

Conf. 11.3

(Rev. CoP19)*

Compliance and enforcement

RECALLING the provisions of Article II, paragraph 4, which state that the Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention;

RECALLING further that Article I, sub-paragraph c) defines “trade” as export, re-export, import and introduction from the sea;

RECALLING that Article VIII, paragraph 1, of the Convention provides that the Parties shall take appropriate measures to enforce the provisions of the Convention and to prohibit trade in specimens in violation thereof, and that these shall include measures to penalize trade in, or possession of, such specimens, or both; and to provide for the confiscation or return to the State of export of specimens illegally traded;

RECALLING that Article VIII, paragraph 3, of the Convention provides that as far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay;

NOTING that the Preamble of the Convention recognizes that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

AFFIRMING the obligation of Parties to collaborate closely in the application of the Convention, including through expeditious exchange of information on cases and situations related to trade in CITES specimens, including incidents involving the use of fraudulent documentation, or other suspected illegal trade in fauna and flora, to allow for timely follow-up and the application of appropriate measures, including legal sanctions when appropriate;

AWARE that there is considerable variability among Parties in their capacity to implement and enforce the provisions of the Convention, whilst also noting that this does not exempt any Party from enforcing these provisions, and RECOGNIZING that inadequate or insufficient efforts to ensure compliance with and enforcement of the Convention exacerbate enforcement problems for other Parties and undermine the overall effectiveness of the Convention;

RECOGNIZING that illegal trade in specimens of species included in the Appendices to the Convention can cause serious damage to fauna and flora, reduce the effectiveness of management programmes, undermine and threaten legal and sustainable trade and negatively impact the livelihoods of rural communities, particularly in the developing economies of many producing countries;

RECOGNIZING the importance that all Parties make every effort to exercise due diligence in their implementation of the Convention;

ACKNOWLEDGING that it is incumbent upon importing countries together with exporting and transit countries to ensure that trade in CITES-listed species is legal and sustainable, and in compliance with the Convention, and that enforcement measures adopted and implemented by Parties support conservation of species in the wild;

RECOGNIZING the important role of the International Consortium on Combating Wildlife Crime (ICWC) in bringing coordinated support to the national wildlife law enforcement agencies and to the subregional and regional networks that, on a daily basis, act in defence of natural resources;

OBSERVING the fact that reservations entered by Parties may create confusion for the trade and loopholes through which specimens illegally acquired in the countries of origin can find legal markets without any control whatsoever, therefore, weakening the conservation policies of countries seeking to conserve fauna and flora;

RECOGNIZING that trafficking in wild fauna and flora continues to be a major concern;

RECOGNIZING the significant growth in e-commerce of specimens of CITES species and that wildlife crime linked to the Internet is of increasing concern;

* Amended at the 13th, 14th and 15th, 16th, 17th, 18th and 19th meetings of the Conference of the Parties.

CONSIDERING that countries that trade in illegally obtained animal and plant specimens, including failing to implement Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment*, are directly responsible for encouraging illegal trade worldwide, and in this way the natural heritage of range countries is damaged;

CONVINCED that enforcement of the Convention must be a priority of the Parties at the highest level if they are to succeed in fulfilling the objectives of the Convention and eliminating trafficking in species covered by the Convention;

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

RECOGNIZING the importance of Resolution Conf. 17.6 (Rev. CoP19)¹ on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*, for effective implementation and enforcement of the Convention and this Resolution;

WELCOMING

- a) the adoption of Resolution 2011/36 on *Crime prevention and criminal justice responses against illicit trafficking in endangered species of wild fauna and flora* by the United Nations Economic and Social Council in 2011, in which it expresses concern about the involvement of organized criminal groups in the trafficking of endangered species, recognizes the efforts made at the international level and the work of ICCWC, urges the Member States of the United Nations to strengthen international, regional and bilateral cooperation, and invites the member States of the United Nations to consider making trafficking in endangered species a serious crime;
- b) the outcome document, *The Future We Want*, of the United Nations Conference on Sustainable Development (Rio de Janeiro, June 2012);
- c) the Sustainable Development Goals adopted by the United Nations Sustainable Development Summit in September 2015, which call for the protection of wild fauna and flora as well as the ecosystems upon which they depend, and specifically call for “urgent action to end poaching and trafficking of protected species of flora and fauna, and address both demand and supply of illegal wildlife products” through Target 15.7 of Goal 15, and the conservation and sustainable use of oceans, seas and marine resources under Goal 14; and
- d) the July 2015 Resolution on *Tackling illicit trafficking in wildlife* and subsequent Resolutions on this matter adopted by the United Nations General Assembly, which reflect the heightened level of international concern over the devastating impacts of poaching and illegal trade in wildlife, and which, among others, calls for firm and strengthened national measures, and an enhanced regional and global response, including by strengthening legislation, providing for illegal trafficking in wildlife offences to be treated as predicate offences and taking steps to prohibit, prevent and counter corruption.

RECOGNIZING the contribution to enhancing enforcement of CITES made by regional cooperation and enforcement initiatives, such as the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, other regional coordination initiatives and agreements such as those developed through the West Africa Strategy on Combating Wildlife Crime, and other similar initiatives;

AWARE of the need for improved cooperation and coordination among CITES authorities and relevant law enforcement agencies at the national, regional and international levels; and

ACKNOWLEDGING the important role the Secretariat can play in supporting Parties to enforce the provisions of the Convention, and the means provided under Article XIII of the Convention to achieve compliance, whilst also RECOGNIZING that Article XIII does not specify a time limit for a Party to respond to a request for information from the Secretariat, and that such a deadline is necessary in order that the absence of response not be interpreted as a refusal to respond;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. ESTABLISHES the following sections in the present Resolution:
 - I. Regarding obligations of importing countries: verifying the validity of CITES documents

¹ Corrected by the Secretariat after the 19th meeting of the Conference of the Parties.

- II. Regarding exercising due diligence
- III. Regarding legislation and prosecution
- IV. Regarding enforcement at national level
- V. Regarding coordination at national level
- VI. Regarding coordination and collaboration at regional and international levels
- VII. Regarding wildlife crime linked to the Internet
- VIII. Regarding available tools, services, and resources
- IX. Regarding application of Article XIII
- X. Regarding reporting to and information sharing with the Secretariat
- XI. Regarding the enforcement assistance activities of the Secretariat

I. Regarding obligations of importing countries: verifying the validity of CITES documents

1. REMINDS Parties of their obligation to verify the validity of CITES documents accompanying shipments of CITES specimens, and of the need to implement Resolution Conf. 12.3 (Rev. CoP19)² on *Permits and certificates*, including at a minimum:
 - a) verifying that all of the information listed in Annex 1, *Information that should be included in CITES permits and certificates*, to Resolution Conf. 12.3 (Rev. CoP19) is included on the document;
 - b) ensuring that they do not accept under any circumstances or pretext CITES documents issued by any authority, irrespective of its hierarchical level, other than the Management Authority officially designated as competent and duly notified to the Secretariat; and
 - c) exercising due diligence when presented with a CITES permit or certificate, even if they believe it to have been issued by a competent authority, when they have a reason to believe that the CITES specimens may not have been traded in accordance with the provisions of the Convention;

