

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Interpretation and implementation of the Convention

Compliance and enforcement

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat.
2. As required in Resolution Conf. 11.3 (Rev. CoP15) (*Compliance and enforcement*), the Standing Committee reviewed this subject at its 61st (SC61) and 62nd (SC62) meetings (Geneva, August 2011 and July 2012)¹.
3. Illegal trade in wildlife is happening at a scale that poses an immediate risk to wildlife and to people whose livelihoods depend on them. An even greater effort is required at all levels and new approaches need to be taken to address this risk adequately.
4. The United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, has recognized in its outcome document, *The Future We Want*, the important role of CITES².
5. Paragraph 203, in particular, makes specific reference to the economic, social and environmental impacts of illicit trafficking in wildlife, namely:

We recognize the important role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, an international agreement that stands at the intersection between trade, the environment and development ... We recognize the economic, social and environmental impacts of illicit trafficking in wildlife where firm and strengthened action needs to be taken on both the supply and demand sides. In this regard, we emphasize the importance of effective international cooperation among relevant multilateral environmental agreements and international organizations...

6. Since the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010), the Standing Committee has made full use of its compliance and enforcement procedures in promoting legal, sustainable and traceable trade. It has also recognized the need to work closely with all countries affected by the illegal supply chain to tackle this problem effectively.
7. Parties need to enhance their collective efforts across range, transit and consumer States to reverse the current disturbing wildlife crime trends. To be effective, enforcement efforts to stop wildlife crime must not just result in seizures; they must result in prosecutions, convictions and strong penalties to stop the flow of contraband. The whole 'enforcement chain' must work together.
8. In this regard, the Secretariat has engaged in a number of initiatives and conducted a wide range of activities in support of ongoing wildlife enforcement efforts. This includes the enhancement of the Secretariat's own enforcement support capacity and the establishment of the International Consortium on

¹ See documents SC61 Doc. 30 and SC62 Doc. 29.

² See http://www.cites.org/eng/news/pr/2012/20120627_rio+20.php and <http://sustainabledevelopment.un.org/futurewewant.html>.

Combating Wildlife Crime (ICCWC) in cooperation with four other intergovernmental organizations. The Secretariat is working closely with its ICCWC partners to provide a better-coordinated enforcement response at the global level and enhanced support to regional and national enforcement bodies.³

9. By way of example, the ICCWC *Wildlife and forest crime analytic toolkit* was developed in cooperation with ICWWC partners and launched at a side event at the 62nd meeting of the Standing Committee⁴. The Secretariat also participated in the first International Workshop on Establishing a Network of Controlled Delivery Units for Forest and Wildlife Law Enforcement⁵ and a seminar involving senior-level Customs and police officers from tiger range States⁶, both organized under the auspices of ICCWC.
10. Furthermore, the Secretariat has included enforcement-related training materials in the CITES Virtual College⁷, updated and distributed a briefing document on the poaching of and illegal trade in rhinoceroses, developed a video documentary about the current surge in the illegal killing of rhinoceroses and international trade in their horns, titled *Rhinos under threat*⁸, and supported the development of a project that was approved by the Governing Council of the Global Environment Facility (GEF) and that will strengthen wildlife forensic capabilities in South Africa to combat wildlife crimes⁹.
11. The Secretariat also participated in Project GAPIN I (Great Apes and Integrity) and Project GAPIN II workshops and activities¹⁰. At the time of writing (October 2012), arrangements were being made for missions to Thailand related to domestic ivory trade and for missions to gorilla range States to determine technical assistance needs.
12. The above represents some of the Secretariat's activities to support Parties in the fight against wildlife crime since CoP15. The Secretariat has reported in detail on these and other activities through other documents for the present meeting.

Enforcement support staff

13. Through Notification No. 2011/058 of 15 December 2011, Parties were informed that the new CITES Secretariat Enforcement Support Staff had taken up their posts in December 2011. This included the enhancement of the Secretariat's enforcement-support capacity through the employment of a full time Enforcement Support Officer, in support of the Chief of Enforcement.
14. The enforcement-support capacity of the Secretariat was further strengthened through the secondment of a prosecutor from Brazil as Enforcement Support Officer, for 12 months commencing in October 2011. The Secretariat is pleased to inform Parties that the Attorney General of São Paulo State, Brazil, has kindly agreed to extend the collaboration for a further year, with the second seconded officer starting in November 2012. The Secretariat would like to express its sincere appreciation to Brazil, and in particular the Attorney General of São Paulo State, for responding to Resolution Conf. 11.3 (Rev. CoP15), in which the Conference of the Parties "urges the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law-enforcement issues".
15. The Secretariat further recruited a junior professional staff member, through funds made available by the United Kingdom of Great Britain and Northern Ireland, for a short-term post to support the work of ICCWC. The staff member will take up this post in mid-October 2012.
16. Illegal trade in a number of CITES-listed species remains a growing problem, and the increased enforcement capacity of the Secretariat increases its ability to support Parties effectively. The Secretariat also gratefully acknowledges the support of the former CITES Chief of Enforcement in preparing documents for the present meeting, which he provided *ad honorem*.

³ See document CoP16 Doc. 15.

⁴ See http://www.cites.org/eng/news/pr/2012/20120725_ICCWC_toolkit.php.

⁵ See document CoP16 Doc. 15.

⁶ See document CoP16 Doc. 50.

⁷ See <http://campusvirtual.unia.es/cites>.

⁸ See http://www.cites.org/eng/news/pr/2012/20120618_rhinos_under_threat_rio.php.

⁹ See http://www.cites.org/eng/news/pr/2012/20120613_rhino_project.php.

¹⁰ See document CoP16 Doc. 49.

National, regional and international cooperation

17. On 8 and 9 September 2012, the leaders of the Asia-Pacific Economic Cooperation (APEC) gathered in Vladivostok (Russian Federation) and adopted a declaration in which they recognized that:

... natural resources and the ecosystems upon which they depend are important foundations for sustainable economic growth. We therefore, are concerned by the escalating illicit trafficking in endangered and protected wildlife, including marine resources, and associated products, which has economic, social, security, and environmental consequences in our economies. We commit to strengthen our efforts to combat illegal trade in wildlife, timber, and associated products, to implement measures to ensure sustainable marine and forest ecosystems management, and to facilitate sustainable, open, and fair trade of non-timber forest products. We will take meaningful steps to promote sustainable management and conservation of wildlife populations while addressing both the illegal supply and demand for endangered and protected wildlife, through capacity building, cooperation, increased enforcement, and other mechanisms.

18. The CITES Secretary-General welcomed this Declaration, made at the highest political level, which reinforces the very clear statement made at Rio+20 and builds further momentum for taking strengthened efforts at the international, regional and national levels to combat illicit wildlife trade¹¹.
19. In September 2010, the Central American Integration System (SICA), the Central American Commission for Environment and Development (CCAD), and the attorneys general and environmental prosecutors from the CCAD signatory States signed an agreement to establish the Central American Wildlife Enforcement Network (CA-WEN).
20. At the time of writing, the Latin American Environmental Prosecutors Network, which comprises around 250 prosecutors from 18 countries in Central and South America (Argentina, the Bolivarian Republic of Venezuela, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Plurinational State of Bolivia and Uruguay) anticipated the launch of a law enforcement subgroup on wildlife at its fourth congress, scheduled to be held in November 2012, in Quito, Ecuador. The Secretariat has actively encouraged and supported this initiative. The seconded officer from Brazil provided valuable inputs and assistance in this regard and the Secretariat was able to enhance its contact with the judiciary.
21. The Secretariat has reported previously to the Conference of the Parties on the political agreement among countries in South Asia, namely Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, to establish a wildlife enforcement network. The Secretariat was therefore particularly delighted to join officials from countries in South Asia when the South Asia Wildlife Enforcement Network (SAWEN) was formally launched in Paro, Bhutan, in January 2011¹².
22. The Secretariat further joined officials from central African countries in Douala, Cameroon, during the Central Africa Forests Commission (COMIFAC) meeting in November 2011, where participating countries agreed on the *Regional action plan for strengthening national wildlife law implementation*¹³.
23. In December 2011, China established a National Inter-agency CITES Enforcement Coordination Group (NICECG) to facilitate the collection and exchange of intelligence, enhance capacity building and coordinate joint enforcement activities at the national level. This had a very positive influence on China's efforts against wildlife crime. In May 2012, the CITES Secretary-General awarded a Certificate of Commendation to NICECG, in recognition of two well-coordinated national wildlife law enforcement operations conducted under the auspices of NICECG¹⁴.
24. Given the transnational nature of wildlife crime, high-level political statements and networks and initiatives, such as those described above, play a vital role in strengthening Parties' efforts to combat illegal trade in wildlife.

¹¹ See http://www.cites.org/eng/news/pr2012/20120912_APEC_declaration.php and http://www.apec.org/Meeting-Papers/Leaders-Declarations/2012/2012_aelm.aspx.

¹² See document SC61 Doc. 30.

¹³ See document SC62 Doc. 29 and the Annex to document SC62 Doc. 30.

¹⁴ See document SC62 Doc. 29.

25. The Secretariat encourages Parties to facilitate the development of enforcement networks where appropriate, and to participate actively in such networks. The Secretariat also encourages potential donors to support such activities through the provision of funding or in-kind support.

Effective responses to significant poaching incidents and large scale seizures

26. During 2012, the Secretariat received various reports of significant incidents of elephant poaching and related illegal trade in ivory¹⁵. It is evident that a number of other species faces similar levels of threat, being targeted by organized crime syndicates at unprecedented levels.
27. The Conference of the Parties has acknowledged in Resolution Conf. 11.3 (Rev. CoP15) that there is considerable variability among Parties in their capacity to implement and enforce the provisions of the Convention. Capacity to respond to incidents of significant poaching and related illegal trade, such as large-scale wildlife seizures, appears to be lacking in a number of countries. To be effective, enforcement efforts to stop wildlife crime must result in prosecutions, convictions and strong penalties. This may require resources to support those countries that do not have this capacity, or specialized expertise, to respond to such incidents adequately.
28. The Secretariat believes that there is a need to, in cooperation with ICCWC partners, establish Wildlife Incident Support Teams (WISTs) consisting of enforcement staff or relevant experts, to be dispatched at the request of a country that has been affected by significant poaching of CITES specimens, or that has made a large-scale seizure of such specimens, to assist it, and guide and facilitate appropriate follow-up actions in the immediate aftermath of such an incident. ICPO-INTERPOL has on several occasions dispatched incident response teams in the aftermath of natural disasters, or to support to a country faced with a major or serious police issue, through the deployment of specialized personnel¹⁶. The Secretariat believes that this concept can also be effectively applied in the case of wildlife crime and that ICCWC is the best vehicle to deploy such teams. The Secretariat has drafted a decision relating to this suggestion, which is contained in Annex 3 to this document.
29. In addition, the Secretariat also proposes to seek invitations from Parties that have carried out significant seizures of CITES-listed specimens, for the Secretariat, or relevant experts, to conduct assessments of the circumstances of such seizures and related follow-up actions, so that lessons can be learned and disseminated. The Secretariat has included this suggestion in the draft decision contained in Annex 3.

ICPO-INTERPOL notice system

30. ICPO-INTERPOL has a unique notice system that is used by all its member countries. These notices are colour-coded and each colour corresponds to a specific purpose. The red notice seeks the arrest and apprehension of wanted fugitives all over the world, for whom a warrant of arrest has been issued and for whom extradition will be sought as soon as they are arrested. The blue notice seeks information (identity, criminal records, movements, etc.) on criminals or witnesses to various types of crimes. These notices are used to trace internationally-wanted subjects whose extradition may be sought.
31. INTERPOL has developed and maintains a range of global databases, covering key data such as names of individuals, fingerprints, photographs, DNA, identification and travel documents, and INTERPOL notices. High quality information of this nature can be critical in advancing police investigations or crime prevention around the world.
32. INTERPOL notices can be requested through the INTERPOL National Central Bureau (NCB) of each country, and Parties are encouraged to make increased use of the INTERPOL notice system to share information, and trace and locate criminals involved in serious wildlife crime offences.

