Capacity building.** Many countries, especially in regions with high levels of biodiversity, may lack the resources, training or technology needed to combat environmental crime on their own effectively. Through cooperation, LEAs can assist each other in building capacity, developing specialised skills and implementing best practices in investigation and enforcement.

- **Legal frameworks and extradition.** Cooperation facilitates the harmonisation of legal frameworks and extradition processes among countries. This is crucial for prosecuting individuals involved in environmental crime who may seek refuge or operate in jurisdictions with weak law enforcement.
- **Global impact.** Environmental crime has global repercussions, such as the depletion of endangered species, deforestation and pollution that crosses borders. Collaborative efforts are necessary to prevent irreparable damage to the environment and to protect humankind's common heritage.
- **Enhancing deterrence and accountability.** By working together, LEAs can send a strong message of deterrence to potential offenders. Strengthening international cooperation enhances the likelihood of offenders being apprehended and prosecuted, thereby increasing the chances that those involved in environmental crime are held to account.

Efforts to promote international police cooperation in combating environmental crime are already under way through initiatives such as the one presented in this article and many others under the umbrella of Europol. These initiatives focus on building networks, facilitating information exchange, conducting joint operations and providing training to strengthen enforcement capacities globally.

In conclusion, effective international police cooperation is indispensable in the fight against environmental crime. By fostering collaboration, sharing resources and aligning strategies, LEAs can better protect our planet's natural resources and biodiversity for present and future generations. Urgent and concerted action at the international level is needed to confront this growing threat and ensure environmental sustainability and security worldwide.

Proposal for change

This kind of cooperation allows, as we have seen, the standardisation and application of procedures and intelligence to tackle international environmental crime. However, only some laws in partner countries are worthy of international attention, such as the example of CITES, even when taking a broader approach to tackling environmental crime in Europe.

It would be easier for LEAs, even with joint action investigation teams, to follow clear legislative guidelines to enable the streamlining of processes and also the tackling of transnational crime.

The best way forward is to develop protocols to enhance international cooperation and coordination among LEAs, utilise advanced technologies such as AI and RS to improve the detection and monitoring of environmental crimes, and continue to implement capacity-building programmes to empower law enforcement personnel and institutions in combating environmental crime.

By adopting a multifaceted approach that integrates international cooperation, advanced technologies and capacity-building efforts, and by working together across borders and leveraging innovative solutions, we can enhance police work and increase public awareness of environmental crime.

References

Council of the European Union (2019), Final report of the eighth round of mutual evaluations on environmental crime, Council of the European Union, Brussels, <https://data.consilium.europa.eu/doc/document/ST-14065-2019-INIT/en/pdf>.

Europol (n.d.), 'EU policy cycle – Empact', Europol website, accessed 12 June 2023, <https://www.europol.europa.eu/crime-areas-and-statistics/empact>.

Europol (2022), 'Illegal timber trade targeted in the EU and Brazil', Europol website, accessed 8 June 2023, <https://www.europol.europa.eu/media-press/newsroom/news/illegal-timber-trade-targeted-in-eu-and-brazil>.

Government of Portugal (1975), *Constituição da República Portuguesa*, Government of Portugal, Lisbon.