



A CITES priority:

RED TAPE AND CLOSED DOORS:

Motivating inter-agency co-operation at national, regional and international levels, for effective enforcement of CITES

TRAFFIC and WWF briefing document
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CITES enforcement is still struggling to make an impact, often because barriers to inter-agency co-operation are undermining it. This fundamental CITES function is often not treated as a priority by governments and lacks impetus, resources and attention. The generally low awareness of or interest in CITES enforcement at the higher political level is a critical factor that perpetuates the problem. Many front line enforcers are doing their best to enforce CITES in spite of this challenge.

TRAFFIC



As CITES evolves and more is learnt about its implementation, one problem is clear - CITES enforcement is often significantly undermined by a lack of inter-agency co-operation at the national, regional and international levels. Ultimately, this chronic problem is prevalent because the high-level decision-makers, who instruct and equip the agencies responsible, are either not aware or are not concerned about the importance of inter-agency co-operation for CITES enforcement. CITES is not unique in this regard: inter-agency co-operation on enforcement for a range of environmental treaties and initiatives is also deemed low priority by governments. In fact, CITES is perhaps viewed as a lower priority than many other environmental concerns. It is critical that CITES enforcement is maintained as a priority, even if a low priority - being low priority is better than 'no priority'.

The manner in which lack of inter-agency co-operation is manifests itself varies between countries and the elements of CITES enforcement involved. For example, at the national level law enforcement officials in a country may be hampered by a lack of information on the latest developments in CITES, simply because the CITES Management Authority has not circulated CITES Notifications. Conversely, the recording of CITES trade data may be impeded by the enforcement agencies' lack of awareness or interest in returning copies of used CITES permits received at ports to the CITES Management Authority. These two examples are basic problems that are well known and stem from lack of resources, poor political will and lack of support and incentives for the agencies involved. In fact, both examples may be symptomatically linked due to lack of co-operation from both sides, with one problem exacerbating the other.

Of even greater concern, however, are problems that are much more complicated, including those relating to regional and international co-operation that have broad implications for effective enforcement of the Convention. Specific examples may include lack of cross-border co-operation to impact smuggling in CITES-listed specimens and failure to co-operate on enquiries concerning individual CITES shipments between particular exporting and importing countries.

'3Cs' of CITES

In recent years, a series of dialogue meetings, workshops and capacity-building initiatives have found, through needs assessment and discussion, that underpinning problems impeding effective CITES enforcement are **poor co-operation, co-ordination and communication** between agencies - the '3Cs' of CITES.

The '3Cs' of CITES:

1. Co-operation
2. Co-ordination
3. Communication

Many of the actions and recommendations from national and regional CITES meetings, such as the recent South Asia Wildlife Trade Diagnostic and Enforcement Workshops (Kathmandu, Nepal, 26-30 April 2004), specifically address ways to improve the '3Cs' of CITES. The CITES Enforcement Experts Meeting (Shepherdstown, USA, 2-5 February 2004), also concluded that there was insufficient liaison between CITES authorities and law enforcement agencies nationally. It also emphasised that information sharing regionally and internationally is insufficient.



UK prosecution case on birds of prey smuggled in suitcases from Thailand relied on enforcement co-operation between the two countries.

Furthermore, many of these discussions have emphasised strongly that the primary way to achieve change is to motivate political will to allocate resources, empower relevant agencies and develop policy and practical initiatives for co-operation.

The problems of poor co-operation mean that CITES enforcement is pursued in isolation, by 'island' agencies that are not supporting or being supported by their partners at national, regional and international levels. A destructive cycle of exclusiveness is eroding the effectiveness of CITES enforcement. This cycle needs to be broken and solutions need to be found now.

The Top Ten Impediments to Interagency Co-operation for CITES Enforcement:

1. Lack of authority to act
2. Lack of resources
3. Low or no priority for CITES Enforcement
4. Language barriers
5. Political barriers
6. Lack of contact information
7. No focal point responsibility
8. Lack of information and awareness
9. Bureaucratic 'red tape'
10. Legal barriers to information sharing

Common Problems

In order to stimulate political will for greater inter-agency co-operation it is important to understand and convey the problems that need to be grappled with, and emphasise their significance and potential solutions. The list of problems that are caused by lack of co-operation at national, regional and international levels is long and many are common to every region or country worldwide.

