TRAFFIC
the wildlife trade monitoring network

Wildlife Law Enforcement and CITES

A TRAFFIC briefing document

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Effective enforcement action is critical if the goals of CITES and national wildlife trade laws are to be fulfilled

Introduction

CITES trade controls and national regulatory measures have been introduced principally as a response to serious conservation concern about over-exploitation of wildlife species. In most cases responsible traders and users adapt their practices accordingly to comply with relevant laws and regulations. However, sometimes the reaction to such regulatory measures is the development of illegal practices to circumvent trade controls and some even treaten the introduction of wildlife laws as new opportunities for illicit earnings.

Illegal trade is by definition a largely hidden activity that is very hard to document, so quantifying its overall scale and value is difficult. It bypasses mechanisms designed to ensure sustainability, avoids taxation and results in significant losses to local and national economies. For example, in 2001, around EUR60 million was lost to Caspian Sea range States due to illegal sturgeon fishing and trade, while illegal logging costs developing country governments an estimated EUR10-15 billion every year in lost revenue. In 2003 and 2004, enforcement authorities in the European Union made over 7,000 seizures involving more than 3.5 million CITES-listed specimens. In Tanzania, poor governance, rampant corruption, and illegal logging and trade led to royalty losses of US$58 million in 2004 and 2005.

As reported by the CITES Secretariat in review of this topic, illegal trafficking of wildlife increasingly involves organized criminal networks, sophisticated poaching and smuggling techniques, fraudulent trade permits, as well as corruption and violence towards enforcement officers. The emergence of large-scale illicit ivory shipments identified in the 2009 ETIS to CITES CoP15 are indicative of greater involvement of organized crime, while TRAFFIC research has shown that considerable levels of criminal activity are linked to the illicit trade in caviar. In September 2004, a smuggling syndicate dealing in reptiles and birds from Australia, South Africa and South East Asia was disrupted following raids in Australia, while in 2001 six people were convicted for their involvement in a million dollar cycad and orchid smuggling operation spanning the United States, Australia, South Africa and Zimbabwe.

Poaching for the illegal trade can have a significant impact on species populations - with scarcity of declining populations sometimes simply increasing the market values for animals, plants, parts and products in demand. In extreme cases, this becomes an over-whelming pressure on dwindling populations, for example those of rhinoceroses in southern Africa and tigers in Asia, and the costs of protection escalate as market forces, whether direct or speculative, drive increasingly sophisticated criminal behaviour.

Joyce Wu / \TRAFFIC

Ivory seized in Taiwan, July 2006

Pavel Fomeno / WWF

Tiger skin and bear paws seized on Russia-China border

Making law enforcement work for CITES

National and regional action

The international trade controls agreed by CITES member governments can only be effective if implemented and enforced effectively within each country under its own legal framework. Law enforcement in support of CITES at the national level is the responsibility of government agencies and institutions, but those managing such efforts inevitably have to compete for human and financial resources with others responsible for a wide range of other crime fighting priorities.

Typically, political attention and support for addressing illegal wildlife crime has been low. Although recognition of the problem is increasing, this has not been matched by increasing resources to combat this area of crime. However, there are some encouraging signs.

In 2006, the EU Council of Ministers urged the European Commission to explore ways to ensure imports of wildlife to the EU did not pose a risk to their survival, and called upon Member States to co-ordinate their efforts to enforce CITES regulations. The 2007 G8 meeting in Potsdam recognized the serious threats to biodiversity from illegal wildlife trade and leaders vowed to strengthen their co-operation to combat illegal activities within the framework of CITES and through effective partnerships between governments, international and non-governmental organizations (NGOs).

The development of regional wildlife enforcement networks can also help in improving responses to wildlife crime. There are several regional initiatives, including ASEAN-WEN (Association of Southeast Asian Nations - Wildlife Enforcement Network). This is an intergovernmental initiative between 10 Southeast Asian governments to combat wildlife crime. ASEAN-WEN is targeting illegal wildlife trafficking through a three-pronged strategic approach: building capacity of governments to combat illegal wildlife trade and dismantle key wildlife and nature crime syndicates operating in the region; strengthening networking; and raising public awareness and promoting civil society participation.

Global co-operation

The covert and sophisticated nature of illegal wildlife trade operations spanning several countries and regions across the globe makes such networks difficult to detect by national authorities. Combating such trade requires a multi-lateral approach, engaging national and international law enforcement experts including the CITES Secretariat, INTERPOL, UNODC (United Nations Office on Drugs and Crime) and WCO (World Customs Organisation) as well as national wildlife inspectorates, police and Customs, although there is a clear need for better resourcing for such agencies.

The newly established partnership between CITES, INTERPOL, UNODC, WCO and the World Bank to form the International Consortium on Combating Wildlife Crime (ICCWC) is a great step forwards. The development of a common strategy that all relevant agencies - governmental and non-governmental - can use in designing, developing, establishing and supporting coordinated approaches to wildlife law enforcement will greatly enhance law enforcement capacity at national, regional and international levels.

The Role of NGOs

The NGO community also has a vital role to play in supporting wildlife enforcement efforts. Civil society can provide information and facilitate dialogue and training for law enforcement officers, while recognizing enforcement action must remain in the hands of the appropriate agencies. The right balance between enforcement agencies and NGOs can work very well but it requires close co-operation within agreed boundaries.

Enforcement officers and TRAFFIC staff at a workshop on identification of reptiles in trade

TRAFFIC's commitment to supporting wildlife law enforcement action

Overall approach

TRAFFIC's support of government-led law enforcement action includes:

- providing reliable and objective information to enforcement agencies for follow-up;
- Wingdingslerting relevant agencies to emerging trade-related threats to wildlife;
- facilitating and supporting interagency and international dialogue; and
- communicating wildlife trade news and development to raise the issue on the global conservation agenda.

