

# Eco-cop

## Environmental Policing in Eastern Africa

### INTRODUCTION

As with any other field and profession, the science and art of policing have evolved and been shaped, enhanced and reconceptualised by the ever-changing social, cultural, political, economic and ecological developments of a given geopolitical space and time. As one of the major parts of government, policing is as old as the Westphalian state itself.

The power to police, as part of statecraft, is a basic attribute of contemporary government that manifests in a vast array of sites of governance, including not only the state itself, but also in other areas, e.g. the community, the household and industry, and in the new realm of the war against terrorism and in peacekeeping and peace-enforcement operations. This paper looks at one dominant realm of governance that makes up modern policing, i.e. the environmental realm, and particularly the policing activity known as environmental crime management. Nowhere is policing in such urgent need of rescuing from its limited application within criminology and what is considered to be its 'normal' profile than in Africa, where it needs to be extended to cover the social and development impacts of environmental crime management, protection and regulation. To understand why it has become systemically and regionally important in Africa to think about environmental policing, it is necessary to look briefly at the securitisation determinants of environmental crimes and of environmental policing itself.

Firstly, it could be argued that security is not an objective condition, but the outcome of specific social and political processes.<sup>1</sup> With this in mind, the context in which environmental crime falls contains the general environmental security debates and forces that define the 'urgency' of this type of security reality. Social and political processes that have in time defined environmental security and, by extension, environmental crimes can be traced as far back as the 1972 Stockholm UN Conference on the Human Environment. Early evidence of the opening up of the human security agenda to incorporate

the environmental security debate is captured by a statement made to the conference at its first plenary meeting on 5 June 1972, when the secretary general of the conference, Maurice F Strong, stated that '[t]he conference is launching a new liberation movement to free men from the threat of their thralldom to environmental perils of their own making. Mankind's whole work and dedication', he reiterated, 'must be towards the ideal of a peaceful, habitable and just planet.'<sup>2</sup>

Thus the environmental governance agenda was gaining a securitisation component, and this is a major reason, among others, why the urgency of treating the environment as a security and development issue started to become apparent. Looking beyond the conference, Strong stressed the need for:

- New ideas, innovations and concepts of sovereignty, based not on the surrender of national sovereignties, but on better means of exercising them collectively. This emphasises the international nature of environmental security due to the nature of the environment and related crimes, which have cross-border effects
- New codes of international law appropriate to the era of environmental concern and new means of dealing with environmental conflicts
- New international means for better management of the world's common property resources<sup>3</sup>

It should be noted that the general debate at the conference covered a vast range of environmental problems confronting nations, individuals, and government institutions ranging from foreign ministries to security and defence ministries and development institutions. It should also be noted that in the course of the second plenary meetings held between 6 and 12 June 1972 the conference was addressed by representatives of member states and the government institutions mentioned above, UN bodies, inter-governmental organisations and non-governmental organisations. The environmental security domain was thus already being defined at this

early stage. This also had an effect on African states, with delegates and speakers from developing countries placing considerable emphasis on the fact that for two-thirds of the world's population the human environment was characterised by poverty, malnutrition, illiteracy and misery, and the urgent task facing humankind was to solve these immediate and formidable problems.

While the environment was being incrementally securitised, at the time the priority of developing countries was development. Many speakers from the developing countries agreed, however, that environmental considerations would have to be incorporated into national development strategies in order to avoid the mistakes made by developed countries in their development, to utilise human and natural resources more efficiently, and to enhance the quality of life of the peoples of developing countries.<sup>4</sup> This realisation would later play a role in the development of environmental policing in Africa and other developing areas.

Further steps towards securitising the environment and environmental policing could be traced in other diplomatic processes, e.g. the Rio Summit of 1992 widened the sphere of environmental law sphere, jurisprudence and crime.

These developments stress the fact that security as it is widely understood (in terms of both national and human security) has no pre-existing meaning as such, but can be anything a powerful securitising actor says it is, as it is essentially a social and intersubjective construct.<sup>5</sup> The environmental realm has been securitised by international processes, as has been mentioned, while decision makers – both official and unofficial – have rightfully dramatised its importance and persuaded states not only to embark on an environmental policing discourse, but to include this activity as part of general policing roles. This paper will discuss the environmental policing component of policing in eastern Africa and, more generally, the need for environmental policing as a necessary part of modern policing.

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It could be argued that environmental crime and environmental policing are the areas that are least comprehended as social and security threats and functions, respectively, involving the state's role and power to police

the management of the environment and its protection. This paper seeks to discuss these two variables and especially look at the role of environmental policing in Africa. This will be done in terms of the eastern African cultural, political and security setting, since environmental policing, like general policing, does not operate in a vacuum.

The public good known as the 'environment' is also a complex phenomenon that lies at the heart of the cultural, political and economic contexts of people's livelihoods. This in part explains the environment's securitisation in the continent.<sup>6</sup> The public sphere is therefore defined by social relations conditioned by ecological equity among community members that require conflict management in case of scarcities, while environmental crimes, whether committed intentionally or as an unintended consequence of particular social activities, affect these relations. This forms the space within which contemporary policing governance issues like environmental protection have to work. Therefore, high levels of interaction with the public by the police during policing are expected and environmental police-community relations are thus extremely important. This is also investigated in this paper.

Another reality that has been observed in many parts of the world is that environmental law enforcement and crime management by the police has been given the lowest priority by the state in terms of policing planning and strategies.<sup>7</sup> This could be partly explained by the difficulties of defining what exactly environmental crime is and capacity-building vacuums and bureaucratic complexities related to environmental enforcement mandates that exist among different state institutions. The paper will therefore investigate strategies for re-envisioning policing in terms of the need for environmental crime management.

Initially, it is important to define what exactly environmental crime is, since this will explain the need for environmental policing. It is also important to look at the institutional realities affecting policing in general and environmental policing in particular in the African context in order to build up a more solid picture of the available windows of opportunity to introduce environmental policing in eastern African policing.

As a starting point, a short discussion of the eastern African policing context will provide the basis for this paper. The initial question is whether environmental policing has been sufficiently securitised in the region to warrant the need for such a policing component.

## THE NEED FOR ENVIRONMENTAL POLICING IN EASTERN AFRICA

The environmental enforcement task is not always perceived to be of high importance in grand strategies

for policing and there is a belief that environmental enforcement is particularly complex.<sup>8</sup>

The above statement captures the complexities of the new tasks given to the police in the name of environmental policing, particularly in eastern Africa, where environmental policing and the institution that governs it are very young. The observation was made by a high-ranking police official in eastern Africa and was corroborated by the thoughts of a police chief in a Scandinavian country. The statement, it should be noted, is thus true of policing experiences of both developed and developing countries, and one can only imagine the extent of the task that lies ahead in realising environmental policing in eastern Africa. This region is plagued with threats and vulnerabilities to environmental security, due to existing natural resource conflicts, the social problems that emanate from these conflicts and the breakdown of governance as it pertains to the sharing of minerals, as well as scarce economically and demographically contested resources like land.