II. Regarding exercising due diligence

2. REMINDS Parties to inspect specimens in transit or being transhipped, to the extent possible under their national legislation, to verify the presence of a valid CITES permit or certificate as required under the Convention, in accordance with Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transhipment*;
3. RECOMMENDS that:
 - a) if the Management Authority of the State of import or re-export has reason to believe that CITES specimens are being traded in contravention of the laws of any country involved in the transaction, or has reason to believe that the specimen accompanied by a CITES document may not have been traded in accordance with the provisions of the Convention, it should:
 - i) immediately consult with the Management Authority in the country whose laws were thought to have been violated (and the exporting or re-exporting country if different) and, to the extent possible, provide that Management Authority with copies of all documentation relating to the transaction, and during consultation the Parties should inform each other of all circumstances and facts relating to the transaction likely to be relevant to compliance with the Convention, national laws, illegal trade and also of control measures;
 - ii) when they have reason to believe that the specimen may not have been legally acquired, that the non-detriment finding, if required, may not have been made or properly made, or that any other CITES requirement(s) may not have been fulfilled, request the basis for the relevant determination;
 - iii) if after consulting with the Management Authority of the relevant State, the Management Authority of the State of import or re-export has not received satisfactory information

² Corrected by the Secretariat after the 19th meeting of the Conference of the Parties.

- regarding any CITES requirements, it should not authorize the import or re-export of the specimen concerned, including not issuing any required permits or certificates;
- iv) if there is no satisfactory response, request the assistance of the Secretariat, as appropriate, in the context of its responsibilities under Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP19) on *CITES compliance procedures*;
 - v) in case of violation of the provisions of the Convention, immediately take appropriate enforcement measures, including pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and
 - vi) if appropriate, make use of stricter measures with regard to that transaction, consistent with the provisions of Article XIV, paragraph 1. a), of the Convention; and
- b) if, when implementing the provisions of Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment*, the Management Authority of the State through which specimens are transiting or being transhipped has reason to believe that specimens may not have been traded in accordance with the provisions of the Convention, it should immediately consult with the Management Authority in the State of export or re-export and, to the extent possible, provide that Management Authority with copies of all documentation relating to the transaction;
 - c) to ensure effective cooperation, Management Authorities should provide timely responses to inquiries (good practice is to provide a response within two weeks or indicate the need for more time to provide a response) and cooperate with the Management Authorities of other Parties, and the Secretariat when applicable, on matters relating to the validity of CITES documents;
 - d) Parties, when informed by the Secretariat of the fraudulent use of documents alleged to have been issued by them, carry out a timely inquiry to identify the individuals involved, seeking assistance from their INTERPOL National Central Bureau where necessary; and
 - e) when presented with a false document, Parties do everything in their power to determine where the specimens are and where the false document originated and inform the Secretariat and other Parties involved, where appropriate;
4. URGES Parties to strengthen the controls on trade in fauna and flora into, through and from the territories under their jurisdiction, and in particular controls on shipments from other countries, including neighbouring countries, and to verify the validity of documents, as required under the Convention, originating from such countries with the relevant Management Authorities;
 5. RECOMMENDS that, if any Party has reason to believe that an Appendix-I or -II species is being traded by a Party in a manner detrimental to the survival of that species, it:
 - a) consult directly with the appropriate Management Authority;
 - b) if it does not receive a response or the response is not satisfactory, request the assistance of the Secretariat, as appropriate, in the context of its responsibilities under Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP19); and
 - c) make use of the provisions of Article XIV, paragraph 1. a), of the Convention to take stricter measures as they see fit;

III. Regarding legislation and prosecution

6. RECOMMENDS that Parties:
 - a) include in domestic measures sanctions for infringements that are appropriate to their nature and gravity and advocate for application of such sanctions;
 - b) evaluate or develop their domestic measures to ensure that they are sufficient to address the challenges of controlling legal wildlife trade, investigating illegal wildlife trade and punishing the perpetrators, giving high priority to the offer for sale of specimens of species listed in Appendix I;

- c) make trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, in accordance with their national legislation and Article 2 (b)³ of the United Nations Convention against Transnational Organized Crime;
 - d) review and amend national legislation, as necessary and appropriate, so that offences connected to the illegal trade in fauna and flora are treated as predicate offences, as defined in the United Nations Convention against Transnational Organized Crime, for the purposes of money-laundering offences, and are actionable under domestic legislation applicable to the proceeds of crime;
 - e) review and amend national legislation as necessary and appropriate, to address the competences and responsibilities of relevant national agencies to facilitate effective investigations of crime involving fauna and flora, and inter-agency cooperation;
 - f) implement national legislation to combat money laundering and facilitate asset forfeiture and appropriate penalties to ensure that criminals do not benefit from the proceeds of their crimes, stressing that effective prosecutions against money laundering linked to trafficking in fauna and flora benefit from bringing together trade and money laundering expertise, including from financial intelligence units, as appropriate; and
 - g) prosecute those involved in crime involving fauna and flora, in particular those identified as members of organized crime groups, under a combination of relevant legislation which carry appropriate penalties that will act as effective deterrents, whenever possible;
7. ENCOURAGES relevant national law enforcement agencies to establish communication networks, or expand existing networks, to combat organized crime involving fauna and flora, in accordance with relevant legislation regulating such matters, including putting in place and maintaining strict and secure procedures for managing covert human intelligence sources, and Parties to establish appropriate measures to offer protections and rewards for individuals who provide information that leads to the arrest and conviction of offenders involved in illegal taking (e.g., poaching, illegal harvest) and trafficking of CITES animal and plant species, as appropriate;

IV. Regarding enforcement at national level

8. REMINDS Parties to:
- a) ensure strict compliance, enforcement, and control with respect to all mechanisms and provisions of the Convention relating to the regulation of trade in CITES listed species, and of all provisions ensuring protection against the trafficking of these species; and
 - b) in case of violation of the provisions of the Convention, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action;
9. RECOMMENDS that Parties:
- a) ensure that illegal trade in wild fauna and flora is a high priority for all relevant domestic law enforcement agencies;
 - b) if appropriate, consider formulating national action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support relevant enforcement agencies;
 - c) empower officials who have the responsibility to investigate crime involving fauna and flora with appropriate training, authority and resources to effectively carry out their responsibilities to address such crimes;
 - d) address the role of corruption in facilitating crime involving fauna and flora, as recognized in Resolution Conf. 17.6 (Rev. CoP19), through implementation of effective anti-corruption measures; and
 - e) conduct outreach to and support training for regulated industry to ensure understanding of CITES and national requirements in order to enhance compliance and support the legal trade;

³ Under article 2b) of the United Nations Convention against Transnational Organized Crime a "serious crime" is defined as conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.