Ecomessages

33. Given the transnational nature of wildlife crime, international cooperation between law enforcement agencies is vital to address illegal trade in wildlife successfully.

¹⁵ See document CoP16 Doc. 53.2.1.

¹⁶ See <http://www.interpol.int/INTERPOL-expertise/Response-teams>.

34. The Ecomessage format that was designed by INTERPOL has a number of important benefits in this regard, which are highlighted in Notification to the Parties No. 2009/028 of 22 July 2009. The Secretariat encourages all Parties to report incidents of wildlife crime, by submitting Ecomessages to the INTERPOL General Secretariat via the INTERPOL NCBs.

CITES Alerts

35. Between CoP15 and SC62, the Secretariat issued nine Alerts¹⁷. Between SC62 and the time of writing, the Secretariat issued one further Alert on *Emergency contact details of enforcement focal points in Europe's main airports*.
36. Most alerts are not lengthy documents and the Secretariat encourages all Parties to translate them into national languages and distribute them widely among their enforcement agencies.
37. The Secretariat distributes alerts through the restricted-access Enforcement Authority Forum on the CITES website. The forum is the primary means that the Secretariat uses to reach out to the law enforcement community. As such, the Secretariat invites Parties to encourage enforcement officials to register.

Enforcement-related capacity building

38. The CITES Virtual College, hosted by the International University of Andalusia, Baeza, Spain, is a Web-based platform providing access to courses, training materials and CITES-related publications. It was launched on 7 June 2011 and is available at: <http://campusvirtual.unia.es/cites>. A *Training course for enforcement officers and information module for prosecutors and the judiciary*, and an *Introduction to CITES for Customs* are available through the Virtual College. From feedback received, it is clear that the CITES Virtual College is a valuable tool to build enforcement capacity. The Virtual College has already been used by Customs and CITES Authorities to train large numbers of officials. Thailand, for example, made use of the College to introduce 60 Customs officials to CITES during a training event¹⁸.
39. The Virtual College offers numerous enforcement-related materials in PowerPoint format, including species and wildlife product identification advice. These materials lend themselves easily to translation and have been translated to Portuguese by the Management Authority of Portugal. The Secretariat would like to express its sincere appreciation to Portugal and encourages all Parties to translate these materials into national languages and to distribute them widely among their enforcement agencies.
40. The Secretariat would also like to take this opportunity to draw once more the attention of Parties to the specific training materials developed for the wildlife law enforcement community by INTERPOL and the World Customs Organization with the assistance of the Secretariat. These include a handbook describing and illustrating wildlife smuggling concealment techniques, a manual on how to question wildlife smugglers and a manual on controlled deliveries.

Scientific Authorities

41. Resolution Conf. 10.3 (*Designation and role of the Scientific Authorities*) directs the Secretariat to "identify in its reports on alleged infractions those countries that have not informed the Secretariat of their Scientific Authorities". In accordance with Articles III and IV of the Convention, the issuance of import and export permits requires the provision of positive advice from Scientific Authorities. Consequently, permits and certificates issued by the Management Authority of a Party that has not designated a Scientific Authority are liable to be considered as issued contrary to the provisions of the Convention and invalid.
42. At the time of writing, the following Parties had not designated a Scientific Authority: Armenia, Bosnia and Herzegovina, Cape Verde, Eritrea and Oman. This is the second time that the Secretariat has listed Armenia, Bosnia and Herzegovina and Oman in its reports to the Conference, the third time that it has listed Cape Verde and the fifth time that it has listed Eritrea.
43. The Secretariat wrote to all these Parties in September 2012, reminding them of their obligation to designate a Scientific Authority under Article IX, paragraph 1 (b), of the Convention. If no progress is

¹⁷ See documents SC61 Doc. 30 and SC62 Doc. 29.

¹⁸ See document CoP16 Doc. 21.

made, the Secretariat may recommend to the Standing Committee that it consider taking measures to achieve compliance by these countries, and it will provide an oral update at the present meeting.

44. The Secretariat believes that this matter is related to compliance rather than enforcement and, consistent with Resolution Conf. 14.3 on *CITES compliance procedures*, will report on this matter in its compliance-related documents at future meetings of the Standing Committee.

Illegal trade in pangolins

45. The Secretariat is concerned about the number of media reports related to large-scale seizures of pangolins that came to its attention and will continue to monitor the situation. Parties or organizations that have information on illegal trade in specimens of pangolins are requested to share this information with the Secretariat.
46. Relevant Parties are further encouraged to take the above into consideration as part of their ongoing enforcement activities and are reminded that the Secretariat has previously highlighted illegal trade in pangolins via CITES Alert No. 37.

Illegal logging

47. In September 2012, the United Nations Environment Programme (UNEP) and INTERPOL released a joint report entitled *Green Carbon: Black Trade: Illegal Logging, Tax Fraud and Laundering in the World's Tropical Forests. A Rapid Response Assessment*¹⁹. This report states that illegal logging has a significant negative impact on global legal trade and that it hampers the efforts of the UN initiative on Reducing Emissions from Deforestation and forest Degradation (REDD). One of the key recommendations of the report is to:

Strengthen the resources available to ICCWC to have a dedicated role, unit(s) and responsibility at global and regional levels, as appropriate, specifically tasked to combat illegal logging and international trade in illegally logged or procured timber and wood products.

48. The report highlights 30 key methods used by organized crime groups to procure and launder illegal timber, including falsification of logging permits, bribes to obtain permits, logging beyond legally-operated concessions and hacking government websites to obtain or change electronic permits. Another scam involves selling timber and wood originating from wild forests as plantation timber, often with government subsidies for plantations.
49. INTERPOL and UNEP, through UNEP's GRID Arendal centre in Norway, have established a pilot-project called LEAF (Law Enforcement Assistance for Forests) funded by the Norwegian Government's Agency for Development Cooperation (NORAD) to develop an international system to combat organized crime in close collaboration with key partners²⁰.
50. Illegal logging is happening at a significant scale. According to a World Bank study entitled *Justice for Forests: Improving Criminal Justice Efforts to Combat Illegal Logging*, an area of forest equivalent to the size of a football field is clear cut by illegal loggers every two seconds at the planet scale. The objective of the World Bank's study is to inform decision-makers and forestry and law enforcement authorities of how they can use the criminal justice system to fight illegal logging. The study is available in document CoP16 Inf. 7.
51. CITES is increasingly being used by States to ensure that trade in listed timber species is legal, sustainable and traceable, and approximately 350 tree species are now included in the three CITES Appendices. Trade in these tree products is therefore subject to regulation to avoid utilization incompatible with their survival²¹. CITES is also working with the International Tropical Timber Organization (ITTO) to promote sustainable forest management and to build the capacity of developing States to implement the Convention to tree species effectively²². The main aim of listing timber species in CITES Appendices and of ITTO is to ensure that trade remains sustainable, and these mechanisms were not primarily designed to

¹⁹ See <http://www.grida.no/publications/rr/green-carbon-black-trade/>.

²⁰ See <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-LEAF>.

²¹ See http://www.cites.org/eng/news/SG/2011/20111229_IYF.php.

²² See <http://www.cites.org/eng/proq/itto.php>.

combat organized crime. However, a joint ITTO/CITES project is also addressing traceability issues, which are of great interest to law enforcement agencies. A joint publication on *Tracking sustainability* will be published in the ITTO Technical Series before the present meeting.

52. Several cases of alleged illegal logging have been brought to the attention of the Secretariat in the course of 2012, and Parties affected by illegal logging are encouraged to increase their efforts to combat this crime. The Secretariat believes that the use of available tools such as the ICCWC *Wildlife and forest crime analytic toolkit*²³, which provides a comprehensive overview for understanding the main issues related to crime against wildlife and for analysing preventive and criminal justice responses to wildlife and forest offences in a given country, will play a vital role in increased enforcement effectiveness.

Assigning monetary value to illegal wildlife trade

53. A number of Parties and some non-governmental organizations have expressed concerns about the monetary values assigned to illegal wildlife trade in some media reports.
54. This issue was also raised in the guidance published by India's Wildlife Crime Control Bureau after the seizure of two live barn owls by an enforcement agency in Kerala in April 2008. Officials had then reported to the media the significant price that these owls could fetch on the illegal market, which triggered a barn-owl trapping spree that had a significant negative impact on the species. Some offenders arrested for barn-owl trapping revealed that they had switched from other criminal activities to illegal wildlife trade because of the lower risks and perceived profits, and a number of first-time wildlife offenders admitted that they had taken to this sort of crime after reading about the high value of wildlife articles in newspapers²⁴.
55. The Secretariat is aware of similar trends in cases related to the poaching of rhinoceros and illegal rhinoceros horn trade, where criminals historically associated with other forms of criminality are increasingly involved in crimes against this species.
56. The Secretariat recognizes that assigning a monetary value to seized articles is often required in judicial proceedings, but Parties are encouraged to approach the assignment of monetary value to seized wildlife specimens with caution. Media briefings should rather seek to highlight the conservation status of a species involved, its role in ecology, and the impact of its loss on the environment.

Implementation of CITES in Guinea

57. At SC61, the Secretariat reported its concerns regarding illegal trade in Guinea. The Committee noted the concerns and agreed that the Secretariat should conduct a mission to Guinea. This mission was conducted in September 2011, and significant problems were identified in the implementation of CITES. Consequently, a comprehensive list of recommendations was formulated in consultation with relevant Guinean authorities.
58. During the mission, the CITES Management Authority of Guinea provided the Secretariat with copies of all export permits issued from 2009 to 2011. The Secretariat consequently hired a consultant to analyse these permits and the data on recent trade involving Guinea. This analysis identified the following problems:
- a) a large number of permits were issued for specimens declared as bred in captivity, even though there were no commercial captive-breeding facilities for CITES-listed species in Guinea;
 - b) wrong source codes were used;
 - c) commercial quantities of Appendix-I species were traded;
 - d) the submission of annual reports had been inconsistent and not all trade had been reported; and
 - e) CITES permits were not issued in numerical sequence.
59. At SC62, the Secretariat reported that limited progress had been made with the implementation of recommendations made after the Secretariat's mission to the country in September 2011. The Secretariat

²³ See http://www.cites.org/eng/resources/pub/Wildlife_Crime_Analytic_Toolkit.pdf.

²⁴ See <http://www.thehindu.com/news/states/kerala/article3901832.ece>.

further reported that it was evident that the challenges faced by Guinea in implementing CITES related not only to enforcement issues, but also to compliance issues, such as the adoption of adequate legislation, the issuance of permits, the monitoring of significant levels of trade and the making of non-detriment findings.

60. The Committee expressed concern about the situation in Guinea and emphasized that urgent action should be taken by Guinea to implement the Convention effectively. The Committee instructed the Secretariat to issue a warning to Guinea in compliance with Resolution Conf. 14.3, subparagraph 29. g), to take urgent measures to implement the recommendations made during the 2011 mission. The Committee also instructed the Secretariat to provide Guinea with a clear set of minimum actions that should be undertaken. It requested Guinea to implement these actions and to provide a progress report to the Secretariat by 31 December 2012. Finally, it asked the Secretariat to evaluate that report and make a recommendation at the 63rd meeting of the Standing Committee (SC63, Bangkok, 2 March 2012).
61. The Secretariat issued a warning to Guinea on 17 September 2012 and provided a clear set of minimum actions that should be undertaken at the same time.
62. The Secretariat will evaluate Guinea's report and make a recommendation at SC63. Depending on the degree of progress made, the Secretariat may recommend to the Standing Committee that it consider taking measures to achieve compliance, including a recommendation to suspend commercial trade with that country. The Secretariat will report orally on this matter at the present meeting.