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These environmental threats and vulnerabilities are sufficient justification for environmental policing – a function that is relatively new in Africa’s law enforcement system. However, a contentious question is whether it is really possible to talk about environmental policing in Africa, and particularly eastern Africa, at this point in time. The realities of bureaucratic politics when it comes to environmental governance have a huge impact. A question that immediately arises is whether there is any appreciation of environmental sustainability as a human security variable within the region’s strategic architectures. There is also the question of the dominant political systems at play in the region’s various jurisdictions, which currently do not prioritise environmental protection and law enforcement in their policymaking.

It should be noted that the current poor environmental enforcement function of the police is affected by the region’s historical development. At a time when environmental crime occurs at a more complex level, this part of the world is still grappling with those aspects of environmental enforcement better understood as ‘brown’ environmental enforcement policing functions,

e.g. basic issues like noise, nuisance, and emissions and waste management. The reality, however, is that the countries in the region are increasingly affected by the negative effects of globalisation, including highly complex environmental crime activities like bio-piracy, the circumvention of environmental legislation loopholes by multinational companies, and the trafficking of plant and animal species. The focus on ‘brown’ policing overshadows these contemporary environmental crimes that are better known as ‘green crimes’.

On the other hand, the ability of police forces in eastern Africa to carry out environmental policing is adversely affected by societal stereotypical notions of what they are expected to do and prioritise in their day-to-day activities, with the focus being on standard policing and crime prevention (‘catching criminals and putting them in jail’). Policymakers, despite the police’s weak approach to environmental protection, have put little emphasis on environmental policing in resource allocation. There is also a lack of rational and dedicated national environmental policies that clearly and effectively situate environmental protection and sustainability within politics and society. Another problem has been the lack of investment in the available windows of opportunity to enhance environmental policing functions, e.g. making such functions a part of the syllabus at police training institutions. In Ethiopia, for example, one could argue that the police are starting to introduce environmental enforcement as one of the general tasks of the police. The police science orientation of the Ethiopia Police University College has sought the introduction of environmental crime management and jurisprudence training at almost all levels of police training, but only at minimal levels. Clearly, the further rationalisation and development of this process is needed to boost the country’s functional architecture of environmental policing. This should be recognised by the relevant policymakers.

The point here is that in order to make an integrated contribution to security, environmental enforcement has to be embedded in the total package of police functions, services and training. Clearly, policing in this part of Africa requires that for effective execution of their environmental task, the police need relevant know-how and competencies, ample information, and adequate human resources. This means that there is a need for a rational police training pedagogy on environmental criminology, jurisprudence, and information management systems that can provide relevant data for utilisation by law enforcers.

The final point is that the police are not the only mandated actors in the field of environmental enforcement and compliance. Other entities that have an enforcement tradition can be found in wildlife protection, for example, while forestry and other sectors also

have this role. For effective environmental policing, these entities have to coordinate their efforts at all levels of the political-administrative systems and arrangements of the countries of the region.<sup>9</sup>

## THE GENERAL CONTEXT OF POLICING IN AFRICA: POLITICISED POLICING

Before the paper focuses specifically on environmental policing, it is important to examine African policing in general. Hills argues that the priorities and policies of the police in Africa are conditioned by the political elite of a particular country, whether autocratic or popularly elected.<sup>10</sup>

On the other hand, the police as an institution and individual police officers are continuously beset by demands from civil society, most often on the basis of common identities between police officers and the people they encounter on a day-to-day basis.<sup>11</sup> In the environmental governance function of the general governance construct, this role needs to be more solidified, especially when it comes to police–society relations. This is evident in both community environmental policing and general policing activities, since people act in the context of their ecological space, which in turn defines their livelihoods. Policing in Africa therefore needs a large element of environmental conflict management as a component of its activities.

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It is important to understand the pressures that mould different police roles, especially in terms of environmental crime governance. The reason why it has become inevitable for the police to wear the eco-cop hat is the expansion of environmental laws, particularly at the international level, and the concomitant expansion of the field of international environmental crime and jurisprudence, which in turn has had an effect on national jurisdictions and environmental law enforcement within borders. The police as an institution are at the centre of these developments.

Different policing governance agendas have been spearheaded by international regimes like Interpol and

others, and this international systemic reorganisation has affected the policy concerns and orientations of the field of policing as we know it. So which forces have given policing a larger role in the environmental governance agenda? This will be discussed in the next section.

## ENVIRONMENTAL SECURITY DIPLOMACY AND ITS EFFECT ON ENVIRONMENTAL CRIME MANAGEMENT AND POLICING

Environmental diplomacy and environmental crime policy issues were principally debated immediately after the end of the Cold War, when statesmen, academics and policymakers alike discussed global issues like the sustainable development of the Global South, population challenges, democratisation, the internationalisation of human rights, and the looming global environmental crisis.

When the Rio Summit of 1992 was convened, environmental and development policies were put at the top of the international agenda. This top-level meeting was a landmark in the history of environmental security diplomacy, and for the first time the environment was coherently and rationally treated as a major policy issue in domestic and foreign policy concerns.

Unfortunately, however, environmental diplomacy has taken on a procedural form that has resulted in a proliferation of agreements that seek to remedy threats to the environment, few of which have translated into meaningful change. National interest and strategic diplomatic manoeuvres have characterised environmental diplomacy, and the environmental agenda has to a large extent been hamstrung by this politicking and the threat to its sustainability has increased as a result. There seems to be a lack of appreciation of the fact that environmental dangers and crimes are global in scale and trans-boundary in nature, and affect all people everywhere. Part of the problem is the slow pace of environmental change. For example, annual variations in global climatic change are relatively small, and are therefore easily overshadowed by more dramatic and seemingly more important challenges.<sup>12</sup>

A factor that arguably presents the greatest set of difficulties to environmental diplomats, policymakers and enforcement practitioners is that threats to the environment are characterised by a high degree of empirical uncertainty. Often perceived threats and vulnerabilities are theoretical and remote and the evidence for their existence can appear incomplete or contradictory. It is extremely difficult to measure, much less predict, long-term vulnerabilities. For example, assessing the extent of species extinction (which is a major issue in

environmental crime) is complicated by the fact that many species have not yet been identified. The scientific understanding of the area of environmental crime and vulnerabilities therefore becomes an issue in the streamlining of environmental policing governance.

As a result of such dynamics, policymakers and political decision makers have little choice but to construct the environmental agenda on the basis of cost-benefit analysis, filtering out the genuinely critical environmental security concerns and qualified environmental crimes from among the wide range of issues placed on the agenda. This is a skill that those involved in environmental crime management will have to come to terms with if they are to make a genuine impact. Those involved should need little more motivation than the recognition that environmental change is one of the few existential threats facing humanity today.<sup>13</sup>

This is the very complex nature of environmental crime management. With an expansion of environmental crime and its jurisprudence, both the procedural and substantive nature of this genre of crimes is also made more complex and a high degree of specialisation is needed for the modern police practitioner who has to deal with them. We now turn to the question of what exactly constitutes environmental crime.