V. Regarding coordination at national level

10. RECOMMENDS that:

- a) Parties establish inter-agency mechanisms for coordination and communication at the national level, bringing together Management Authorities and all governmental agencies responsible for the enforcement of CITES, including customs and the police;
- b) Parties that have not already done so consider nominating officials from relevant national enforcement and prosecuting agencies to participate in the INTERPOL Wildlife Crime Working Group;
- c) Parties put in place, or further enhance, national measures and communication channels to ensure that the required level of real-time support can be provided to park rangers, and other wildlife and enforcement personnel who are confronted by heavily armed groups and exposed to serious risk of attack;
- d) Parties raise awareness amongst military personnel to sensitize them to the negative consequences of poaching and consumption of illegal fauna and flora; and
- e) Parties remind their diplomatic missions, their delegates on mission in foreign countries and their troops, including those serving under the flag of the United Nations, that they are not exempted from the provisions of the Convention;

11. RECOMMENDS that Management Authorities coordinate with governmental agencies responsible for enforcement of CITES, including customs and the police, and, where appropriate, technically qualified non-governmental organizations, by arranging training activities and joint meetings, and facilitating the exchange of information;

12. RECOMMENDS that Parties, where possible and appropriate:

- a) institutionalize regular formalized meetings between customs and CITES authorities;
- b) exchange information on seizures between customs and the CITES authorities;
- c) allow customs systems access to information in permitting databases of Management Authorities and allow Management Authorities access to information in customs systems;
- d) institute automated verification schemes between customs application systems and CITES permitting databases;
- e) ensure collaboration between CITES authorities and customs to use information contained in the respective electronic data systems, available intelligence and the HS code to implement risk-based control procedures; and
- f) ensure to the extent possible that representatives of indigenous peoples and local communities and professionals involved in wildlife trade and management receive training on CITES and their role in implementing the Convention and compliance with relevant national laws;

13. FURTHER RECOMMENDS that Parties:

- a) develop and implement a comprehensive strategy for border controls, audits and investigations concerning CITES specimens, including by:
 - i) increasing quality of controls at the time of export, import, re-export and introduction from the sea;
 - ii) applying due diligence to implement Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment* when following the different procedures for customs clearance of goods and customs procedures for transit, temporary admission, warehouse storage, etc.;
 - iii) ensuring the awareness and training of officers in CITES matters regarding, for example, CITES requirements, identification of specimens and the handling of live animals;
 - iv) ensuring document control in order to authenticate and validate CITES permits and certificates, especially, if necessary, by requesting the Secretariat to confirm their validity;

- v) conducting physical examinations of goods, based on a policy of risk assessment and targeting;
 - vi) using scanning equipment, as appropriate, in support of and to increase the detection of illegal shipments of fauna and flora;
 - vii) using detector-dog programmes as appropriate, or other innovative detection programmes, and sharing knowledge and experience with those Parties that may be interested in developing and implementing such programmes; and
 - viii) providing the necessary resources in order to achieve these objectives;
- b) promote incentives to secure the support and cooperation of indigenous peoples and local communities in managing fauna and flora and thereby combating poaching and illegal trade;
 - c) where appropriate, evaluate and utilize for enforcement purposes, information from nongovernmental sources while maintaining standards of confidentiality;
 - d) consider the formation, at the national level, of specialized fauna and flora law enforcement units or teams;
 - e) carry out focused national and regional capacity-building activities with particular focus on fostering inter-agency cooperation and improving knowledge of legislation; species identification; risk analysis and investigation of criminal actions; and delivering successful prosecutions and deterrent penalties; and
 - f) ensure that legislative provisions cover trade linked to the Internet and that national agencies responsible for wildlife law enforcement be made aware of the challenges raised by trade linked to the Internet and provided with adequate means to tackle it;

VI. Regarding coordination and collaboration at regional and international levels

14. RECOMMENDS that Parties:

- a) that are not yet signatories to, or have not yet ratified, the UN Convention against Transnational Organized Crime and the UN Convention against Corruption consider doing so, and implement all associated obligations, including with respect to transnational organized crime or corruption that enables illegal trade in fauna and flora in contravention of CITES or other national legal frameworks;
- b) work together within their regions to develop appropriate mechanisms for cooperation and coordination among relevant law enforcement agencies at the regional level;
- c) where necessary to ensure compliance with CITES, consider formulating regional action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions, and support relevant law enforcement agencies;
- d) as appropriate, fully execute and deliver outcomes from intelligence-driven operations, and participate in the operations initiated at the international level by Parties and organizations such as INTERPOL and the World Customs Organization, to mobilize resources and initiate targeted activities to combat crime involving fauna and flora; and
- e) strengthen cooperation relating to enforcement measures implemented across exporting, transit, and importing States to address illegal trade in fauna and flora;

15. RECOMMENDS that Parties, whenever appropriate and possible, liaise closely with Management Authorities and law enforcement agencies in exporting, transit, and importing countries to help investigate, detect, deter and prevent illegal trade in wildlife through the exchange of intelligence, technical advice and support;

VII. Regarding wildlife crime linked to the Internet

16. RECOMMENDS that Parties:

- a) establish, at the national level, a unit dedicated to investigating wildlife crime linked to the Internet or incorporate wildlife trade issues into existing units that investigate or monitor computer or cyber-crime;

- b) establish at the national level a mechanism to coordinate the monitoring of wildlife crime linked to the Internet and provide for the timely sharing of relevant information between designated points of contact in the Management Authority and enforcement agencies;
- c) appoint national points of contact with knowledge and training in online investigations, evidence gathering, and prosecutions to serve as focal points for enquiries from other Parties and intergovernmental organizations;
- d) establish an ongoing national monitoring programme, and in conjunction with relevant experts, develop a list of CITES species that are most commonly found in illegal trade on digital and online platforms;
- e) identify key contacts at online technology and data companies who can facilitate the provision of information upon request from Parties in support of investigations;
- f) engage online platforms to:
 - i) introduce and publish policies to address and prevent the use of such platforms for illegal trade in wildlife, including measures to ensure compliance with such policies;
 - ii) ensure that such policies are presented clearly and visibly; and
 - iii) encourage them to inform their users about wildlife crime linked to the Internet, by using targeted alerts and other technology to make users aware of relevant laws and website policies;
- g) raise awareness of wildlife crime linked to the Internet through public outreach and by engaging directly with online technology companies; and
- h) encourage the cooperation and engagement of postal, transport, logistical and financial service providers and relevant retail sectors in addressing illegal wildlife trade;

17. RECOMMENDS further that Parties and ICCWC partner agencies:

- a) submit information to the Secretariat on best practices and model domestic measures for addressing wildlife crime linked to the internet and on methodologies used by other agencies that may assist in the evaluation of mechanisms to regulate legal commerce and combat illegal trade of CITES species via the Internet;
- b) ensure that sufficient resources are directed to:
 - i) investigating and targeting wildlife crime linked to the Internet; and
 - ii) conducting training and awareness raising as well as monitoring and enforcement of wildlife crime linked to the Internet;
- c) use data acquired during monitoring activities to establish strategies regarding enforcement, capacity building and public awareness, and further to publish the results of scientific research on the correlations between use of the Internet and the rate of wildlife crime, and communicate these results to the Secretariat; and
- d) promote the use of the capacity established by INTERPOL on wildlife crime linked to the Internet, and the use of the INTERPOL guidelines on *Wildlife Crime Linked to the Internet: Practical Guidelines for Law Enforcement Practitioners*; and

