Sixteenth meeting of the Plants Committee
Lima (Peru), 3-8 July 2006

Regional reports

ASIA

General information

a) Name of the representatives:

Regional representatives: Wichar Thitiprasert (Thailand)
Irawati (Indonesia)
Alternate members: Zul Mukshar bin Md. Shaari (Malaysia)
M. Sanjappa (India)

b) Number of Parties in the region: 32

c) Number of Parties responding to communication: 5

d) Names of other institutions and NGOs contacted during the period: TRAFFIC Southeast Asia

Activities since the 15th meeting of the Plants Committee:

1. Enforcement

a) During CITES Annual Meeting; a Seminar on “CITES enforcement for Plants” was conducted in Bangkok Thailand on August 2005.

b) An Act to provide for the administration and management of international trade in wild fauna and flora to ensure that the trade does not threaten the survival of any species of wild fauna and flora is being drafted in Malaysia. It is expected the Act will be forwarded to the Parliament of Malaysia for consideration by the end of 2006.

c) On November 2005, TRAFFIC in collaboration with the Government of the Philippines, DFID UK, GTZ, the World Bank, World Bank Institute and Asia FLEG organized a workshop to provide Customs agencies an opportunity to gain better understanding of issues related to illegal logging and timber trade. The objectives of the workshop are building awareness and improving information sharing among regional border control authorities, identification of requirements for improved documentation pertaining to shipments of wood products, and discussions on better use of risk assessments as well as identification of current obstacles. Representatives from 15 countries participated at the workshop and agreed on an action plan which will be further discussed at the East Asia Pacific FLEG Task Force meeting scheduled for early 2006.
d) The ASEAN Wildlife Enforcement Network (ASEAN-WEN) was launched at an ASEAN Senior Environmental Official meeting in Bangkok Thailand on December 1st, 2005. This network was previously referred to as the ASEAN CITES Enforcement Task Force in the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010).

e) With regard to the up-listing of Ramin into Appendix II, the Malaysian Forestry Department as the MAs issue Removal Pass to certify the legality of sources according to the quota that is determined based on Non Detrimental Finding (NDF).

On the enforcement aspect, Malaysian Timber Industry Board (MTIB), Customs Department, and Port Authorities is controlling timber trade related activities in Free Trade Zones and Free Zone (Transhipment), as well as in private jetties. In the case of action on illegal consignment of Ramin, the standard procedure complies with CITES regulations, including penalties for the operators, communication with the MA of country of origin, as well as the treatment of the confiscated Ramin specimen. And efforts were being made to strengthen the laws and regulations and enforcement through joint operations.

Decline of export for Ramin was shown by Malaysia from over 70,000 m³ in 2004 to just over 44,000 m³ in 2005. Significant decline was also observed in the data on offences related to Ramin consignment, from 12 in 2004 to 2 in 2005.

f) International Executive Seminar on “Implementing the New ASEAN Wildlife Law Enforcement Network (ASEAN-WEN)” followed by the Association of South East Asian Nations Wildlife Enforcement Network Meeting, was conducted from 22-25 May 2006 in Bangkok, Thailand. Membership of the network is officials from CITES Authorities, Customs, Police, Prosecutors, Specialized Government Wildlife-law Enforcement Organizations and other relevant national law enforcement agencies. During the two-days seminar, officials from Interpol, the US Drug Enforcement Agency, US Department of Justice, China, and the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) provided information to members of the new network about linkages between wildlife smuggling, drug trafficking and other forms of organized crime, as well as methods for countering trans-national crime syndicates. The seminar was followed by a one day meeting in which ASEAN officials selected national “focal points” for sharing intelligence on wildlife criminals.

2. Capacity building

a) Workshop on the Trade Dynamics of Agarwood (Gaharu) in Malaysia and Considerations of CITES Non-Detriment Findings, March 1-2, 2006, FRIM. Malaysia.

