

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



Eighteenth meeting of the Conference of the Parties
Colombo (Sri Lanka), 23 May – 3 June 2019

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

DUE DILIGENCE BY CITES PARTIES AND OBLIGATIONS OF IMPORTING COUNTRIES

1. This document has been prepared by the United States of America.*

Background

2. Article II, paragraph 4, of the Convention states that the Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the Convention.
3. Additionally, 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.
4. At its 17th meeting (CoP17; Johannesburg 2016), the Conference of the Parties adopted Decisions 17.65 to 17.68 as follows:

17.65 Directed to Parties

Parties are encouraged to provide to the Secretariat with: any examples and relevant information regarding methodologies, practical tools, legislative information, forensic expertise and other resources used to monitor compliance with the Convention and to verify the legal acquisition of specimens of CITES-listed species to be exported in accordance with Article III, paragraph 2(b), Article IV, paragraph 2(b), and Article V, paragraph 2(a) of the Convention (referred to as a 'legal acquisition finding').

17.66 Directed to the Standing Committee

The Standing Committee shall, with the assistance of the Secretariat:

- a) consider whether a Compliance Assistance Programme (CAP) should be established to assist countries with difficulties in achieving compliance, including how such a CAP would be funded;
- b) consider further guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported;

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.

- c) provide guidance on verifying the legal acquisition of founder stock of captive-bred CITES listed species to be exported; and
- d) make appropriate recommendations for consideration at the 18th meeting of the Conference of the Parties.

17.67 Directed to the Secretariat

Subject to the availability of external funding, the Secretariat, in collaboration with other relevant institutions, cooperation agencies and potential donors, shall:

- a) organize an international workshop on guiding principles, methodologies, practical tools, information, forensic expertise, compliance risk assessments and other legal resources needed by Management Authorities to verify the legal acquisition of specimens of CITES-listed species to be exported; and
- b) prepare and submit for consideration by the Standing Committee, a proposal for further guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported.

17.68 Directed to the Secretariat

The Secretariat shall assist the Standing Committee in the preparation of its findings and recommendations with regard to the implementation of Decision 17.66.

5. As called for in Decision 17,67, the Secretariat organized a workshop on guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported in June 2018, in Brussels, Belgium, which was attended by more than 80 participants representing 31 Parties from each of the six CITES regions, six IGOs, and more than ten NGOs and academic institutions. The Secretariat also organized side events on the topic at the 30th meeting of the Animals Committee (AC30; July 2018) and 24th meeting of the Plants Committee (PC24; July 2018). The work resulted in the development of a draft resolution that will be considered at the present meeting on guidance for verifying the legal acquisition of CITES specimens (SC70 Sum 12 (Rev. 1) pp. 5-6).
6. During the workshop and subsequent discussions at the 70th meeting of the Standing Committee (SC70; October 2018), Parties also considered issues with regard to the obligations of importing countries in verifying the validity of CITES documents and ensuring due diligence in the clearance of CITES documents. Those considerations included ensuring that CITES documents contain all required information and have been issued by a designated Management Authority, and where questions arise concerning the authenticity of documents or whether any required CITES finding (e.g., legal acquisition finding, non-detriment finding, etc.) has been made, consult with the Management Authority of the exporting or re-exporting Party to determine the validity of the documents.
7. Although these are fundamental elements of the Convention, they are not part of the process of verifying legal acquisition of specimens prior to the granting of a CITES document. As such, we believe that they are more appropriately included in Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*.

Recommendations

8. The Conference of the Parties is invited to adopt the revisions to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement* related to obligations of importing Parties and due diligence, contained in the Annex to the present document. The United States also proposes a number of minor editorial changes to the Resolution, which are also shown in the document in the Annex.

TENTATIVE BUDGET AND SOURCE OF FUNDING
FOR THE IMPLEMENTATION OF DRAFT RESOLUTIONS OR DECISIONS

According to Resolution Conf. 4.6 (Rev. CoP16) on *Submission of draft resolutions, draft decisions and other documents for meetings of the Conference of the Parties*, the Conference of the Parties decided that any draft resolutions or decisions submitted for consideration at a meeting of the Conference of the Parties that have budgetary and workload implications for the Secretariat or permanent committees must contain or be accompanied by a budget for the work involved and an indication of the source of funding.