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## ENVIRONMENTAL CRIME IN CONTEXT

### Institutional definitions of environmental crime: Interpol

The International Police Organisation (Interpol)<sup>14</sup> acknowledges that environmental crime is a relatively new phenomenon for any police force in the world and consequently also for Interpol. This type of crime, it recognises, is extremely diversified and encompasses a large number of related offences that can be covered in specific, general or civil legislation, depending on the legal systems and types of crimes committed in the countries concerned. Towards that end, Interpol is mandated

to fight international environmental crime only in cases where the crimes are being investigated and prosecuted under ordinary criminal law.<sup>15</sup>

The official recognition of this type of crime can be traced back to 1976, when an Interpol resolution was adopted on combating the illegal traffic in species of wild flora and fauna. Today, however, Interpol General Secretariat's major preoccupation is the illegal traffic in hazardous waste and dangerous substances, a problem that is becoming more and more threatening to public health in many countries. International legal obligations in this regard are laid down in the provisions of international environmental law regimes, and particularly the Basel Convention. This international treaty, which regulates the trans-border movements of waste among the more than 45 nations that 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 the convention, contracting parties agree to the following:

- Article 4 (Section 3): the parties consider that illegal traffic in hazardous wastes or other wastes is criminal
- Article 4 (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

Interpol also acknowledges that legislative tools to fight international environmental crime will mean little unless the ability to enforce these laws is also improved nationally. This is part of the argument that this paper seeks to make for the operationalisation of effective environmental policing. The very essence of environmental crime and environmental policing is therefore captured in this institutional statement of their urgency.

Environmental crime has been included in the international crime concerns of Interpol's regional subsidiary mechanisms, and specifically, for the purposes of this paper, those of the eastern African Interpol presence, the Eastern African Police Chiefs Cooperation Organisation.

### Other institutional definitions of environmental crime

Other definitions of environmental crimes are those of supranational organisations whose business is the international enforcement of criminal laws and crime analysis. An aggregate treatment of the concept<sup>16</sup> by, among others, the European Union, Interpol (as discussed above), the United Nations Environment Programme (UNEP) and, most observably, the UN

Interregional Crime and Justice Research Institute (UNICRI)<sup>17</sup> reveals that environmental crime can be treated as a combination of the following:

- Illegal trade in wildlife in contravention of the 1973 Washington Convention on International Trade in Endangered Species of Fauna and Flora (CITES)
- Illegal trade in ozone-depleting substances in contravention of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer
- Illegal dumping and transport of various kinds of hazardous waste in contravention of the 1989 Basel Convention on the Control of Trans-boundary Movement of Hazardous Wastes and Their Disposal
- Illegal, unregulated and unreported fishing in contravention of controls imposed by various regional fisheries management organisations
- Illegal logging and trade in timber involving timber being harvested, transported, bought or sold in violation of national laws<sup>18</sup>

This aggregate definition of environmental crime in itself brings out an important component, i.e. that this genre of crime is by its very nature trans-boundary and has a strong element of the cross-border movement of illegal items.

## Normative definitions of environmental crime

In general, it would be constructive to have a basic understanding of what constitutes an environmental crime from a philosophical, moral and social point of view.

Various scholars and practitioners ranging from criminologists and lawyers to political scientists have attempted to define what is meant by environmental crime. Generally, such definitions have reflected different field epistemologies; they have, for example, relied largely on the moral and philosophical understanding and the legal restatement of what constitutes an environmental crime. A particular practitioner's experience of what constitutes an environmental crime and local conditions defining this crime often make these definitions ambiguous and not as exact as those for other genres of crime.

Thus it is very difficult to define an environmental crime with any degree of certainty, primarily because there are relatively few activities that harm the environment that are crimes in and of themselves. Criminal law is mainly used to address clearly unacceptable behaviour and to underpin a system of environmental regulation. This latter conception of environmental crimes would be a starting point in addressing the issue of the policing of such crimes within a specific contextual setting.

However, in much of eastern Africa (as in other parts of the world) there is no one legal instrument that summarily consolidates a definition of what is typically considered to be environmental crime.<sup>19</sup> This is a major element of the ambiguous nature of this kind of crime.

Another major aspect of environmental crimes is that most laws governing them impose strict liability, justified by the belief that it is in the public interest to do so, that it acts as a deterrent, and that it makes it easier for regulators to enforce and prosecute environmental offences.

For the purposes of this paper and following the above mentioned logic, a more pragmatic approach would be to use a fairly broad definition of environmental crime; thus, according to Bell and McGillivray,

[e]nvironmental crimes are offenses, or omissions thereof, set out in the main environmental legal instruments of a given municipal jurisdiction.<sup>20</sup>

This also includes those acts and regional arrangements and rules established by recognised laws dealing with environmental crimes resulting from states' combined decisions regarding what a region should recognise as crimes against the environment.<sup>21</sup> Environmental crimes will also be treated as constructs of recognised environmental crimes in international jurisdictions, as indicated by the above institutional definitions of what constitutes such crimes.

## A BAD CASE OF 'BROKEN WINDOWS' IN THE CONTINENT

Bearing in mind the above ambiguities regarding what constitutes environmental crimes and the consequent problems faced by the police in terms of environmental protection, it is no wonder that the conventional policing role in Africa has been seen in terms of crime administration that remedies and enforces rules relating to 'hard crimes' like felonies. However, this does not mean that crimes related to the protection of the environment (considered to be soft crimes) have not been a mainstay of policing in Africa, although, as we have seen, the focus has been on so-called 'brown' environmental policing. Dedicated legislation, largely in the form of by-laws, has been effectively instituted across municipal jurisdictions towards this end, while environmental impact assessments have become a requirement prior to any kind of major construction and development activity. However, a focus on so-called 'green' environmental crimes has not been a mainstay of much of Africa's environmental concerns, particularly in terms of policing. Green crimes are part of new

risks that bring new patterns of crime that could not have been easily foretold even a few years ago. These are contemporary environmental crimes that require a reappraisal of the more traditional notions of crimes, offences and injurious behaviour and a re-examination of the role that institutions, including corporations and governments, play in generating new forms of environmental degradation and environmental crimes.

Green crimes have therefore originated from the developments that have defined modern society and characterise what Beck asserts to be the collaterals of a risk society.<sup>22</sup> This is a situation whereby modern globalising and industrialising societies create many new risks – largely generated through the use of modern technologies – that were unknown in earlier times and are actually quite difficult to recognise, e.g. the hidden effects of climate change on pastoralist livelihoods and their connection, therefore, to the contestation of a depleting resource base. Another example would be the developments made in genetic engineering and the dual use of this science in activities like bio-piracy. These are the green crimes and criminological situations that environmental police have to contend with.

The point here is that these new green crimes are generating risks that are of a quite different order from those found throughout the earlier period of 'brown'-oriented environmental crime management in the history of the police role in environmental protection. Green crimes reflect other crimes related to the protection of the environment like illegal trading and smuggling of the 'goods of antiquity', e.g. the gradual removal of traditional orthodox crucifixes and other symbolic items from Ethiopian churches. Prior knowledge about and recognition of the cultural value of these antiquities is important for the ability of the police to deal with these new forms of crimes.

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Failure to prioritise environmental crimes as a major component of police policy architectures has meant that they are assigned low levels of priority

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It should be noted that in society there has always been a set of mandated jurisdictions defining who should manage the environment. Bureaucratic politics in the management and enforcement of duties pertaining to environmental governance is reflected in the focus on

brown crimes. This means that for one to talk about making green crimes the focus of policing enforcement would be a form of crossing the Rubicon. In light of this, cooperation among major stakeholders in environmental management and environmental crime management is clearly called for.

