

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



Fifteenth meeting of the Conference of the Parties
Doha (Qatar), 13-25 March 2010

Interpretation and implementation of the Convention

Species trade and conservation

Asian big cats

PROPOSED REVISION OF RESOLUTION CONF. 12.5 ON CONSERVATION OF AND TRADE IN TIGERS
AND OTHER APPENDIX-I ASIAN BIG CAT SPECIES

1. This document has been submitted by Sweden* on behalf of the European Community Member States acting in the interest of the European Community.

Background

2. Tigers and other big cats were listed in Appendix I in 1975 prohibiting international commercial trade in these species.
3. To address concerns that escalating trade in tiger parts and derivatives was having a continued adverse impact on tiger populations, the 9th Conference of the Parties (Fort Lauderdale, 1994) adopted Conference Resolution 9.13 on the Conservation of and trade in tigers which urged Range States to introduce effective legislation to reduce such activities.
4. In light of the continued impact of increasing trade in tiger parts and derivatives on tiger populations, the 11th Conference of the Parties (Gigiri, 2000) replaced Resolution Conf 9.13 with Resolution Conf 11.5. This aimed to strengthen efforts to conserve populations of tigers and combat illegal trade in live specimens and parts and derivatives thereof. The 12th Conference of the Parties (Santiago, 2002) adopted Resolution Conf 12.5 on the Conservation of and trade in tigers and other Appendix I Asian big cat species. This extended the scope of Resolution Conf 11.5 to all Appendix I Asian big cats in an attempt to further strengthen range State and regional enforcement effort through increased cooperation and enforcement, and to encourage improved control of domestic markets.
5. Concerns about difficulties in the implementation of tiger Resolutions and areas such as enforcement and captive breeding continued, from range and consumer reports as well as NGOs. These concerns have been compounded by reporting being erratic despite continued requests from Standing Committee. Analysis by TRAFFIC has revealed that implementation of Resolution Conf 12.5 (Rev CoP14) had been uneven, both overall and in terms of individual elements.
6. This led to the adoption by the 14th Conference of the Parties of Decisions 14.65–72 which required Parties to report on their implementation of Resolution Conf 12.5 (Rev CoP14) at the 57th and subsequent meetings of the Standing Committee and at the 15th Conference of the Parties (Decision 14.65). Decisions 14.66-69 emphasised the need for increased enforcement effort and international cooperation, and on

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reducing intensive breeding operations to a level supportive only of the conservation of wild populations. Decisions 14.70-14.72 were directed to the Secretariat.

7. Implementation of these Decisions still remains uneven and reporting erratic across range states. Recent assessment concluded that whilst reasonable progress had been made implementing some Decisions there remained room for improvement and progress was poor in some areas including targeted public awareness campaigns, as well as in the implementation of national legislation, administration and adjudication of trade bans.
8. Assessments of the implementation of Resolution Conf 12.5 (Rev CoP14) and Decisions 14.65-14.69 has been hampered by a failure on the part of range States to report on their progress in implementing the actions agreed by CITES parties. At the 58th meeting of the Standing Committee no Party reported on progress on its implementation of Resolution Conf 12.5 (Rev CoP14) or Decisions 14.65-14.69, with the exception of China's short report on implementation of 14.69. As a consequence, the Standing Committee instructed the Secretariat to request range States to submit reports within 90 days. The Secretariat did this in Notification 2009/29 of 22 July 2009, with responses requested by 20 October 2009.
9. Despite these measures tiger populations continue to decline. Figures from the IUCN Red List estimated a global population of 3,402-5,140 adults in 2008. This compares to 5,000-7,000 in 1999. India which is home to between 40 and 50% of the world's wild tigers, undertook a population census in 2008 which estimated its population at 1,411, compared to 3,642 in 2002. Although few tiger populations have been estimated with confidence, these figures demonstrate a significant decline in tiger populations over recent years. The tiger is listed as endangered on the IUCN Red List, with some species such as the Sumatran Tiger and South China Tiger listed as critically endangered.
10. To address the continuing concerns about tiger conservation the 58th meeting of the Standing Committee decided that amendments to strengthen the implementation of Resolution Conf 12.5 (Rev CoP14) should be considered by the 15th Conference of the Parties.