The authors do not believe that the proposed amendments to Resolution Conf. 11.3 (Rev. CoP17) proposed in this document will have any additional budgetary or workload implications for the Secretariat.

Conf. 11.3

(Rev. CoP17)*

Compliance and enforcement

RECALLING the provisions of Article II, paragraph 4, which states that the Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention;

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 penalize trade in, or possession of, such specimens, or both; and to provide for the confiscation or return to the State 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;

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);

AWARE that, in the past, ~~several cases of~~ violation of the Convention has~~ve~~ 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 to allow~~ 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;~~

* Amended at the 13th, 14th and 15th, 16th and 17th meetings of the Conference of the Parties.

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;

RECOGNIZING that the *ICCWC Indicator framework for wildlife and forest crime* provides an important framework of indicators that cover the major components of a law enforcement response to wildlife and forest crime, for national level use by Parties to measure and monitor the effectiveness of their own law enforcement responses to these crimes;

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 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~~ specimens 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~~ requirements of 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~~ overwhelmed by 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 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, *The Future We Want*, 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;

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";

WELCOMING the Resolution on *Tackling illicit trafficking in wildlife* adopted by the United Nations General Assembly in July 2015, which reflects the heightened level of political concern over the devastating impacts of poaching and illegal trade in wildlife, and which, among others, calls for firm and strengthened national measures, and an enhanced regional and global response, including by strengthening legislation, providing for illegal trafficking in wildlife offences to be treated as predicate offences and taking steps to prohibit, prevent and counter corruption;

WELCOMING the Sustainable Development Goals adopted by the United Nations Sustainable Development Summit in September 2015, which call for the protection of wild fauna and flora as well as the ecosystems that they depend on, and specifically address tackling illegal trafficking in wildlife through specific Targets under Goal 15;

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 cannot 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;

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 in 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;

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; and

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

Obligations of importing countries: verifying the validity of CITES documents

1. REMINDS all Parties of their obligation to verify the validity of CITES documents accompanying shipments of CITES-listed specimens, including at a minimum:
 - a) ensuring that all of the information listed in Annex 1, *Information that should be included in CITES permits and certificates*, to Resolution Conf. 12.3 (Rev. CoP17) is included on the document;
 - b) ensuring that they do 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;
 - c) exercising due diligence when presented with a CITES permit or certificate, even if they believe it to have been issued by a competent authority, when they have a reason to believe that the specimens of CITES-listed species may not have been traded in accordance with the provisions of the Convention;

Exercising due diligence

2. RECOMMENDS that:

- a) if the Management Authority of the State of import or re-export has reason to believe that specimens of CITES species are traded in contravention of the laws of any country involved in the transaction, or has reason to believe that the specimen accompanied by a CITES document may not have been traded in accordance with the provisions of the Convention (e.g., when they have reason to believe that the specimen may not have been legally acquired, that the required non-detriment finding may not have been made, or that any other CITES-required finding may not have been made), it should:
 - i) immediately consult with the Management Authority in the country whose laws were thought to have been violated and, to the extent possible, provide that Management Authority with copies of all documentation relating to the transaction;
 - ii) where there is uncertainty with regard to the legal acquisition, the required non-detriment finding, or other required CITES finding, request the basis for the relevant determination;
 - iii) if after consulting with the Management Authority of the relevant State, the Management Authority of the State of import or re-export has not received satisfying information including regarding the basis for the determination that the specimen was legally acquired, or the required non-detriment finding or other required CITES finding has not be made, it should not authorize the import or re-export of the specimen concerned and should not issue an import permit or a re-export certificate;
 - iv) if there is no satisfactory response, call upon the assistance of the Secretariat, in the context of its responsibilities in Article XIII of the Convention and Resolution Conf. 14.3; and

- v) where possible, make use of the provisions of Article XIV, paragraph 1. a), of the Convention to take stricter measures with regard to that transaction; and

b) to ensure effective cooperation between CITES Authorities of different Parties, Management Authorities should be responsive to inquiries and cooperate with the Management Authorities of other CITES Parties on matters relating to the validity of CITES documents;