In response to CITES Decisions 13.61-13.65, TRAFFIC Southeast Asia was contracted by the CITES Secretariat to carry out further field research in the trade dynamics of agarwood essential oil (gaharu) in Malaysia, as a major gaharu exporter. Case studies were carried out in Peninsular Malaysia, Sabah and Sarawak.

Results of the workshop presentations and stakeholder dialogue addressed issues of biology, harvesting, management and control, uncertainties and future of the gaharu industry. In the working group sessions of the workshop, a number of follow-up actions were identified under broad categories of Supply chain, Biology and Status, Management and Monitoring – all critical sectors of analysis towards compiling enough information to carry out a CITES non-detriment finding for gaharu trade from Malaysia.

b) On 1-2 December 2005, a National seminar on Agarwood entitled "Opportunity, Challenge on Agarwood Development in Indonesia was conducted by SEAMEO Biotrop, Bogor, Indonesia.


d) ITTO Expert Meeting on the Effective Implementation of the Inclusion of Ramin (Gonystylus spp.) in Appendix II of CITES was held between 16 and 19 May 2006 in Kuala Lumpur, Malaysia. The Expert Meeting was jointly organized by the Ministry of Natural
Resources and Environment (NRE), the International Tropical Timber Organization (ITTO), and CITES Secretariat. The meeting gathered together 50 participants from nine key countries trading in ramin, namely, Malaysia, Indonesia, China, Hong Kong SAR, the USA, Netherlands, the United Kingdom, Canada and Spain. Participants included representatives from Forestry, Customs, Timber trade regulating agencies, Port authority, Police, Civil society, Trade associations and Companies, International organizations, ITTO, and CITES Secretariat. This expert meeting was held in accordance with the provisions under ITTC Decision 2(XXXVII) on Enhanced Cooperation between ITTO and CITES for Ramin and Mahogany.

The expert meeting was designed to achieve the following four main objectives:

i) To exchange experiences in the implementation of the inclusion of ramin (*Gonystylus* spp.) in Appendix II of CITES, including undertaking Non-Detriment Findings (NDF) as well as training on identification and relevant CITES procedures.

ii) To review recent trade figures and data submitted to CITES, and experiences in tracking a full range of products and measurement/reporting issues.

iii) To identify and examine problems and issues relating to the implementation of the inclusion of ramin in Appendix II of CITES.

iv) To recommend follow-up action for countries, CITES, and ITTO to improve the implementation of the inclusion of ramin in Appendix II of CITES.

This expert meeting stimulated an active exchange of information and sharing of experiences among participants from exporting and importing countries, as well as civil society and international agencies, which normally do not have direct interaction. Results of the workshop presentations and stakeholder dialogue addressed issues such as ecological and management Status of Ramin (*Gonystylus* spp.), review of market and international trade in Ramin, Capacity-building for Meeting the Requirements of CITES Appendix II Listing for Ramin and coordination and Cooperation on the Effective Implementation of the Uplisting of Ramin in Appendix II of CITES. Recommendations for each of the issue outlined above were developed at the national and regional levels; these recommendations and actions put forward are directed at a number of countries, industry, civil society, ITTO, and CITES Secretariat for implementation. The discussion and recommendations were then synthesized into overall priorities and action plans.

3. Meetings and communication within the region

   a) The 2nd meeting of the Tri National Tasks Force on Trade in Ramin, 12-13 April 2006, Jakarta, Indonesia. Representatives from Malaysia, Singapore and Indonesia attending this meeting.

4. Future activities

   a) The CITES Management and Scientific Authorities of ASEAN member countries will discuss, among others, the status and updating the implementation of the ASEAN Regional Action Plan on Trade in Wild Flora and Fauna for 2005-2010 at the 4th meeting of the ASEAN Experts Group (AEG) on CITES, that will be held in the Philippines.

   b) Workshop on the 2nd Mekong sub-regional CITES Implementation and Enforcement will be held in Kunming, China on 4-7 July 2006.

5. Conclusions

The Asia member countries support the implementation of CITES through several meetings and activities within this region, especially the ASEAN 10 member countries which fully support the implementation of action plan to combat threats to the region’s biological diversity and unsustainable trade of wild animals and plants.

