

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



Seventy-seventh meeting of the Standing Committee
Geneva (Switzerland), 6–10 November 2023

Illegal trade and enforcement

Enforcement

ENFORCEMENT MATTERS

1. This document has been prepared by the Secretariat.

Background

2. In paragraph 32 c) of Resolution Conf. 11.3 (Rev. CoP19) on *Compliance and enforcement*, the Conference of the Parties directs the Secretariat to, subject to available resources:
 - 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;*
3. In paragraph 13 a) and b) of Resolution Conf. 17.6 (Rev. CoP19) 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, paragraph 14, 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. CoP19); and*
5. At its 19th meeting (CoP19; Panama City, 2022), the Conference of the Parties adopted Decisions 19.77 to 19.79 on *Enforcement*, as follows:

Directed to Parties

19.77 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.*

19.78 *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 with its partners in the International Consortium on Combating Wildlife Crime (ICWC) and other bodies

19.79 *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.*

6. In the present document, the Secretariat provides information on activities conducted regarding enforcement matters and the Resolutions and Decisions adopted by the Conference of the Parties, outlined in paragraphs 2 to 5 above. Other documents on specific enforcement matters were prepared for the present meeting. The report of the Secretariat on compliance matters as anticipated by the provisions of paragraph 32 c) in Resolution Conf. 11.3 (Rev. CoP19), is presented in document SC77 Doc. 33.1 on *Implementation of Article XIII and Resolution Conf. 14.3 (Rev. CoP19) on CITES compliance procedures.*

Addressing corruption

Implementation of Resolution Conf. 17.6 (Rev. CoP19) and Decision 19.77

7. Incidents that occurred since CoP19 and information available demonstrate that corruption continues to pose a challenge in the context of addressing wildlife crime. However, it is encouraging to see that Parties seem to increasingly take strict action when corrupt practices are detected. In July 2023 for example, the Malaysian Anti-Corruption Commission (MACC) conducted an operation during which a [syndicate smuggling pangolin scales](#) was disrupted. This [syndicate conspired with enforcement officers](#) to gain access to pangolin specimens meant for disposal and sell them. In India, the Directorate of Revenue Intelligence (DRI) conducted an operation that resulted in the arrest of eight persons involved in the illegal trade of leopard skins, one of which was a [serving police constable](#). In Zimbabwe, a [police constable and his accomplice were sentenced](#) to nine years in prison, after trying to sell elephant tusks. Their co-accused, a former parks ranger, is still at large and a warrant for his arrest has been issued. In South Africa, two of the main accused arrested during [Operation Blood Orange](#), reported upon in more detail in paragraph 15 below, were former game rangers also previously arrested on charges which included corruption, money laundering and fraud linked to wildlife trafficking.
8. As requested in paragraph 13 b) of Resolution Conf. 17.6 (Rev. CoP19), the Secretariat notes that the United States of America brought to its attention activities it has undertaken in relation to imports of long-tailed macaques (*Macaca fascicularis*) from Cambodia claimed to have been bred in captivity. In this regard, it is recalled that [indictment charges were filed in the United States of America](#), including against two officials from Cambodia. The Secretariat notes that, at its 32nd meeting (AC32; Geneva, June 2023), the Animals Committee selected a number of species/country combinations for review, which included trade in *Macaca fascicularis* from Cambodia, in the implementation of its work as directed by Resolution Conf. 17.7 (Rev. CoP19) on the *Review of trade in animal specimens reported as produced in captivity* (see document [AC32 Doc. 15.1](#)). The Animals Committee decided on a set of questions in relation to *Macaca fascicularis* from Cambodia. In July 2023, the Secretariat wrote to the Party requesting that it provide responses to these questions in accordance with the Resolution. The Secretariat has not yet received a reply from Cambodia. The Animals Committee will review Cambodia's responses at its 33rd meeting and address the matter as needed. Ensuring that CITES source codes are being properly assigned and CITES documents issued in accordance with the requirements of the Convention is integral to the implementation and enforcement of the Convention.