The failure to prioritise environmental crimes as a major component of police policy architectures has meant that they are assigned low levels of priority. This in itself has created a 'broken windows' situation in terms of which there has been express and implied disinterest in issues of environmental governance. It is through this kind of a situation that opportunities are created for environmental crimes to thrive unabated.

The term *broken windows* is shorthand for a social psychological phenomenon in terms of which if a window in a building is broken and left unrepaired, it will encourage further neglect and delinquent behaviour. In the environmental policing debate, the laxity of the lawmakers' approach to ambiguous and non-specified environmental crimes creates loopholes for entities to carry out such crimes for commercial purposes of some kind. Broken windows situations in the continent can be observed, for example, in conflict situations where environmental crimes are committed side by side with arms smuggling activities. In short, the disregard for the issues of environmental policing and environmental crime in criminal law enforcement opens a Pandora's box for more overt forms of crimes against the environment, e.g. poaching and the smuggling of wildlife products.

The worst-case scenario of the broken windows phenomenon in a local context is a situation in which deviant actions of this kind thrive when a sense of community and mutual regard for environmental protection concerns are reduced and a situation arises where 'no one cares' about environmental crime issues, which in turn leads to more such crimes being committed.

This paper seeks to move away from this situation and propose some strategies that would bring to the fore the environmental governance role of the police and argue for an effective environmental crime management role for the police. How can the bureaucratic roles of the different environmental management and enforcement portfolios be rationalised to effectively ensure environmental security? How can the police re-engage with the communities that live in the environment and inject an element of community environmental policing? And how do we equip the modern African police force with the required environmental law enforcement tools? Answers to these questions, the paper posits, would provide a basis to move away from the broken windows phenomenon and invigorate environmental crime management through proper policing.

## BUREAUCRATIC POLITICS, ENVIRONMENTAL CRIME AND POLICING

The issue of environmental crime forms a large component of the environmental security debate. The management of this crime is geared towards protecting the environment and, as has been mentioned, the environment is ultimately a public good that is international in nature. The effective protection of the environment therefore calls for a multi-stakeholder effort through which different actors contribute towards the sustainable management of this good. The playing field is also quite diverse and environmental management and the enforcement of environmental laws have been mandated to different portfolios, as is evident from many of the practices especially in eastern Africa. In the case of Kenya, for example, the 1999 Environmental Management and Coordination Act (EMCA) creates and mandates the National Environment Management Authority (NEMA) as the principal instrument of government charged with the implementation of all policies related to the environment.<sup>23</sup>

Effective protection of the environment calls for multi-stakeholder efforts whereby different actors contribute towards sustainable management of this good

At the other end of the spectrum is the principal wildlife authority, the Kenya Wildlife Service (KWS), which is a state corporation established by an Act of Parliament<sup>24</sup> with a mandate for wildlife conservation and management in Kenya and to enforce related laws and regulations. These are among other portfolios created by various legal instruments, all of which have a mandate for the sectorised management of the public good known as 'the environment'. The wide distribution of the mandated roles and expected working jurisdictions of these bodies causes an element of confusion in the management of the environment, while questions of enforcement are also a concern. A critical analysis of the enforcement mechanisms, powers and capacities of these institutions has shown that the various portfolios each has a working internal information management system for the tracking and detailing of environmental

crime information. However, coordination between the portfolios and the principal enforcement body – the police – has not been effective and this has de-linked the police from concerted efforts to include environmental law enforcement as a central part of their profession.

The EMCA has, however, provided the basis for the harmonisation of the various sectoral statutes<sup>25</sup> and organisations responsible for the protection of the environment. This Act is an example of a public interest- and public good-oriented legal reform mechanism that should deal with bureaucratic coordination problems. Therefore, a major component of cooperation is the mediation of the division of bureaucratic responsibilities by a neutral party such that the system for cooperation acknowledges the roles and capacities of each institution and feeds into its particular strength. The police as an institution are ultimately given the power to carry out policing activities and as a basic administrative arm of government should manage a vast array of sites of governance. This is particularly so in delivering the public good of environmental protection through their exclusive power.

The principle of cooperation in environmental crime enforcement has been realised to the extent that environmental police officers have been gazetted. This new breed of policemen and –women are additionally to be provided with environmental enforcement capacity by NEMA and other environmental management bodies on a sectoral basis. These kinds of mechanisms should be able to do away with the broken windows phenomenon and ensure that the country's environmental policing needs are met.

### Bureaucratic politics, political-administrative systems and policing

Another problem of bureaucratic politics in the wider region is that eastern Africa has different political systems. Ethiopia has a consociational political system and a federal system of government, while Kenya, Uganda and Tanzania have unitary systems of government. The difference between these two systems of government is important in terms of the bureaucratic factor of environmental management and enforcement and determines the orientation of environmental policing for the concerned state. Ethiopia, for example, has nine large administrative provinces. Environmental management portfolios, like other Ethiopian administrative bodies, have their central authority in the capital, Addis Ababa, but have autonomous governing units for the regions. The task of managing the environment becomes Herculean at this point, and the principal environmental management authority has acknowledged that the need for cooperation becomes even stronger in such instances.



The question of whether the Federal Police, for example, are able to form an environmental police unit is one that should take into account the capabilities of the administrative system of the country.

This is an instance where multi-stakeholder roles in environmental crime management are needed. Certain opportunities are created by the types of systems in place, e.g. general regional autonomy could be seen as a window of opportunity to carry out environmental governance through effective capacity building in the regional police forces, since the police are spread throughout the various regions and other remote areas where the environment needs to be protected.

This raises another question – that of how to develop police environmental crime and management resources in a regional or local context, principally in terms of the collaboration of community members with police in the processes of environmental policing.

### **Police capacity building in terms of environmental crime, law and management**

An improvement in environmental law enforcement fraternity relations could be achieved through capacity building and environmental crime, law and enforcement training, which should be the principal strategy to enhance the environmental policing capacity of the police. This should be done with the acknowledgement that different multi-stakeholder actors have their own area niches in the larger domain of environmental management and enforcement, e.g. the police, judges and prosecutors, environmental management authorities, and others mandated by law to protect the environment.

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The nature of environmental crimes calls for coordinative efforts with a common synergy throughout the whole governance system

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It should be noted that the nature of environmental crimes, e.g. their complex form and the resultant management challenges that have to be overcome, calls for coordinative efforts with a common synergy throughout the whole governance system. In essence, every institution along the enforcement continuum has its own role in effective environmental policing, with the police being

the operational body that has full institutional authority to enforce the laws demanded by society. Such lines of synergy are important in the case for environmental policing presented by this paper. Examples taken from Ethiopia and Uganda will illustrate this point.

### **The Ethiopia Police University College and environmental legal training**

A brief analysis of the opportunities available to integrate the environmental policing component into the institution of the police will be captured by a brief discussion of the situation in Ethiopia. The country has an established police science training institution in the form of a fully-fledged university college dedicated to police training.

