

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



Fifty-eighth meeting of the Standing Committee
Geneva (Switzerland), 6-10 July 2009

Interpretation and implementation of the Convention

Compliance and enforcement

Enforcement matters

REPORT OF THE CITES ENFORCEMENT EXPERT GROUP

1. This document has been prepared by the Secretariat.
2. In compliance with Decisions 14.31, 14.33 and 14.72, adopted by the Conference of the Parties at its 14th meeting (The Hague, 2007), enforcement experts from each of the CITES regions of the world, comprising representatives of CITES Management Authorities, parks authorities, national and specialized wildlife crime units and bureaux, forensic scientists, prosecution authorities, the ASEAN Wildlife Enforcement Network, the CITES Falcon, Great Ape, Rhinoceros and Tiger Enforcement Task Forces, the Lusaka Agreement Task Force, the Interpol General Secretariat, the Interpol Wildlife Crime Working Group, the World Customs Organization and the CITES Secretariat, met in Ashland, Oregon, United States of America, from 8 to 10 June 2009. A list of participants is attached as Annex 3.
3. The observations and conclusions of the Group are presented below.

Decision 14.31

4. Having considered presentations from the United Nations University, the Federal Police of Belgium, Interpol, the World Customs Organization and the CITES Secretariat, the Group agreed that there continues to be a serious lack of data with regard to illegal trade in wildlife. This inhibits the ability of the law enforcement community to assess the seriousness of such trade, its scope and trends. The lack of data also inhibits the ability to develop strategies and responses at the national, regional and international levels.
5. The Group noted the Wildlife Enforcement Monitoring System (WEMS), which has been developed by the United Nations University. Whilst the Group agreed that WEMS appears to have considerable potential, it was concerned that the system has yet to be tested operationally. The Group was, therefore, reluctant to endorse WEMS at this time. It noted information from the UN University that WEMS is apparently to be adopted by the Government of India and looked forward to learning the results of its introduction at a national level. Since WEMS is being considered by ASEAN-WEN, there may also be an opportunity for its operation at a sub-regional level to be assessed.
6. The Group noted the success of EU-TWIX, a system that was established by the Government of Belgium, the European Commission and TRAFFIC. EU-TWIX has achieved a high rate of reporting of seizures of contraband wildlife throughout the European Union Member States. This provides for an accurate overview of illegal trade and a reliable analysis of data. EU-TWIX has also attracted engagement from some countries neighbouring the European Union and benefits from cooperation from the World Customs Organization. Aside from acting as a database for recording seizures of

illegally-traded wildlife, EU-TWIX also offers a restricted-access messaging system for the enforcement community, together with reference sections relating to forensic science and species identification support. The Group also noted the advantages in EU-TWIX's ability to facilitate the input of data 'remotely', thereby avoiding many of the labour-intensive difficulties that have been faced by other systems.

7. The Group was firmly of the opinion that EU-TWIX should be expanded to become a worldwide system. It encouraged the Government of Belgium and the European Commission to agree to such expansion. It noted that there would be financial implications in such an expansion but believed that the system's proven record of success would justify this. Representatives on the Group from regions other than Europe were convinced that their regions would welcome the opportunity to participate in a global-TWIX. The Group acknowledged that such a system required management and maintenance and noted that this work was currently conducted by a non-governmental organization, under contract to the European Commission. The Group believed, were EU-TWIX to be expanded, that this work should not be undertaken by a non-governmental organization but that it should rather be allocated to a suitable international and intergovernmental body, such as UNEP-WCMC.
8. It was recognized that, whilst a system such as EU-TWIX benefits from a 'remote' data-entry capability, there nonetheless remains a need for the database and other parts of the system to be managed on a routine basis. It was also acknowledged that it may not be practical or realistic to implement a worldwide system quickly. The Group believed that there may be scope for EU-TWIX to be expanded via the existing and forthcoming regional and sub-regional enforcement networks. It believed that, if agreement were reached for such a system, it would be logical for a working group to be established (perhaps at CoP15) to take this issue forward.
9. The Group noted the success of the Elephant Trade Information System (ETIS) but was not in favour of the creation of any further species-specific databases. If EU-TWIX could be expanded to capture worldwide data, there should be no need for additional species-specific data collection at the international level and it might also make some existing systems redundant.
10. The Group noted the low level of use of the Ecomessage, developed by Interpol and referred to in Notification to the Parties No. 2008/068 of 16 December 2008. The importance of the Ecomessage is that it facilitates the exchange and storage of nominal data (i.e. names of individuals and companies). The Group recommended that the Secretariat should issue another Notification, explaining the Ecomessage system in the following terms.

