

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



Nineteenth meeting of the Conference of the Parties
Panama City (Panama), 14 – 25 November 2022

Interpretation and implementation matters)

General compliance and enforcement

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat.

Background

2. In paragraph 22 b) of Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and enforcement*, the Conference of the Parties instructs the Secretariat to:
 - b) *submit a report on enforcement matters at each Standing Committee meeting and each regular meeting of the Conference of the Parties;*
3. In paragraph 13 a) and b) of Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*, the Conference of the Parties requests the Secretariat:
 - a) *to continue to report credible allegations of corrupt practices, or the results of its own investigations that lead to credible suspicions of corruption, to the relevant national authorities and intergovernmental entities; and*
 - b) *to include relevant information on such instances, and the outcome of investigations, in its report on enforcement matters to each Standing Committee meeting and each regular meeting of the Conference of the Parties, together with details of any anti-corruption activities the Secretariat has undertaken, along with its activities in implementation of Article XIII of the Convention;*
4. In the same Resolution, paragraphs 14 and 15, the Conference of the Parties:
 14. *REQUESTS the Standing Committee to take note of instances of corruption affecting the implementation or enforcement of the Convention and, where appropriate, make recommendations to the Parties concerned and to the Conference of the Parties on ways in which it may be combated more effectively, whilst also considering possible actions that the Committee itself might take under Resolution Conf. 14.3 (Rev. CoP18); and*
 15. *REQUESTS the Standing Committee with support from the Secretariat, to ensure close cooperation of CITES with UNCAC and UNTOC.*
5. At its 18th meeting (CoP18, Geneva, 2019), the Conference of the Parties adopted Decisions 18.77 and 18.78 on *Enforcement*, as follows:

Directed to the Parties

- 18.77** *Parties are encouraged to actively pursue and promote the use of the Integrity Guide for Wildlife Management Agencies to strengthen responses to and overcome the risks and challenges posed by corruption.*

Directed to the Secretariat

- 18.78** *The Secretariat shall, subject to external funding, work with the United Nations Office on Drugs and Crime (UNODC) and other partner organizations within the International Consortium on Combating Wildlife Crime (ICWC) to promote the use of the Integrity Guide for Wildlife Management Agencies and to, upon request, support Parties in implementing activities and measures to address the risks and challenges posed by corruption.*

6. The present document provides information on activities conducted regarding the implementation of the Resolutions and Decisions outlined in paragraphs 2 to 5 above, as well as other enforcement related matters.

Resolution Conf. 11.3 (Rev. CoP18)

7. Due to the COVID-19 pandemic, the 73rd meeting of the Standing Committee was convened online (SC73, online, May 2021) with a reduced agenda that did not include enforcement matters. The Secretariat prepared document [SC74 Doc. 33.1](#) on *Enforcement matters* for the 74th meeting of the Standing Committee (SC74, Lyon, March 2022).
8. In its SC74 document, the Secretariat highlighted numerous resolutions and declarations addressing wildlife crime adopted at the highest political levels since CoP18 and reported on the activities conducted to implement the Resolutions and Decisions outlined in paragraphs 2 to 5 above. The Standing Committee noted the document and welcomed the resolutions and declarations adopted in different fora since CoP18, in support of addressing wildlife crime. The Committee encouraged Parties to actively pursue the implementation of the commitments made by United Nations (UN) Member States in these fora.
9. Momentum to prevent and address wildlife crime have continued since SC74 and the Secretariat was pleased to participate in and contribute to the second High-Level Conference of the Americas on Illegal Trade in Wildlife convened in Colombia in April 2022.

Resolution Conf. 17.6 and implementation of Decisions 18.77 and 18.78

10. Corruption continues to pose a challenge in the context of addressing wildlife crime. This is demonstrated by the attention afforded to it in the resolutions and declarations adopted in different fora since CoP18. It is further exemplified by incidents that continued to occur since CoP18, some of which were highlighted in document SC74 Doc. 33.1. Further incidents occurred in the period since SC74: for example, the [arrest of two field rangers](#) in April 2022 for allegedly sharing tactical information with rhinoceros poaching syndicates in exchange for money. These incidents underscore the importance of measures and activities undertaken by Parties to prevent and combat corruption associated with wildlife crime. While such incidents are regrettable, it is encouraging to see that in many of the cases where corrupt activities were exposed, action was taken against the individuals involved.
11. It is essential for Parties to ensure that corruption risk mitigation policies and strategies, as well as collaboration mechanisms are in place between CITES and anti-corruption authorities. This will reduce opportunities for corrupt practices to take place and facilitate swift and decisive action where corrupt conduct is detected. In this regard, the Secretariat proposes draft decision 19.AA as presented in Annex 1 to the present document.
12. As required by Resolution Conf. 17.6, the Secretariat continues to address credible allegations of corrupt activities that come to its attention with the Parties concerned in order to ensure that such allegations are followed up on and investigated by national authorities. In August 2019, the Secretariat formally wrote to Ghana regarding allegations of corruption related to illegal rosewood (*Pterocarpus erinaceus*) trade from that Party. The Secretariat requested that these allegations be investigated and that the results of investigations be reported to the Secretariat. In October 2019, the Party responded to the Secretariat, informing about the establishment of a seven-member Committee to investigate the corruption allegations. The Secretariat submitted further correspondence to the Party, and in the absence of a response from Ghana, the Secretariat subsequently provided information to the UN Environment Programme World