Major players in any law enforcement system are the judiciary and the police, who are the gatekeepers of the final process of enhancing these laws through active and informed decisions based on a well-articulated grasp of criminal law jurisdiction. The well-established Police University College provides the Ethiopian police force and other judicial officers with ample training on contemporary developments in the law as it is widely defined; however, to date environmental law has not featured in legal pedagogy in this university. A ready point of entry would be a systematic change in the curriculum to include the issues surrounding crimes against environmental law and their detection. The dean of training at the Ethiopia Police University College agrees that the university college would be the best point of entry for the introduction of environmental law and crime into Ethiopia's law enforcement system.<sup>26</sup>

Environmental law and crime training should be introduced at both the undergraduate and postgraduate training levels. The general principles of environmental law should be integrated into the six-month period of basic training for would-be police officers, while the cadet level should offer training in environmental law procedures leading up to the diploma in police science, while specialisation should be provided at bachelor's and master's level. This would provide fertile ground to extend the enforcers' understanding of the special nature of environmental crimes, and this is strongly supported by the academic officials of both the Police University College and the Research Division of the police.<sup>27</sup>

Other institutions that could achieve the same end are the principal judicial training institutions for prosecutors and other officials.

### **Instruction through stakeholder partnerships**

As part of its pedagogy in judicial studies, the principal judicial institution in Ethiopia, the Judicial Service

Institute, has held collaborative training programmes in which it has tried to tap available resource in areas ranging from public interest litigation and processes in environmental concerns to environmental management frameworks. Engagement with relevant bodies like the Federal Environmental Protection Agency and the police has been effected and has formed part of the training mechanisms of the institute. This constitutes a shift from conventional legal training to more multi-faceted training in the wide area of environmental protection that brings in both the public interest concern and scientific issues surrounding the sustainability of the environment. However, this has only been on an ad hoc basis thus far and there is need to introduce long-term planning to achieve the same result. This is yet another example of avenues available to reverse the state of broken windows in Africa's conception of environmental crime management.

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## A successful environmental policing role should be a construct of coordinated capacity-enhancing mechanisms

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Closer to the Great Lakes region is the example of Uganda. It already has the well-established Uganda Judicial Studies Institute (JSI), and police have been trained together with prosecutors and judges on the procedural and substantive content of what constitutes an environmental crime, jurisprudence and environmental policing needs.

The JSI is a semi-autonomous body that derives authority from the judiciary of the Republic of Uganda to conduct systemic training for judicial officers and other staff of the judiciary. On request, the JSI also organises training and workshops for other players in the justice, law and order sector, principal among which is the police. The institute believes that through coordinated capacity building across the sector, the reforms being implemented can be effectively monitored for maximum impact in targeted areas and beyond.<sup>28</sup> The JSI focuses on building the expertise of judicial officers, judiciary staff and other enforcers and provides them with opportunities to broaden their knowledge on specialised subjects. Its overall objective is to provide training services with the view of raising the quality of service delivery in terms of legal, justice and enforcement issues.

Interviews at the JSI revealed that while training on environmental law had been placed on the annual

training calendar of the judiciary for at least the last three years by the Judiciary Council Committee on Continuing Legal Education, very little of this training is specifically focussed on environmental crime and the kind of practical procedural aspects that ought to be taken into account by magistrates and judges when dealing with environmental matters. While there was provision on the calendar for training in environmental law, there was no funding attached to it and therefore the JSI relied on either the National Environment Management Authority (NEMA) or civil society organisations to provide the funding for conducting this training. Accordingly, the training provided by the NEMA had a curriculum that was greatly influenced by the training focus of UNEP, which provided NEMA with the resources it uses for the training it provides for the judiciary and other enforcers. A multi-stakeholder focus on environmental crime management is therefore provided by the JSI, and the police have a ready source of training and information in this regard. A civil society organisation known as, Green Watch, has also focussed trainings through the JSI on public interest litigation and the need for judges and police to play a more proactive role in prosecuting environmental cases.

In spite of the gaps identified in the training provided by the JSI in terms of environmental crime, its collaborative training with NEMA and Green Watch is a shift towards a more multifaceted training on the wide range of issues that constitute environmental crime and jurisprudence. This will improve the wider region's ability to improve its environmental policing skills and capacity.

A standardised environmental crime and management curriculum under the JSI would ensure the sustainability and continuity of the training on environmental crime and would therefore have a much longer-term impact on the judiciary and prosecutors in Uganda, which are complementary agencies to the police in the enforcement of environmental crime laws.

The Ethiopian and Ugandan experiences therefore have the potential to provide the missing ingredients that would allow the enhancement of environmental policing in the region through capacity building and training that develop stakeholder competencies in dealing with the issue of environmental crime management. In essence, therefore, a successful environmental policing role should be a construct of coordinated capacity-enhancing mechanisms among the judiciary, police science pedagogy institutions, environmental public interest stakeholders and environmental management authorities.

The other strategy for reversing the broken windows syndrome would be the interface created between the community, the environment and the police through the process of community policing.

## THE ENVIRONMENT, COMMUNITIES AND THE POLICE: PREVENTATIVE AND PROBLEM-SOLVING POLICING

In African polities there is a very close interface between the environment and community livelihoods, and the administrative structures ordering this relationship. People's livelihoods are based on the utilisation of primary products and, hence, natural resources for survival. Environmental crimes are a consequence of the misappropriation of contested, scarce or poorly managed resources. The police at some point or other become involved in the process of dealing with environmental contestation incidents, environment-related nuisances or other resource-related issues, which largely refer to the kinds of issues covered by the concept of community environmental policing. This paper posits that an available avenue is presented to the police by this phenomenon, which should define much of their functions. The concept of community environmental policing follows the example of general community policing<sup>29</sup> in advancing a new philosophy of law enforcement involving shared responsibility for policing (in terms of which community members play a role in identifying problems and the police respond accordingly); prevention (where the ultimate goal is identifying and eliminating the source of a potential problem before it gets out of control); and increased discretion and flexibility among community stakeholder groups.

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Community environmental policing tries to advance both civilian oversight and community participation in policing in terms of society's broader environmental concerns

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These attributes of community policing provide a way to include environmental crimes as a policy and community concern. This would involve reforming decision-making processes and creating new cultures reflecting a commitment to a broadly focused, problem-oriented policing response to citizens' needs. Without a close understanding of the environmental-cultural matrix and the broader problems of society, environmental policing, especially in African societies, may not have an effective impact. Towards this end, Bass's view that community

environmental policing tries to advance both civilian oversight of and community participation in policing specifically in terms of society's broader environmental concerns is important here and may explain the form that environmental policing in Africa should ultimately take in its basic orientation.<sup>30</sup> This could bring new environmental or ecological values to policing priorities, shifting the focus of policing to remedying the broken windows phenomenon and ordering the public sphere rather than just dealing reactively with environmental emergencies and criminal incidents. This view in turn helps shift police strategies from crime-incident-oriented policing to problem-solving and preventative policing.

As we have seen, in Africa the environment, or resources, and community livelihoods are strongly linked. This is a phenomenon that the police should positively exploit to assist them in carrying out effective community environmental policing. Social cultural resources for community policing functions and environmental crime information mechanisms could be utilised through community participation in policing via the police-community interface.