9. In August 2023, following a [press statement](#) issued by the United States of America regarding the designation of officials from the Democratic Republic of the Congo (DRC) as generally ineligible to enter the United States of America in relation to alleged corruption, the CITES Management Authority of the DRC wrote to the Secretariat requesting information about the matter and data regarding trade in chimpanzees, gorillas and okapis from the DRC to China. The Secretariat provided a response regarding the trade data requested but noted in its reply to the DRC that matters related to the designations made by the United States must be taken up with the relevant authorities of the United States directly. In its response to the DRC the Secretariat stated that regarding export statistics for chimpanzees and gorillas from the DRC to China (the okapi not being a species listed in the Appendices of the Convention), the Secretariat has consulted the CITES legal database and found no records of transactions from the DRC to China for the mentioned species for the period from 2003 to 2023. The Secretariat notes that matters related to the DRC are addressed in document SC77 Doc. 33.6 on *Application of Article XIII in the Democratic Republic of the Congo*.
10. The Secretariat reiterates the importance that all Parties and entities in possession of credible information and actionable intelligence regarding corrupt practices communicate such information to relevant police and anti-corruption agencies for further investigation and appropriate action to be taken. The Secretariat further recalls that paragraph 7 of Resolution Conf. 17.6 (Rev. CoP19) urges Parties to ensure that agencies responsible for the administration and regulation of CITES, particularly with regard to the issuance, inspection and endorsement of permits and certificates, and the inspection and clearance of shipments authorized by such documents, implement measures which aid in the deterrence and detection of corrupt practices.
11. The Secretariat take this opportunity to draw to the attention of Parties a report entitled [Dirty Money: The Role of Corruption in Enabling Wildlife Crime](#), produced by the Wildlife Justice Commission. The report highlights the role that corruption plays as a key enabler of wildlife crime and presents a number of case studies demonstrating that corruption can manifest in many forms and occur along all stages of the supply chain.
12. As demonstrated by the information provided in the preceding paragraphs, some good work has been reported on addressing corruption. However, in light of the ongoing challenge posed by corruption, it remains essential that, where not yet done, Parties actively pursue the implementation of Decision 19.77 and the provisions of Resolution Conf. 17.6 (Rev. CoP19), stepping up efforts to ensure that measures are in place to mitigate and address corruption associated with wildlife crime.
13. The Secretariat notes that efforts to combat corruption also continues to be prioritized in the activities delivered by ICCWC. Since CoP19, the Consortium has provided a broad range of support and mentoring on corruption prevention measures, including corruption risk assessments, corruption risk mitigation strategies and the development corruption prevention policies. More details in this regard can be found in SC77 Doc. 39.2 on the *International Consortium on Combating Wildlife Crime*.

Addressing illicit financial flows from wildlife crime

14. There is still significant room for improvement regarding the integration of financial crime investigations into the investigation of crimes involving wildlife. Strengthening and expanding measures to address illicit financial flows from wildlife crime would not only help ensure that the criminals involved do not benefit from the proceeds of their crimes, but also 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 international level. It is also in this context that the Conference of the Parties adopted Decisions 19.78 and 19.79.

Implementation of Decision 19.78

15. Since CoP19, limited information about activities undertaken by Parties in accordance with Decision 19.78 came to the attention of the Secretariat. This is understandable considering that investigations into illicit financial flows are often of a sensitive nature and are therefore communicated on a “need to know” basis. Operation Blood Orange referred to in paragraph 7 of the present document, provides a good example of mobilizing financial crime investigations against offenders involved in wildlife crime. This multidisciplinary operation undertaken by authorities in South Africa targeted a rhino-poaching syndicate and was preceded by a comprehensive investigation, which included investigations into financial flows of the suspects. Another good example, also referred to in paragraph 7 of the present document, is the operation conducted by the MACC during which a syndicate smuggling pangolin scales was disrupted in Malaysia. This investigation conducted in accordance with MACC Act of 2009 and the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Illegal Activities Act of 2001, apart from arrests also resulted in the confiscation of several luxury vehicles that were linked to the syndicate.