Conservation Monitoring Centre (UNEP-WCMC) to take into consideration in the preparation of the report on the international trade in *Pterocarpus erinaceus* available in the Annex to document PC25 Doc. 15.5 on *Inclusion of Pterocarpus erinaceus from all range States in the Review of Significant Trade*, considered by the Plants Committee at its 25th meeting (PC25, online, June 2021). As detailed in the *Range state reviews* included in the Annex to document PC25 Doc. 15.5, the Ghana news agency reported that the Committee established in Ghana shared its findings with the Minister of Land and National Resources of Ghana in January 2020, noting that it did not have adequate evidence to establish corruption cases against any officials of government. At PC25, the Plants Committee agreed to categorise Ghana as one of the *Pterocarpus erinaceus* range States to be included in the Review of Significant Trade process as Party for which action is needed (see summary record [PC25 SR](#)).

13. In the context of Decisions 18.77 and 18.78, several activities have been undertaken or are ongoing as part of the implementation of the ICCWC Strategic Programme and UNODC's broader programme on combatting corruption. For example, in Kenya, the Kenya Forest Service worked closely with UNODC on the identification of risk mitigation strategies; on the development of three policy documents aimed at guiding the institutions' strategy in preventing, combating, and reporting corruption and on the establishment of a toll-free hotline number to report corrupt activities. The [policy documents](#) developed include a Corruption Prevention Policy, Code of Conduct and Ethics and Whistle Blowing Policy.
14. More detailed information on the work conducted can be found in the [ICCWC Annual Report 2020](#) and a research paper entitled [Preventing and combating corruption as it relates to crimes that have an impact on the environment](#) prepared by UNODC. Activities conducted included supporting Parties in the undertaking of anti-corruption risk assessments; supporting the implementation of identified risk mitigation strategies; and the implementation of key tools such as: [Scaling Back Corruption: A guide on addressing corruption for wildlife management authorities](#) and [Rotten Fish: A guide on addressing corruption in the fisheries sector](#). A guide on [Rooting out Corruption: An introduction to the corruption that fuels forest loss](#) is also at the time of writing being developed by UNODC.
15. The Secretariat continues to support the efforts of Parties to address corruption and mitigate corruption risks. In April 2022, as part of the work undertaken by UNODC in the [Democratic Republic of the Congo](#), the Secretariat supported and contributed to a [corruption risk assessment workshop](#) organized by UNODC in collaboration with the Department of National Parks in Thailand. Due to the ongoing nature of the work of the Secretariat and ICCWC partners to support Parties in strengthening their responses to corruption associated with wildlife crime, the Secretariat proposes an amendment to paragraph 6 of Resolution Conf. 17.6, as presented in Annex 2 to the present document.
16. The Secretariat also continued its engagement in various fora to facilitate cooperation and engagement between CITES, the United Nations Convention against Corruption (UNCAC) and the United Nations Convention against Transnational Organized Crime (UNTOC), as required by Resolution Conf. 17.6. In October 2020, the Secretariat participated online in the tenth session of the Conference of the Parties to UNTOC, at which a [Resolution on Preventing and combating crimes that affect the environment falling within the scope of the UNTOC](#) was passed. The Secretariat also delivered a presentation at a side event entitled *Wildlife Crime in the Spotlight: Recent trends and policy implications*, convened by UNODC in the margins of the meeting. The Secretariat further contributed to the intersessional meetings of the Conference of the States Parties to the UNCAC on preparations for the [Special Session of the General Assembly against Corruption 2021 \(UNGASS\)](#), which took place in June 2021, and submitted a [contribution](#) for the UNGASS. The Political Declaration adopted by the UNGASS was [welcomed](#) by the Secretariat and is directly relevant to Resolution Conf. 17.6, which stresses that failure to prohibit, prevent, and counter corruption which relates to the implementation or enforcement of CITES greatly undermines the effectiveness of the Convention. Further, the Secretary-General of CITES delivered a statement online during the high-level segment of the [14th United Nations Congress on Crime Prevention and Criminal Justice](#) held in Kyoto, Japan, in March 2021. The Secretary-General highlighted the need to address wildlife crime as a serious transnational organized crime, and that strengthened international collaboration and coordination in the fight against wildlife crime is essential. The Commission on Crime Prevention and Criminal Justice (CCPCJ), as the follow-up body for the United Nations Crime Congresses, at its thirtieth session in May 2021, adopted a Resolution on [Preventing and combating crimes that affect the environment](#), which was subsequently adopted by the Third Committee of the General Assembly. The Resolution recognizes the legal framework provided by and the important role of CITES as the primary mechanism for regulating international trade in CITES-listed species, as well as the important role of inter-agency collaboration such as through the ICCWC, to effectively prevent and combat wildlife crime. It calls upon Parties to strengthen crime prevention and criminal justice responses against crimes that affect the environment, including against corruption and money laundering related to such crimes. Paragraph 15 of the Resolution called upon the CCPCJ to hold expert discussions on preventing and combating crimes that affect the environment with a view to discussing