Measures to improve the conservation of tigers and other Asian big cats

11. CITES has a long history of effort to stop illegal trade in tigers and other Asian big cats and their derivatives. However, unless these efforts are strengthened they risk failure as demonstrated by the continuing decline in the world's wild tiger populations.
12. Annex 1 to this document includes the text of Resolution Conf 12.5 (Rev CoP14) with proposed amendments which aim to strengthen and improve the implementation of conservation measures for tigers and other Asian big cats. The proposed amendments aim to:
 - a) *Increase regional co-operation between range States* - To build on some of the good international relationships which already exist and to encourage participation in the Global Tiger Forum, as well as the Global Tiger Initiative and its Tiger Summit. Also to increase the effectiveness and scope of regional enforcement networks such as ASEAN-WEN.
 - b) *Improve enforcement controls and procedures* – To ensure that enforcement units and personnel are effectively supported in the key aspects of wildlife crime enforcement, and to improve the implementation of systems to record and monitor trade in Asian big cats in line with the conclusions of the CITES Tiger Enforcement Task Force meeting held in New Delhi from 2 to 4 April 2001.
 - c) *Ensure breeding operations are consistent with the conservation of wild populations* - Inclusion of the provisions on breeding operations contained in Decision 14.69, and the additional guidance and interpretations provided in Notification 2008/59, to ensure that they are effectively implemented in range States and that actions taken in implementing them are reported on regularly.
 - d) *Improve reporting* – A reporting requirement is introduced to ensure that range States in particular report on measures taken to implement this Resolution. This will ensure that accurate assessments can be made of the effectiveness of these measures in conserving the world's populations of tigers and other Asian big cats.
 - e) *Improve compliance* – To enable the imposition of compliance procedures under Resolution Conf 14.3 on CITES compliance procedures where range States fail to implement Resolution Conf 12.5 (Rev CoP14) to an acceptable level. Various Resolutions and Decisions have been in place over very

many years and despite considerable resources provided for tiger conservation they remain seriously threatened.

- f) *Encourage consideration of an expansion of a database such as EU-TWIX* – To enable the consistent reporting at a global scale on illegal trade in wildlife, including tigers and other Asian big cats, following the conclusions and recommendations of the 2nd Enforcement experts group in Oregon between 8-10 June 2009.

Recommendation

13. The Conference of the Parties is invited to adopt the revised text of Res. Conf. 12.5 in Annex 1.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat, in general, supports the proposed amendments to Resolution Conf. 12.5 but wishes to make the following observations with regard to specific text.
- B. In relation to the proposed new wording in paragraph f) under URGES, it wishes to emphasize to the present meeting that this requires to be read in conjunction with the footnote in the proposed new Annex 4. The implication of this is that the Resolution, if amended, would reach beyond the provisions of the Convention and urge Parties to restrict the right to engage in domestic trade in CITES-listed species, albeit in a species-specific manner. The proposed wording in paragraph g) in the same section could also be regarded as reaching beyond the provisions of the Convention.
- C. The proposed wording under the first "INSTRUCTS" introduces additional reporting requirements upon Parties at a time when the CITES community has regularly expressed its desire to reduce the burden of reporting, wherever and whenever possible, and to make use of the annual and biennial reports. The Secretariat suggests that this aspect of the proposal should be considered by the Standing Committee's Working Group on Special Reporting Requirements, although it is not clear whether the Group will have the opportunity or time to reach a conclusion on the issue before the end of CoP15. The Secretariat notes that the previous requirement for reporting to the Standing Committee and Conference of the Parties (adopted in Decision 14.65) was restricted to tiger range States. The new wording that is proposed would affect all Asian big cat States, which would be a considerably larger group of countries. The Secretariat questions whether this was truly Sweden's intention. Indeed, the Secretariat questions whether such reporting on all Asian big cat species is warranted.
- D. The proposed wording under new paragraph a) under REQUESTS is unclear. Since it appears to be linked with conclusions reached by the CITES Enforcement Expert Group, the Secretariat presumes that the intention is to include illegal trade in Asian big cat matters in any general database on illicit trade, perhaps modelled on EU-TWIX, which the Conference may decide to call for. However, the wording could be interpreted as calling for a database that would specifically deal with Asian big cat issues, which the Expert Group expressly did not favour. The Secretariat suggests that this be clarified and the proposed text re-worded accordingly.
- E. In relation to the proposed wording under the second INSTRUCTS the Secretariat does not believe it is necessary to include special reference to compliance measures in a species-specific Resolution, as Resolution Conf. 14.3 (*CITES compliance procedures*) already provides guidance on this subject.
- F. The text proposed in the new Annexes 1 to 3, although prepared by the CITES Tiger Enforcement Task Force, is not species-specific. The Secretariat suggests, if the Conference decides to adopt the text, that it might be better annexed to Resolution Conf. 11.3 (Rev. CoP14) (*Compliance and enforcement*).