18. DIRECTS the Secretariat to share on the *Wildlife crime linked to the Internet* webpage on the CITES website, as appropriate, information received from Parties, ICCWC partner agencies, and other relevant organizations or experts, regarding measures and activities implemented to address wildlife crime linked to the Internet;

VIII. Regarding available tools, services and resources

19. RECOMMENDS further that Parties:

- a) affected by significant poaching or illegal harvest of CITES species, or that have made a large-scale seizure of such specimens, contact the Secretariat to request the deployment of a Wildlife Incident Support Team (WIST), should such support be needed, immediately following such an incident;

- b) promote and increase the use of forensic technology, including sharing such technologies with other Parties, and specialized investigation techniques, such as controlled deliveries, in the investigation of crime involving fauna and flora;
 - c) make use of the different tools available through ICCWC in order to strengthen enforcement-related aspects of the implementation of the Convention, in particular the *ICCWC Wildlife and Forest Crime Analytic Toolkit*, which was developed to assist Parties in conducting a comprehensive analysis of possible means and measures to protect and monitor wildlife and forest products, and in identifying technical assistance needs, and the *ICCWC Indicator Framework for Wildlife and Forest Crime*, which provides an important framework of indicators that cover the major components of a law enforcement response to wildlife and forest crime, for use at the national level by Parties to measure and monitor the effectiveness of their law enforcement responses to these crimes;
 - d) make use of the UNODC *Guide on Drafting Legislation to Combat Wildlife Crime*; and
 - e) use the CITES Virtual College, which provides access to courses and training materials to build enforcement capacity;
20. URGES Parties and the donor community to provide financial support to ICCWC, to assist it in providing coordinated support to national wildlife law enforcement agencies and to subregional and regional law enforcement networks, and delivering capacity building activities;
21. URGES the Parties, intergovernmental and non-governmental organizations to provide, as a matter of urgency, funds and expertise to enable enforcement-related training and the provision of training materials, focusing preferably on a regional or subregional basis, to developing countries and countries with economies in transition and range States affected by illegal trade in fauna and flora, and to ensure that relevant law enforcement personnel in such countries are adequately trained and equipped;
22. URGES INTERPOL to support the attendance of a representative from its Wildlife Crime Working Group at meetings of the Conference of the Parties to CITES;

IX. Regarding application of Article XIII

23. RECOMMENDS that:

- a) when, in application of Article XIII of the Convention and Resolution Conf. 14.3 (Rev. CoP19), the Secretariat requests information on a potential compliance matter, Parties reply within one month or, if this is not possible, provide an approximate date by which they consider it will be possible to provide the requested information;
 - b) when, within six months, the information requested has not been provided, Parties provide the Secretariat with justification for why they have not been able to respond;
 - c) if significant compliance matters concerning particular Parties are brought to the attention of the Secretariat, the Secretariat, in consultation with the Chair of the Standing Committee and as expeditiously as possible, work with the Parties concerned to try to solve the matter and offer advice or technical assistance, as appropriate;
 - d) if it does not appear a solution can be readily achieved, including as a result of a failure of the relevant Party to provide a response or an adequate response, the Secretariat bring the matter to the attention of the Standing Committee, which may pursue it in direct contact with the Party concerned with a view to finding a solution; and
 - e) the Secretariat keep the Parties informed as fully as possible, including if appropriate through Notifications to the Parties, of such compliance matters and of actions taken to solve them, and include such matters, including as appropriate draft recommendations, in its reports for meetings of the Standing Committee and the Conference of the Parties;
24. DIRECTS the Secretariat to report on the implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP19) at each meeting of the Standing Committee and of the Conference of the Parties;

X. Regarding reporting to and information sharing with the Secretariat

25. URGES Parties:

- a) to provide the Secretariat with contact details of their relevant national law enforcement agencies responsible for investigating trafficking in wild fauna and flora;
 - b) to provide to the Secretariat, as appropriate, and in a manner that does not jeopardize any ongoing investigations or expose covert investigative techniques, detailed information regarding significant cases of illegal trade;
 - c) to report on illegal trade in CITES species consistent with guidelines agreed in Resolution Conf. 11.17 (Rev. CoP19) on *National reports*; and
 - d) to provide details to the Secretariat, when possible, about individuals convicted of a serious crime involving fauna and flora, criminal organizations and other persistent offenders of trade laws concerning fauna and flora, and individuals convicted of money laundering involving fauna and flora;
26. DIRECTS the Secretariat to communicate promptly to the Parties information received in accordance with subparagraphs b) and d) above;

XI. Regarding the enforcement assistance activities of the Secretariat

27. URGES the Parties, intergovernmental and non-governmental organizations to provide additional financial support for the enforcement of the Convention, by providing funds for the enforcement assistance work of the Secretariat;
28. DIRECTS the Secretariat to utilize such funds towards the following priorities:
- a) the appointment of additional officers to the Secretariat to work on enforcement-related matters;
 - b) assistance in the development and implementation of regional and subregional law-enforcement agreements or Multilateral Legal Assistance Treaties (MLATs); and
 - c) training and technical assistance to the Parties;
29. URGES the Parties to offer secondment of enforcement officers to assist the Secretariat in addressing law enforcement issues;
30. DIRECTS the Secretariat to:
- a) liaise with regional and subregional wildlife enforcement networks and national enforcement agencies, and work in close cooperation with INTERPOL, the United Nations Office on Drugs and Crime, the World Bank and the World Customs Organization, as ICCWC partner organizations;
 - b) submit a report on activities, and outcomes as appropriate, conducted under the auspices of ICCWC at each regular meeting of the Standing Committee and each meeting of the Conference of the Parties, and consult with the Standing Committee on the development of the ICCWC Programme of Work to ensure CITES Parties' needs are adequately addressed;
 - c) maintain the dedicated portal on the CITES website on ICCWC, in the official languages of the Convention, to enable Parties to identify opportunities and support available through ICCWC; and
 - d) in close collaboration with forensic experts and relevant partner agencies, consider annually any new applications from laboratories for inclusion in the electronic directory of laboratories that conduct forensic testing of fauna and flora and review the directory every two years;
31. RECOMMENDS that the Secretariat, in consultation with the Standing Committee, establish *ad hoc* CITES enforcement task forces as needed focusing on species significantly affected by or implicated in illegal trade; and
32. DIRECTS the Secretariat to, subject to available resources:
- a) analyse, in collaboration with ICCWC partners, the Annual Illegal Trade Reports and share relevant information from the analysis with Parties and on the CITES website as appropriate to support enforcement activities and global efforts to tackle illegal trade in CITES specimens;
 - b) cooperate with ICCWC partner organizations, regional and subregional wildlife enforcement networks, and competent national authorities to:

- i) prepare and distribute appropriate training material; and
- ii) facilitate the exchange of technical information between the authorities in charge of border controls; and
- c) submit a report on enforcement and compliance matters, which includes *inter alia*, the analysis of the Annual Illegal Trade Report and relevant information available through ICCWC partners as well as other verified sources, at each regular meeting of the Standing Committee and each meeting of the Conference of the Parties.