concrete ways to improve strategies and responses to effectively prevent and combat these crimes and to strengthen international cooperation at the operational level on this matter. In February 2022, the Secretariat contributed to the [expert discussions](#), during which the CITES Secretary-General delivered a [keynote address](#) and Secretariat representatives provided inputs to the expert discussion thematic sessions on *Preventing crimes that affect the environment*, *Combating crimes that affect the environment* and *Strengthening international cooperation to address crimes that affect the environment*.

Money-laundering and illicit financial flows from wildlife crime

17. The need to scale up efforts to address illicit financial flows from wildlife crime is evident. A report entitled [Illegal Logging, Fishing and Wildlife Trade: The Costs and How to Combat It](#), launched by the World Bank with support from the Global Environment Facility-funded Global Wildlife Program in November 2019, estimated the annual cost of these illegal activities to amount to \$1 trillion to \$2 trillion, and stated that Governments in source countries forego an estimated \$7-12 billion each year in potential fiscal revenues that are not collected due to illegal logging, fishing, and, in some instances, wildlife trade. The report noted that international criminal organizations exploit low-risk, high-reward opportunities to conduct the multibillion-dollar illegal trade that is comparable in economic value and global scope to human and drug trafficking.
18. At its 73rd session in September 2019, the United Nations General Assembly (UNGA) adopted a Resolution on [Tackling illicit trafficking in wildlife](#). The Resolution, [welcomed](#) by the Secretariat, includes numerous references to CITES and recognize the outcomes of CoP18. It reinforces the focus on key areas in the fight against illicit trafficking in wildlife; encourages UN Member States to take appropriate measures to enforce the provisions of CITES; calls upon Member States to integrate, as appropriate, the investigation of financial crimes linked to wildlife trafficking into wildlife crime investigations, and to increase the use of financial investigation techniques and public private collaboration to identify criminals and their networks.
19. The [Kyoto Declaration](#) adopted at the 14th United Nations Congress on Crime Prevention and Criminal Justice in March 2021 emphasizes the importance of making the best possible use of relevant international instruments. It calls for the strengthening of legislation, cooperation, and law enforcement efforts aimed at dealing with money-laundering linked to wildlife crime, and illicit financial flows derived from such crimes, while acknowledging the need to deprive criminals of proceeds of crime.
20. On 23 July 2021, the UNGA adopted a new Resolution on [Tackling illicit trafficking in wildlife](#). This Resolution reaffirms and builds upon other Resolutions on this topic adopted by the UNGA in [2015](#), [2016](#), [2017](#) and [2019](#). The Resolution, [welcomed](#) by the Secretariat, places a strong emphasis on the link between wildlife crime and financial crime and calls upon Member States to integrate financial crime investigations into wildlife crime investigations.
21. Since CoP18, the Secretariat has strengthened its engagement and collaboration with the Financial Action Task Force (FATF), as a global standard setting body on anti-money laundering and counter-terrorism financing, and the Egmont Centre of Financial Investigations Unit Excellence and Leadership ([ECOFEL](#)). Considering the involvement of transnational organized crime groups in crimes affecting the environment, and the scale and nature of these crimes, the engagement of bodies such as the FATF and ECOFEL in the fight against wildlife crime is essential.
22. The Secretariat contributed to various FATF reports on addressing illicit financial flows from environmental crime, including illegal logging and wildlife trafficking. These reports identify methods that criminals use to launder proceeds from environmental crime and provide guidance to Parties, relevant authorities and the private sector on the measures they can take to combat money laundering from the illegal wildlife trade. The FATF report and handouts on [Money Laundering from Environmental Crime](#), and the reports on [Money Laundering and the Illegal Wildlife Trade](#) and [Trade-Based Money Laundering: Risk Indicators](#), are available to Parties through the CITES Secretariat website [Enforcement webpage](#). In December 2021, the CITES Secretary-General delivered a [keynote address](#) during an online [FATF High-Level Conference on Environmental Crime](#) hosted by Germany, in which over 100 senior experts from the public, private, not-for-profit sectors and academia participated. In April 2022, FATF Ministers adopted a [Declaration](#) in which they reaffirm that illegal financial flows erode the integrity of the international financial system; undermine sustainable and inclusive growth; and fuel crime, terrorism, corruption and the destruction of the environment.
23. The Secretariat supported and contributed to workshops initiated by ECOFEL as part of their project on Financial Investigations in Wildlife and Forestry Crime (FIWFC). The Secretariat participated in person in a workshop hosted in Bangkok, Thailand, in March 2020, and in a workshop hosted online by ECOFEL in June 2020. The overarching objective of the FIWFC project is to reduce illicit financial flows linked to wildlife crime