Communication within the region was still a major problem and updating the directory is required to improve communication.
### Directory for Asia members (Flora)

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REPORT OF THE 1ST MEETING OF THE
ASEAN WILDLIFE LAW ENFORCEMENT NETWORK
(ASEAN-WEN)
25 MAY 2006, BANGKOK, THAILAND

INTRODUCTION

1. The First Meeting of the ASEAN Wildlife Law Enforcement Network (ASEAN-WEN) was held on 25 May 2006 in Bangkok, Thailand.

2. The Meeting was attended by Delegates from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand, Viet Nam and representatives from the ASEAN Secretariat. The List of Delegates appears in ANNEX 1 (not available in this report).

AGENDA ITEM 1: OPENING SESSION

3. The Meeting unanimously elected Dr. Schwann Tunhikorn, Deputy Director-General, Department of Wildlife and National Park, Ministry of Natural Resources and Environment, Thailand, as Chairman of the First Meeting of the ASEAN-WEN. The Chairman expressed his appreciation for the trust of ASEAN Member Countries in Chairing the First Meeting of the ASEAN-WEN.

AGENDA ITEM 2: ELECTION OF VICE-CHAIRPERSON AND RAPPORTEUR

4. The Meeting unanimously elected Mr. Noor Hidayat, Director, Investigation and Forest Protection, Directorate General of Forest Protection and Nature Conservation, Ministry of Forestry, Indonesia as Vice-Chairperson; and Mr. Lee Fook On of Agri-Food Veterinary Authority (AVA), Ministry of National Development, Singapore as Rapporteur.

AGENDA ITEM 3: ADOPTION OF AGENDA

5. The Meeting adopted the Agenda as in ANNEX 2 (not available in this report).

AGENDA ITEM 4: BUSINESS ARRANGEMENTS

6. The Meeting was held in plenary.

AGENDA ITEM 5: RECOMMENDATIONS OF THE INTERNATIONAL EXECUTIVE SEMINAR ON IMPLEMENTING THE NEW ASEAN WILDLIFE LAW ENFORCEMENT NETWORK (ASEAN-WEN), 22-24 MAY 2006, BANGKOK, THAILAND

7. The Meeting discussed the Recommendations of the International Executive Seminar on Implementing the ASEAN-WEN which was held on 22-24 May 2006, Bangkok, Thailand, and adopted the Recommendations as amended in ANNEX 3.

8. The Meeting requested Thailand as host and lead country to inform the members of the First ASEAN-WEN Meeting and the relevant ASEAN bodies, in particular the ASEAN Senior Officials on Transnational Crime (SOMTC), ASEAN Directors-General of Customs (ADGC) and ASEANAPOL (ASEAN Chiefs of National Police Annual Conference), on the establishment of the ASEAN-WEN and to seek their support in the implementation of the ASEAN-WEN. The Meeting also requested that
delegates inform their relevant counterparts participating in these ASEAN bodies to facilitate Thailand’s efforts to this effect. The Meeting also proposed that these bodies consider including the updates/report from the ASEAN-WEN as a standing agenda item in their meetings to facilitate effective cross-sectoral cooperation in addressing wildlife crimes.

9. The Meeting also requested Thailand to propose to the ASEAN Working Group on Finalisation of the Revised Work Plan to Implement the ASEAN Plan of Action to Combat Transnational Crime which is scheduled to meet on 6 June 2006 in Yogyakarta, Indonesia to include wildlife crimes as an addition to the current 8 priority areas of the ASEAN Cooperation in Combating Transnational Crime.

10. The Meeting discussed the development of a Work Programme for the ASEAN-WEN and agreed for Thailand to develop and circulate an initial draft for the comments of ASEAN Member Countries. Thailand requested ASEAN Member Countries to communicate their views and suggestions for the Work Programme by end of June 2006 to facilitate the drafting of the Work Programme.

   Action Line: Thailand/ASEAN Member Countries.