Decisions 15.42 and 15.43

63. At its 15th meeting (CoP15, Doha, 2010), the Conference of the Parties adopted Decisions 15.42 and 15.43 on *Gathering and analysis of data on illegal trade*. Actions taken to implement those Decisions are described in Part 2, section C, of document CoP16 Doc. 30 on *National reports*.

Resolution Conf. 11.3 (Rev. CoP15)

64. The Secretariat has noted that some of the text in Resolution Conf. 11.3 (Rev. CoP15) is now out of date and believes that it should be revised accordingly. New text has been inserted in the Resolution to facilitate its implementation through a more coordinated law enforcement approach. Proposed amendments have also been made to align compliance-related text with Resolution Conf. 14.3 on *CITES compliance procedures*.
65. In the section of Resolution Conf. 11.3 (Rev. CoP15) entitled *Regarding application of Article XIII*, the Conference of the Parties establishes the procedure that the Parties and the Secretariat must follow. The Secretariat recommends that this section make express reference to Resolution Conf. 14.3 on *CITES compliance procedures* and to replace references to 'alleged infractions' with language that is consistent with Resolution Conf. 14.3 (e.g. 'potential compliance matters').
66. The Secretariat provided a 'Review of alleged infractions' at meetings of the Conference of the Parties until the 11th meeting (Gigiri, 2000). At each meeting since CoP12 (Santiago, 2002), the Secretariat has included in its reports on enforcement matters any relevant information on the application of Article XIII that may involve illegal trade. Information on other potential compliance matters (e.g. concerning annual reports, national legislation or the Review of Significant Trade) is included in other reports.
67. The Secretariat therefore proposes that the text of Resolution Conf. 11.3 (Rev. CoP15) be amended to reflect current practice. To do this, the text referring to the "report of alleged infractions" should be amended to refer to "reports for meetings of the Standing Committee and the Conference of the Parties". These and other proposed amendments to align Resolution Conf. 11.3 (Rev. CoP15) with Resolution Conf. 14.3 are contained in Annex 1 to the present document.
68. In addition, the Conference of the Parties directs the Standing Committee in Decision 15.70 to review and update the form and guidance contained in Annexes 1 to 3 in Resolution Conf. 12.5 (Rev. CoP15), and to report on this matter at the present meeting.
69. The Secretariat reported in more detail on this matter in document CoP16 Doc. 50 on *Asian big cats*. Whilst the guidance was prepared by a species-specific CITES Enforcement Task Force, the Secretariat believes that it relates to wildlife law enforcement in general. Indeed, the guidance contains no tiger-specific matters. Consequently, it would seem sensible for it to be incorporated as annexes to Resolution

Conf. 11.3 (Rev. CoP15) (*Enforcement and compliance*), rather than in Resolution Conf. 12.5 (Rev. CoP15) on *Asian big cats*. At the request of the Standing Committee, Annexes 1 to 3 to Resolution Conf. 12.5 (Rev. CoP15) were reviewed by the Senior Experts Group of ICCWC. They are contained in Annex 2 to the present document.

Certificates of Commendation

70. Through the Secretary-General's Certificate of Commendation, the Secretariat formally recognizes and awards exemplary enforcement actions. The Secretariat continues to believe that these certificates serve as an incentive to enforcement authorities to continue their excellent wildlife-related activities and that it also serves as a motivation to the wider law enforcement community to engage in innovative enforcement activities that further the aims of the Convention in preventing illegal trade in wildlife²⁵.
71. Since CoP15, the Secretary-General has awarded his Certificate of Commendation to authorities in China, the Czech Republic, Hong Kong SAR, the Russian Federation and Thailand.²⁶

Other related matters

International Criminal Police Organization

72. The International Criminal Police Organization (ICPO-INTERPOL or INTERPOL) launched its National Environmental Security Task Force (NEST) initiative on 18 September 2012. A NEST is a national multi-agency cooperative formed from police, Customs, environmental agencies, other specialized agencies, prosecutors, non-governmental organizations and intergovernmental partners²⁷. The initiative aims to establish a common platform and approach worldwide for national compliance and enforcement responses that will support both national and international efforts to ensure current and future environmental security.
73. The Secretariat believes that NEST may enhance a multi-disciplinary wildlife law enforcement approach at the national level. It will promote interaction between national enforcement authorities and INTERPOL's National Central Bureaux, which will contribute to improved international cooperation. Parties are encouraged to support this initiative.
74. The Secretariat would also like to draw attention to the following wildlife crime operations that were conducted by INTERPOL's Environmental Crime Programme in 2012:
- a) Operation Cage: a coordinated operation against the illegal trade in birds, which ran from April to June 2012, involving Argentina, Austria, Azerbaijan, Belgium, the Bolivarian Republic of Venezuela, Brazil, Bulgaria, Colombia, Cyprus, the Czech Republic, El Salvador, Finland, France, Germany, Guatemala, Guyana, Honduras, Hungary, Italy, Mexico, the Netherlands, Nicaragua, Paraguay, Portugal, the Russian Federation, Serbia, Spain, Switzerland, Trinidad and Tobago, Turkey, the United Kingdom and Uruguay. The operation involved national wildlife enforcement authorities, the police, Customs and specialized units from the countries concerned. This operation led to nearly 4,000 arrests and the seizure of more than 8,700 birds and other animals, including reptiles, mammals and insects²⁸.
 - b) Operation Libra: a coordinated operation against the poaching of and trade in pangolins conducted in June and July 2012, with the assistance of the World Customs Organization (WCO) and the ASEAN-Wildlife Enforcement Network, involving investigations and enforcement actions across Indonesia, the Lao People's Democratic Republic, Malaysia, Thailand and Viet Nam. The operation led to the arrest of more than 40 individuals and approximately 1,220 pangolins were recovered, almost half of which were still alive. Birds, snakes and eight tiger cubs were also seized²⁹.
 - c) Operation Prey: an operation aimed at protecting tigers and other big cats, targeting the individuals and organized crime groups behind illegal activities affecting these species. It was conducted across Bhutan, China, India and Nepal in July 2012, under the umbrella of INTERPOL's Project Predator. Involving the police, Customs, environmental agencies, narcotics bureaux, forest protection

²⁵ See http://www.cites.org/eng/disc/certificate_commend.php.

²⁶ See documents SC61 Doc. 30 and SC62 Doc. 29.

²⁷ See <http://www.interpol.int/Crime-areas/Environmental-crime/Task-forces>.

²⁸ See <http://www.interpol.int/News-and-media/News-media-releases/2012/PR059>.

²⁹ See <http://www.interpol.int/News-and-media/News-media-releases/2012/N20120829>.

authorities, health departments, immigration authorities and prosecutors, this operation led to nearly 40 arrests and the seizure of big cat skins and other body parts as well as rhino horns, ivory, sea horses, protected orchids and cacti³⁰.

United Nations Office on Drugs and Crime

75. The Secretariat strongly supports the campaign launched in 2012 by United Nations Office on Drugs and Crime (UNODC) to draw attention to the various aspects of transnational organized crime. Trafficking in wildlife and timber, as a form of transnational organized crime, is a focus of this new campaign³¹.
76. The campaign, promoted via the UNODC website, includes a dedicated section and fact-sheet on environmental crime³², and focuses on two of the largest traffic flows: wildlife trafficking from Africa and Southeast Asia to the rest of Asia, and timber trafficking from Southeast Asia to the European Union and the rest of Asia. Illegal trade in wildlife has negative consequences on security and development, in the same way as trafficking in illegal drugs, weapons and human beings. Wildlife crime, which particularly affects biodiversity in developing countries, fuels corruption as traffickers often rely on fraudulent paperwork from corrupt government officials to move products across borders. Environmental crime leads to irreversible environmental damage through practices such as illegal logging. Wildlife crime may also have a negative impact on tourism, a very large source of income in Africa and Southeast Asia, through the depletion of natural resources and violence that arises from illegal activities, such as poaching. With environmental damage and less tourism, local communities lose their source of livelihoods.
77. The United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC), both of which UNODC is guardian of, contain detailed provisions to support international cooperation in fighting organized crime and corruption. In CITES Resolution Conf. 11.3 (Rev. CoP15), the Conference recommends Parties to become signatories of both Conventions. Upon the invitation of and with support from UNODC, the Secretariat gave a presentation on *Corruption, illegal wildlife trafficking and ICCWC* during a side event at the fourth session of the Conference of the States Parties to UNCAC (Marrakesh, October 2011). The proceedings of this side event are recorded in a UNODC publication entitled *Corruption, Environment and the United Nations Convention against Corruption* (February 2012)³³.

World Customs Organization

78. In December 2010 and in January and February 2011, the Secretariat assisted the World Customs Organization (WCO) as it coordinated Project GAPIN I (Great Apes and Integrity). This project, funded by the Government of Sweden, targeted illegal trade in great apes and aimed to reinforce integrity within Customs authorities³⁴.
79. At the time of writing, GAPIN II, also coordinated by WCO and funded by the Government of Sweden, was underway. Project GAPIN II has kept the same focus as Project GAPIN I, but its scope has been broadened to include elephants, rhinoceroses and pangolins³⁵. Detailed information on activities conducted under Project GAPIN II is reported by the Secretariat in document CoP16 Doc. 49 on *Great apes*.
80. The information mentioned above is by no means a comprehensive list of past and current activities conducted to fight illegal wildlife trade. They are, however, outstanding examples of initiatives that have been implemented to combat wildlife crime.

Summary

81. Despite considerably enhanced efforts to combat it, wildlife crime continues to be a growing problem worldwide and there is strong evidence of increasing involvement of organized crime syndicates.

³⁰ See <http://www.interpol.int/News-and-media/News-media-releases/2012/PR060>.

³¹ See www.unodc.org/toc and www.youtube.com/unodc.

³² See <http://www.unodc.org/toc/en/crimes/environmental-crime.html>.

³³ See http://www.unodc.org/documents/eastasiaandpacific/indonesia/publication/Corruption_Environment_and_the_UNCAC.pdf.

³⁴ See document SC61 Doc. 40.

³⁵ See document SC62 Doc. 42.

82. In 2011, the United Nations Economic and Social Council (ECOSOC) followed the recommendation of its Commission on Crime Prevention and Criminal Justice and adopted Resolution 2011/36 on *Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora*³⁶. In this Resolution, ECOSOC expresses concern about the involvement of organized criminal groups in the trafficking of endangered species; recognizes the efforts made at the international level; urges the Member States of the United Nations to strengthen international, regional and bilateral cooperation; invites them to consider making trafficking in endangered species a serious crime; and requests UNODC to provide assistance in combating such crime.
83. An even greater effort is required to address the threats posed by wildlife crime effectively. Strong and clear political messages from the highest possible levels are required to combat illegal trade in wildlife. Parties are also encouraged to make better use of modern enforcement techniques and technologies, to provide additional financial and human resources at the national and international levels, and to suppress the demand that is driving illegal trade more effectively.

Recommendations

84. The Conference of the Parties is invited to:
- a) note this document;
 - b) adopt the proposed revision of Resolution Conf. 11.3 (Rev. CoP15) contained in Annexes 1 and 2 to the present document; and
 - c) adopt the draft decision contained in Annex 3.

³⁶ See http://www.cites.org/eng/news/sundry/2011/20110421_res_UNCCPCJ.php and http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ-ECOSOC/CCPCJ-ECOSOC-00/CCPCJ-ECOSOC-11/ECOSOC_res_2011.36.pdf.

PROPOSED AMENDMENTS TO RESOLUTION CONF. 11.3 (REV. COP15~~6~~)^{*}

NB: Text proposed to be deleted is crossed out. Proposed new text is underlined.