16. Other activities and initiatives directly relevant to Decision 19.78 were undertaken since CoP19. For example, a webinar on [Financial investigations in wildlife and timber trafficking](#) organized by the European Union Agency for Law Enforcement Training (CEPOL) together with TRAFFIC and the World Wide Fund for Nature (WWF) in June 2023. The webinar addressed mobilizing a financial investigation strategy to identify money laundering offences and illicit proceeds linked to wildlife and timber trafficking affecting the European Union. It coincided with the release of a report entitled [Wildlife Money Trails](#) developed by TRAFFIC and WWF, which features 16 case studies that collectively represent close to 8 million Euros of illicit profits derived from wildlife crime. This report was developed with the aim to assist law enforcement authorities and financial institutions in the European Union to address financial crimes related to wildlife and timber trafficking.
17. Further to the above, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), Canada's financial intelligence unit, published an operational alert on [Laundering the Proceeds of Crime from Illegal Wildlife Trade](#) in January 2023. The purpose of the operational alert is to assist businesses subject to the Canadian Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA), in better identifying and reporting financial transactions related to the laundering of proceeds of crime from illegal wildlife trade. Such reporting is used to facilitate the production of actionable financial intelligence in support of law enforcement investigations into wildlife crime. The operational alert is also available on the [Enforcement](#) webpage maintained by the CITES Secretariat.
18. Considering the continued need to scale up efforts to address illicit financial flows from wildlife crime, the Standing Committee may wish to reiterate the importance that Parties actively pursue the implementation of Decision 19.78, whilst further also reminding Parties of paragraph 6 c) to g) of Resolution Conf. 11.3 (Rev. CoP19) and encouraging that Parties actively pursue implementation of these provisions, where not yet done.

Implementation of Decision 19.79

19. Regarding Decision 19.79, the Secretariat notes that the implementation of this Decision is subject to external funding. At the time of writing, no such funding has been secured, but the Secretariat is pleased to inform Parties that a number of activities that support this Decision have taken place since CoP19. In February 2023, the Secretariat participated in and contributed to an online Workshop on Financial Investigations of Environmental Crime, organized by INTERPOL for its southern African member States at the request of the INTERPOL Regional Bureau in Harare, Zimbabwe. In August 2023, the Secretariat also contributed to a training session on Financial Investigation of Wildlife Crimes hosted by the INTERPOL Regional Bureau in Abidjan, Côte d'Ivoire. This session was arranged for French-speaking African countries (Benin, Burkina Faso, Cameroon, Central African Republic, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Gabon and Madagascar).
20. Further, in April 2023, in Yaoundé, Cameroon and in Kinshasa, DRC, the United Nations Office on Drugs and Crime (UNODC) provided training to law enforcement and prosecution authorities on how to undertake financial investigations linked to wildlife and forest crimes. In Uganda, with UNODC support, a forensic accountant is working with wildlife and forest management authorities to identify cases where financial investigations could be initiated and to provide mentorship to investigators on how to conduct such financial investigations.
21. In early 2023, the World Bank, on behalf of the ICCWC, supported Cambodia and Viet Nam in implementing the [Environmental and Natural Resource Crimes Risk Assessment Tool environmental and natural resource risk assessment module](#). This work was done to help these Parties better understand the money laundering and terrorist financing risks associated with wildlife and natural resource crimes and to support the drafting of anti-money laundering risk-based strategies to ensure that these crimes are adequately reflected in their national responses. Also in early 2023, the World Bank implemented a technical assistance programme for law enforcement officers and prosecutors in Zimbabwe to promote better understanding of money laundering risks in the environmental and wildlife sectors. In April 2023, in Maputo, Mozambique, the World Bank delivered a first training for the judiciary on how to develop financial investigations and prosecutions, with a second training planned to take place in September 2023. The World Bank further provided technical support to the Central African Republic, the Democratic Republic of the Congo, Gabon and Guinea in relation to the adoption of their National Risk Assessments for Money Laundering.
22. The Secretariat hopes that donors will provide funding as soon as possible to implement Decision 19.79 and will provide a further update on progress in this regard to the 78th meeting of the Standing Committee. In the meantime, the Secretariat will continue to actively explore opportunities to progress implementation of the Decision, by engaging with its ICCWC partners and in relevant activities and events organized.