AGENDA ITEM 6: TERMS OF REFERENCE OF ASEAN-WEN

11. The Meeting reviewed the draft Terms of Reference (TOR) of ASEAN-WEN and adopted the revised TOR as in ANNEX 4.

AGENDA ITEM 7: PROGRAMME COORDINATION UNIT OF ASEAN-WEN

12. The Meeting reviewed the draft Terms of Reference (TOR) for a Programme Coordination Unit (PCU) to support the implementation of the ASEAN-WEN as attached in ANNEX 5 (not available in this report). The Meeting agreed to the establishment of the PCU and the functions of the PCU as outlined in the draft TOR.

13. The Meeting welcomed the offer of Thailand to host the PCU for an initial period of two years; after which the decision will be reviewed by the ASEAN-WEN. The Meeting requested Thailand and the ASEAN Secretariat to jointly develop a more detailed paper on the operationalisation of the ASEAN-WEN to be circulated to ASEAN Member Countries for their comments before the next meeting.

   Action Line: Thailand/ASEAN Secretariat.

AGENDA ITEM 8: NOMINATION OF NATIONAL FOCAL POINTS FOR ASEAN-WEN

14. The Meeting noted the list of National Focal Points of the ASEAN-WEN as nominated by ASEAN Member Countries, as follows:

   • Brunei Darussalam: CITES MA (DOA)
   • Cambodia: CITES MA (MAFF)
   • Indonesia: CITES MA (MOFRI)
   • Lao PDR: CITES MA (Dept. of Forestry)
   • Malaysia: CITES MA (MONRE)
   • Myanmar: CITES MA
   • Philippines: CITES MA (PAWB-DENR)
   • Singapore: CITES MA (AVA)
   • Thailand: CITES MA (MONRE)
   • Vietnam: CITES MA / INCB.

15. The Meeting requested the ASEAN Secretariat to write to ASEAN Member Countries to confirm the nomination of their respective National Focal Points and provide the relevant contact details.

   Action Line: ASEAN Secretariat/ASEAN Member Countries.
AGENDA ITEM 9: OTHER MATTERS

16. The Meeting noted that a Press Conference will be held and requested the representatives of ASEAN Member Countries to attend the Press Conference. The Meeting also discussed and agreed to the Press Release as attached in ANNEX 6 (not available in this report).

AGENDA ITEM 10: DATE AND VENUE OF NEXT MEETING

17. The Meeting welcomed the offer of Indonesia to host the 2nd Meeting of the ASEAN-WEN. The dates of the Meeting will be determined by the Lead Country of the ASEAN-WEN in consultation with the host.

AGENDA ITEM 11: CONSIDERATION AND ADOPTION OF MEETING REPORT

18. The Meeting adopted the Report of the 1st Meeting of the ASEAN-WEN.

ACKNOWLEDGEMENT

19. The Delegates expressed their appreciation to the Government and the people of Thailand for the warm hospitality accorded and the excellent arrangements made for the Meeting. The Delegates thanked the ASEAN Secretariat for its valuable assistance. The Meeting was held in the traditional spirit of ASEAN cordiality and solidarity.

ANNEX 3

HIGHLIGHTS AND RECOMMENDATIONS OF THE INTERNATIONAL EXECUTIVE SEMINAR ON IMPLEMENTING THE ASEAN-WEN
22-24 MAY 2006, BANGKOK

1. Through the various presentations and discussions during the International Executive Seminar, the participants have been made aware of the background and accomplishments of the ASEAN Cooperation on CITES Implementation, which led to the launch of the ASEAN-WEN on 1 December 2005 in Bangkok. They key achievements are highlighted as follows:

   • The ASEAN Statement on CITES, made on 11 October 2004 by ASEAN Ministers responsible for CITES, expressed the commitment of ASEAN member countries to cooperate on improved implementation of the Convention, including law enforcement. The Ministers agreed to the proposal of the Prime Minister of Thailand of 3 October 2004 to the 13th Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES CoP13), to develop a wildlife law enforcement network for Southeast Asia;

   • The ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010) was developed by the Special Meeting of the ASEAN Experts Group on CITES (AEG-CITES) held on 3 May 2005 in Jakarta; and endorsed by the 8th Meeting of the ASEAN Senior Officials on Forestry (ASOF), held on 18-20 August 2005 in Phnom Penh. The ASEAN Ministers on Agriculture and Forestry (AMAF) expressed their full support for the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010) through the Joint Press Statement made on 29 September 2005 at the 27th Meeting of AMAF in Tagaytay City, the Philippines.