by involving financial intelligence units (FIUs) in investigations related to these crimes. The related [Financial Investigations into Wildlife Crime](#) report developed by ECOFEL is available to Parties on the CITES Secretariat website [Enforcement webpage](#).

24. In March 2020, a [Customs – FIU Cooperation Handbook](#) was also [launched](#). The main objective of the handbook is to further promote cooperation between FIUs and customs services to effectively disrupt cross-border money laundering and terrorism financing activities. The Secretariat trusts that this Handbook will help Parties target and dismantle transnational organized crime groups involved in wildlife crime and the associated money laundering. The public version of the handbook is available to Parties in the [tools section of the ICCWC webpage](#) maintained by the CITES Secretariat.
25. A further important development worth noting is that the [INTERPOL Financial Crime and Anti-Corruption Centre \(IFCACC\)](#) was launched in March 2022. The IFCACC was established to facilitate a coordinated global response in addressing transnational financial crime and associated corruption. The functions of the IFCACC includes providing support to INTERPOL projects that address crime areas with a corruption or financial crime component, which include projects on environmental crime.
26. The Secretariat notes that, at SC74, the Standing Committee encouraged Parties to step up efforts to actively pursue activities at national level to facilitate engagement to target money-laundering and illicit financial flows associated with wildlife crime, in particular by pursuing the implementation of paragraph 15.f) in Resolution Conf. 11.3 (Rev. CoP18).
27. Strengthening and expanding measures to address illicit financial flows from wildlife crime will help ensure that the criminals involved do not benefit from the proceeds of their crimes and facilitate a shift in focus from the lowest level of the trafficking chain, the poachers, to those at the top level managing and organizing the trafficking operations at the international level. In this regard, the Secretariat proposes draft decisions 19.BB and 19.CC as presented in Annex 1 to the present document.

Enforcement-related webpages on the CITES Secretariat website

28. The Secretariat notes that, at SC74, the Standing Committee encouraged Parties to draw upon the tools, reports, handbooks and other resources developed that are available to them through the *Enforcement* webpage on the CITES Secretariat website, to inform and strengthen their responses to wildlife crime.
29. The Secretariat takes this opportunity to draw to Parties' attention the materials relevant to enforcement matters available on the CITES Secretariat website webpages on [Enforcement](#), [Enforcement focal points](#), [Wildlife crime linked to the Internet](#), [Wildlife forensics](#), [Annual Illegal trade reports](#), and [ICCWC](#). The website is continuously updated as new tools, resources, publications, and information become available. The Secretariat encourages Parties to draw upon these materials; bring them to the attention of officials from national agencies responsible for wildlife law enforcement, and encourage their use.