Compliance and enforcement

RECALLING Resolutions Conf. 6.3 and Conf. 7.5, adopted by the Conference of the Parties at its sixth and seventh meetings (Ottawa, 1987; Lausanne, 1989), Resolution Conf. 2.6 (Rev.), adopted at its second meeting (San José, 1979) and amended at its ninth meeting (Fort Lauderdale, 1994), Resolution Conf. 3.9 (Rev.), adopted at its third meeting (New Delhi, 1981) and amended at its ninth meeting, Resolution Conf. 6.4 (Rev.), adopted at its sixth meeting and amended at its ninth meeting, and Resolution Conf. 9.8 (Rev.), adopted at its ninth meeting and amended at its 10th meeting (Harare, 1997);

~~RECOGNIZING the concerns expressed by various Parties that trade in plants and animals listed in Appendices II and III of the Convention may be detrimental to the survival of some species;~~

AWARE that, in the past, several cases of violation of the Convention have occurred because of inadequate or insufficient implementation by Management Authorities in both exporting and importing countries regarding surveillance, issuance of documentation and control of compliance with the provisions regulating trade in live and dead animal and plants, and their parts and derivatives;

CONSIDERING that it is of utmost moral, biological, ecological and economic interest for all Parties to the Convention that such violations not re-occur and that the mechanisms established for the Convention to this end are fully implemented, so as to ensure their normal and efficient functioning to control trade in, and afford effective protection to, endangered animal and plant species;

AWARE that there is considerable variability among Parties in their capacity to implement and enforce the provisions of the Convention;

RECOGNIZING that the developing countries, because of their special socio-economic, political, cultural and geographic circumstances have major difficulties in meeting appropriate control requirements, even though this does not exempt them from observing the highest possible degree of effectiveness;

RECOGNIZING the extreme difficulties that all producer countries are facing in implementing their own CITES controls, and that such difficulties exacerbate enforcement problems in other Parties, while there are still consumer countries that continue allowing illegal imports as a result of a lack of adequate CITES control;

RECOGNIZING that illegal exports from producing countries of specimens of species included in the Appendices cause serious damage to the valuable resources of wildlife, and reduce the effectiveness of their management programmes;

WELCOMING the establishment of the International Consortium on Combating Wildlife Crime (ICCWC);

AWARE of the important role of ICCWC in bringing coordinated support to the national wildlife law enforcement agencies and to the subregional and regional networks that, on a daily basis, act in defence of natural resources.

RECOGNIZING that the ICCWC *Wildlife and forest crime analytic toolkit* can assist Parties in conducting a comprehensive analysis of possible means and measures to protect and monitor wildlife and forest products, and in identifying technical assistance needs;

ATTENTIVE to the fact that the reservations made by importing countries allow loopholes through which specimens illegally acquired in the countries of origin can find legal markets without any control whatsoever;

OBSERVING that some importing countries that maintain reservations refuse to take into consideration the recommendations of the Conference of the Parties in Resolution Conf. 4.25 (Rev. CoP14), adopted at its fourth

^{*} Amended at the 13th, 14th, ~~and~~ 15th and 16th meetings of the Conference of the Parties.

meeting (Gaborone, 1983) and amended at its 14th meeting (The Hague, 2007), weakening in that way the conservation policies of producing countries that wish to protect their wildlife resources;

RECOGNIZING that illegal trafficking in wild fauna and flora continues to be a major concern;

RECOGNIZING the rapid growth in e-commerce of specimens of CITES-listed species;

NOTING the conclusions and recommendations of the meeting on e-commerce of specimens of CITES-listed species in Vancouver (Canada) in February 2009;

CONSIDERING that the countries that import these illegally obtained resources are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of producing countries is damaged;

CONSIDERING that it is essential for the success of the Convention that all Parties implement and comply effectively with all the regulations established by the Convention;

CONVINCED that enforcement of the Convention must be a constant concern of the Parties at the highest level if they are to succeed in fulfilling the objectives of the Convention;

CONVINCED of the need to strengthen enforcement of the Convention to address serious problems caused by the illegal trafficking of wild fauna and flora, and that the available resources for enforcement are negligible when compared to the profits gained from such trafficking;

RECALLING that Article VIII, paragraph 1, of the Convention provides that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof, and that these shall include measures to provide for the confiscation or return to the States of export of specimens illegally traded;

RECOGNIZING that the Preamble of the Convention states that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

AFFIRMING the obligation of Parties to collaborate closely in the application of the Convention, through expeditious exchange of information on cases and situations related to wildlife trade suspected to be fraudulent, so as to enable other Parties concerned to apply legal sanctions;

WELCOMING the adoption of ~~a resolution on enforcement cooperation at the Asian regional meeting in Israel in March 1994~~ Resolution 2011/36 on *Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora* by the United Nations Economic and Social Council in 2011, in which it expresses concern about the involvement of organized criminal groups in the trafficking of endangered species, recognizes the efforts made at the international level and the work of ICCWC, urges the Member States of the United Nations to strengthen international, regional and bilateral cooperation, and invites the member States of the United Nations to consider making trafficking in endangered species a serious crime;

WELCOMING the ~~outcome document of the United Nations Conference on Sustainable Development (Rio de Janeiro, June 2012), in which it recognizes in paragraph 203 the important role of CITES, the economic, social and environmental impacts of illicit trafficking in wildlife and the need for firm, and strengthened action to be taken on both the supply and demand sides; and emphasizes the importance of effective international cooperation among relevant multilateral environmental agreements and international organizations~~ Beijing Statement on the Control of Wildlife Trade in the Asian Region, made at a workshop on the subject in Beijing in October 1995, which stated that efforts would be made to create a mechanism for cooperation in law enforcement in the Asian region;

WELCOMING the ~~declaration entitled *Integrate to Grow, Innovate to Prosper* that the leaders of the Asia-Pacific Economic Cooperation (APEC) adopted in 2012 and where they "recognize that natural resources and the ecosystems upon which they depend are important foundations for sustainable economic growth"; commit "to strengthen [their] efforts to combat illegal trade in wildlife, timber, and associated products, to implement measures to ensure sustainable marine and forest ecosystems management, and to facilitate sustainable, open, and fair trade of non-timber forest products"; and commit to "take meaningful steps to promote sustainable management and conservation of wildlife populations while addressing both the illegal supply and demand for endangered and protected wildlife, through capacity building, cooperation, increased enforcement, and other mechanisms"; recognition by the United Nations Commission on Crime Prevention and Criminal~~

~~Justice that illicit international trafficking in forest products, including timber, wildlife and other forest biological resources is often perpetrated by individuals and groups, including organized criminal groups that may operate transnationally and that may also be engaged in other illicit activities; and that the UN Convention against Transnational Organized Crime and the UN Convention against Corruption provide additional legal frameworks for international cooperation to combat wildlife crime;~~

RECOGNIZING the contribution to enhancing enforcement of CITES made by the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora;

RECOGNIZING that the use of dogs in combination with other tools will increase the chance of detections and seizures; that detector dogs can detect items that can not be detected by other tools; and that a dog-handler team is highly effective in searching people and cargo or luggage in a short time;

AWARE of the need for improved cooperation and coordination among CITES authorities and wildlife-law enforcement agencies at the national, regional and international levels;

~~NOTING the conclusions and recommendations of the CITES Enforcement Expert Group at its meeting in Shepherdstown (United States of America) in February 2004;~~

CONSIDERING that Article XIII does not specify a time-limit for a Party to respond to a request for information from the Secretariat, and that such a deadline is necessary in order that the absence of response not be interpreted as a refusal to respond;

CONSIDERING that the use of certain terms to designate the parts and derivatives of wildlife may give rise to certain offences;

RECOGNIZING the important role the Secretariat can play in the enforcement process, and the means provided by Article XIII of the Convention;

~~CONSCIOUS of the Secretariat's role in promoting enforcement of the Convention, as provided by Article XIII, and of the measures that the Secretariat has taken with the International Criminal Police Organization (ICPO-Interpol) and the World Customs Organization to facilitate the exchange of information between enforcement bodies and for training purposes;~~

~~AWARE that, with the limited funding available, Parties and the Secretariat should make the maximum use of existing inter-governmental enforcement mechanisms and resources, for example mechanisms provided for under the UN Office on Drugs and Crime;~~

AGREEING on the need for additional measures to reduce further the illegal trade in species covered by the Convention;

ACKNOWLEDGING that, owing to such high levels of trade in wildlife, it is incumbent upon consumer nations together with producer countries to ensure that trade is legal and sustainable and that enforcement measures adopted and implemented by Parties support conservation in producer countries;

RECOGNIZING that illegal trade in specimens of species included in the Appendices of the Convention can cause serious damage to wildlife resources, reduce the effectiveness of wildlife management programmes, undermine and threaten legal and sustainable trade particularly in the developing economies of many producing countries;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding compliance, control and cooperation

URGES all Parties to strengthen, as soon as possible, the controls on trade in wildlife in the territories under their jurisdiction, and in particular controls on shipments from producing countries, including neighbouring countries, and to strictly verify the documents originating from such countries with the respective Management Authorities; and

RECOMMENDS that:

- a) all Parties:
- i) recognize the seriousness of illegal trade in wild fauna and flora and identify it as a matter of high priority for their national law enforcement agencies;
 - ii) if appropriate, consider formulating national and regional action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support wildlife-law enforcement agencies;
 - iii) provide officials who have wildlife-law enforcement responsibilities with equivalent training, status and authority to those of their counterparts in Customs and the police;
 - iv) if appropriate, make use of the ICCWC *Wildlife and forest crime analytic toolkit*,
 - ivv) ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic for the species included in the Appendices;
 - vvi) in case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and
 - vii) inform each other of all circumstances and facts likely to be relevant to illegal traffic and also of control measures, with the aim of eradicating such traffic;
- b) Parties should advocate sanctions for infringements that are appropriate to their nature and gravity;
- c) Parties that are not yet signatories to, or have not yet ratified, the UN Convention against Transnational Organized Crime and the UN Convention against Corruption consider doing so;
- d) importing Parties in particular not accept under any circumstances or pretext, export or re-export documents issued by any authority, irrespective of its hierarchical level, other than the Management Authority officially designated as competent by the exporting or re-exporting Party and duly notified to the Secretariat;
- e) if an importing country has reason to believe that specimens of an Appendix-II or -III species are traded in contravention of the laws of any country involved in the transaction, it:
- i) immediately inform the country whose laws were thought to have been violated and, to the extent possible, provide that country with copies of all documentation relating to the transaction; and
 - ii) where possible, apply stricter domestic measures to that transaction as provided for in Article XIV of the Convention; and
- f) Parties remind their diplomatic missions, their delegates on mission in foreign countries and their troops serving under the flag of the United Nations that they are not exempted from the provisions of the Convention;

Regarding application of Article XIII

RECOMMENDS that:

- a) when, in application of Article XIII of the Convention and Resolution Conf. 14.3 on *CITES compliance procedures*, the Secretariat requests information on a potential compliance matter ~~or alleged infraction~~, Parties reply within ~~a time limit of one month~~ or, if this is impossible, acknowledge within the month and indicate a date, even an approximate one, by which they consider it will be possible to provide the information requested;
- b) when, within ~~a one year time limit~~, the information requested has not been provided, Parties provide the Secretariat with justification of the reasons for which they have not been able to respond;

- c) if major ~~problems with implementation of the Convention by~~ compliance matters concerning particular Parties are brought to the attention of the Secretariat, the Secretariat work ~~together~~ with the Parties concerned to try to solve the ~~problem~~ matter and offer advice or technical assistance as required;
- d) if it does not appear a solution can be readily achieved, the Secretariat bring the matter to the attention of the Standing Committee, which may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution; and
- e) the Secretariat keep the Parties informed as fully as possible, through Notifications to the Parties, of such ~~implementation problems~~ compliance matters and of actions taken to solve them, and include such ~~problems matters~~ in its reports of alleged infractions for meetings of the Standing Committee and the Conference of the Parties.