Annex 1

Much illegal trafficking in wildlife is international in scope. Thus, it can be effectively countered only by good international cooperation.

With Ecomessage, INTERPOL seeks to create an international reporting system and database that covers all major environmental crime.

Ecomessage Forms and Instructions

Illegal exploitation and trafficking constitute one of the most serious threats to wildlife today. Criminal networks and syndicates, motivated by high profits and low risks, have established an international industry that:

1. Diminishes the biological viability of wildlife populations;
2. Compromises the natural heritage and ecological integrity of the planet;
3. Imposes unacceptable cruelty on living animals, and;
4. Flouts wildlife law as well as many other laws.

INTERPOL, the International Criminal Police Organization (ICPO) has made significant efforts to suppress environmental crime. As part of this effort, INTERPOL in 1992 set up an Environmental Crime Committee, which in 1994 was expanded to include a Working Group on Wildlife Crime, and a Working Group on Pollution Crime.

More than a quarter-century of experience has persuaded INTERPOL that the timely exchange of pertinent information is crucial to any campaigns that target criminals who traffic in protected wildlife. But exchanges between various countries can suffer disruptive complications, because:

1. Required information often must be collected from widely scattered sources;
2. Countries do not have uniform reporting methods;
3. There had been no international repository for the collection, storage, analysis and circulation of information useful in efforts against wildlife crime;
4. Investigators in one country often did not know which law enforcement agency or agencies were their appropriate contacts in other countries.

INTERPOL acted to resolve these shortcomings by creating the Ecomessage.

With the Ecomessage, INTERPOL seeks to create a reporting system and database that covers all major environmental crime, including:

1. Illegal transborder movements and illegal dumping of wastes;
2. Illegal transborder activities involving radioactive substances;
3. Illegal traffic in species of wild flora and fauna.

Ecomessage: What it is and how it functions

INTERPOL's General Secretariat in Lyon, France, serves as a central collection point for information on international environmental crime, including wildlife crime. INTERPOL has developed the Ecomessage as a reporting system that systematically accepts environmental crime data and enters it into a computerized data collection facility at the General Secretariat.

The Ecomessage system uses a simple form to transmit details of a particular crime to INTERPOL. The Ecomessage form is carefully designed. When INTERPOL receives environmental crime reports via Ecomessage, the standardized design of the communication permits:

1. Speedy and methodical entry of the report's details in a format that is compatible with the INTERPOL database;
2. Efficient cross-referencing of the data against other entries in the computerized database; and
3. Organized and meaningful extraction of that data in a way that facilitates applications such as criminal intelligence analysis.

The Ecomessage is a system.

An Ecomessage report must be transmitted to INTERPOL via a standardized procedure and routing. This systematic approach helps to assure the validity of the data transmitted, which increases the reliability of the information in INTERPOL's database *and* provides for more dependable results when that information is used.

Many governmental law enforcement agencies may be involved in enforcement of wildlife laws: A national parks or wildlife agency may have various enforcement authorities. Customs is often the agency that intercepts and seizes contraband consignments of protected wildlife. Police agencies are often involved in wildlife law enforcement, as are **Attorneys General, Sheriff's Departments, Environmental Protection and other** governmental agencies.

Any of these agencies may gather the information required for an Ecomessage report. When the information is gathered, however, an Ecomessage report should be completed and brought to the INTERPOL National Central Bureau (NCB) of the reporting country. The NCB is usually found in the international relations department of the national police. If you have difficulty locating the INTERPOL NCB in your country, please contact the Environmental Crime Programme by sending a message to environmentalcrime@interpol.int.

It is the NCB's responsibility to transmit the details of an Ecomessage to the INTERPOL General Secretariat. This responsibility is outlined in INTERPOL circular letter reference 38/DII/SD2/E/INT/WG/2/ENV/94 of 9th June 1994, which should be on file in every INTERPOL NCB worldwide.

When the INTERPOL General Secretariat receives an Ecomessage, the **information contained is entered into INTERPOL's** computerized database. There are several important benefits that are generated by this process:

1. The information is immediately screened against all other information in the INTERPOL computer. This can produce important feedback. For example, if Country X reports the arrest of Mr. A on charges of smuggling elephant ivory, the processing of the Ecomessage may produce information that Mr. A is also wanted by Country Y for a similar offense, or that he has already been convicted in Country Z for a different offense. Information on concurrent warrants for arrest, or prior convictions, is of great interest and importance to prosecuting attorneys.
2. The Ecomessage form also allows for the reporting country to ask questions, and provides a mechanism for international cooperation. For example, imagine Country X has seized some rare birds smuggled out of country Y. Using the form, investigators in Country X can ask for information about the exporter in Country Y, or the carrier involved. It can also ask if Country Y wants those birds repatriated—or anything else where international information exchange will help the case along.
3. Professional INTERPOL criminal analysts can access data collected. When adequate reliable data is available, very useful analyses can be conducted to reveal the criminals involved, as well as the size, structure and dynamics of criminal trafficking in protected wildlife. (See the recent project *analyses* to the *left*.)

Criminal intelligence analysis also produces conclusions drawn from a particular study, as well as recommendations that help wildlife law enforcement officers work more effectively in their campaigns to suppress illegal trafficking.

The more information entered into INTERPOL's Ecomessage database the more effective it is to produce a truly global analysis of the criminality associated with illegal trafficking in wildlife. This data should be put into the system via Ecomessage reports. The more statistically significant the data included, the better it can be analyzed and used to construct a worldwide picture of the illegal trade in wildlife.

Only when the worldwide magnitude, structure and dynamics of illegal trafficking in wildlife are known can there be an effective worldwide cooperative effort to suppress it.

The Ecomessage Form

When the INTERPOL General Secretariat receives an Ecomessage, the information contained is **entered into INTERPOL's** computerized database.

1. When you are preparing an Ecomessage form, it is important to keep all entries in the same numbered and lettered sequence. This is important to maintain compatibility with the INTERPOL database. A properly prepared form will enter easily into the database—and is much more likely to produce results!
2. If the information for a particular item on the form is not available, mark it as "unknown."
3. When the Ecomessage form is completed, deliver it to your local National Central Bureau (NCB). The NCB is the national contact office for INTERPOL. The NCB is usually located in the international affairs office of the national police agency. Only an NCB can transmit an Ecomessage to the INTERPOL General Secretariat.
4. Be aware that national legislation in some countries may prohibit the reporting of certain information, such as the names of citizens. The national INTERPOL NCB should be aware of such legislation and should be able to prevent inappropriate information from being transmitted. But even if some information cannot be reported, it is still important to file the Ecomessage, for even partial information can be useful.

