

Creating International Standards for Coral Reef Investigations¹

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Presentations

1. Compliance Behaviour: Moving Beyond the Classic Enforcement and Deterrence Model

Brian Crawford

Conceptual models influencing compliance behaviour (classic enforcement model vs the socio-economic model) were presented. Classic deterrence is based on the probability of detection and severity of the penalty. Violators weigh this against the illegal gains to be made. The socio-economic model builds on this by adding in personal values and moral suasion as additional determinants of compliance behavior. Case vignettes and stakeholder quotes from developing countries were provided that illustrated difficulties of achieving high compliance with coral reef management rules, especially with at sea enforcement.

2. CSI for Coral Reefs Investigators

Ken Goddard

Challenges and methods for underwater crime scene investigation of coral reef focusing were presented focusing on how to determine causality and responsibility. These were compared and contrasted with terrestrial techniques and how they need to be modified for marine crimes. Main challenge: there is not training and tools of responders for conducting legally investigation. Main goals of CSI: protocol creation, protocol training, use of results and conduct regional field training to marine enforcement officers, environment assessment specialist, litigators, NR managers, biologists, researchers.

3. The ICRI Committee on Coral Reef Enforcement and Investigation

Dave Gulko

Comparison of CSI application on crimes in terrestrial and marine environments. Challenges of evidence collection and processes.

Discussions

Issues and questions raised in the discussion following the three presentations are summarized below:

Issue/question 1

- What are the differences between the protocols of ICI in NOAA and ICRI? Seems that NOAA may have some guidance documents of use but is not developing specific protocols for underwater coral reef crime scene investigations (focusing on short term impacts). Key that ICRI Enforcement and Investigation Committee is focusing in are protocols that have wide

¹ Workshop report from the 3rd International Tropical Marine Ecosystem Symposium held in Cozumel, Mexico 16-20th October 2006. Theme 3 – Enforcement and Investigation. Visit www.itmems.org for more information.

applicability across country and institutional contexts. It was pointed out that nobody in the ICRI subcommittee is from the NOAA Sanctuary offices which also seems to be working on similar or related protocols. (Difficulty of having NOAA over - represented)

- Suggestion: to include another person from NOAA on the ICRI Enforcement committee or to improve networking among NOAA personal to make sure Sanctuaries Office and Office of Restoration and reconstruction related activities are made available to the enforcement working group..

Issue/question 2

- What will be the best evidence to collect in environmental crimes on coral reefs?.
- Live coral cover in the most commonly used but non appropriate because
- When fragmentation is produced it increase cover on time

Issue/question 3

- There is a need to clarify crime scene investigation in steps:
- Field work, process of evidence and decision making

Issue/question 4

- What will be the optimum team work to collect evidence in the case of environmental crime?
- 1st responder
- Investigating officer (CROK) Legal authority (Natural Resources trustee, ranger or enforcement officer) out of the water and coordinating the data connection.
- In water team: Personal with CSI training (1), experts coral and algae (2), experts on fish (2), invertebrate expert (1). Size of the team may be prioritized based on the size/scale of the impact (determined on the 1st response assessment).

Issue/question 5

Phases of CSI:

- Field work.
- Evidence processing.
- Decision making.

Issue/question 6

- What to do when you have diffuse stressors or slow impact, such as pollution?
- This can be more difficult to prosecute. Suggestions are focus on economic valuation of CR (argue for restoration). Presentations of evidence is very important in prosecution in court (visuals are recommended).

Issue/question 7

- How can we insure that penalties given by magistrates/judges is high enough to deter future violations? Most magistrates/judges will provide penalties that are on the low to middle range of what is allowed by law. The higher the community standards are the more likely the severity of the penalty will be higher. Therefore if communities express concerns about coral reef crimes and magistrates are aware of this, then they will likely provide more severe penalties. It is recommended to look at how the crime affects the community (socially and economically) and present this at sentencing in order to justify more severe penalties.

Challenges

Additional challenges expressed by participants specific to this session included the following:

- International networking is difficult because it is slow and infrequent.
- Technical support and technical support working groups for CSI are often lacking or weak.
- Cost-effectiveness of investigations is often a challenge in countries with resource limitations. In such cases, techniques used in high income countries are likely not possible.
- Post investigation often weak.
- Transparency/corruption is a problematic for both enforcement and investigation.
- Ignorance of law is high.

Recommendations

- Strengthen investigators technical support groups, through information exchange, training and networking.
 - Need for a regional forum on enforcement.
 - Establish an international list or database on procedures and cases of enforcement, investigation and prosecution. Possibly link this to the Monitoring, Control and Surveillance (MCS) group. May need a full time secretariat to implement it. Expand the MCS list-serve to include enforcement and investigation.
 - Promote interchange of experience between enforcement agencies and staff.
- Decision process and prioritization needs to be done locally.
 - Two approaches: high and low tech standards (availability). Both need to be science based and valid in court.
- Provide detailed guidance for courtroom presentation of evidence. Need to be tailored to different clients (how to sell your case).
- Need mechanisms to improve transparency in investigations and prosecutions. Publicly available information is recommended. Reason for an interdisciplinary investigation team.
- Awareness and education is needed of the public on both laws and regulations, and consequences impacts of violations. Target general public as well as specific groups (tailor programs to the audience).
- Improve interagency coordination by consulting with agencies that may already have protocols. Promote interagency communication, specially at the operational and field level.
 - Develop interagency mechanisms for cooperation on enforcement and investigation.