Proposed amendments to Resolution Conference 12.5 on the Conservation of and trade in tigers and other Appendix I Asian big cat species

Text to be deleted is ~~crossed-out~~. Proposed new text is underlined.

RECALLING Resolution Conf. 11.5, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000), relating to conservation of and trade in tigers;

NOTING that wild populations of tigers and other Asian big cat species (snow leopard, *Uncia uncia*, clouded leopard, *Neofelis nebulosa*, all subspecies of leopard *Panthera pardus* within its Asian range, and Asiatic lion, *Panthera leo persica*) are threatened by the combined effects of poaching and habitat loss caused by disturbance, fragmentation and destruction;

AWARE that all tigers and other Asian big cat species are included in Appendix I, and that commercial international trade in Asian big cat species and their parts and derivatives has been prohibited by the Convention since 1975 (with the exception of the Asiatic lion and the Amur tiger *Panthera tigris altaica*, which were included in 1977 and 1987, respectively);

CONSCIOUS that three subspecies of tiger, *Panthera tigris*, have become extinct within the last 50 years and noting with concern that, despite inclusion of Asian big cat species in Appendix I, illegal trade in specimens of nearly all these species has escalated and further threatens their long-term survival in the wild;

CONCERNED that the use of medicines and products containing parts and derivatives from the tiger and other Asian big cat species continues in many countries around the world and that the bones of some of these species may be used in traditional medicine systems as a substitute for tiger bone;

CONCERNED further that despite some improvements, trade in skins from the tiger and other Asian big cat species continues ~~appears to be escalating again, and that this trend could~~ to fuel poaching that could lead to extinction in the wild;

NOTING that the Standing Committee has called upon all Parties and non-Parties to the Convention to take such measures as are required to halt the illegal trade in tigers and tiger parts and derivatives;

COMMENDING the positive actions taken by some range and consumer States to address the illegal trade in tiger and tiger parts and derivatives and to facilitate cooperation with other Parties, but noting that measures are required to address illegal trade in specimens of all Appendix-I Asian big cat species;

CONSCIOUS that the driving forces behind the illegal killing of tigers and other Asian big cats and the illegal trade in specimens from them vary from region to region and may include financial gain from the sale of live specimens, parts and derivatives, protection of people living in Asian big cat habitats and protection against or response to the predation of livestock;

RECOGNIZING that strengthened technical cooperation between range and non-range States and financial support, would contribute to more effective conservation of tigers and other Asian big cat species;

ACKNOWLEDGING that increased political commitment, financial resources and expertise in some range and consumer States will significantly improve control of the illegal killing of Asian big cat species, trade in their parts and derivatives and protection of their habitats;

ACKNOWLEDGING the progress made through the CITES Tiger Enforcement Task Force, and the support given by the 2nd Enforcement Experts meeting in 2009 for the wider application and use of EU-TWIX as a monitoring and reporting tool, ~~including the enforcement training course conducted in India and~~ but noting that the causes of conservation problems could be relevant to other Asian big cat species and that the solutions to reduce illegal trade in tiger specimens could be applied to benefit these species;