National

- Inadequate enforcement intelligence networks, caused by a lack of enforcement resources and impetus
- Lack of clarity in the roles and responsibilities of agencies within countries and sometimes unclear designation of the lead agency
- Paucity of information and barriers to sharing information between agencies
- Significant lack of awareness among enforcement agencies of wildlife laws

Regional

- Government agencies may not have the resources to be able to engage on regional co-operation protocols
- Complex geopolitical situations in regions generate barriers to co-operation
- Few effective formal or informal mechanisms for engagement at the regional level
- The driving force for change is lacking to push priority needs through to reality and action

International

- Lack of resources for networking and engagement to develop international co-operation
- Facilitation by international enforcement bodies is limited due to low priority
- Lack of clarity and awareness on the benefits of international co-ordination resulting in a reluctance to become engaged
- Logistical issues (such as distance and time zones), political differences, and language barriers impede co-operation

Being Positive and Strategic

Discussion on the '3Cs' of CITES enforcement has tended to focus negatively on the problems where co-operation is lacking. There is now a need to be more positive - learning from where the '3Cs' are working. Learning from and emulating positive approaches can be a first step to overcoming existing problems.

The processes that maintain CITES have only attempted, piecemeal, to deal with the real problem of actually making sure that CITES enforcement is working in practice, rather than in theory, through ever more intricate policy amendments. A strategic approach - making sure the basic fundamental practices of enforcement are working on the ground - would provide the basis from which to remedy this situation. Absolutely critical to success is the buy-in at the political level to authorize and fund such a strategic approach.

It is also important not to assume that CITES works best in developed countries, where there is higher level political interest and therefore the resources are more likely to be allocated to train, equip and



Enforcement cases involving high value commodities such as caviar, which are subject to CITES fraud and linked to organized crime, have received greater resources and stimulated inter-agency co-operation nationally and internationally. Such cases are given greater priority over lower value commodities of equal conservation status that are also subject to illegal trade.



assign dedicated officials. The issue of resource allocation by governments for CITES implementation is indeed largely a higher level political decision, grounded in the harsh realities of treasury budgets. However, ensuring co-operation is not quite as resource-dependent, or as politically motivated - this can be enhanced significantly (or even impeded) at any level, from the enforcer on the frontline to the politician in Cabinet. However, the only way ultimately to ensure that the '3Cs' are effective is to secure higher level commitment from senior officials in responsible agencies or through political sensitization.

Ways Forward?

Elements of the lessons learnt from many years of CITES capacity-building initiatives, research and dialogues clearly provide a solid basis for determining how to forge ahead. This can include promoting recommendations of best practice or incorporating an analysis of lessons learnt into the framework of policy mechanisms that shape CITES. One way forward could be to start by analysing all of the recommendations from such initiatives and using these to generate the required responses. There also has to be discussion and action on how CITES stakeholders can effectively communicate that the fundamental principles of the Convention are being undermined and enforcement is being hindered through breakdowns in inter-agency co-operation. The meetings of the Conferences of the Parties (CoPs) should, ideally, be the vehicle to bring these CITES stakeholders together to develop the solutions but there are few opportunities in the usual agenda that emerges. It is vital that experts are more effectively brought together at the CoPs to formulate approaches to strategically shape CITES in this regard, rather than experience the usual knee-jerk reactions to tackle the detail of immediate specific problems.

Regional and international co-ordination depends first on effective co-ordination within countries - tackling communications between the full range of agencies, with disparate and sometimes unclear roles and responsibilities within each country. Some of the ways forward to improve inter-agency co-operation are best understood by using existing examples of approaches taken.

National Level

- Agree a Memorandum of Understanding (MoU) between the relevant enforcement agencies (e.g. Customs, Quarantine, border authorities, Police) and the CITES Management Authority to define roles, communication channels and improve co-ordination. This MoU should be evaluated and reviewed on a regular basis to ensure effective collaboration. This approach has had positive results in China, for example.
- Establish points of contact in relevant agencies with responsibility for co-ordination and identify lines of communication and roles.
- Establish a centralized process for action to deal with seizures, collating and passing data to related agencies or nations, for a centralized analysis to advise priority enforcement action and policy development.
- Expedite sharing of non-public information between agencies where privacy laws will allow.
- Establish wildlife law enforcement committees at national and State/Provincial levels, such as the Partnership for Action against Wildlife Crime (PAW) in the UK.
- Set up a mechanism for regular enforcement co-ordination meetings at the field level to connect central and local levels of CITES enforcement and administration.
- Use existing structures to support co-ordination efforts, pushing CITES onto the agenda where necessary. Build on existing informal structures and make them formalised, particularly national networks and task forces to develop specialised / dedicated units within (and between) enforcement agencies. The Biodiversity Protection Unit in Sri Lanka Customs is a good example.
- Multi-agency wildlife enforcement units, such as the Wildlife Enforcement Group in New Zealand, provide effective integration between agencies (dedicated staff from Customs, Ministry of Agriculture and Forestry and Department of Conservation, working in one office) for action-based results.