Directory of laboratories conducting wildlife forensic testing

30. The Secretariat takes this opportunity to remind Parties of the *Directory of laboratories that conduct wildlife forensic testing*, available on the CITES Secretariat website [Wildlife forensics](#) webpage.
31. Paragraph 9. d) of Resolution Conf. 11.3 (Rev. CoP18) directs the Secretariat to consider annually any new applications from laboratories for inclusion in the electronic directory and further to review existing listings every two years, in close collaboration with forensic experts from relevant ICCWC partner agencies and the Society for Wildlife Forensics Science as the professional body engaged by ICCWC to advise the Consortium on wildlife forensic science matters.
32. The Secretariat is pleased to inform Parties that an application to be included in the directory of wildlife forensics laboratories received from the [Singapore Centre for Wildlife Forensics](#) in January 2022 has been considered against the [criteria for inclusion](#) in the directory and approved.
33. In April 2022, the Secretariat issued [Notification to the Parties No. 2022/024](#) inviting applications from laboratories that wish to be considered for inclusion in the directory and initiated a process to review existing listings in the directory. These processes were ongoing at the time of writing the present document and are expected to be finalized in June 2022, at which time the revised and updated directory will be made available to Parties on the [Wildlife forensics](#) webpage.

34. Forensic applications must be used to the fullest extent possible to combat wildlife crime. In this regard, laboratories listed in the Directory offer services conforming to the highest standards available to Parties. Parties in need of support are invited to consult the directory and draw upon the services provided by the laboratories listed.

Recommendations:

35. The Conference of the Parties is invited to:

- a) adopt draft decisions 19.AA to 19.CC on *Enforcement* contained in Annex 1 to the present document to facilitate strengthening responses to address corruption and illicit financial flows from wildlife crime;
- b) adopt the amendments to Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention* contained in Annex 2 to the present document to update the Resolution as appropriate; and
- c) delete Decisions 18.77 and 18.78 on *Enforcement* since these have been implemented and some relevant aspects have been incorporated in the amendments proposed to Resolution Conf. 17.6.

DRAFT DECISIONS ON *ENFORCEMENT*

Directed to Parties

19.AA Parties are encouraged to ensure that:

- a) corruption risk mitigation policies and strategies are in place to address corruption risks associated with wildlife crime; and
- b) collaboration mechanisms are in place between CITES and anti-corruption authorities to facilitate swift and decisive action where corrupt activities are detected.

19.BB Parties are encouraged to, as appropriate, integrate financial crime investigations into the investigation of crimes involving wildlife, and to increase the use of financial investigation techniques to identify criminals involved in wildlife crime and their networks and address associated illicit financial flows from these crimes.

Directed to the Secretariat

19.CC Subject to external funding, the Secretariat shall work with its partners in the International Consortium on Combating Wildlife Crime (ICWC) and other bodies such as the Financial Action Task Force (FATF) and the Egmont Centre of Financial Intelligence Unit Excellence and Leadership (ECOFEL), to provide Parties with guidance on the measures they can take to combat money laundering associated with wildlife crime, and to promote the integration of financial crime investigations into the investigation of crimes involving wildlife.

PROPOSED AMENDMENT TO RESOLUTION CONF. 17.6 ON
*PROHIBITING, PREVENTING, DETECTING AND COUNTERING CORRUPTION,
WHICH FACILITATES ACTIVITIES CONDUCTED IN VIOLATION OF THE CONVENTION*

NB: Text proposed to be deleted is crossed out. Proposed new text is underlined.

6. FURTHER ENCOURAGES Parties to ensure national enforcement agencies responsible for enforcement of CITES draw upon existing ~~guidance and training materials, resources and guides~~, such as the *Scaling Back Corruption: A guide on addressing corruption for wildlife management authorities*; *Rotten Fish: A guide on addressing corruption in the fisheries sector*, and *Rooting out Corruption: An introduction to the corruption that fuels forest loss*, prepared by entities such as INTERPOL, the UN Office on Drugs and Crime, the UN Development Programme, the World Bank and the World Customs Organization, and to make use of capacity-building opportunities offered by such entities in order to discourage any corrupt behaviour or practices on the part of their personnel;

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

According to Resolution Conf. 4.6 (Rev. CoP18) 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 Secretariat proposes the following tentative budget and source of funding.

Draft decisions 19.AA and 19.BB

Draft decisions 19.AA and 19.BB do not have any budgetary and workload implications for the Secretariat or permanent committees.

Draft decision 19.CC

Implementation of draft decision 19.CC would be subject to the provision of external funds. Activities are expected to amount to approximately USD 250 000.00 for two to three regional activities, and some national level activities. This amount might vary, depending on the need for the placing of mentors, and the duration of such placing. Organizing this work and supervision of the work would require some time from the Secretariat but should be a core part of the Secretariat's work and accommodated within its regular work programme.

Proposed amendment to Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*

The amendment proposed to paragraph 6 in Resolution Conf. 17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention* does not have any budgetary and workload implications for the Secretariat or permanent committees