

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

Forty-ninth meeting of the Standing Committee
Geneva (Switzerland), 22-25 April 2003

Interpretation and implementation of the Convention

MEASURES FOR IMPROVING LAW ENFORCEMENT COORDINATION BETWEEN IVORY
PRODUCING AND IVORY IMPORTING STATES

1. This document has been prepared by the Secretariat.
2. The Conference of the Parties, at its 12th meeting (Santiago, 2002), adopted the following Decision:

12.35 By its 49th meeting, the Standing Committee is encouraged to recommend measures for improving law enforcement coordination between ivory producing and ivory importing States.
3. The Standing Committee has not had an opportunity to consider any measures since the 12th meeting of the Conference of the Parties and the purpose of this document is to provide some suggestions as to how this subject can be dealt with.
4. The Secretariat presumes that Decision 12.35 is aimed at illicit trade, since the previous 'experimental' legal trade in ivory between Botswana, Namibia, Zimbabwe and Japan (conducted in 1999) had few, if any, implications for law enforcement. It believes that improved law enforcement coordination can best be achieved by increasing the exchange of information between Parties, particularly relating to seizures of ivory. The Secretariat has noted, especially during dialogue meetings of African elephant range State, that several range States expressed surprise at the number of occasions on which they featured in ETIS reports.
5. The Secretariat believes it is essential that Parties making seizures of ivory should, at an early stage, pass details of the seizure to the country of origin or re-export, when they can be identified. This should help identify smuggling routes, smuggling methods, couriers, dealers, processors, and perhaps even help identify those involved in poaching. It is also important that countries of origin or re-export which have intelligence relating to illicit trade, but which may be unable to intercept shipments within their own territories, make such intelligence available to likely countries of transit or destination.
6. The Secretariat believes that sufficient channels already exist through which such information can be communicated; such as ICPO-Interpol, the World Customs Organization, the Secretariat itself and regional law enforcement networks and agreements (the Lusaka Agreement Task Force, for example). It also believes, however, that insufficient use is made of such channels and that there is considerable room for improvement in the exchange of information.

7. The Secretariat is aware, through its efforts to assist in coordinating investigations into several cases regarding illicit trade in ivory, that the involvement of a variety of agencies (Police, Customs, National Parks Departments and CITES Management Authorities) can make coordination a challenge, both at national and international levels. For example, elephant poaching might be the responsibility of National Park staff who do not have ready access to the facilities of their country's Interpol National Central Bureau to send information abroad or they may not have the authority to undertake inspection work at ports where the smuggling of ivory is likely to occur. Moreover, national law enforcement organizations do not always advise their CITES Management Authorities of work they are undertaking. Often, all that is required to improve law enforcement is simply to increase communication between relevant agencies.
8. The Secretariat has previously supplied to the Parties advice from ICPO-Interpol regarding improving cooperation between Management Authorities and the Police. The World Customs Organization has also prepared a draft memorandum of understanding that can be used by Management Authorities and Customs authorities. In each, the basic advice is the opening and use of channels of communication.
9. The general subject of improving law enforcement coordination was discussed under agenda item 27 (Enforcement matters) at the 12th meeting of the Conference of the Parties and the following Decisions were adopted:
 - 12.88 *The Secretariat shall convene a meeting of experts, including representatives of the CITES Tiger Enforcement Task Force, ICPO-Interpol and the World Customs Organization, to: identify measures to improve the flow of enforcement-related data to and from relevant international, regional and national law enforcement organizations, CITES Management Authorities and the CITES Secretariat; to assist the coordination of investigations regarding violations of the Convention; and to help maintain appropriate levels of confidentiality regarding law enforcement information.*
 - 12.89 *The Secretariat shall report to the Standing Committee on the outcome of the meeting, so that recommendations may be made for consideration at the 13th meeting of the Conference of the Parties.*
10. It is hoped that such a meeting will be held in late 2003. The Secretariat believes that the outcome of the meeting should prove to be of benefit for improving law enforcement coordination between ivory producing and ivory importing countries.

Recommendation

11. The Secretariat recommends that the Standing Committee encourage ivory producing and ivory importing countries to improve law enforcement coordination through increased flows of information. Any recommendation of other measures should be postponed until the Secretariat reports on the outcome of the expert meeting.