Regarding enforcement activities of the Secretariat

URGES the Parties, intergovernmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds for the enforcement assistance work of the Secretariat;

DIRECTS the Secretariat to utilize such funds towards the following priorities:

- a) the appointment of additional officers to the Secretariat to work on enforcement-related matters;
- b) assistance in the development and implementation of regional and sub-regional law-enforcement agreements; and
- c) training and technical assistance to the Parties;

URGES the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law-enforcement issues; and

DIRECTS the Secretariat to pursue closer international liaison between the Convention's institutions and national enforcement agencies and to work in close cooperation with ICPO-INTERPOL, the United Nations Office on Drugs and Crime, the World Bank and the World Customs Organization as ICCWC partner organizations existing intergovernmental bodies, particularly the World Customs Organization, the UN Office on Drugs and Crime and ICPO-Interpol;

Regarding communication of information and coordination

RECOMMENDS that:

- a) Management Authorities coordinate with governmental agencies responsible for enforcement of CITES, including Customs and the police, and, where appropriate, sectoral non-governmental organizations, by arranging training activities and joint meetings, and facilitating the exchange of information;
- b) Parties establish inter-agency committees at the national level, bringing together Management Authorities and governmental agencies responsible for the enforcement of CITES, including Customs and the police;
- c) Parties, as a matter of urgency, inform the Secretariat of contact details of their relevant national law-enforcement agencies responsible for investigating illegal trafficking in wild fauna and flora;
- d) Parties, when informed by the Secretariat of the fraudulent use of documents issued by them, carry out an inquiry to identify the instigators of the crime, calling on ICPO-Interpol where necessary;
- e) when presented with a false document, Parties do everything in their power to determine where the specimens are and where the false document originated and inform the Secretariat and other Parties involved where appropriate;
- f) Parties work together within their regions to develop appropriate mechanisms for cooperation and coordination between wildlife-law enforcement agencies at the regional level;

- g) the Secretariat, in consultation with the Standing Committee, establish *ad hoc* CITES enforcement task forces as needed focusing initially on species included in Appendix I;
- h) Parties that have not already done so consider nominating officials from relevant national enforcement and prosecuting agencies to participate in the Interpol Wildlife Crime Working Group;
- i) Parties with existing detector-dog programmes share knowledge and experience with those Parties that may be interested in developing and implementing such programmes;
- j) Parties provide to the Secretariat detailed information on significant cases of illegal trade; and
- k) Parties inform the Secretariat, when possible, about convicted illegal traders and persistent offenders; and
- l) Parties put in place, or further enhance, national measures and communication channels to ensure that the required level of real-time support can be provided to park rangers who are confronted by heavily armed groups and exposed to serious risk of attack; and
- m) Parties raise awareness amongst military personnel deployed in conservation areas, to sensitize them to the negative consequences of poaching and consumption of illegal wildlife products;

DIRECTS the Secretariat to communicate such information quickly to the Parties;

Regarding e-commerce of specimens of CITES-listed species

RECOMMENDS that Parties:

- a) evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I;
- b) establish, at the national level, a unit dedicated to investigating wildlife crime linked to the Internet or incorporate wildlife trade issues into existing units that investigate or monitor computer or cyber-crime; and
- c) establish at the national level a mechanism to coordinate the monitoring of Internet-related wildlife trade and to provide for the timely sharing between designated contact points in CITES Management and Enforcement Authorities of information that results from these activities;

RECOMMENDS further that Parties and Interpol:

- a) submit information to the Secretariat on methodologies used by other agencies that may assist in the evaluation of mechanisms to regulate legal commerce of CITES-listed species via the Internet;
- b) ensure that sufficient resources are directed to the investigation and targeting of illegal Internet-related trade in specimens of CITES-listed species;
- c) use the data acquired during monitoring activities to establish strategies regarding enforcement, capacity building and public awareness; and
- d) consider ways in which funding may be provided for the establishment of a full-time position, dedicated to e-commerce aspects of wildlife crime, within the General Secretariat of Interpol. The responsibilities of such a position should include ensuring that all information or intelligence regarding e-commerce is consistently collected and disseminated to the relevant Enforcement Authorities designated by Parties; and

Regarding additional actions to promote enforcement

RECOMMENDS further that the Parties:

- a) take the necessary measures to develop a comprehensive strategy for border controls, audits and investigations, by:
 - i) taking into account the different procedures for Customs clearance of goods and Customs procedures such as transit, temporary admission, warehouse storage, etc.;

- ii) ensuring that officers in charge of control are aware of and trained in CITES matters regarding, for example, CITES requirements, identification of specimens and the handling of live animals;
 - iii) implementing document control in order to ensure the authenticity and validity of CITES permits and certificates, especially, if necessary, by requesting the Secretariat to confirm their validity;
 - iv) conducting physical examinations of goods, based on a policy of risk assessment and targeting;
 - v) using wildlife detector dogs;
 - vi) increasing the quality of controls at the time of export and re-export; and
 - vii) providing the necessary resources in order to achieve these objectives;
- b) promote incentives to secure the support and cooperation of local and rural communities in managing wildlife resources and thereby combating illegal trade;
 - c) where appropriate, evaluate and utilize for enforcement purposes, information from non-governmental sources while maintaining standards of confidentiality;
 - d) consider the formation, at national level, of specialized wildlife-law enforcement units or teams;
 - e) use the CITES Virtual College, which provides access to courses and training materials to build enforcement capacity;
 - ef) explore innovative means of increasing and improving national enforcement capacity;
 - fg) carry out focused national and regional capacity-building activities with particular focus on fostering inter-agency cooperation and improving knowledge of legislation; species identification; risk analysis and investigation of criminal actions; ~~and~~
 - gh) whenever appropriate and possible, liaise closely with CITES Management Authorities and law enforcement agencies in consumer, source and transit countries to help detect, deter and prevent illicit trade in wildlife through the exchange of intelligence, technical advice and support;
 - i) promote and increase the use of wildlife forensic technology and specialized investigation techniques, such as controlled deliveries, in the investigation of wildlife crime offences; and
 - j) implement national legislation to combat money laundering and facilitate asset forfeiture to ensure that criminals do not benefit from the proceeds of their crimes;

URGES the Parties and the donor community to provide financial support to ICCWC, to ensure that the Consortium can achieve its goals in bringing coordinated support to national wildlife law enforcement agencies and to subregional and regional networks, and in delivering capacity-building activities;

URGES the Parties, intergovernmental and non-governmental organizations to provide, as a matter of urgency, funds and expertise to enable enforcement-related training or the provision of training materials, focusing on developing countries and countries with economies in transition, preferably on a regional or subregional basis, and provide funds to ensure that wildlife-law enforcement personnel in such countries are adequately trained and equipped;

ENCOURAGES Parties to give priority to the enforcement of CITES and prosecution of violations of the Convention;

ENCOURAGES States to offer rewards for information on illegal hunting and trafficking of specimens of Appendix-I species leading to the arrest and conviction of the offenders;

URGES ICPO-Interpol to support the attendance of a representative from the Interpol Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES; and

INSTRUCTS the Secretariat to:

- a) cooperate with ICCWC partner organizations ~~the World Customs Organization, ICPO-Interpol~~ and competent national authorities to:
 - i) prepare and distribute appropriate training material; and
 - ii) facilitate the exchange of technical information between the authorities in charge of border controls; and
- b) submit a report on enforcement matters at each Standing Committee meeting and each regular meeting of the Conference of the Parties; and

REPEALS the Resolutions or parts thereof listed hereunder:

- a) Resolution Conf. 2.6 (Rev.) (San José, 1979, as amended at Fort Lauderdale, 1994) – *Trade in Appendix-II and -III species* – paragraph b) and paragraph under 'REQUESTS';
- b) Resolution Conf. 3.9 (Rev.) (New Delhi, 1981, as amended at Fort Lauderdale, 1994) – *International compliance control*;
- c) Resolution Conf. 6.3 (Ottawa, 1987) – *The Implementation of CITES*;
- d) Resolution Conf. 6.4 (Rev.) (Ottawa, 1987, as amended at Fort Lauderdale, 1994) – *Controls on illegal trade*;
- e) Resolution Conf. 7.5 (Lausanne, 1989) – *Enforcement*; and
- f) Resolution Conf. 9.8 (Rev.) (Fort Lauderdale, 1994, as amended at Harare, 1997) – *Enforcement*.

The Secretariat proposes to include in the present Resolution revised versions of Annexes 1-3 to Resolution Conf. 12.5 (Rev. CoP15). These revised Annexes, and the rationale behind them, are contained in Annex 2 below.

REVIEW OF ANNEXES 1 TO 3 TO RESOLUTION CONF. 12.5 (REV. COP15) BY THE INTERNATIONAL CONSORTIUM ON COMBATING WILDLIFE CRIME (ICCWC) SENIOR EXPERTS GROUP

Background

1. At its 15th meeting (CoP15, Doha, 2010), the CITES Conference of the Parties adopted the following Decision:

Directed to the Standing Committee

15.70 The Standing Committee shall review and update the form and guidance contained in Annexes 1 to 3 in Resolution Conf. 12.5 (Rev. CoP15) and report on this matter at the 16th meeting of the Conference of the Parties.

2. At the 61st meeting of the CITES Standing Committee (Geneva, August 2011), the Committee agreed to the suggestion from the CITES Secretariat that the Senior Experts Group of the International Consortium on Combating Wildlife Crime be asked to review the form and guidance contained in Annexes 1 to 3 in Resolution Conf. 12.5 (Rev. CoP15) and to present the update at CoP16. These Annexes contain a preliminary report form and guidance prepared by the CITES Tiger Enforcement Task Force, when it first met in New Delhi, India, in April 2001.

Outcome of the review

3. The Senior Experts Group of the International Consortium on Combating Wildlife Crime (ICCWC Senior Experts Group) has conducted its review of Annexes 1 to 3 in Resolution Conf. 12.5 (Rev. CoP15), which provides a form and guidance for the reporting, recording and analysis of incidents of wildlife crime, as well as guidance for establishing specialized wildlife enforcement units.
4. The Senior Experts Group has also considered the INTERPOL Ecomessage (the "ECOMESSAGE") and concludes that the ECOMESSAGE would be better suited for the purpose of reporting wildlife crime.
5. The ECOMESSAGE has been created by INTERPOL as a reporting system and database covering all major types of environmental crime, including:
 - a) Illegal transborder movements and illegal dumping of wastes;
 - b) Illegal transborder activities involving radioactive substances; and
 - c) Illegal traffic in species of wild flora and fauna.
6. Due to the ECOMESSAGE's multi-purpose environmental application, it is the view of the Senior Experts Group that its flexible standardized design can be utilized as widely or narrowly as necessary, allowing the reporting agency to provide any and all information available.
7. When examining and comparing the Preliminary Report Form contained in Annex 1 to Resolution Conf. 12.5 (Rev. CoP15) and the INTERPOL ECOMESSAGE, it can be noted that the information required by both is, in substance, of the same nature and that the ECOMESSAGE will serve the purpose of reporting and recording wildlife crime at the national level. A full comparison between the two forms is provided below (numbers refer to the paragraph number in each form respectively).