ECOMESSAGE

** Please note that subject fields in red are mandatory*

1. Subject

- 1.1 A brief description of the offense
- 1.2 Code name
- 1.3 Legal description of the offense (*Reference number, citation of legislation violated and legally possible penalties*)

2. Place and method of discovery

- 2.1 Place where the offense was discovered (e.g., *the name of a port or city*). If on sea or open country side, indicate distance and direction to a known reference point
- 2.2 Describe how the offense was discovered (e.g., *customs control inspection, informant information, etc.*)
- 2.3 City, Country where offense was discovered

3. Date and time

Time when the offense was discovered

4. Contraband products

- 4.1 **Illegal wastes:** Specify the nature of the wastes and their place of production; or
Radioactive substances: Specify the nature of the radioactive substance; or,
Wildlife: Specify the scientific and common names of the species involved, with a precise description of the specimen (e.g., *live, dead, part or derivative, age, sex, etc.*)
- 4.2 **Quantity and estimated value:** Specify the units of measure and the type of currency

5. Identity of person(s) involved

Note: Items 5.a to 5.l must be completed for each person involved

- a) Date of arrest
- b) Family name (& maiden name)
- c) First name(s)
- d) Sex
- e) Alias(es)
- f) Date and place of birth
- g) Nationality
- h) Address
- i) Information contained on passport or national ID
Include numbers, place & date of issue, period of validity
- j) Profession
- k) If any, function in any of the companies mentioned in item 6
- l) **Other information:** Numbers of telephone, fax, vehicle, etc. plus subject's function in the offense (*courier, dealer, etc.*)

1. Subject

- 1.1
- 1.2
- 1.3

2. Place and method of discovery

- 2.1
- 2.2
- 2.3

3. Date and time

4. Contraband products

- 4.1
- 4.2

5. Identity of person(s) involved

Note: Items 5.a to 5.l must be completed for each person involved

- a)
- b)
- c)
- d)
- e)
- f)
- g)
- h)
- i)
- j)
- k)
- l)

6. Companies involved

Note: Items 6.a to 6.f must be completed for each business involved

- a) **Type:** Indicate the legal type of company
- b) **Name:** Specify both the legal name & any trade names
- c) Activities
- d) Address and telecommunications details of headquarters
- e) Registration number
- f) Business address & phone/fax — If not the same as item d)

7. Means of transport and route

Provide maximum details on means and routes of transportation for violations involving transport of contraband

8. Locations

- a) **Country and town of origin:** For wildlife, indicate country of origin according to CITES (*country where the specimen was taken from the wild or bred in captivity*), as well as according to the Customs definition (*country where the last substantial transformation occurred*). Specimens originating from the sea should be indicated as “sea”
- b) **Country of provenance:** Country of last re-export
- c) **Country(ies) of transit:** As much as can be determined
- d) **Country & address of destination:** Both the destination declared on transport documents, and the real destination, if known

9. Identification of documents used

Specify the types of documents, including authorizations, transport documents, permits and certificates, invoices, etc. Specify if such documents are altered or fraudulent

10. Law enforcement agency

Specify the name and address of the agency with primary responsibility for the case, along with telecommunications information and a contact person, if possible

11. Modus operandi

Describe the modus operandi precisely, including: technique of concealment, type of packaging, techniques of document falsification, etc. as well as possible relationship with other cases. Attach photocopies of paperwork (e.g., *false documents*) and photos (e.g., *container*) that illustrate the *modus operandi*

12. Additional information

Other details deemed relevant

13. Information requested

Do investigators need information available from foreign countries (e.g., *details about a foreign national's arrest record or a freight forwarding company's history of violations*)?

6. Companies involved

Note: Items 6.a to 6.f must be completed for each business involved

- a)
- b)
- c)
- d)
- e)
- f)

7. Means of transport and route

8. Locations

- a)
- b)
- c)
- d)

9. Identification of documents used

10. Law enforcement agency

11. Modus operandi

12. Additional information

13. Information requested

Annex 2 Guidance for reporting and intelligence analysis

The ECOMESSAGE should, where necessary, be adapted to suit local requirements. Field staff should receive guidance on the categories of cases for which it should be completed; to whom it should be submitted; and through which channels it should be submitted. The management of national wildlife enforcement-related information should be subject to strict procedures, legal considerations and codes of practice. Many Parties have adopted a 'national intelligence model' to lay down guidance and the procedures to be used related to the purpose, process and recording of information. It should be stressed to field staff that detailed, accurate and timely reporting is essential and, importantly, welcome. Every effort should be made to dispel any cultural or traditional influences that may encourage the concealment of crime or poaching. Prompt and detailed reporting and recording must be encouraged within the organization. Staff must be reassured that there will be no recrimination for the reporting of incidents.

The person or persons tasked with collating the report forms should, ideally, maintain a database of the information and be responsible for responding to input, or communicating the information to those tasked with coordinating responses.

The ECOMESSAGE can be used to pass information between agencies at the national, regional and international levels. The relevant authorities can determine the level of information sharing (national, regional or international), which will depend on national legislation, the unique circumstances applicable to each case and the status of the investigation.

The gathering of information and intelligence is not, in itself, sufficient and, once gathered, intelligence must be analysed. Although computer software packages are available to assist the analytical process, much can be achieved by simple study of the data.

Analyses can be used for both operational and strategic purposes. They enable not only decision-making with regard to deployment or re-deployment of resources, risk assessment and targeting, but can also identify the additional human or technical resources needed for effective response to crimes, legislative weaknesses, weak border points and can assist in the design of awareness campaigns. Analyses should be viewed as a strong management tool to identify priorities and assess performance.

The intelligence gained from such analyses must then be used effectively and not just stored. Intelligence should lead investigative actions and should be used to direct resources towards tactics that will be most effective in combating crime. Consideration will require to be given to how the information is disseminated. The ability to exchange and disseminate information and intelligence in a secure environment is imperative for enforcement authorities to combat wildlife crime effectively. The preparation of alerts or bulletins for distribution has been shown to be very effective and demonstrates clearly that input is valued and acted upon. The ECOMESSAGE in conjunction with national reporting systems, the INTERPOL I-24/7 and the World Customs Organization Customs Enforcement Network (WCO CEN)¹ systems allow for a secure and systematic exchange of information. Information and intelligence should always be disseminated through secure official channels in accordance with national legislation on privacy and sharing of sensitive and nominal information. Hotmail, Gmail, Yahoo, Facebook, Twitter and other similar services are not considered to be secure platforms and their use should be limited. Potential recipients of analyses might include entities such as CITES Management Authorities, all national enforcement agencies, the CITES Secretariat, ICPO-INTERPOL and the World Customs Organization. Distributing information and intelligence as widely as possible, where appropriate and relevant, should help promote feedback, inter-agency cooperation and the submission of more intelligence.

Careful consideration should be given to what information can be made public and what ought to remain confidential. The level of confidentiality may also require to be defined and dissemination adjusted accordingly.

The International Consortium on Combating Wildlife Crime (ICWC) recommends that the following fields or subjects be examined when studying data that have been collected:

¹ <http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/cen.aspx>.