4.3. 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 source countries, including neighbouring countries, and to strictly verify the validity of documents originating from such countries with the respective Management Authorities; and

~~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~~

Regarding trade in Appendix II or III species

3.4. RECOMMENDS that, if any Party has reason to believe that an Appendix-I or -II species is being traded by another Party in a manner detrimental to the survival of that species, it:

- a) consult directly with the appropriate Management Authority;
- b) if there is no satisfactory response, call upon the assistance of the Secretariat, in the context of its responsibilities in Article XIII of the Convention and Resolution Conf. 14.3; and
- c) make use of the provisions of Article XIV, paragraph 1. a), of the Convention to take stricter measures as they see fit;

Regarding application of Article XIII

4.5. RECOMMENDS that:

- a) when, in application of Article XIII of the Convention and Resolution Conf. 14.3, the Secretariat requests information on a potential compliance matter, Parties reply within one month or, if this is impossible, provide within the month an approximate date by which they consider it will be possible to provide the information requested;
- b) when, within six months, 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 compliance matters concerning particular Parties are brought to the attention of the Secretariat, the Secretariat, in consultation with the Chair of the Standing Committee and as expeditiously as possible, work with the Parties concerned to try to solve the 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 compliance matters and of actions taken to solve them, and include such matters in its reports for meetings of the Standing Committee and the Conference of the Parties;

~~2. 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) 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;~~
 - ~~v) 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~~
 - ~~vi) 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 trade in Appendix II or III species~~

~~3. RECOMMENDS that, if any Party deems that an Appendix II or III species is being traded by another Party in a manner detrimental to the survival of that species, it:~~

- ~~a. consult directly with the appropriate Management Authority;~~
- ~~b. in the case of an Appendix II species, if there is no satisfactory response, call upon the~~

assistance of the Secretariat, in the context of its responsibilities in Article XIII of the Convention and Resolution Conf. 14.3 on *CITES compliance procedures*; and

- e. ~~make use of the provisions of Article XIV, paragraph 1. a), of the Convention to take stricter measures as they see fit;~~

Regarding application of Article XIII

4. 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, Parties reply within 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 six months, 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 compliance matters concerning particular Parties are brought to the attention of the Secretariat, the Secretariat, in consultation with the Chair of the Standing Committee and as expeditiously as possible, work with the Parties concerned to try to solve the 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 compliance matters and of actions taken to solve them, and include such matters in its reports for meetings of the Standing Committee and the Conference of the Parties;~~

Regarding enforcement activities of the Secretariat

~~5.6.~~ 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;

~~6.7.~~ 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 subregional law-enforcement agreements; and
- c) training and technical assistance to the Parties;

~~7.8.~~ URGES the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law-enforcement issues; and

8.9. DIRECTS the Secretariat to:

- a) pursue closer international liaison between the Convention's institutions, regional and subregional wildlife enforcement networks 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;
- b) submit a report on activities that have been conducted under the auspices of ICCWC at each Standing Committee meeting and each regular meeting of the Conference of the Parties and consult with the Standing Committee on the development of the ICCWC Programme of Work to ensure CITES Parties' needs are adequately addressed; and
- c) maintain the dedicated portal on ICCWC, in the official languages of the Convention, on the CITES website to enable Parties to identify the opportunities and support available through ICCWC;

Regarding communication of information and coordination

9.10. 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) Parties strengthen cooperation relating to enforcement measures implemented across range, transit and destination States to address illegal wildlife trade;
- h) 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;
- i) Parties that have not already done so consider nominating officials from relevant national enforcement and prosecuting agencies to participate in the ICPO-INTERPOL Wildlife Crime Working Group;
- j) Parties with existing detector-dog programmes share knowledge and experience with those Parties that may be interested in developing and implementing such programmes;
- k) Parties provide to the Secretariat, as appropriate, and in a manner that would not jeopardize any ongoing investigations or expose covert investigative techniques, detailed information regarding significant cases of illegal trade;

- l) Parties report on illegal wildlife trade under the reporting requirements agreed;
- m) Parties inform the Secretariat, when possible, about convicted illegal traders and persistent offenders;
- n) 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, and other wildlife and enforcement personnel who are confronted by heavily armed groups and exposed to serious risk of attack; and
- o) Parties raise awareness amongst military personnel, to sensitize them to the negative consequences of poaching and consumption of illegal wildlife products; and