| <u>CITES Preliminary Report Form</u> | <u>INTERPOL Ecomessage</u> |
|---|--|
| 1. Date <ul style="list-style-type: none"> •Date of discovery •Date of incident •Date information received | 3. Date and time Time when the offence was discovered |
| 2. Place <ul style="list-style-type: none"> •Full address | 2. Place and method of discovery 2.1 Place |

| | |
|---|---|
| <ul style="list-style-type: none"> •Nearest town or landmark •Map reference •GPS coordinates •Type of place | <p>2.2 Describe how the offence was discovered</p> <p>2.3 City, Country where offence was discovered</p> |
| <p>3. Species</p> <ul style="list-style-type: none"> •Common name •Quantity •Age •Sex •Live/dead •Type of specimen | <p>4. Contraband products</p> <p>4.1 wildlife: scientific and common names, with a precise description</p> <p>4.2 quantity and estimated value</p> |
| <p>5. Type of event</p> <ul style="list-style-type: none"> •Poaching •Taking •Death •Seizure •Trade •Intelligence | <p>1. Subject</p> <p>1.1 A brief description of the offence</p> <p>1.2 Code name</p> <p>1.3 Legal description of the offence</p> |
| <p>6. Suspect</p> <ul style="list-style-type: none"> •Full name •Age – date and place of birth •Address •Nationality •Occupation •Description •Whether previous offender | <p>5. Suspect</p> <p>a) Date of arrest</p> <p>b) Family name</p> <p>c) First name</p> <p>d) Sex</p> <p>e) Alias(es)</p> <p>f) Date and place of birth</p> <p>g) Nationality</p> <p>h) Address</p> <p>i) Information contained on passport or national ID</p> <p>j) Profession</p> <p>k) Function in any company</p> <p>l) Other information – telephone, fax, vehicle, subject’s function</p> |
| <p>7. Evidence</p> <ul style="list-style-type: none"> •Witnesses •Documents •Carcasses and plants | <p>12. Additional information Other information deemed relevant</p> <p>9. Identification of documents used Specify the types of documents, including authorizations, transport documents, permits and certificates, invoices, etc. Specify if such documents are altered or fraudulent.</p> |
| <p>8. <i>Modus operandi</i></p> <ul style="list-style-type: none"> •Vehicle used •Apparent cause of death •Method of killing, smuggling or concealment •Route used | <p>11. <i>Modus operandi</i> Describe the <i>modus operandi</i> precisely</p> <p>7. Means of transport and route Provide details on means and routes of transport of contraband</p> |
| <p>9. Actions</p> <ul style="list-style-type: none"> •Arrest •<i>Post mortem</i> •Filing or registration of case •Seizure | <p>5. a) Arrest</p> <p>1. Subject</p> <p>2. Place and method of discovery</p> |

| | |
|---|---|
| <ul style="list-style-type: none"> •Search | |
| 10. Other relevant information <ul style="list-style-type: none"> •Intelligence gathered •Any further action required | 12. Additional information Other information deemed relevant 13. Information requested Investigators needing information from other countries |
| 11. Person reporting <ul style="list-style-type: none"> •Full name •Rank or title •organization | 10. Law enforcement agency Specify the name and address of the agency with primary responsibility for the case, along with telecommunications information and a contact person |
| 12. Date submitted | Captured automatically by the system |

8. Further, the ECOMESSAGE requests additional information which is considered a useful expansion of that currently required in the Preliminary Report Form, including:
- a) Information on the involvement of companies in the crime; and
 - b) Further information about the countries concerned by the crime (source countries, re-export and transit countries, and country and address of destination).
9. The advantage of a country using the INTERPOL ECOMESSAGE is that it allows for a secure and systematic exchange of information across all of INTERPOL's 190 member countries using the INTERPOL I-24/7 global communication system³⁷. The ECOMESSAGE, in conjunction with national reporting systems, can also be used to request information or to submit information officially and inform a regional, national or international entity of the outcomes of a case.
10. The INTERPOL ECOMESSAGE is already widely used by countries to exchange intelligence and information on environmental crime. Its use to report wildlife crime and illegal trade in CITES-listed species will provide a common format across all environmental crime, allowing for better analysis and comparison of intelligence across related crime types.
11. In relation to the reporting of wildlife crimes, therefore, it is the view of the Senior Experts Group that the current version of the Preliminary Report Form and the INTERPOL ECOMESSAGE fulfil the same purpose in the exchange of nominal data and case information, with the ECOMESSAGE being more generic but providing a better opportunity to examine and analyse trends, routes and business connections.

Recommendations

12. The CITES Secretariat, following consultation with the ICCWC Senior Experts Group of the International Consortium on Combating Wildlife Crime, provides the following recommendations to the Conference of the Parties:
- a) The INTERPOL ECOMESSAGE *Forms and Instructions* should replace the current Preliminary Report Form contained in Annex 1, and should be used at the national and international levels to report incidents of wildlife crime, illegal trade, poaching of CITES-listed species or significant intelligence;
 - b) The guidance contained in Annexes 2 and 3 be amended and updated as set out below, and it should be used together with the INTERPOL ECOMESSAGE *Forms and Instructions* as tools to provide guidance to relevant authorities; and
 - c) As the INTERPOL ECOMESSAGE *Forms and Instructions* and the revised guidance contained in Annexes 2 and 3 relate to wildlife law enforcement in general and are not limited to Asian big cats only, these documents should be incorporated as annexes to Resolution Conf. 11.3 (Rev. CoP15) (*Enforcement and compliance*), rather than being kept in Resolution Conf. 12.5 (Rev. CoP15) on *Asian big cats*.

³⁷ <http://www.interpol.int/INTERPOL-expertise/Data-exchange/I-24-7>.

Much illegal trafficking in wildlife is international in scope. Thus, it can be effectively countered only by good international cooperation.

With Ecomessage, INTERPOL seeks to create an international reporting system and database that covers all major environmental crime.

Ecomessage Forms and Instructions

Illegal exploitation and trafficking constitute one of the most serious threats to wildlife today. Criminal networks and syndicates, motivated by high profits and low risks, have established an international industry that:

1. Diminishes the biological viability of wildlife populations;
2. Compromises the natural heritage and ecological integrity of the planet;
3. Imposes unacceptable cruelty on living animals, and;
4. Flouts wildlife law as well as many other laws.

INTERPOL, the International Criminal Police Organization (ICPO) has made significant efforts to suppress environmental crime.. As part of this effort, INTERPOL in 1992 set up an Environmental Crime Committee, which in 1994 was expanded to include a Working Group on Wildlife Crime, and a Working Group on Pollution Crime.

More than a quarter-century of experience has persuaded INTERPOL that the timely exchange of pertinent information is crucial to any campaigns that target criminals who traffic in protected wildlife. But exchanges between various countries can suffer disruptive complications, because:

1. Required information often must be collected from widely scattered sources;
2. Countries do not have uniform reporting methods;
3. There had been no international repository for the collection, storage, analysis and circulation of information useful in efforts against wildlife crime;
4. Investigators in one country often did not know which law enforcement agency or agencies were their appropriate contacts in other countries.

INTERPOL acted to resolve these shortcomings by creating the Ecomessage.

With the Ecomessage, INTERPOL seeks to create a reporting system and database that covers all major environmental crime, including:

1. Illegal transborder movements and illegal dumping of wastes;
2. Illegal transborder activities involving radioactive substances;
3. Illegal traffic in species of wild flora and fauna.

Ecomessage: What it is and how it functions

INTERPOL's General Secretariat in Lyon, France, serves as a central collection point for information on international environmental crime, including wildlife crime. INTERPOL has developed the Ecomessage as a reporting system that systematically accepts environmental crime data and enters it into a computerized data collection facility at the General Secretariat.

The Ecomessage system uses a simple form to transmit details of a particular crime to INTERPOL. The Ecomessage form is carefully designed. When INTERPOL receives environmental crime reports via Ecomessage, the standardized design of the communication permits:

1. Speedy and methodical entry of the report's details in a format that is compatible with the INTERPOL database;
2. Efficient cross-referencing of the data against other entries in the computerized database; and
3. Organized and meaningful extraction of that data in a way that facilitates applications such as criminal intelligence analysis.

The Ecomessage is a system.

An Ecomessage report must be transmitted to INTERPOL via a standardized procedure and routing. This systematic approach helps to assure the validity of the data transmitted, which increases the reliability of the information in INTERPOL's database *and* provides for more dependable results when that information is used.

Many governmental law enforcement agencies may be involved in enforcement of wildlife laws: A national parks or wildlife agency may have various enforcement authorities. Customs is often the agency that intercepts and seizes contraband consignments of protected wildlife. Police agencies are often involved in wildlife law enforcement, as are Attorneys General, Sheriff's Departments, Environmental Protection and other governmental agencies.

Any of these agencies may gather the information required for an Ecomessage report. When the information is gathered, however, an Ecomessage report should be completed and brought to the INTERPOL National Central Bureau (NCB) of the reporting country. The NCB is usually found in the international relations department of the national police. If you have difficulty locating the INTERPOL NCB in your country, please contact the Environmental Crime Programme by sending a message to environmentalcrime@interpol.int.

It is the NCB's responsibility to transmit the details of an Ecomessage to the INTERPOL General Secretariat. This responsibility is outlined in INTERPOL circular letter reference 38/DII/SD2/E/INT/WG/2/ENV/94 of 9th June 1994, which should be on file in every INTERPOL NCB worldwide.

When the INTERPOL General Secretariat receives an Ecomessage, the information contained is entered into INTERPOL's computerized database. There are several important benefits that are generated by this process:

1. The information is immediately screened against all other information in the INTERPOL computer. This can produce important feedback. For example, if Country X reports the arrest of Mr. A on charges of smuggling elephant ivory, the processing of the Ecomessage may produce information that Mr. A is also wanted by Country Y for a similar offense, or that he has already been convicted in Country Z for a different offense. Information on concurrent warrants for arrest, or prior convictions, is of great interest and importance to prosecuting attorneys.
2. The Ecomessage form also allows for the reporting country to ask questions, and provides a mechanism for international cooperation. For example, imagine Country X has seized some rare birds smuggled out of country Y. Using the form, investigators in Country X can ask for information about the exporter in Country Y, or the carrier involved. It can also ask if Country Y wants those birds repatriated—or anything else where international information exchange will help the case along.
3. Professional INTERPOL criminal analysts can access data collected. When adequate reliable data is available, very useful analyses can be conducted to reveal the criminals involved, as well as the size, structure and dynamics of criminal trafficking in protected wildlife. (See the recent project *analyses* to the *left*.)

Criminal intelligence analysis also produces conclusions drawn from a particular study, as well as recommendations that help wildlife law enforcement officers work more effectively in their campaigns to suppress illegal trafficking.

The more information entered into INTERPOL's Ecomessage database the more effective it is to produce a truly global analysis of the criminality associated with illegal trafficking in wildlife. This data should be put into the system via Ecomessage reports. The more statistically significant the data included, the better it can be analyzed and used to construct a worldwide picture of the illegal trade in wildlife.

Only when the worldwide magnitude, structure and dynamics of illegal trafficking in wildlife are known can there be an effective worldwide cooperative effort to suppress it.

The Ecomessage Form

When the INTERPOL General Secretariat receives an Ecomessage, the information contained is entered into INTERPOL's computerized database.

1. When you are preparing an Ecomessage form, it is important to keep all entries in the same numbered and lettered sequence. This is important to maintain compatibility with the INTERPOL database. A properly prepared form will enter easily into the database—and is much more likely to produce results!
2. If the information for a particular item on the form is not available, mark it as "unknown."
3. When the Ecomessage form is completed, deliver it to your local National Central Bureau (NCB). The NCB is the national contact office for INTERPOL. The NCB is usually located in the international affairs office of the national police agency. Only an NCB can transmit an Ecomessage to the INTERPOL General Secretariat.
4. Be aware that national legislation in some countries may prohibit the reporting of certain information, such as the names of citizens. The national INTERPOL NCB should be aware of such legislation and should be able to prevent inappropriate information from being transmitted. But even if some information cannot be reported, it is still important to file the Ecomessage, for even partial information can be useful.