The CITES Illegal Trade Database and Annual Illegal Trade Reports

23. Regarding the analysis of data gathered through CITES annual illegal trade reports (AITRs), ICCWC partners and other verified sources as anticipated by paragraph 32. c) of Resolution Conf. 11.3 (Rev. CoP19), the Secretariat notes that data from the CITES Illegal Trade Database was drawn upon to inform the content of various documents prepared for the present meeting.
24. Further, the Secretariat is working closely with UNODC and providing input to the development of the 3rd edition of the World Wildlife Crime Report. Data from the CITES Illegal Trade Database significantly contributes to and supports the development of the report. At the time of writing, arrangements were in place for the Secretariat to attend the 3rd World Wildlife Crime Report Scientific Advisory Committee meeting in Vienna in September 2023. It is expected that the 3rd edition of the World Wildlife Crime Report will be launched during the first half of 2024. The Secretariat trusts that, like previous editions (2016 and 2020), the 3rd edition of the World Wildlife Crime Report will provide a valuable source of information for Parties to draw upon to inform their decision-making and in support of the development of appropriate law enforcement responses.
25. At CoP19, revisions to paragraph 4 of Resolution Conf. 11.17 (Rev. CoP19) on *National reports* were adopted. This includes that, unless otherwise specified by the reporting Party, any data related to seizures of elephant specimens collected in the AITR and included in the database, should be made available to the Elephant Trade Information System (ETIS) to support monitoring the illegal trade in ivory and other elephant specimens as provided for in Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens*. To facilitate the use of elephant seizure data from the AITRs for the ETIS data analysis, the Secretariat is proposing changes to the *Guidelines for the preparation and submission of CITES annual illegal trade reports* and the standard format template for the CITES Annual illegal trade report. These matters are addressed in document SC77 Doc. 32.2 on *Revised Guidelines for the preparation and submission of CITES Annual Reports and Guidelines for the preparation and submission of CITES annual illegal trade reports*.
26. Further, at CoP19, the Conference of the Parties adopted amendments to paragraph 27 g) of Resolution Conf. 10.10 (Rev. CoP19) on *Trade in elephant specimens*, which states that the detailed data on individual seizure cases, elephant mortalities and law enforcement submitted to the Monitoring the Illegal Killing of Elephants (MIKE) programme or ETIS will be accessible to the Party it relates to, the members of the MIKE and ETIS Technical Advisory Group for information and review purposes and to the members of ICCWC for global research and analysis purposes, unless otherwise specified by the reporting Party as provided for in paragraph 4 of Resolution Conf. 11.17 (Rev. CoP19). The Secretariat proposes for TRAFFIC to make a provision in ETIS Online and its forms for Parties to indicate if data submitted to ETIS should not be made available for global research and analysis. This matter is addressed in document SC77 Doc. 63.1 on *Implementation of Resolution Conf. 10.10 (Rev. CoP19)*.
27. The Secretariat takes this opportunity to thank Switzerland for its funding contribution to the Secretariat and the United Kingdom of Great Britain and Northern Ireland for its funding contribution towards the implementation of the ICCWC Vision 2030, which could be mobilized to support the collaborative work of the Secretariat and UNODC to maintain the CITES Illegal Trade Database and its data dissemination platform. The database and dissemination platform are maintained in accordance with Decision 19.80, paragraph a) on *Annual illegal trade reports* and up to August 2023, over 115 000 seizure records reported by Parties through their AITRs have been recorded in the CITES Illegal Trade Database. The value of the database is becoming increasingly evident as more data is recorded. With its dissemination platform to enable Parties and ICCWC partner organizations to directly access data recorded in the database, the database will become over time a powerful tool to draw upon in identifying illegal trade trends and designing appropriate responses to address it.
28. Following CoP19, the Secretariat reached out to a number of Parties and ICCWC partner agencies to voluntarily test the CITES Illegal Trade Database and the data dissemination platform functionalities. The Secretariat take this opportunity to thank the Parties concerned and its ICCWC partners for the feedback provided, based on which the database and dissemination platform functionalities were further refined and improved. At the time of writing, the related work on the dissemination platform was being finalized. The dissemination platform is expected to be ready and available for use in September 2023. The Secretariat will provide a further update in this regard at the present meeting.
29. As pointed out in document CoP19 Doc. 34 on *Annual illegal trade reports*, the maintenance of the CITES Illegal Trade Database is currently subject to external funding and the cost estimate for this during the present intersessional period is presented in Annex 4 to document CoP19 Doc. 34. The Secretariat notes that with the funding secured at the time of writing the present document the database can be maintained up to 31