The CITES COP13 Panel Discussion Event on "Willing Co-operation?"

The panel discussion event will be held at COP13 to discuss these issues and call upon the views and expertise of CITES delegates to help formulate solid solutions for change.

The panel members will represent a range of regions and roles, and they will speak to some key questions.

The participants will then be able to raise questions, discuss particular points and make recommendations about how to meet some of the challenges identified.

A summary record of the event will be produced and circulated at CoP13, with the intention to inform Committee II agenda discussions, particularly relating to agenda item 13.23 on Enforcement Matters.

TRAFFIC and WWF are organizing the 1.5-hour, lunchtime panel discussion event "Willing Co-operation: Motivating political will to ensure inter-agency co-operation at national, regional and international levels, for effective enforcement of CITES."

The event will be hosted and chaired by Defra, the UK CITES Management Authority. The event date and location will be confirmed at CoP13.



Caribbean UK Overseas Territories CITES Enforcement Training Workshop 2003. Workshops can generate greater interagency co-operation in the short term but they need to be built upon to be sustainable.

Regional Level

- Cross-border enforcement meetings at bilateral or multi-lateral levels, such as the Mekong Sub-regional meeting in 2004.
- Information sharing between countries within a region, with clear lines of communication. The wealth of information held within countries is often inaccessible to others and an access mechanism is required. This is partly the role of the Lusaka Task Force in East and Southern Africa.
- Countries should approach the secretariats of established regional economic co-ordination bodies to provide a regional platform for collaboration in CITES and intra-regional wildlife trade controls (e.g. the Association of South East Asian Nations (ASEAN) Experts Group on CITES).
- Establish Regional Wildlife Enforcement Networks for co-ordination that shares information, holds biannual meetings, develops goals and actions and reviews effectiveness. Designate formal or informal nodal enforcement points in relevant agencies to form the Network. The North American Wildlife Enforcement Group (NAWEG) is a good example of this sort of approach.

International Level

- Support and expand international initiatives focusing on CITES enforcement co-operation, such as the CITES Tiger Task Force and the Interpol Working Group on Wildlife Crime.
- Act immediately if another country seeks information to help the country on joint investigations. Common approaches to investigations and using enforcement focal points would assist this to occur.
- Develop dedicated anti-smuggling teams that are in close communication between key countries on international smuggling routes, to tackle the problems of international organized smuggling operations.
- Promote methods of best practice and sharing of experience between countries to bolster the effectiveness of approaches and government-to-government relationships.
- Improve mutual understanding and trust between countries as a basis for future collaboration through sharing information and providing a feedback mechanism for information shared.
- Promote bilateral engagements (such as dialogue meetings and training) between linked trading countries (evaluate effectiveness and implications of engagements).
- Identify international liaison points for rapid day to day interactions in each country to act as both international contact points, and to disseminate information to intra-country stakeholders.
- Capitalize on telecommunication advances to facilitate better co-ordination both in-country and internationally.

Political Will

These practical ways forward for more effective co-operation are unlikely to be achievable unless CITES, the agencies that implement and enforce it, IGOs, NGOs and interested stakeholders can work out how to motivate political will, and ensure that the vital components of inter-agency co-operation are functioning for effective enforcement.

While this briefing document focuses on motivating greater inter-agency co-operation, it cannot answer how to generate the political will be required to ensure that inter-agency co-operation is sustainable. The objective of the panel discussion event at CITES CoP13 is to explore the answers -and actions - that might be taken to motivate that political will to meet the challenge ahead. Potential solutions that could be discussed include:

- Developing political commitment through sensitizing high-level political figures through informal engagements (e.g. meetings with wildlife agency heads)
- Holding a high-level ministerial segment or meetings at CITES CoPs to bring the relevant government ministers together
- Using regional collaboration efforts to stimulate political will in other countries
- Educating government decision-makers about CITES and the conservation management concerns that underlie its purpose, and the benefits of positive publicity on CITES issues
- Using media, NGOs and other stakeholders to lobby for policy changes

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mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature, by conserving the world's biological diversity, ensuring that the use of renewable resources is sustainable and promoting the reduction of pollution and wasteful consumption.

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