ECOMESSAGE

**Please note that subject fields in red are mandatory*

| | |
|---|---|
| 1. Subject | 1. Subject |
| 1.1 A brief description of the offense | 1.1 |
| 1.2 Code name | 1.2 |
| 1.3 Legal description of the offense (<i>Reference number, citation of legislation violated and legally possible penalties</i>) | 1.3 |
| 2. Place and method of discovery | 2. Place and method of discovery |
| 2.1 Place where the offense was discovered (e.g., <i>the name of a port or city</i>). If on sea or open country side, indicate distance and direction to a known reference point | 2.1 |
| 2.2 Describe how the offense was discovered (e.g., <i>customs control inspection, informant information, etc.</i>) | 2.2 |
| 2.3 City, Country where offense was discovered | 2.3 |
| 3. Date and time | 3. Date and time |
| Time when the offense was discovered | |
| 4. Contraband products | 4. Contraband products |
| 4.1 Illegal wastes: Specify the nature of the wastes and their place of production; or Radioactive substances: Specify the nature of the radioactive substance; or, Wildlife: Specify the scientific and common names of the species involved, with a precise description of the specimen (e.g., <i>live, dead, part or derivative, age, sex, etc.</i>) | 4.1 |
| 4.2 Quantity and estimated value: Specify the units of measure and the type of currency | 4.2 |

5. Identity of person(s) involved

Note: Items 5.a to 5.l must be completed for each person involved

- a) Date of arrest
- b) Family name (& maiden name)
- c) First name(s)
- d) Sex
- e) Alias(es)
- f) Date and place of birth
- g) Nationality
- h) Address
- i) Information contained on passport or national ID Include numbers, place & date of issue, period of validity
- j) Profession
- k) If any, function in any of the companies mentioned in item 6
- l) **Other information:** Numbers of telephone, fax, vehicle, etc. plus subject's function in the offense (*courier, dealer, etc.*)

6. Companies involved

Note: Items 6.a to 6.f must be completed for each business involved

- a) **Type:** Indicate the legal type of company
- b) **Name:** Specify both the legal name & any trade names
- c) Activities
- d) Address and telecommunications details of headquarters
- e) Registration number
- f) Business address & phone/fax — If not the same as item d)

7. Means of transport and route

Provide maximum details on means and routes of transportation for violations involving transport of contraband

8. Locations

- a) **Country and town of origin:** For wildlife, indicate country of origin according to CITES (*country where the specimen was taken from the wild or bred in captivity*), as well as according to the Customs definition (*country where the last substantial transformation*)

5. Identity of person(s) involved

Note: Items 5.a to 5.l must be completed for each person involved

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)

6. Companies involved

Note: Items 6.a to 6.f must be completed for each business involved

- a)
- b)
- c)
- d)
- e)
- f)

7. Means of transport and route

8. Locations

- a)

occurred). Specimens originating from the sea should be indicated as “sea”

- b) **Country of provenance:** Country of last re-export
- c) **Country(ies) of transit:** As much as can be determined
- d) **Country & address of destination:** Both the destination declared on transport documents, and the real destination, if known

9. Identification of documents used

Specify the types of documents, including authorizations, transport documents, permits and certificates, invoices, etc. Specify if such documents are altered or fraudulent

10. Law enforcement agency

Specify the name and address of the agency with primary responsibility for the case, along with telecommunications information and a contact person, if possible

11. Modus operandi

Describe the modus operandi precisely, including: technique of concealment, type of packaging, techniques of document falsification, etc. as well as possible relationship with other cases. Attach photocopies of paperwork (e.g., *false documents*) and photos (e.g., *container*) that illustrate the modus operandi

12. Additional information

Other details deemed relevant

13. Information requested

Do investigators need information available from foreign countries (e.g., *details about a foreign national's arrest record or a freight forwarding company's history of violations*)?

9. Identification of documents used

10. Law enforcement agency

11. Modus operandi

12. Additional information

13. Information requested

PROPOSED ANNEX 2 TO THE REVISED RESOLUTION CONF. 11.3 (REV. COP15),
BASED ON ANNEX 2 TO RESOLUTION CONF. 12.5 (REV. COP15)

Guidance to be amended as set out below. Additional text is inserted in underlined and text to be deleted is marked as ~~strikethrough~~.

Guidance for reporting and intelligence analysis

The ~~Preliminary Report Form~~ ECOMESSAGE should, where necessary, be adapted to suit local requirements. Field staff should receive guidance on the categories of cases for which it should be completed; ~~and to whom it should be submitted; and through which channels it should be submitted.~~ The management of national wildlife enforcement-related information should be subject to strict procedures, legal considerations and codes of practice. Many Parties have adopted a 'national intelligence model' to lay down guidance and the procedures to be used related to the purpose, process and recording of information. It should be stressed to field staff that detailed, accurate and timely reporting is essential and, importantly, welcome. Every effort should be made to dispel any cultural or traditional influences that may encourage the concealment of crime or poaching. Prompt and detailed reporting and recording must be encouraged given a positive image within the organization. Staff must be reassured that there will be no recrimination for the reporting of incidents.

The person or persons tasked with collating the report forms should, ideally, maintain a database of the information and be responsible for responding to input, or communicating the information to those tasked with coordinating responses. ~~It is at this stage that consideration can also be given to creating ECOMESSAGES to pass information between agencies or at regional and international levels or waiting until further investigation is complete.~~

The ECOMESSAGE can be used to pass information between agencies at the national, regional and international levels. The relevant authorities can determine the level of information sharing (national, regional or international), which will depend on national legislation, the unique circumstances applicable to each case and the status of the investigation.

~~The CITES Tiger Enforcement Task Force identified that~~ The gathering of information and intelligence is not, in itself, sufficient and, once gathered, intelligence must be analysed. Although computer software packages are available to assist the analytical process, much can be achieved by simple study of the data.

Analyses can be used for both operational and strategic purposes. They enable not only decision-making with regard to deployment, or re-deployment, of resources, risk assessment and targeting, but can also identify the additional human or technical resources needed for effective response to crimes, legislative weaknesses, weak border points and can assist in the design of awareness campaigns. Analyses should be viewed as a strong management tool to identify priorities and assess performance.

The intelligence gained from such analyses must then be used effectively and not just stored. Intelligence should lead investigative actions and should be used to direct resources towards tactics that will be most effective in combating crime. Consideration will require to be given to how the information is disseminated. The ability to exchange and disseminate information and intelligence in a secure environment is imperative for enforcement authorities to combat wildlife crime effectively. The preparation of alerts or bulletins for distribution has been shown to be very effective and demonstrates clearly that input is valued and acted upon. The ECOMESSAGE in conjunction with national reporting systems, the INTERPOL I-24/7 and the World Customs Organization Customs Enforcement Network (WCO CEN)³⁸ systems allow for a secure and systematic exchange of information. Information and intelligence should always ~~can also~~ be disseminated through secure official channels in accordance with national legislation on privacy and sharing of sensitive and nominal information ~~formal and informal email networks or made available through secure websites.~~ Hotmail, Gmail, Yahoo, Facebook, Twitter and other similar services are not considered to be secure platforms and their use should be limited. Potential recipients of analyses might include entities such as CITES Management Authorities, all national enforcement agencies, the CITES Secretariat, ICPO-~~INTERPOL~~Interpol and the World Customs Organization. Distributing information and intelligence Ensuring as wide a distribution as widely as possible, where appropriate and relevant, should help promote feedback, inter-agency cooperation and the submission of more intelligence.

³⁸ <http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/cen.aspx>.

Careful consideration should be given to what information can be made public and what ought to remain confidential. The level of confidentiality may also require to be defined and dissemination adjusted accordingly.

The ~~Task Force~~ International Consortium on Combating Wildlife Crime (ICWC) recommends ~~ed~~ that the following fields or subjects ~~should~~ be examined when studying data that have been collected:

Patterns

To identify geographical, time of day, day of week, seasonal similarities, etc.

Suspects

To identify criminal networks, organized crime groups, syndicate members, repeat offenders and common descriptions of suspects.

Suspect profiling

To identify likely offenders and to gather additional information on known offenders.

Networks

To identify poachers, traders, dealers, smugglers, financiers, buyers, defence lawyers (especially those incompatible with the accused's resources), etc. that may be operating together or whose activities are linked. This could facilitate the identification of organized crime groups and will assist authorities to get a better understanding of the *modus operandi*, activities and structures of such groups.

Modus operandi

To identify common or linked methods of committing crime and engaging in illegal trade, ~~etc.~~ Different individuals or networks may be involved in wildlife crime, but the same offenders often exploit the same commodities, using similar methods of transportation and concealment, and similar routes.

Trends

To identify increased or decreased ~~attention~~ illegal activity in relation to particular species by criminals, locations, methods of crime and smuggling, etc. This could assist authorities in identifying those species that are most affected by illegal trade; putting proactive measures in place at locations linked to smuggling routes or targeted by criminals; proactively addressing known methods of smuggling; identifying the drivers behind trends in criminal activity; etc.

Evidence

To identify common or linked physical and documentary findings, such as repeated use of same calibre weapons, poison, forged documents, etc.

Target species

To identify ~~the most vulnerable,~~ illegally hunted, smuggled and traded species and those species most at risk from such illegal activities.

Forensic science results

To identify links between ~~criminal or illicit trade~~ cases that can be demonstrated through such methods as DNA and ballistics analysis, fingerprint or hand-writing comparisons, etc.

Target criminals

To identify offenders who are most active and those committing the most serious offences, and to deploy resources against them. This may include surveillance, intelligence gathering and covert investigations, etc.

Motives

To identify what is prompting offenders to engage in illegal hunting and trading, why they use specific smuggling methods and routes, etc.

Routes

To identify access and exit routes used by poachers, ~~and national or international routes used by smugglers to transport specimens. Also to identify methods of transport;~~ and hotspots where transit routes of contraband, money or communication converge.

Markets

To identify places and countries where illegal specimens are sold ~~in either transit locations or final destinations, and to including profiles of likely traders or buyers.~~

Prices

To ~~identify~~ determine the value of specimens at different points in the supply chain, i.e. financial gain by the poacher, smuggler, or traders, and the price paid by the final customer, etc. This information can be used as an aggravating factor in sentencing, in support of cases where asset forfeiture is foreseen, for statistical purposes, etc.

Financing

To identify persons or companies that may be funding poaching or illegal trade; ~~or identify whether~~ determine whether profits from wildlife crime are funding other activities; identify opportunities where anti-money-laundering and asset-forfeiture legislation can be applied effectively.

Links with other crimes

To identify any links with other crimes or illegal trades, such as in narcotics, weapons, illegal immigrants, etc.

PROPOSED ANNEX 3 TO THE REVISED RESOLUTION CONF. 11.3 (REV. COP15),
BASED ON ANNEX 3 TO RESOLUTION CONF. 12.5 (REV. COP15)

Guidance to be amended as set out below. Additional text is inserted in underlined and text to be deleted is marked as ~~strikethrough~~.

Guidance for specialized wildlife law enforcement units

The role of specialized units in addressing issues relating to wildlife crime and ~~illicit~~ illegal trade in CITES-listed species has been identified by the Conference of the Parties on a number of occasions. ~~The CITES Tiger Missions Technical Team found specialized units to be very successful, wherever it encountered them.~~ Resolution Conf. 11.3 (Rev. CoP16~~5~~) encourages Parties to consider the establishment of such units, which have historically proven to be very successful in increasing the number and quality of wildlife crime investigations and prosecutions.

The following are regarded as important elements to be considered by any country planning the establishment, or further development, of one or several specialized units to tackle wildlife crime, including ~~and~~ illegal trade. They are not listed in order of importance. Some elements will be of greater significance than others, depending upon the country circumstances.

The structure and composition of specialized units will also be dictated by whether they are created at national, provincial or local level, or a combination of these.

Government support/political will

This element is absolutely essential. To be truly effective, the unit must have the backing of central and state/provincial governments, as well as all other enforcement agencies.

Authority

~~It is another absolutely essential element for a specialized wildlife law enforcement unit. The unit must~~ to be properly empowered to carry out its duties. Inclusion of multi-agency personnel will usually ensure that the unit has staff that is legally authorized to conduct effective operations. Alternatively, although it should not be necessary ordinarily, legislative measures should be enacted to empower the unit. This element is also closely linked with *Parity* (see below).

It is also important that the unit leader should be authorized, ~~to as acceptable a degree as possible,~~ to act on his or her own initiative within the limits of national legislation and to as acceptable a degree as possible, to direct operations without having to constantly refer matters to a higher authority.