   • In support of the implementation of Objective Two of the Regional Action Plan to promote networking among relevant law enforcement authorities in ASEAN member countries to curb illegal trade in wild fauna and flora, the Special Meeting of the ASEAN Ministers Responsible for the Implementation of CITES held on 1 December 2005 in Bangkok launched the ASEAN Wildlife Law Enforcement Network (ASEAN-WEN), previously referred to as the ASEAN CITES Enforcement Task Force in the Regional Action Plan.

   • Thailand as the designated lead country for the implementation of Objective Two of the Regional Action Plan, is hosting the First Meeting of the ASEAN-WEN to finalise the Terms of Reference (TOR), to discuss a proposal to establish a programme coordination unit to support the work of the ASEAN-WEN and required key actions to implement/ operationalise the ASEAN-WEN.
2. Taking into consideration the common concerns/ issues raised at the Seminar, participants of the International Executive Seminar agreed to forward the following recommendations to the First Meeting of the ASEAN-WEN (25 May 2006) for their consideration:

(i) The establishment of national inter-agency committee/ task force to support the activities of the ASEAN-WEN;
(ii) The nomination of national focal points from ASEAN member countries for the ASEAN-WEN;
(iii) The nomination of contact points within each agency (such as the police and customs) at the national level to streamline communications at the regional level;
(iv) The engagement with public prosecutors by the National ASEAN-WEN;
(v) The development of a Work Programme to implement the ASEAN-WEN;
(vi) The need to promote bilateral cooperation and other multilateral arrangements to address current wildlife crimes related to non-CITES species;
(vii) The consideration, support and cooperation of other ASEAN relevant bodies* required to implement the ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005-2010), especially in the operationalisation of an effective ASEAN-WEN. In this regard, the Seminar proposed that there is an urgent need to seek the support in particular, of the ASEAN Senior Officials on Transnational Crime (SOMTC) and the ASEAN Customs Directors-General as well as the ASEANAPOL (ASEAN Chiefs of National Police Annual Conference), to ensure effective cross-sectoral cooperation in tackling the problems of illegal trade in wildlife;
(viii) The need to actively engage Non-ASEAN partners such as CITES Secretariat, INTERPOL, World Customs Organisation, Dialogue Partners, and relevant NGOs to support ASEAN-WEN’s efforts to combat illegal wildlife trade.

Note:

* This includes the following:
  • ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and the ASEAN Ministerial Meeting on Transnational Crime (AMMTC)
  • ASEAN Directors-General on Customs
  • ASEAN Directors-General for Immigration
  • ASEAN Senior Officials on the Environment (ASOEN) and the ASEAN Ministerial Meeting on the Environment (AMME)
  • ASEAN Experts Group on CITES
  • ASEAN Senior Officials on Forestry (ASOF)
  • ASEAN Senior Law Officials Meeting (ASLOM) and ASEAN Law Ministerial Meeting (ALAWMM)
  • ASEAN Transport Ministers Meeting (ATM)

ANNEX 4

Term of Reference
ASEAN Wildlife Enforcement Network (ASEAN-WEN)

1. To establish a network (previously referred to in the Action Plan as the ASEAN CITES Enforcement Task Force) of national wildlife law enforcement agencies to be known as the ASEAN Wildlife Enforcement Network (ASEAN-WEN). Membership of the Network is open to officials from CITES Management Authorities, Customs, police, prosecutors, specialized governmental wildlife-law enforcement organizations and other relevant national law enforcement agencies.