Patterns

To identify geographical, time of day, day of week, seasonal similarities, etc.

Suspects

To identify criminal networks, organized crime groups, syndicate members, repeat offenders and common descriptions of suspects.

Suspect profiling

To identify likely offenders and to gather additional information on known offenders.

Networks

To identify poachers, traders, dealers, smugglers, financiers, buyers, defence lawyers (especially those incompatible with the accused's resources), etc. that may be operating together or whose activities are linked. This could facilitate the identification of organized crime groups and will assist authorities to get a better understanding of the *modus operandi*, activities and structures of such groups.

Modus operandi

To identify common or linked methods of committing crime and engaging in illegal trade. Different individuals or networks may be involved in wildlife crime, but the same offenders often exploit the same commodities, using similar methods of transportation and concealment, and similar routes.

Trends

To identify increased or decreased illegal activity in relation to particular species, locations, methods of crime and smuggling, etc. This could assist authorities in identifying those species that are most affected by illegal trade; putting proactive measures in place at locations linked to smuggling routes or targeted by criminals; proactively addressing known methods of smuggling; identifying the drivers behind trends in criminal activity; etc.

Evidence

To identify common or linked physical and documentary findings, such as repeated use of same calibre weapons, poison, forged documents, etc.

Target species

To identify illegally hunted, smuggled and traded species and those species most at risk from such illegal activities.

Forensic science results

To identify links between criminal cases that can be demonstrated through such methods as DNA and ballistics analysis, fingerprint or hand-writing comparisons, etc.

Target criminals

To identify offenders who are most active and those committing the most serious offences, and to deploy resources against them. This may include surveillance, intelligence gathering and covert investigations, etc.

Motives

To identify what is prompting offenders to engage in illegal hunting and trading, why they use specific smuggling methods and routes, etc.

Routes

To identify access and exit routes used by poachers; national or international routes used by smugglers to transport specimens and hotspots where transit routes of contraband, money or communication converge.

Markets

To identify places and countries where illegal specimens are sold and to profile likely traders or buyers.

Prices

To determine the value of specimens at different points in the supply chain, i.e. financial gain by the poacher, smuggler or trader, and the price paid by the final customer, etc. This information can be used as an aggravating factor in sentencing, in support of cases where asset forfeiture is foreseen, for statistical purposes, etc.

Financing

To identify persons or companies that may be funding poaching or illegal trade; determine whether profits from wildlife crime are funding other activities; identify opportunities where anti-money-laundering and asset-forfeiture legislation can be applied effectively.

Links with other crimes

To identify any links with other crimes or illegal trades, such as in narcotics, weapons, illegal immigrants, etc.

Annex 3

Guidance for specialized wildlife law enforcement units

The role of specialized units in addressing issues relating to wildlife crime and illegal trade in CITES-listed species has been identified by the Conference of the Parties on a number of occasions. Resolution Conf. 11.3 (Rev. CoP18) encourages Parties to consider the establishment of such units, which have historically proven to be very successful in increasing the number and quality of wildlife crime investigations and prosecutions.

The following are regarded as important elements to be considered by any country planning the establishment, or further development, of one or several specialized units to tackle wildlife crime, including illegal trade. They are not listed in order of importance. Some elements will be of greater significance than others, depending on the country circumstances.

The structure and composition of specialized units will also be dictated by whether they are created at national, provincial or local level, or a combination of these.

Government support/political will

This element is absolutely essential. To be truly effective, the unit must have the backing of central and state/provincial governments, as well as all other enforcement agencies.

Authority

It is essential for a specialized wildlife law enforcement unit to be properly empowered to carry out its duties. Inclusion of multi-agency personnel will usually ensure that the unit has staff that is legally authorized to conduct effective operations. Alternatively, although it should not be necessary ordinarily, legislative measures should be enacted to empower the unit. This element is also closely linked with *Parity* (see below).

It is also important that the unit leader should be authorized to act on his or her own initiative within the limits of national legislation and to as acceptable a degree as possible, to direct operations without having to constantly refer matters to a higher authority.

It may be very desirable for the unit to be empowered to include in its tasks anti-corruption work related to wildlife crime, including authority to conduct financial investigations; and, where appropriate, to freeze assets and seek their forfeiture by the government. If that is the case, it is essential that the unit, or some of its personnel, should be empowered under relevant legislation or policies to investigate the alleged corrupt activities of government officials.

Incentives

This issue is linked with *Parity* (see below) and consideration may have to be given to achieving parity of salary among unit staff, regardless of the agency in which they are or would usually be employed. Bonus or 'top-up' salary payments are worthy of consideration to recognize the specialized duties that will be undertaken, as are allowances for field operations, etc. These should also take account of the hazardous duties that the unit may engage in. Salaries commensurate with the work undertaken ought to also encourage resistance to corruption. Adequate insurance for staff should be regarded as essential.

Good management

Clear, appropriate and experienced leadership is needed, particularly in the unit at operational level, but this also applies to strategic management. Careful consideration should be given to which agency is given responsibility for overall management and strategic direction of the unit.

The unit could be strategically managed with priority settings and work planning by a steering committee including high-level representation from each of the national agencies that regularly engage in wildlife law enforcement, such as the forest, fishery and wildlife departments, the police, Customs and the prosecuting authority (e.g. national prosecutor for environmental crime).

Clearly structured

There should be no doubt as to the lines of command and responsibilities of the unit and its staff.

Tasks

The duties of the unit should be clearly defined and understood by its staff and all agencies with which it will interact. These might include intelligence gathering and dissemination, investigation, coordination and prosecution, as appropriate.

An appropriate degree of flexibility should, however, be incorporated so that the unit leader can respond quickly to developing situations and allocate resources in an effective manner. A degree of mobility will also require to be taken into account so that staff can go where they are needed.

Targeted

Linked to *Tasks* (see above), it is essential that the unit's work be properly focused, preferably intelligence-led, so that resources are utilized in a meaningful, efficient and effective manner. It is also important, to achieve support from the public and other agencies, that the unit concentrates on priority, recurring and serious crime issues and does not become involved in minor, 'technical' violations of national law or CITES.

Dedicated

This refers not only to the commitment expected of unit personnel but also to the manner in which the unit must be allowed to concentrate solely upon its tasks. It should not be allowed to be diverted to other duties.

Full time

Depending upon local circumstances, a 'core' number of unit personnel should be deployed on a full-time basis. Additional staff can be used to supplement and support activities as and when necessary.

Parity

The unit and its personnel should enjoy equal status with other official enforcement agencies, such as the police and Customs.

Staff

Unit personnel should preferably be assigned on a voluntary basis. Wildlife crime is a growing problem and organized crime group involvement in wildlife crime is increasingly evident. The investigation of organized wildlife crime is complex in nature. For this reason, highly competent staff should be recruited and appointed to serve in specialized wildlife law enforcement units. Serving in the unit should be regarded as an asset for the officers' professional and career development. Selection procedures should be carefully designed to identify the most suitably qualified and appropriate staff, whilst remembering that appropriate training can compensate for any lack of previous experience. The unit must not be regarded as somewhere to which poorly performing staff can be assigned. Whilst staff should be encouraged to serve voluntarily in the unit, this should not be taken to mean their service will be unpaid.