Community participation in local environmental initiatives can provide new sources of information for identifying environmental crimes and their root causes and help to complement policing<sup>31</sup> through the combined actions of community members and police agencies. Following this line of thought, environmental policing is therefore viewed as a construct of alternative dispute resolution mechanisms that aim to deal proactively with potential environmental crimes or contestation issues and thus sustain the environmental base in the long run. A best practice from Rwanda could be generalised to reflect the potential of community participation as a necessary ingredient for environmental policing in an African context.

## POLICE-COMMUNITY RELATIONS IN RWANDA

Environmental crime management in Rwanda has integrated community participation through customary approaches to resources conflict management and the management of resources more broadly. The community-police and administrative interface in the country has been characterised by the utilisation of these customary approaches in the practice of the *umuganda* and *imudugudu* system of social units' responsibility for protecting the environment. The *umuganda*<sup>32</sup> system is borrowed from the customary community practice whereby communal participation was encouraged to ensure that certain 'common goods' were sustained and distributed equally throughout society. The system has been adopted to the extent that every Rwandese

citizen, irrespective of rank or wealth, has to undertake mandatory unpaid communal work for the protection and sustainability of the public and common good – i.e. the environment.

It is a practice executed every last Saturday of the month from 7 am to noon. Failure to take part in *umuganda* can lead to incarceration. The tradition has over time dealt with the broken windows phenomenon and a general civic consciousness towards environmental protection has meant that dealing with environmental crimes is now a central feature of general crime deterrent concerns.

The *imudugudu*<sup>33</sup> system of household responsibility for protecting the environment has been a ready source of information for the law enforcement services. These systems go to the heart of what constitutes community environmental policing and are consequently the ultimate orientation of effective environmental policing.<sup>34</sup>

## THE FUTURE OF ENVIRONMENTAL POLICING IN AFRICA

Against this backdrop of the environmental space that policing has to adapt to, general variables for reforming or enhancing policing in Africa can be identified and may provide a launching pad for talking about the effective African eco-cop.

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Governments in Africa should not regard the decentralising of policing as a threat to state sovereignty

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Policing is being transformed and restructured not only in Africa and its sub-regions, but also in the modern world generally. The future of policing in the continent has to contend with the fact that the key to its transformation is that policing, meaning the activity of making societies safe, is no longer carried out exclusively by governments,<sup>35</sup> as can be seen from the modern focus on community policing. This is especially so in the environmental governance realm. Indeed, it is an open question whether governments and particularly the institution of the police itself are even the primary providers in this realm. Gradually, almost imperceptibly, environmental policing has been ‘multilateralised’ in the sense that a host of communities have appropriated informal policing strategies to deal with environmental

policing. This is the case with Rwanda, as outlined above, where cultural–environmental sustenance practices have been adopted and mapped out to co-feature with modern policing methods.

Complementarity here is the process whereby the formal policing institution is decentralised by co-opting community mechanisms that complement the vacuums as experienced by the police in the environmental realm. A host of non-governmental groups have also assumed responsibility for playing a complementary role to policing through advocacy, spreading knowledge on environmental public interest law<sup>36</sup> among law enforcers, and providing research support on environmental crimes and profiling. In this line, Baker recognises that in countries such as Uganda, grassroots or track-three entities<sup>37</sup> like local councils have been able to provide inexpensive and relatively even-handed justice in a wide array of governance arenas ranging from land-related conflict to the management of common areas like wetlands. Therefore environmental policing, as is the case with general policing, has entered a new era characterised by a transformation in the governance of security.<sup>38</sup>

In mapping out the essence of an environmental police in Africa, Baker’s concept of ‘multi-choice policing’<sup>39</sup> is of the essence. Baker, it should be noted, is hesitant to generally prescribe this path for Africans, because African states have different municipal concerns and structures of governance. However, he strongly implies that governments should not regard the decentralising of policing as a threat to state sovereignty.<sup>40</sup> This is just one of the variables in the processes of modernising a police force that utilise the power of collaboration and increasingly include entities outside traditional law enforcement structures. A case in point is the wildlife services in some countries, which have been effective in managing environmental crimes, and successful cross-institutional programmes have been used to deal with certain aspects of environmental crimes. A good example has been the efforts by the KWS wardens and the police, including Interpol officials, to track and combat the smuggling of ivory within Kenya and across its borders.<sup>41</sup>

In this case, to deal with the rising domestic and international illegal ivory trade, Interpol undertook an operation in 2008 that targeted illegal ivory markets in five African states. Kenya, and particularly the KWS, served as a coordinating point for simultaneous operations taking place in the Democratic Republic of the Congo, Ghana, Uganda, Zambia and Kenya. A total of 57 suspects were arrested and over 1,000 kg of ivory recovered, in addition to other assorted items. Kenya accounted for 36 suspects and 113 pieces of ivory weighing 358 kg. The objective of the operation was to eliminate the illegal domestic ivory markets that continued to fuel

the poaching of elephants and the resultant local and cross-border ivory trade.<sup>42</sup> The lessons learnt from such collaborative initiatives will be used to improve future operations and the law enforcement linkages established could play an important role in tackling wildlife crime. This is an example of effective multi-stakeholder policing of environmental crimes in the region.

Instead of competing with other environmental protection and management entities, the police institutions in Africa through their governments should find ways to regulate, coordinate or incorporate the multitude of policing agencies – formal and informal – so that they are all accountable to the public in delivering the common international public good of a ‘sustained environment’ and so that a collaborative environmental policing component and architecture is available for as many people and social institutions as possible. This aim is not only sensible, but it might be applied to other areas of the larger context of environmental governance.<sup>43</sup>

It is also important to note that, given the capacity needs and limitations of police officers trained in environmental law and crime/science and the current limitations of personnel attached to environmental crime desks in police institutions, African governments, in addition to improving the training of police personnel, may well be advised to concentrate policing efforts more on working with other suppliers of environmental protection services like the wildlife services, forestry services and specialised environmental inspectors, among others, rather than attempting to make their police forces assume the entire responsibility for tasks that they have little current capacity to complete.

## CONCLUSION

This paper has attempted to make sense of the policing component understood as ‘environmental policing’. As noted above, this component does not operate in a vacuum, and in the continent, as anywhere else, it is subject to the complex nature of what is understood as environmental crime or the environment as it is securitised in the region. The ever-evolving and complex phenomenon of environmental crime should also be understood in terms of its internal dynamics, a particular community’s understanding and recognition of these crimes, and whatever capacities that exist to address these crimes. A delicate balancing act by the law enforcement agencies is needed to address both ‘brown crimes’ and ‘green crimes’, and a range of strategies is needed, including increasing collaboration among the police and other law enforcers, environmental management experts and the community, as well as a reconceptualising of police science curricula in police academies in order to equip the contemporary African policeman

and -woman with the relevant environmental crime management capacities.

The concept of environmental crime and the consequent policing understanding of this concept should therefore be seen as a general environmental security issue that requires policing to shift from a legally limited and reactive crime control mode to a more anticipatory, proactive and preventive security policing mode. A constructive way of looking at environmental policing in Africa is in terms of an enforcement task with a strong ‘preventative and information oriented or collaborative element’.<sup>44</sup> This is particularly important in terms of community policing’s capabilities to complement mainstream policing in the area of environmental protection and sustenance.