August 2024. Should the database be discontinued during periods when funding is not available, significant data gaps could occur and this could prevent the data from becoming the valuable resource it is intended to be. If discontinued due to a lack of funding, it might also not be practical or feasible to re-establish the capacity required to maintain the database and dissemination platform when funding again becomes available. The Secretariat therefore reiterates the importance of sustainable funding to maintain the CITES Illegal Trade Database. To guarantee sustainability, subject to funding being available, it would be preferable for the costs required to maintain the database to be built into the core budget of the Secretariat. The annual illegal trade report is mandatory, and the importance attached to this reporting should be reflected in the budget. In light of this, the Standing Committee may wish to request the Secretariat to convey the budgetary implications and importance of securing sustainable funding to maintain the CITES Illegal Trade Database, during the Budget and work programme discussions for 2026 to 2028 at the 20th meeting of the Conference of the Parties.

30. The Secretariat further takes this opportunity to inform Parties that, in July 2023, it attended a Regional Workshop for Central Asia on Combating Illegal Wildlife Trade, in Kyrgyzstan. Representatives from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, as well as from China, the European Union, the United Kingdom of Great Britain and Northern Ireland, the United States of America and non-governmental organizations working in the field of biodiversity conservation in Central Asia attended the workshop. The workshop addressed key matters related to CITES implementation and enforcement and included a session dedicated to reporting. This presented a valuable opportunity to progress implementation of Decision 19.80, paragraph b), and the Secretariat briefed representatives in detail on the CITES Illegal Trade Database and the importance of accurately compiling and submitting CITES annual illegal trade reports, using the *Guidelines for the preparation and submission of CITES annual illegal trade reports*.

Directory of laboratories conducting wildlife forensic testing

31. Paragraph 30 d) of Resolution Conf. 11.3 (Rev. CoP19) directs the Secretariat, in close collaboration with forensic experts and relevant partner agencies, to 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. At CoP19, the Secretariat reported that it had issued [Notification to the Parties No. 2022/080](#) of 18 November 2022, informing Parties that the *CITES directory of laboratories that conduct wildlife forensic testing* had been updated accordingly.
32. Since CoP19, an application to be included in the directory was received from the Forest Research Institute Malaysia (FRIM) and considered against the [criteria for inclusion](#). The Secretariat is pleased to inform Parties that the FRIM meets the criteria and is now included in the directory. The Secretariat further gratefully acknowledges the support provided and work undertaken by UNODC and the Society for Wildlife Forensics Science in relation to updating the directory, which was done *pro bono*.
33. At present, 13 laboratories are included in the [CITES directory of laboratories that conduct wildlife forensic testing](#). These laboratories are located in Australia, China, the Czech Republic, Malaysia, the Netherlands, Singapore, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
34. Forensic applications must be used to the fullest extent possible to combat wildlife crime. Laboratories listed in the *CITES directory of laboratories that conduct wildlife forensic testing* offer services conforming to the highest standards. Parties in need of support are therefore invited to consult the directory and draw upon the services provided by the laboratories listed. Parties are reminded that the directory is available on the [Wildlife forensics](#) webpage maintained by the CITES Secretariat.

Recommendations

35. The Standing Committee is invited to:
 - a) encourage Parties to actively pursue the implementation of Decision 19.78 and to implement the provisions in paragraph 6 c) to g) of Resolution Conf. 11.3 (Rev. CoP19), where not yet done;
 - b) encourage Parties to draw upon the [CITES directory of laboratories that conduct wildlife forensic testing](#), to facilitate forensic applications being used to the fullest extent possible to combat wildlife crime, where needed; and

- c) request the Secretariat to convey the budgetary implications and importance of securing sustainable funding to maintain the CITES Illegal Trade Database, during the budget and work programme discussions for 2026 to 2028 at the 20th meeting of the Conference of the Parties.