In providing information and expertise that can aid law enforcement agencies in carrying out their duties, TRAFFIC documents wildlife trade patterns and trends, facilitates dialogue between agencies mandated to enforce wildlife laws and works with government and academic institutions to enable CITES related training. By supporting networking between governments, TRAFFIC helps provide access to specialist knowledge and expertise for law enforcement agencies in combating illegal wildlife trade..

Information management tools

TRAFFIC operates a number of information management tools to provide support to enforcement action. Examples include:

- The CITES Elephant Trade Information System (ETIS) is a comprehensive information system to track illegal trade in ivory and other elephant products. Since the inception of ETIS in 1997, it has been managed by TRAFFIC on behalf of the CITES Parties. ETIS comprised 14,364 elephant product seizure records as of August 2009, representing law enforcement actions in 85 countries or territories since 1989.

- The European Union Trade in Wildlife Information eXchange (EU TWIX) system is a tool developed to facilitate information exchange and international co-operation between law enforcement officials across the European Union. This system was devised and established by the Belgian CITES Management Authority, the Belgian Federal Police, the Belgian Customs and TRAFFIC, and it is administered by TRAFFIC on behalf of the EU Member States. Information shared via the EU-TWIX system is accessible only to enforcement officials, and not to NGOs (including TRAFFIC's own staff). The EU-TWIX database centralizes data on wildlife trade seizures and currently holds over 26,000 data entries submitted by 26 EU Member States. The data are used for analysis of trends and emerging issues of concern for the benefit of EU enforcement officials. EU-TWIX also provides a system for immediate relay of information to assist in law enforcement via its electronic mailing list, to which over 470 enforcement officials are currently connected

By establishing and running systems such as EU-TWIX and ETIS, TRAFFIC has contributed to increasing the effectiveness and connectivity of regional enforcement networks, and helped to improve the understanding of trends in illegal wildlife trade.

International co-operation

TRAFFIC is a member of CAWT (Coalition Against WildlifeTrafficking) which seeks to raise awareness of and motivate collaborative action to address the growing threats to wildlife from poaching and illegal trade, and has both government and non governmental members. TRAFFIC is also a member of the Global Tiger Forum and TRAFFIC has contributed to the EU Enforcement working group meetings (under contract to the European Commission) where regular updates on illegal wildlife trade trends based on analysis of EU-TWIX data are provided to the EU Enforcement working group. Co-operation with the governments of the Association of Southeast Asian Nations (ASEAN) has been increased over the past five years helped by TRAFFIC's role as a partner, along with Freeland Foundation, in the USAID-funded support programme for the ASEAN Wildlife Enforcement Network (ASEAN-WEN).

Training

TRAFFIC has a strong programmatic focus on facilitating capacity building and training opportunities for government agencies, including law enforcement, to assist in combating illegal wildlife trade. Such assistance to law enforcement agencies has been called for repeatedly in CITES documents, most recently in CoP15 Doc. 25 Compliance and Enforcement, which urges (pg 8) non-governmental organizations to provide, as a matter of urgency, funds and

expertise to enable enforcement-related training or the provision of training materials.

In 2009, TRAFFIC co-organised usually with government authorities 50 workshops around the world, training more than 2000 people involved in combating wildlife crime. The personnel trained came from a diverse set of expertise, including Customs, Police, Coast guard, Quarantine service, CITES Management Authorities, Forest police, inspectors, prosecutors, fisheries, enforcement, the judiciary, vets and cargo handlers. Training was delivered in collaboration with experts from these jurisdictions, and covered South-east Asia, East Asia, South Asia, the EU, North and Central America, the Caribbean and Africa. Much of the training focused on the implementation of national laws and regulations of relevance to CITES and the trade dynamics of species involved in illegal trade.

In South Africa, TRAFFIC has worked in partnership with the University of Pretoria to develop the skills training programme for the Environmental Management Inspectorate and the course has been formally accredited by the University of Pretoria.

In the ASEAN region, TRAFFIC and its partners have organized 37 workshops for training 1,843 enforcement officers, in the period 2006 - 2009. In addition, TRAFFIC and its partners have produced comprehensive identification materials for use by law enforcement agencies throughout the region. In 2009, approximately 86 wildlife law enforcement actions were reported, including more than 140 arrests and seizures of illegal wildlife contraband with an estimated black market value of over US$41 million. Despite these successes, there is still much work to be done to ensure ASEAN-WEN is capable of maintaining the network independently.

In addition to ASEAN-WEN, TRAFFIC is involved in supporting the establishment of two other inter-governmental regional wildlife enforcement networks - in South Asia and Central America and in assisting the development of an enforcement action plan for Central Africa. These are in their initial stages of development.

Looking ahead
Effective enforcement action is critical if the goals of CITES and national wildlife trade regulations are to be fulfilled. Too often, dealing with wildlife crime is not afforded high priority by individual governments and multilateral agencies, despite their clear commitment to biodiversity conservation goals that will be met only if threats such as over-exploitation for trade are addressed effectively. Furthermore, the benefits for economies and communities that can flow from sustainable wildlife trade are too often lost to illegal trade and those involved in crime.

Solutions to wildlife enforcement concerns are in reach and there is little doubt that a great deal could be improved quickly if political will was mobilised, resource allocation increased and wildlife enforcement strategy and tactics improved. TRAFFIC is fully committed to assisting government and inter-governmenal efforts to address wildlife trade crime as a central part of its programme through specialized support activities.

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