## NOTES

- 1 Michael C Williams, Words, images, enemies: securitization and international politics, *International Studies Quarterly* 47(4), 511–531.
- 2 For more detail on Strong’s views, see <http://www.unep.mauricestrong.net/speeches2/speeches2/stockholm.html> (accessed 24 August 2009).
- 3 For a summary of the general debate of the 1972 Stockholm conference, see <http://www.unep.org/DocumentsMultilingual/Default.asp?DocumentID=97&ArticleID=1497&J=en> (accessed 24 August 2009).
- 4 Ibid.
- 5 See Rita Taureck, Securitization theory and securitization studies, *Journal of International Relations and Development* 9(1) (2006), 53–61.
- 6 For the purposes of contextualizing this paper, ‘securitization describes a politically and socially constructed process of governments and the media presenting threats to national or state security in a highly dramatized and persuasive form of public discourse’; see Barry Buzan, Ole Waever and Jaap de Wilde, *Security: a new framework for analysis*, London: Lynne Rienner, 1998; see also Christopher Murphy, Securitizing Canadian policing: a new paradigm for the post 9/11 security state? *Canadian Journal of Sociology/Cahiers canadiens de sociologie* 32(4) (2007), 451.
- 7 Bruce Baker, *Multi-choice policing in Africa*, Uppsala: Nordiska Afrikainstitutet, 2008.
- 8 Author’s interview with Getachew Erena, assistant commissioner of the Ethiopian Federal Police and head of the Research Division of the force.
- 9 See Philip Arthur Njuguna Mwanika, The fallacy of environmental policing in eastern Africa, *ISS Today*, 10 December 2008, [http://www.issafrica.org/index.php?link\\_id=5&link\\_id=7092&link\\_type=12&link\\_type=12&link\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=5&link_id=7092&link_type=12&link_type=12&link_type=12&tmpl_id=3) (accessed 21 May 2010).
- 10 See A Hills, Police commissioners, presidents and the governance of security, *Journal of Modern African Studies* 45 (2007), 409–423; A Hills, *Policing Africa: internal security and the limits of liberalization*, Boulder: Lynne Rienner, 2000.

- 11 See Otwin Marenin, The futures of policing African states, <http://mysite.wsu.edu/personal/otwin/home/my%20files/africapolicefutures5.doc> (accessed 29 April 2009).
- 12 For more insights into the development of environmental policy as a major diplomatic agenda and also defining much of international legal processes and negotiations, see Philip A Njuguna and Martin Odoyo (eds), *Environmental diplomacy and human security: the 1<sup>st</sup> joint workshop of the Ministry of Foreign Affairs, Kenya and the ISS, South Africa*, Tshwane-Pretoria: Institute for Security Studies, 2009, 3–4.
- 13 For more insights into the expansion of the environmental governance agenda and its connection to policing, see Philip Mwanika, EAPCCO, environmental crime and the challenges of environmental diplomacy, *ISS Today*, 19 March 2008, 56, [http://www.iss.co.za/static/templates/tmpl\\_html.php?node\\_id=3127&slink\\_id=5690&slink\\_type=128&link\\_id=40](http://www.iss.co.za/static/templates/tmpl_html.php?node_id=3127&slink_id=5690&slink_type=128&link_id=40). For a brief discussion of the development of environmental diplomacy, see Benedick E Richard, Diplomacy for the environment, presentation at the American Institute for Contemporary German Studies, Johns Hopkins University conference on Environmental Diplomacy, Washington, DC, 18 November 1998, report, 3–13.
- 14 Interpol comprises 174 member states from all over the world. Its purpose is to ensure the widest possible mutual assistance among all criminal police authorities within the limits of the laws existing in respective member states and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes. It should be noted also that each of the 174 member states has appointed an Interpol National Central Bureau as its national department to serve as the permanent focal point for international police cooperation. For Interpol's functions and role, see <http://www.interpol.int/public/icpo/default.asp> (accessed 21 May 2009).
- 15 See Klem Soren, Environmental crime and the role of the International Criminal Police Organization (ICPO)-Interpol, in Jo Vrom Gerardu and Cheryl Wasserman (eds), *The Third International Conference on Environmental Enforcement Proceedings*, Oaxaca, Mexico, 25–28 April 1994, <http://www.inece.org/3rdvol1/pdf/klem.pdf> (accessed 20 May 2009).
- 16 This aggregate definition of what constitutes environmental crimes is further elaborated in Mary Rice (ed), *Environmental crime: a threat to our future*, London: Environmental Investigation Agency, 2008, 1–4.
- 17 UNICRI was created in 1968 to assist intergovernmental, governmental and non-governmental organisations in formulating and implementing improved policies in the field of crime prevention and criminal justice. In a rapidly changing world, UNICRI's major goals today are advancing security, serving justice and building peace. It sees itself as 'the first response broker' and, as such, has become known for its dynamic, fresh and innovative approach in applied research. On these lines, UNICRI recognises and has been conducting research on emerging crimes, among them environmental crime and illegal trade in cultural property and stolen works of art, which is closely linked to the former; see <http://www.unicri.it/> (accessed on 25 May 2009).
- 18 It should be noted that there are currently no binding international controls on the international timber trade, with the exception of endangered species of trees covered by CITES.
- 19 This also follows the line of thought of many environmental jurisprudence scholars who argue that the development of environmental criminal law has been fragmented and inconsistent. One of the consequences of this is that there are many disparities among laws seeking to address different types of environmental crime. Eastern African jurisdictions have not been spared this, and it has affected policing; see W Wilson, *Making environmental laws work*, Oxford: Hart, 1998, 110.
- 20 See Stuart Bell and Donald McGillivray, *Environmental law*, 6th ed, Oxford: Oxford University Press, 2006, 280.
- 21 This line of thinking could be as a result of, for example, diplomatic arrangements among different neighbouring states for tackling certain transnational crime activities, like the poaching and smuggling of the Virunga gorillas within the shared sanctuaries of the Democratic Republic of the Congo (DRC), Rwanda and Uganda. Tripartite arrangements that settle disputes and support collaboration in wildlife crime management and enforcement set standards and establish comity that may translate into customary cross-border rules and definitions of common environmental crimes. In addition to statutory definitions of what constitutes environmental crimes, the regional restatement of observed common and mutually affecting crimes may be adopted as environmental crimes. In this instance, for example, the three countries recognised the need for regional cooperation, as the gorilla population lives in protected areas across their jurisdictions. The Declaration of Goma was signed by the three states in 2005, and this agreement includes joint patrols, information exchange and the sharing of revenues; see United Nations Environment Programme, *From conflict to peace-building: the role of natural resources and the environment*, Nairobi: UNEP, February 2009, 21; see also the text of the declaration at [http://www.unesco.org/mab/madrid/doc/E\\_tripartiteDeclaration.pdf](http://www.unesco.org/mab/madrid/doc/E_tripartiteDeclaration.pdf). A further practical regional example of collaborative initiatives to enhance environmental security as it is widely defined is the International Gorilla Conservation Programme (IGCP) regime. The goal of the ICGP is to ensure the conservation of the mountain gorillas and their forest habitat in Rwanda, Uganda and the DRC. The mission of the IGCP is to empower the people of these countries to jointly manage a network of trans-boundary protected areas that contribute significantly to sustainable development and protect the endangered mountain gorillas and their habitat. IGCP was formed in 1991 and comprises three coalition partners: African Wildlife Foundation, Fauna and Flora International and the World Wildlife Fund for Nature. The partnership also incorporates the respective wildlife protection authorities of the three countries in which the IGCP operates: the Office Rwandais de tourisme et des parcs nationaux, the Uganda Wildlife Authority and the Institut Congolais pour la conservation de la nature; see <http://www.icgp.org/about/> (accessed 18 August 2009).
- 22 The work of sociologist Ulrich Beck on risk societies, covering a wide array of social theory, including criminology, measures new risks related to the emergence of new technologies such as genetics and cybernetics. In terms of environmental criminology, for example, Beck examines how environmental crimes are explained by the manner in which the new modern industrial society creates many new risks of a quite different order to those previously known. These dangers – which effectively constitute environmental crimes – are humanly produced and