It may be very desirable for the unit to be empowered to include in its tasks anti-corruption work related to wildlife crime, including authority to conduct financial investigations; and, where appropriate, to freeze assets and seek their forfeiture by the government. If that is the case, it is essential that the unit, or some of its personnel, should be empowered under relevant legislation or policies to investigate the alleged corrupt activities of /arrest government officials.

Incentives

This issue is linked with *Parity* (see above) and consideration may have to be given to achieving parity of salary among unit staff, regardless of the agency in which they are or would usually be employed. Bonus or 'top-up' salary payments are worthy of consideration to recognize the specialized duties that will be undertaken, as are allowances for field operations, etc. These should also take account of the hazardous duties that the unit may engage in. Salaries commensurate with the work undertaken ought to also encourage resistance to corruption. Adequate insurance for staff should be regarded as essential.

Good management

Clear, appropriate and experienced leadership is needed, particularly in the unit at operational level, but this also applies to strategic management. Careful consideration should be given to which agency is given responsibility for overall management and strategic direction of the unit; ~~a committee of relevant agencies may be preferable.~~

The unit could be strategically managed with priority settings and work planning by a steering committee including high-level representation from each of the national agencies that regularly engage in wildlife law enforcement, such as the forest, fishery and wildlife departments, the police, Customs and the prosecuting authority (e.g. national prosecutor for environmental crime).

Clearly structured

There should be no doubt as to the lines of command and responsibilities of the unit and its staff.

Tasks

The duties of the unit should be clearly defined and understood by its staff and all agencies with which it will interact. These might include intelligence gathering and dissemination, investigation, coordination and prosecution, as appropriate.

An appropriate degree of flexibility should, however, be incorporated so that the unit leader can respond quickly to developing situations and allocate resources in an effective manner. A degree of mobility will also require to be taken into account so that staff can go where they are needed.

Targeted

Linked to *Tasks* (see above), it is essential that the unit's work be properly focused, preferably intelligence-led, so that resources are utilized in a meaningful, efficient and effective manner. It is also important, to achieve support from the public and other agencies, that the unit concentrates on priority, recurring and serious crime issues and does not become involved in minor, 'technical' violations of national law or CITES.

Dedicated

This refers not only to the commitment expected of unit personnel but also to the manner in which the unit must be allowed to concentrate solely upon its tasks. It should not be allowed to be diverted to other duties.

Full time

Depending upon local circumstances, a 'core' number of unit personnel should be deployed on a full-time basis. Additional staff can be used to supplement and support activities as and when necessary.

Parity

The unit and its personnel should enjoy equal status with other official enforcement agencies, such as the police and Customs.

Volunteers Staff

All Unit personnel should preferably be ~~volunteers~~ assigned on a voluntary basis. Wildlife crime is a growing problem and organized crime group involvement in wildlife crime is increasingly evident. The investigation of organized wildlife crime is complex in nature. For this reason, highly competent staff should be recruited and appointed to serve in specialized wildlife law enforcement units. Serving in the unit should be regarded as an asset for the officers' professional and career development. However, selection procedures should be carefully designed to identify the most suitably qualified and appropriate staff, whilst remembering that appropriate training can compensate for any lack of previous experience. The unit must not be regarded as somewhere to which poorly performing staff can be consigned assigned. Whilst staff should be encouraged to serve voluntarily in the unit, this should not be taken to mean their service will be unpaid.

Multi-agency

It is important that the unit should include or liaise with personnel from each of the national agencies that regularly engage in wildlife law enforcement, such as ~~F~~orest, ~~f~~ishery and ~~W~~ildlife ~~D~~epartments, the police and Customs, and the prosecuting authority (e.g. national prosecutor for environmental crime). It should also, have ready access and be connected to the resources of those agencies that participate on an irregular basis. The involvement of personnel from a variety of agencies can also be an effective measure against corrupt practices.

At the national level, the specialized unit could be established as a national environmental security taskforce (NEST). Parties are encouraged to use the guidance on the NEST's structure and formation as set out in the INTERPOL operational manual on National Environmental Security Taskforces³⁹.

Properly funded

The unit must have a budget commensurate with its activities, and its leader should not be too constrained in its use. A degree of flexibility should be incorporated Budget control measures should be flexible enough to allow for an appropriate response to operational requirements. Specialized wildlife law enforcement units should be

³⁹ See <http://www.interpol.int/Crime-areas/Environmental-crime/Task-forces>

funded by the government. This will demonstrate governmental commitment to combating wildlife crime. The use of external funding from supporting donors to fund specialized wildlife law enforcement units should only be permitted considered in exceptional circumstances. , where necessary, When external funding from supporting donors is utilized for this purpose, it must be ensured that as long as control remains with the proper national authorities and that potential donors are not allowed to dictate or participate in the unit's activities. Accountability for funds should be restricted to annual reporting.

Size

Whilst this will be dictated by ~~country~~ national circumstances, having the right people with the right support will probably be more important than the numbers of staff in the unit. Quality should be the focus, rather than quantity.

Technical support

The unit should be properly equipped to enable it to carry out its duties. Equipment of a general and routine nature might include, for example, uniforms, vehicles, communications, firearms, surveillance gear, computers and associated software. Provision should be made for ready access to more specialized support, such as forensic science services, ~~scenes-of-crime~~ examination officers, and ~~species-identification~~ experts.

A multi-year maintenance should be provided for when allocating such resources.

Training

All unit personnel should be adequately trained in relevant specialized fields and this should be an ongoing process. Training should be regarded as a priority investment activity for the unit's staff. After gaining suitable experience, unit personnel should be utilized for the training of others.

Accreditation or certification of trained staff should be periodically renewed and recognized for professional and career development purposes.

Strategies

The unit should be provided with sufficient time and resources to consider and identify strategic issues, aside from its operational commitments, or should be supported by an infrastructure that will consider these issues, e.g. a national criminal intelligence service.

Long term

Unless there are very good reasons to suggest otherwise, the unit should be regarded as a long-term or permanent structure within the country's enforcement institutional and policy framework. This will provide for continuity and, the acquisition of specialized experience, and demonstrate to other enforcement agencies and the public governmental commitment to combating wildlife crime.

Recognition

Steps should be taken to ensure that the purpose and tasks of the unit are publicized among all enforcement agencies and the general public. The latter aspect can have a deterrent effect for offenders and also encourage the public to supply information.

Local support

Every effort should be made to facilitate and encourage support to the unit from local communities, both in a formal and informal fashion. The unit should be encouraged to liaise with local community leaders and enlist their assistance in convincing citizens of the worth of its aims.

Incentives

~~This issue is linked with Parity and consideration may have to be given to achieving parity of salary among unit staff, regardless of the agency in which they would usually be employed. Bonus or 'top-up' salary payments are worthy of consideration to recognize the specialized duties that will be undertaken, as are allowances for field operations, etc. These should also take account of the hazardous duties that the unit may engage in. Salaries commensurate with the work undertaken ought to also encourage resistance to corruption. Adequate insurance for staff should be regarded as essential.~~

Discipline

The unit should be expected to maintain the highest standards of discipline. If a multi-agency approach is employed, the personal and professional conduct standards that are the most stringent should be adopted as

the 'norm'. Any deviance from the standards should result in a rigorous response, with expulsion of the offender from the unit being encouraged in serious cases. In such cases, criminal prosecution should also be instituted against the offender, when applicable.

Secondments

Aside from the 'core' members of the unit, the concept of short- and mid-term secondments from as wide a variety of enforcement agencies as possible should be encouraged to promote inter-agency cooperation, supplement numbers in the unit and spread knowledge and experience. Secondments to the unit can provide excellent training opportunities for personnel from various agencies ~~and also provide~~ as well as useful insights for unit members into the work of others.

These secondments should be recognized as valuable assets for professional and career development.

Informant network

The unit should be encouraged to develop a network of informants (in compliance with national procedural laws and strict procedures for managing covert human intelligence sources) as a priority task, ~~and~~ and this can be facilitated by means of reward schemes and confidential information 'hotlines' to allow the supply of information.

Cooperation and coordination

The unit should, ideally, act as a central repository of intelligence regarding wildlife crime, including and illicit illegal wildlife trade. Standard operating procedures should be developed with any national criminal intelligence service to ensure that the unit has access to all relevant intelligence. Every effort should be made to avoid duplication of effort among enforcement agencies and to eliminate opportunities for informants to supply, and be rewarded for, the same intelligence to a variety of agencies.

If the unit itself does not investigate cases from beginning to prosecution, it should have a role to maintain an overview of serious cases of wildlife crime, and provide assistance and guidance whenever appropriate.

Regional and international collaboration

The unit should be responsible for liaison on wildlife crime matters through the INTERPOL National Central Bureaus with appropriate regional and international law enforcement agencies and other relevant organizations, such as ICPO-~~INTERPOL~~Interpol, the World Customs Organization and the CITES Secretariat. This should include the preparation and submission of ECOMESSAGES at the international level.

Evidence of other criminal activities

Any information received by the unit that relates to activities outside its remit, e.g. narcotics, trafficking in firearms, illegal immigration, etc., should be passed to the relevant agency as soon as possible and without hesitation. Such action should encourage reciprocal approaches.

Prosecution

Where a prosecutor is not included in the unit, every effort should be made to establish the closest working relationship possible with prosecution authorities. Raising of awareness in such authorities should be given priority and their support to the unit should be established. The unit may well be able to provide training for prosecutors. Case reporting and evidential requirement standards should be established. Prosecutors can also assist in identifying priorities and targets for the unit.

Judiciary

Whilst the relationship between the unit and a country's judiciary should be maintained at an appropriate distance, it is very important that the unit raises awareness among the judiciary of wildlife crime, ~~and promotes their participation in~~ and promotes their participation in appropriate sentencing and deterrent responses. The unit should also seek information and feedback from the judiciary on relevant decisions and issues that have arisen in civil and criminal cases, and any problems with evidence or the manner in which investigations have been conducted.

Legislative review

Criminal investigations, prosecutions and judicial decisions should be reviewed and analysed regularly. Findings that may improve legislation and policy should be reported to the relevant legislative or complementary administration.

NGO assistance Assistance from non-governmental organizations, the private sector and other special interest groups

Taking into account the comments above with regard to funding, the unit ~~should~~ might be encouraged to establish ~~else-but~~ appropriate links with national and international non-governmental organizations (NGOs), private sector associations and other interested stakeholders that could offer relevant. ~~Their importance as sources of information, and expert advice and assistance must be recognized.~~ It is essential, however, that their role should be restricted to support of the unit and that they NGOs should not be allowed access to intelligence or to engage in any operational activity without appropriate legislative authority as well as the agreement of the unit and prosecution authorities.

NGOs, the private sector and other special interest groups ~~ought~~ must not to be allowed to undertake activities that rest more properly with government agencies, e.g. i.e. covert operations or the maintenance of databases on crime and criminals.

NGOs, the private sector and other special interest groups should be encouraged to discuss with the unit any research or trade surveys that might involve a covert element; if for no other reason than this will prevent them ~~from~~ NGOs accidentally intruding into the unit's own 'undercover' activities.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES

Enforcement matters

Directed to the Secretariat

16.XX Subject to available resources, the Secretariat shall:

- a) in cooperation with ICCWC partners, establish Wildlife Incident Support Teams (WISTs) consisting of enforcement staff or relevant experts. WISTs shall be dispatched at the request of a country that has been affected by significant poaching of CITES specimens, or that has made a large-scale seizure of such specimens, to assist it, and guide and facilitate appropriate follow-up actions in the immediate aftermath of such an incident. The Secretariat shall report on progress in this regard at the 65th or 66th meeting of the Standing Committee, as appropriate; and
- b) seek invitations from Parties that have carried out significant seizures of CITES specimens, for the Secretariat, or relevant experts, to conduct assessments of the circumstances of such seizures and the follow-up actions that were taken, so that lessons may be learned and disseminated. The Secretariat shall report its findings in this regard at the 65th and 66th meetings of the Standing Committee, as appropriate.