Multi-agency

It is important that the unit should include or liaise with personnel from each of the national agencies that regularly engage in wildlife law enforcement, such as forest, fishery and wildlife departments, the police and Customs, and the prosecuting authority (e.g. national prosecutor for environmental crime). It should also have ready access and be connected to the resources of those agencies that participate on an irregular basis. The involvement of personnel from a variety of agencies can also be an effective measure against corrupt practices.

At the national level, the specialized unit could be established as a national environmental security taskforce (NEST). Parties are encouraged to use the guidance on the NEST's structure and formation as set out in the ICPO-INTERPOL operational manual on *National Environmental Security Taskforces*¹.

Properly funded

The unit must have a budget commensurate with its activities. Budget control measures should be flexible enough to allow for an appropriate response to operational requirements. Specialized wildlife law enforcement units should be funded by the government. This will demonstrate governmental commitment to combating wildlife crime. The use of external funding from supporting donors to fund specialized wildlife law enforcement units should only be considered in exceptional circumstances. When external funding from supporting donors is utilized for this purpose, it must be ensured that control remains with the proper national authorities and that potential donors are not allowed to dictate or participate in the unit's activities. Accountability for funds should be restricted to annual reporting.

¹ See <http://www.interpol.int/Crime-areas/Environmental-crime/Task-forces>.

Size

Whilst this will be dictated by national circumstances, having the right people with the right support will probably be more important than the numbers of staff in the unit. Quality should be the focus, rather than quantity.

Technical support

The unit should be properly equipped to enable it to carry out its duties. Equipment of a general and routine nature might include, for example, uniforms, vehicles, communications, firearms, surveillance gear, computers and associated software. Provision should be made for ready access to more specialized support, such as forensic science services, scenes-of-crime examination officers, and species-identification experts.

A multi-year maintenance should be provided for when allocating such resources.

Training

All unit personnel should be adequately trained in relevant specialized fields and this should be an ongoing process. Training should be regarded as a priority investment activity for the unit's staff. After gaining suitable experience, unit personnel should be utilized for the training of others.

Accreditation or certification of trained staff should be periodically renewed and recognized for professional and career development purposes.

Strategies

The unit should be provided with sufficient time and resources to consider and identify strategic issues, aside from its operational commitments, or should be supported by an infrastructure that will consider these issues, e.g. a national criminal intelligence service.

Long term

Unless there are very good reasons to suggest otherwise, the unit should be regarded as a long-term or permanent structure within the country's enforcement institutional and policy framework. This will provide for continuity and the acquisition of specialized experience, and demonstrate to other enforcement agencies and the public governmental commitment to combating wildlife crime.

Recognition

Steps should be taken to ensure that the purpose and tasks of the unit are publicized among all enforcement agencies and the general public. The latter aspect can have a deterrent effect for offenders and also encourage the public to supply information.

Local support

Every effort should be made to facilitate and encourage support to the unit from local communities, in both a formal and an informal fashion. The unit should be encouraged to liaise with local community leaders and enlist their assistance in convincing citizens of the worth of its aims.

Discipline

The unit should be expected to maintain the highest standards of discipline. If a multi-agency approach is employed, the personal and professional conduct standards that are the most stringent should be adopted as the 'norm'. Any deviance from the standards should result in a rigorous response, with expulsion of the offender from the unit being encouraged in serious cases. In such cases, criminal prosecution should also be instituted against the offender, when applicable.

Secondments

Aside from the 'core' members of the unit, the concept of short- and mid-term secondments from as wide a variety of enforcement agencies as possible should be encouraged to promote inter-agency cooperation, supplement numbers in the unit and spread knowledge and experience. Secondments to the unit can provide excellent training opportunities for personnel from various agencies as well as useful insights for unit members into the work of others.

These secondments should be recognized as valuable assets for professional and career development.

Informant network

The unit should be encouraged to develop a network of informants (in compliance with national procedural laws and strict procedures for managing covert human intelligence sources) as a priority task. This can be facilitated by means of reward schemes and confidential information 'hotlines' to allow the supply of information.

Cooperation and coordination

The unit should, ideally, act as a central repository of intelligence regarding wildlife crime, including illegal wildlife trade. Standard operating procedures should be developed with any national criminal intelligence service to ensure that the unit has access to all relevant intelligence. Every effort should be made to avoid duplication of effort among enforcement agencies and to eliminate opportunities for informants to supply, and be rewarded for, the same intelligence to a variety of agencies.

If the unit itself does not investigate cases from beginning to prosecution, it should have a role to maintain an overview of serious cases of wildlife crime, and provide assistance and guidance whenever appropriate.

Regional and international collaboration

The unit should be responsible for liaison on wildlife crime matters through the ICPO-INTERPOL National Central Bureaus with appropriate regional and international law enforcement agencies and other relevant organizations, such as ICPO-INTERPOL, the World Customs Organization and the CITES Secretariat. This should include the preparation and submission of ECOMESSAGES at the international level.

Evidence of other criminal activities

Any information received by the unit that relates to activities outside its remit, e.g. narcotics, trafficking in firearms, illegal immigration, etc., should be passed to the relevant agency as soon as possible and without hesitation. Such action should encourage reciprocal approaches.

Prosecution

Where a prosecutor is not included in the unit, every effort should be made to establish the closest working relationship possible with prosecution authorities. Raising of awareness in such authorities should be given priority and their support to the unit should be established. The unit may well be able to provide training for prosecutors. Case reporting and evidential requirement standards should be established. Prosecutors can also assist in identifying priorities and targets for the unit.

Judiciary

Whilst the relationship between the unit and a country's judiciary should be maintained at an appropriate distance, it is very important that the unit raises awareness among the judiciary of wildlife crime, appropriate sentencing and deterrent responses. The unit should also seek information and feedback from the judiciary on relevant decisions and issues that have arisen in civil and criminal cases, and any problems with evidence or the manner in which investigations have been conducted.

Legislative review

Criminal investigations, prosecutions and judicial decisions should be reviewed and analysed regularly. Findings that may improve legislation and policy should be reported to the relevant legislative or complementary administration.

Assistance from non-governmental organizations, the private sector and other special interest groups

Taking into account the comments above with regard to funding, the unit might establish appropriate links with national and international non-governmental organizations (NGOs), private sector associations and other interested stakeholders that could offer relevant information, expert advice and assistance. It is essential, however, that their role should be restricted to support of the unit and that they should not be allowed access to intelligence or to engage in any operational activity without appropriate legislative authority as well as the agreement of the unit and prosecution authorities.

NGOs, the private sector and other special interest groups should not be allowed to undertake activities that rest more properly with government agencies, e.g. covert operations or the maintenance of databases on crime and criminals.

NGOs, the private sector and other special interest groups should be encouraged to discuss with the unit any research or trade surveys that might involve a covert element; if for no other reason than this will prevent them from accidentally intruding into the unit's own 'undercover' activities.