40.11. DIRECTS the Secretariat to communicate quickly to the Parties information received in accordance with subparagraphs 9 k) and m) above;

Regarding e-commerce of specimens of CITES-listed species

44.12. 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; and

42.13. RECOMMENDS further that Parties and ICPO-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 ICPO-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;

Regarding compliance and control mechanisms

14. 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 training, status and authority equivalent to those of their counterparts in Customs and the police;
 - iv) ensure strict compliance and control with respect to 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;
 - v) 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
 - vi) 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) 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 additional actions to promote enforcement

~~43.~~15. 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 and scanning equipment as appropriate, in support of the detection of illegal wildlife shipments;
 - 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) encourage national agencies responsible for wildlife law enforcement to establish informer networks, or expand existing networks, to combat organized wildlife crime, in accordance with relevant legislation regulating such matters, including putting in place or maintaining strict procedures for managing covert human intelligence sources;
- c) affected by significant poaching of CITES specimens, or that have made a large-scale seizure of such specimens, reach out to the Secretariat to request the deployment of a

Wildlife Incident Support Team (WIST), should expert support be needed in the immediate aftermath of such an incident;

- d) promote and increase the use of wildlife forensic technology and specialized investigation techniques, such as controlled deliveries, in the investigation of wildlife crime offences;
- e) review and amend national legislation, as necessary and appropriate, so that offences connected to the illegal wildlife trade are treated as predicate offences, as defined in the United Nations Convention against Transnational Organized Crime, for the purposes of domestic money-laundering offences, and are actionable under domestic proceeds of crime legislation;
- f) implement national legislation to combat money laundering and facilitate asset forfeiture to ensure that criminals do not benefit from the proceeds of their crimes, stressing that effective prosecutions against money laundering linked to wildlife trafficking benefit from bringing together wildlife trade and money laundering expertise, including from financial intelligence units, as appropriate;
- g) make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, in accordance with their national legislation and Article 2 (b) of the United Nations Convention against Transnational Organized Crime;
- h) prosecute those involved in wildlife crime, in particular those identified as members of organized crime groups, under a combination of relevant legislation which carry appropriate penalties that will act as effective deterrents, whenever possible;
- i) make use of the different tools available through ICCWC, in particular the *ICCWC Wildlife and Forest Crime Analytic Toolkit* and the *ICCWC Indicator Framework for Wildlife and Forest Crime*, in order to strengthen enforcement-related aspects of the implementation of the Convention;
- j) whenever appropriate and possible, liaise closely with CITES Management Authorities and law enforcement agencies in consumer, source and transit countries to help investigate, detect, deter and prevent illicit trade in wildlife through the exchange of intelligence, technical advice and support;
- k) promote incentives to secure the support and cooperation of local and rural communities in managing wildlife resources and thereby combating illegal trade;
- l) where appropriate, evaluate and utilize for enforcement purposes, information from non-governmental sources while maintaining standards of confidentiality;
- m) consider the formation, at national level, of specialized wildlife-law enforcement units or teams;
- n) use the CITES Virtual College, which provides access to courses and training materials to build enforcement capacity;
- o) explore innovative means of increasing and improving national enforcement capacity;
- p) as appropriate, initiate intelligence-driven operations, and participate in the operations initiated at international level by organizations such as INTERPOL and the World Customs Organization, to mobilize resources and initiate targeted activities to combat wildlife crime; and
- q) 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;

44.16. DIRECTS the Secretariat to, subject to available resources:

- a. analyse, in collaboration with ICCWC partners, the annual reports on illegal wildlife trade;
- b. share with Parties information relating to the analysis to support further enforcement activities;