- may have massively unforeseen consequences that may take many years to reverse. See Barbara Adam, Ulrich Beck and Joost van Loon (eds), *The risk society and beyond: critical issues for social theory*, London: Sage, 1992.
- 23 See the *Environmental Management and Coordination Act 1999 (Act 8 of 1999)*, Nairobi: Government Printer.
  - 24 The KWS was established by Cap 376 of the laws of Kenya.
  - 25 The EMCA provides for the harmonisation of about 77 sectoral statutes that address aspects of the environment. Some sectoral statutes have inadequate provisions for the prosecution of environmental offenders, while in others, penalties are not sufficiently punitive to deter offenders. The Act further provides an institutional framework and procedures for the management of the environment, including provisions for conflict resolution.
  - 26 Author's interview with the Ethiopia Police University College dean of training, who is also a serving senior federal police officer.
  - 27 It should be noted that the Ethiopia Police University College has made a significant effort in professionalising the Ethiopian police and officers from other neighbouring countries. The university college has provided instruction in police science and law at certificate, diploma, undergraduate and postgraduate levels. It has a well-established curriculum that addresses issues ranging from international human rights law and policing to humanitarian law. However, environmental law and crime issues are not adequately addressed, and this is one of the main concerns that the police and the university college administrators seek to address; see Ethiopia Police University College, *Ethiopia Police University College academic programme and calendar, 2007–2008*, Addis Ababa: EPUC, 2008.
  - 28 At the Judges' Annual Conference, Kampala, 5 January 2004, the chief justice of Uganda, Benjamin Odoki, stated in his opening speech that the JSI was to operate as a department of the judiciary on a semi-autonomous basis, separate from the day-to-day operations of the judiciary, but still within the judiciary; see the conference report, <http://www.judicature.go.ug/uganda/index.html> (accessed 2 July 2009).
  - 29 See W Rohe and RT Adams, Community policing and planning, *Journal of the American Planning Association* 67(1) (2001), 78–90; P Gregg Macey and Dara O'Rourke, Community environmental policing: assessing new strategies of public participation in environmental regulation, *Journal of Policy Analysis and Management* 22 (2003), 386–387.
  - 30 See S Bass, Negotiating change: community organizations and the politics of policing, *Urban Affairs Review* 36(2) (2000), 148–170.
  - 31 See AL Schneider, Coproduction of public and private safety: an analysis of bystander intervention, protective neighboring, and personal protection, *Western Political Quarterly* 40(4) (1987), 611–639.
  - 32 In the Kinyarwanda language, 'umuganda' can be loosely defined as *contribution*.
  - 33 'Imudugudu' is Kinyarwanda for *household*.
  - 34 For more on the Rwandese experience in environmental crime management, Rose Mwebaza, Philip Mwanika and Beatrice Chemutai, *Assessment of capacity needs and environmental crime management tools and mechanisms in Rwanda*, unpublished report, Nairobi: Environmental Security Programme, Institute for Security Studies, September 2008, 14–15.
  - 35 See Murphy, *Securitizing Canadian policing*, 450.
  - 36 As can be observed in the public interest activities of Green Watch in Uganda.
  - 37 Grassroots or track-three entities network with official or track-one practitioners like the police and government in general. Grassroots involvement therefore finds itself at the centre of the processes of environmental governance and other levels of governance; see the role of field diplomacy and grassroots roles in societal well-being in Elias J Omondi, *Making choices for peace: aid agencies in field diplomacy*, Nairobi: Pauline Publications Africa, 2006, 61–62. Lederach talks about grassroots leadership that operates in direct connection to the masses of people and includes community leaders, among others; see John Paul Lederach, *Building peace*, Washington, DC: United States Institute of Peace, 1997.
  - 38 For a discussion of the 'new policing', see David Bayley and Clifford Shearing, *The new structure of policing: description, conceptualization, and research agenda*, Washington, DC: National Institute of Justice, US Department of Justice, 2001, 1.
  - 39 See Baker *Multi-choice policing in Africa*.
  - 40 For commentary on Baker's views, see John Yoder, Multi-choice in Africa, *International Journal of African Historical Studies* 41(1) (2008), 154–155.
  - 41 See *Interpol Environmental Crime News*, <https://www.interpol.int/Public/EnvironmentCrime/Wildlife/news/Default2009.asp>.
  - 42 See Kenya Wildlife Service, *Annual report 2008* (2008), 29, <http://www.kws.go.ke%20Annual%20Report%202008.pdf> (accessed 28 August 2009). It should be further noted that poaching of elephants increased by 100 per cent in 2007, with 90 per cent of poaching occurring outside the KWS-managed wildlife protected areas. This increase may be due to the high demand generated by the decision of the 58th CITES standing committee to sanction the once-off sale of government-owned ivory by nations in Southern Africa to China and Japan. This almost certainly triggered demand for ivory and rhino horn in the black market, evident through the seizures made. Overall, elephant ivory recoveries increased from 677,6 kg in 2007 to 857,2 kg in 2008, a rise of 26 per cent; see Kenya Wildlife Service, *Annual report 2008*, 27–28.
  - 43 In the general policing context, Baker has also suggested that instead of the mainstream policing agencies competing with other non-police agencies, African governments should find ways to incorporate and utilise the multitude of policing agencies – both formal and informal – so that they are all accountable to the public and security services are available to as many people as possible; see Yoder, *Multi-choice in Africa*, 155.
  - 44 Lucia Zedner, Too much security, *International Journal of the Sociology of Law* 31(3) (2003), 155–180, 163.

## ABOUT THIS PAPER

The power to police, as part of statecraft, is a basic attribute of contemporary government that manifests in a vast array of sites of governance, including not only the state itself, but also areas such as the community, the household and industry, and contemporary realms such as the war against terrorism. This paper looks at a particular dominant realm of governance that is a mainstay of modern policing, i.e. the environmental protection realm, and particularly the policing component known as environmental crime management. Towards that end, this paper attempts to make sense of the policing component understood as 'environmental policing' and how it is operationalised in Africa. Case studies from the Great Lakes and the Horn of Africa have been adopted. The question of whether the police institution in the continent should be involved in environmental protection or have an environmental enforcement component has been critically investigated against a backdrop of the political, societal, administrative and bureaucratic realities in the mentioned geo-political concerns.

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