2. That the Governments of ASEAN Member Countries will allocate the financial and human resources necessary for the effective enforcement of legislation governing the conservation, trade and sustainable use of wild fauna and flora and ensure effective implementation of this Terms of Reference, and shall collaborate in cross-border cooperation and coordination to enforce such legislation.

3. To establish at the national level an ASEAN-WEN committee consisting of officials from relevant organizations, which shall be responsible for coordinating each member country’s activities in relation to wildlife-law enforcement and the combating of illicit harvesting of and trade in wild fauna and flora.
4. To nominate an individual in the national ASEAN-WEN committee of each Member Country who will act as the national focal point for that country, for the purposes of information exchange and wildlife-law enforcement coordination between and among ASEAN countries, other relevant non-ASEAN national law enforcement agencies and other relevant international and regional law enforcement organizations, such as ICPO-Interpol, the Lusaka Agreement Task Force and the World Customs Organization, and with the CITES Secretariat.

5. To hold regular meetings of ASEAN-WEN at which national focal points, and other relevant officials, may meet to discuss wildlife law enforcement in the ASEAN countries, make recommendations for its improvement and plan joint activities. Relevant organizations such as ICPO-Interpol, the World Customs Organization and the CITES Secretariat will be invited to participate in such meetings as observers. Representatives of non-ASEAN CITES Management Authorities or law enforcement agencies may be invited, as appropriate, to attend ASEAN-WEN meetings as observers. The venue of such meetings shall rotate around the ASEAN member countries.

6. That ASEAN-WEN will, within the limits of its resources and, where appropriate, in conjunction with other relevant organizations, conduct awareness raising programmes, such as the production of publications and other promotional material to raise the awareness of wildlife crime and illicit trade in wild fauna and flora.

7. That ASEAN-WEN will, within the limit of its resources and, where appropriate, in conjunction with other relevant organizations, produce training materials on combating wildlife crime and illicit trade in wild fauna and flora, and organize training activities for wildlife and other law enforcement officers or participate in relevant training seminars for enforcement personnel.

8. That to combat the illicit trafficking in species included in the CITES Appendices, the national ASEAN-WEN committees will jointly establish and implement, each in its own field of competence, measures to improve collaboration, cooperation and information exchange between and among law enforcement agencies and CITES Management Authorities. In doing so, ASEAN-WEN will take account of existing ASEAN initiatives, such as the Experts Working Group on the Convention on International Trade in Endangered Species (CITES), the Ministerial Meeting and Senior Official Meeting on Trans-national Crime, the Plan of Action on Trans-national Crime, the Treaty on Mutual Legal Assistance in Criminal Matters, the Expert Committee on Customs Matters and the Coordinators of Customs Training Centers.

9. That ASEAN-WEN national focal points will facilitate the exchange, between and among themselves and other relevant non-ASEAN law enforcement agencies to the extent allowed by national laws, of all the intelligence relating to violations of CITES and relevant national legislation in their possession that they consider appropriate to send and will provide assistance and information that may be required to locate and apprehend individuals responsible for violating the relevant national laws of a Member Country.

10. That ASEAN-WEN national focal points will facilitate the dissemination to relevant enforcement authorities in non-ASEAN countries of general information on the trafficking, taking and trade in specimens of CITES-listed species of wild fauna and flora and, when considered appropriate, will communicate to ICPO-Interpol, the World Customs Organization and the CITES Secretariat information on violations of relevant national laws and CITES, including any final results of investigations into such violations, to enable better targeting of enforcement efforts and the dissemination of intelligence.

11. That ASEAN-WEN will participate in the Interpol Wildlife Crime Working Group, CITES Enforcement Task Forces and other relevant enforcement-related meetings and activities, as appropriate.

12. That ASEAN-WEN will undertake any other activities which promote the effective enforcement of relevant national laws and CITES between and among ASEAN Member Countries.

Adopted by the First Meeting of the ASEAN-WEN