Given the international nature of much of environmental crime, international cooperation between national law enforcement agencies is vital if the criminals involved are to be successfully apprehended and deterred. With the Ecomessage system, data are entered into the Interpol database where they can be cross-referenced with other entries. The system has a number of important benefits:

- The cross-referencing of material can produce rapid and valuable feedback. For example, if a country reports via Ecomessage the arrest of a suspect, the Interpol database may produce information that the same suspect is wanted on similar charges in a different country, or indeed may have prior convictions to his or her name. Information on outstanding arrest warrants or prior convictions is of great interest and importance to prosecuting authorities. Furthermore, through Interpol's I-24/7 global police communications system, law enforcement officials on the ground will soon have immediate access to this information.*
- The Ecomessage form enables the reporting country to ask questions or make requests and, in doing so, encourages international cooperation between law enforcement agencies. For example, a Customs agency in one country may have seized contraband smuggled from a second country. The Ecomessage system allows the first country to enquire about the exporter or carrier in the second country. In the case of smuggled wildlife, the Ecomessage system also allows countries to address such issues as the repatriation and preservation of the seized wildlife specimens.*

- *Information collected by Ecomessages and entered into the database allows Interpol's criminal analysts to study the data and begin to discern such information as the structure, extent and dynamics of international criminals and organizations involved.*
- *Increased submission of Ecomessages is also needed to raise awareness of criminal activity and they should always be submitted in relation to incidents involving Appendix-I species or other significant illegal trade as determined by Parties. The Ecomessage should be considered as a valuable enforcement tool in combating illegal trade.*

Decision 14.72

11. The Group believed that, if EU-TWIX can be expanded, it would serve as a mechanism to monitor and evaluate the scale and nature of illegal trade in Asian big cats. It saw no need, therefore, to propose any specific system for Asian big cats. The Group agreed that these views should be communicated to tiger range States at the conservation strategy workshop that is planned to take place in Nepal later in 2009.

Decision 14.33 a) i)

12. The Group reviewed the conclusions reached at its meeting in 2004 and found them to be generally still relevant. It then reviewed the recommendations from 2004 as follows (the Group's statement from 2004 is attached as Annex 1).

- a) It was thought that there was now a greater appreciation of the seriousness of wildlife crime and, in some countries, considerable progress had been made in achieving support from policymakers and enacting new legislation. It was noted that this was common in countries that had established national or specialized enforcement units. Whilst progress was welcomed, the Group believed there was no room for complacency.
- b) The Group noted that no progress whatsoever had been made in the implementation of this recommendation, which remained highly relevant.
- c) The Group recommended that the Practical Guide be reviewed and re-published. It noted that the Forensics Laboratory had undertaken several training initiatives but the number of Parties submitting evidence for examination remained low and this important source of support to the CITES community was under-utilized.
- d) The Group noted that the number of Parties that have submitted contact details remained disappointingly low.
- e) This recommendation remained relevant and the Group also encouraged representation at meetings of the Conference of the Parties by staff of the Interpol General Secretariat.
- f) This recommendation was noted to be redundant.
- g) This recommendation remained relevant. The Group noted the success of Project Oasis (Interpol's capacity-building initiative in Africa), and believed it should be expanded to other parts of the world. It expressed concern regarding the delivery of enforcement-related training by non-governmental organizations and believed that this should only be conducted by suitably experienced enforcement officers. It encouraged the creation of a list of such persons who could act as trainers. It also noted a lack of coordination in the delivery of training and observed that unnecessary duplication occurred. The Group encouraged those organizing training to advise the CITES Secretariat, so that it could include details of any courses in the CITES Calendar section of its website.
- h) This recommendation remained relevant but the Group was unable to determine how such an association could be established.

- i) The Group welcomed the fact that there were currently two officers working full-time on wildlife crime issues but expressed concern that these positions relied upon external funding and were not permanent.
 - j) This recommendation remained relevant.
13. The Group noted the development, since its last meeting, of regional and sub-regional wildlife enforcement networks and encouraged this to continue around the world. It welcomed news that Arabian-WEN was in the process of being established.

Decision 14.33 a) ii)

14. The Group reviewed information that had been received from Australia, Germany, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Commission. It noted that several excellent examples of various approaches to enforcement action plans were available, including national enforcement plans, regional action plans, national risk assessments and strategic assessments. Since some of these examples contained information of a restricted nature, it encouraged interested Parties to contact the relevant country direct. The Group found particularly useful a checklist of actions that had been developed by TRAFFIC for the Wildlife Trade Enforcement Group of the European Union and was also impressed by the work undertaken by the Government of Scotland to review the prevention, investigation and prosecution of wildlife crime.
15. The Group prepared a template for use by Parties considering establishing national task forces or specialized units and this is attached as Annex 2. The Group wished to remind the Parties that Resolution Conf. 11.3 (Rev. CoP14) (Compliance and enforcement) recommended the formulation of national and regional action plans.