and

- c. submit a report at each meeting of the Standing Committee and the Conference of Parties based on the analysis and other relevant information available through ICCWC partners;
- ~~45.17.~~ 17. URGES the Parties and the donor community to provide financial support to ICCWC, to ensure that the Consortium can achieve its goals of bringing coordinated support to national wildlife law enforcement agencies and to subregional and regional networks, and of delivering capacity-building activities;
- ~~46.18.~~ 18. 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, preferably on a regional or subregional basis, on developing countries and countries with economies in transition and range States affected by illegal wildlife trade, and provide funds to ensure that wildlife-law enforcement personnel in such countries are adequately trained and equipped;
- ~~47.19.~~ 19. ENCOURAGES Parties to give priority to the enforcement of CITES and prosecution of violations of the Convention;
- ~~48.20.~~ 20. 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;
- ~~49.21.~~ 21. URGES ICPO-INTERPOL to support the attendance of a representative from its Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES;
- ~~20.22.~~ 22. INSTRUCTS the Secretariat to:
- a) cooperate with ICCWC partner organizations, regional and subregional wildlife enforcement networks, 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
- ~~24.23.~~ 23. 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*.

Annex 1

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	5. Identity of person(s) involved
<i>Note: Items 5.a to 5.l must be completed for each person involved</i>	<i>Note: Items 5.a to 5.l must be completed for each person involved</i>
a) Date of arrest	a)
b) Family name (& maiden name)	b)
c) First name(s)	c)
d) Sex	d)
e) Alias(es)	e)
f) Date and place of birth	f)
g) Nationality	g)
h) Address	h)
i) Information contained on passport or national ID Include numbers, place & date of issue, period of validity	i)
j) Profession	j)
k) If any, function in any of the companies mentioned in item 6	k)
l) Other information: Numbers of telephone, fax, vehicle, etc. plus subject's function in the offense (<i>courier, dealer, etc.</i>)	l)

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 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*)?

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)
- b)
- c)
- d)

9. Identification of documents used

10. Law enforcement agency

11. Modus operandi

12. Additional information

13. Information requested

Annex 2 Guidance for reporting and intelligence analysis

The 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; 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 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.

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 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)¹ systems allow for a secure and systematic exchange of information. Information and intelligence should always be disseminated through secure official channels in accordance with national legislation on privacy and sharing of sensitive and nominal information. 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 and the World Customs Organization. Distributing information and intelligence as widely as possible, where appropriate and relevant, should help promote feedback, inter-agency cooperation and the submission of more intelligence.

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

¹ <http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/cen.aspx>.

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. 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 illegal activity in relation to particular species, 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 illegally hunted, smuggled and traded species and those species most at risk from such illegal activities.

Forensic science results

To identify links between criminal 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; national or international routes used by smugglers to transport specimens and hotspots where transit routes of contraband, money or communication converge.

Markets

To identify places and countries where illegal specimens are sold and to profile likely traders or buyers.

Prices

To determine the value of specimens at different points in the supply chain, i.e. financial gain by the poacher, smuggler or trader, 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; 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.

Annex 3

Guidance for specialized wildlife law enforcement units

The role of specialized units in addressing issues relating to wildlife crime and illegal trade in CITES-listed species has been identified by the Conference of the Parties on a number of occasions. Resolution Conf. 11.3 (Rev. CoP16) 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 illegal trade. They are not listed in order of importance. Some elements will be of greater significance than others, depending on 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 essential for a specialized wildlife law enforcement unit 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 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 government officials.

Incentives

This issue is linked with *Parity* (see below) 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.

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.

Staff

Unit personnel should preferably be 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. 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 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 forest, fishery and wildlife departments, 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 ICPO-INTERPOL operational manual on *National Environmental Security Taskforces*¹.

Properly funded

The unit must have a budget commensurate with its activities. Budget control measures should be flexible enough to allow for an appropriate response to operational requirements. Specialized wildlife law enforcement units should be 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 considered in exceptional circumstances. When external funding from supporting donors is utilized for this purpose, it must be ensured that 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.

¹ See <http://www.interpol.int/Crime-areas/Environmental-crime/Task-forces>.

Size

Whilst this will be dictated by 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, in both a formal and an 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.

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 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. 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 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 ICPO-INTERPOL National Central Bureaus with appropriate regional and international law enforcement agencies and other relevant organizations, such as ICPO-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, 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.

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 might establish appropriate links with national and international non-governmental organizations (NGOs), private sector associations and other interested stakeholders that could offer relevant information, expert advice and assistance. It is essential, however, that their role should be restricted to support of the unit and that they 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 should not be allowed to undertake activities that rest more properly with government agencies, e.g. 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 accidentally intruding into the unit's own 'undercover' activities.