Other matters

16. The Group reviewed a draft checklist of questions and advice, intended to be used when smugglers of wildlife are intercepted, which had been prepared by a project team of the Interpol Wildlife Crime Working Group. It encouraged the CITES and Interpol Secretariats to finalize the list and make it available as soon as possible.
17. In looking to the future, the Group recognized that matters such as climate change and deforestation were having increasingly adverse impacts upon populations of animals and plants and that, consequently, combating illegal trade remained a highly important element in the various approaches to natural resource conservation, if threatened species were not to move closer to extinction. The Group also recognized, however, that enforcement alone would never be sufficient and that it must be applied alongside issues such as education, awareness raising, demand reduction, community involvement, etc.
18. The Group noted a report that had been received from a non-governmental organization, the Environmental Investigation Agency. This focused, to a considerable extent, on illegal trade in specimens of Asian big cat species. The Group welcomed the submission and encouraged the CITES Secretariat to take account of the submission as it prepared for the tiger conservation strategy workshop, expected to be convened in Nepal later in 2009.

Final remarks

19. The Group was of the opinion that two items that it had discussed deserved high priority. Firstly, the need to establish a database that could provide an overview of illegal trade in wildlife worldwide. This was long overdue. Various bodies have attempted to capture such data but with limited success to date. Of existing databases, EU-TWIX appeared to be the most successful and to have achieved the greatest level of engagement from potential contributors. Consequently, it was the model that the Group recommended.
20. Secondly, international level support to and coordination of the enforcement community needed to be increased. In particular, the CITES Secretariat should have more staff dedicated to these activities.

21. The CITES Enforcement Expert Group concluded its work by recording its appreciation to the Governments of the United Kingdom and the United States of America and to the European Commission, which had contributed financially or logistically to the convening of its meeting.

2004 statement of the CITES Enforcement Expert Group

In compliance with Decision 12.88 adopted by the Conference of the Parties at its 12th meeting (Santiago, 2002), enforcement experts, including representatives of CITES Management Authorities, the CITES Tiger Enforcement Task Force, Customs authorities, fishery protection authorities, intelligence agencies, the Interpol Wildlife Crime Working Group, the Lusaka Agreement Task Force, police and wildlife authorities, from each of the CITES regions of the world, met in Shepherdstown, West Virginia, United States of America, from 2 to 5 February 2004. The meeting resulted in the following statement.

CONSIDERING that, from 2 to 14 October 2005, the 13th meeting of the Conference of the Parties will be held in Bangkok, Thailand;

RECALLING Resolution Conf. 11.3 (Compliance and enforcement) adopted at the Conference of the Parties at its 11th meeting (Gigiri, 2000), especially the following paragraphs from its preamble;

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

...

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

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

CONSCIOUS that its discussions related to the combating of illegal trade in wild fauna and flora and not to compliance with the provisions of the Convention;

THE CITES ENFORCEMENT EXPERT GROUP

CONCLUDES that:

- a) illegal trafficking of wild fauna and flora continues to be a matter of great concern, which increasingly involves organized crime and organized criminal networks using sophisticated poaching and smuggling techniques, the fraudulent use of permits and certificates, corruption of relevant officials, threats and violence towards enforcement personnel, and that insufficient attention is being given to this subject by the Parties;
- b) many CITES Management Authorities are not suitably resourced or experienced to address illegal trafficking of wild fauna and flora and that this challenge must be combated by adequately staffed, trained and equipped professional law enforcement officers and agencies;
- c) insufficient liaison occurs between and among national CITES authorities and national wildlife law enforcement agencies to coordinate the efforts of Parties to combat illegal trafficking of wild fauna and flora. In particular, there is insufficient dissemination of enforcement-related information, such as CITES Alerts and Notifications to the Parties;
- d) insufficient consultation is made with relevant national, regional and international law enforcement agencies prior to meetings of the CITES technical committees and the Conference of the Parties, which may lead to the adoption of resolutions and decisions that are difficult or impossible to enforce; and
- e) insufficient information regarding illegal trade is being exchanged at national, regional and international levels and that the majority of Parties are failing to implement the recommendations

relating to the provision of information and support to the Secretariat outlined in Resolution Conf. 11.3; and

RECOMMENDS that:

- a) the Parties recognize the seriousness of illegal trade in wild fauna and flora and identify it as a matter of higher priority for their national law enforcement agencies. In particular, wildlife law enforcement officials should have parity in training, status and authority with their counterparts in Customs and police;
- b) the Parties, inter-governmental and non-governmental organizations implement the recommendations in Resolution Conf. 11.3 with regard to the provision of financial support to the Secretariat to enable the appointment of additional officers to work on enforcement-related matters, to assist in the development of regional law-enforcement agreements and to provide training and technical assistance to the Parties;
- c) the Parties review and, where appropriate, implement or use the following enforcement-related information distributed by the Secretariat, ICPO-Interpol, the CITES Tiger Enforcement Task Force and the World Customs Organization:
 - the Practical Guide for National Central Bureaux and CITES Management Authorities;
 - the draft Memorandum of Understanding for Customs Authorities and CITES Management Authorities;
 - the Guidance of the CITES Tiger Enforcement Task Force distributed in Notification to the Parties No. 2001/047 of 9 July 2001; and
 - the availability of forensic science support from the Clark R. Bavin National Fish and Wildlife Forensics Laboratory of the U.S. Fish and Wildlife Service, such as is described in Notification to the Parties No. 2002/075 of 19 December 2002;
- d) the 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;
- e) the Parties that have not already done so consider nominating officials from relevant national enforcement agencies to participate in the Interpol Wildlife Crime Working Group and that this group be represented at meetings of the Conference of the Parties;
- f) the Parties, inter-governmental and non-governmental organizations provide funds to enable the Secretariat to organize regular meetings of the CITES Tiger Enforcement Task Force, to enable its initial work to continue and to aid the development of networks that are considered vital to the exchange of information, coordination of international investigations and maintenance of confidentiality of law enforcement information. Consideration should also be given to expanding the remit of the Task Force, when appropriate, beyond issues relating to Asian big cats;
- g) the Parties, inter-governmental and non-governmental organizations provide funds and expertise to enable enforcement-related training or the provision of training materials, which is urgently needed in many developing countries and countries with economies in transition, preferably on a regional or sub-regional basis, and provide funds to ensure that wildlife law enforcement personnel in such countries are adequately trained and equipped;
- h) an international association of wildlife law enforcement officers be established, to assist the dissemination of technical advice and information to wildlife law enforcement staff;
- i) a dedicated officer specializing in wildlife crime be appointed, seconded or funded within the ICPO-Interpol General Secretariat in Lyon, France; and
- j) national law enforcement agencies, as allowed by national legislation, share information collected during investigations of illegal trafficking in wild fauna and flora among the enforcement agencies of

the Parties to detect, investigate and prosecute violators. Where appropriate, the ECOMESSAGE (described in Notification to the Parties No. 966 of 7 March 1997) should be used.

Steps recommended for developing a Wildlife Trafficking Interdiction and Enforcement Action Plan

By the CITES agency:

1. Identify the agencies who would be stakeholders in addressing these issues:
 - Agency containing the CITES Management Authority and Scientific Authority
 - Agency with authority to investigate CITES violations
 - Agency with authority to investigate non-CITES wildlife violations (Customs violations involving wildlife)
 - Agency with authority to prosecute CITES and non-CITES wildlife violations
 - Agency containing the Interpol National Central Bureau
2. Invite a single member of each representative agency to a “scoping committee” meeting to discuss creation of a Wildlife Crime Enforcement And Prosecution Unit or task force. The agenda for the initial scoping committee meeting should include:
 - National or provincial legislation addresses transnational illegal wildlife trafficking, including:
 - CITES violations
 - Non-CITES wildlife import/export wildlife violations
 - NGOs present in-country who are knowledgeable and reliable
 - Existing regional structures (like Lusaka Agreement Task Force, ASEAN-WEN) to which a task force might wish to relate
 - Terms of reference for a Task Force comprising relevant government agencies
 - Initial prioritization of national illegal wildlife trade issues
3. Develop Terms of Reference for a Wildlife Trafficking Interdiction and Enforcement Task Force

Suggested priorities:

- Investigation and enforcement priorities
 - Intelligence gathering and sharing
 - domestically
 - internationally, via Eco-message, TWIX, etc.
 - task and pay someone to be the national wildlife trade database curator
 - Capacity Building
 - domestic and international training
 - Cooperation and communication
 - among domestic agencies
 - with policy-makers
 - with existing regional structures
 - outreach to the public
 - Funding
4. Schedule first meeting of the Task Force to include:
 - “NGO day”
 - ratification of Terms of Reference
 - adoption of priorities

CITES Enforcement Expert Group

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