ACKNOWLEDGING further the actions and reports of members of the Snow Leopard Network and of the Global Tiger Forum in reviewing the threats to the long-term survival of the species in the wild and the recommended measures to address those threats;

CONCERNED that the failure to provide regular detailed reports on progress in implementing measures aimed at conserving tigers and other Appendix I Asian big cats has prevented adequate assessment of the effectiveness of the measures taken;

RECOGNIZING also that long-term solutions to the protection, conservation and management of tigers and other Asian big cat species and their habitats requires the adoption of bold and innovative actions based on a sound base of information;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

URGES:

a) all Parties and non-Parties, especially range and consumer States of Asian big cat species, to adopt comprehensive legislation and enforcement controls which clearly define the administrative responsibilities of the various government agencies responsible for regulating trade within and outside of protected areas and in outlets for parts and derivatives such as in wildlife markets and shops, etc., as a matter of urgency;

b) all Parties seeking to improve their legislation prohibiting international commercial trade in specimens of tiger and other Asian big cat species, and products labelled as, or claiming to contain, their parts and derivatives, to adopt such legislation, to include penalties adequate to deter illegal trade and to consider introducing national measures to facilitate implementation of CITES, such as voluntarily prohibiting internal trade in such parts, derivatives and products, as provided for in Resolution Conf. 9.6 (Rev.);

c) all Parties, especially range and consumer States, to introduce innovative enforcement methods and, as a matter of priority, strengthen enforcement efforts in key border regions, and develop or improve implementation of regional enforcement networks;

d) all range States to implement systems for the recording of information relating to illegal trade in Asian big cats and that this information is shared with other entities as appropriate to ensure coordinated investigations and enforcement;

e) all range States to ensure enforcement units and personnel receive relevant and effective support in anti-poaching operations; the gathering and use of intelligence; targeting offenders; wildlife crime investigative techniques; collecting evidence; inter-agency liaison and co-operation; and preparing cases for prosecution; and in doing so should consider the guidance provided at Annexes 1, 2 and 3;

f) those Parties and non-Parties in whose territory tigers and other Asian big cat species are bred in captivity to ensure that they are not be bred for trade in their parts and derivatives and that adequate management practices and controls are in place to prevent parts and derivatives from entering illegal trade from or through such facilities;

g) those Parties with intensive operations breeding tigers on a commercial scale shall implement measures to restrict the captive population to a level supportive only to conserving wild tigers, taking account of the interpretations in Annex 4;

h) those Parties and non-Parties in whose countries there exist stocks of parts and derivatives of tiger and other Asian big cat species (such as tiger bone stocks), but not including pre-Convention specimens, to consolidate and ensure adequate control of such stocks, and where possible destroy the same, with the exception of those used for educational and scientific purposes;

i) range and non-range States of the tiger and other Asian big cat species to support and participate in international conservation programmes, such as the Global Tiger Forum, and the Snow Leopard Network, as well as the CITES Tiger Enforcement Task Force with the aim of improving coordinated international cooperation and action in conservation and trade control;

j) all range and consumer States that are not party to CITES to accede to the Convention at the earliest possible date in order to improve control of international trade in parts and derivatives of tiger and other Asian big cat species; and

INSTRUCTS range States and, where appropriate, non-range States to provide detailed reports to each meeting of the Standing Committee and Conference of Parties on measures taken to comply with this Resolution;

RECOMMENDS that:

~~a) the CITES Secretariat expand the remit of the CITES Tiger Enforcement Task Force to include all Asian big cat species;~~

- a) the range States of the tiger and other Asian big cat species ensure that anti-poaching teams and enforcement units are established and effectively resourced to counter the illegal killing of and trade in Asian big cat species, and that intelligence is shared between relevant enforcement agencies to counter illegal killing and trade;
- b) range States of the tiger and other Asian big cat species carry out appropriate education and awareness campaigns directed at urban and rural communities and other targeted groups, on the ecological and cultural significance and the significance for ecotourism of Asian big cats, their prey and habitats;
- c) all range and consumer States take measures to increase awareness of wildlife crime and illicit wildlife trade among their enforcement, prosecution and judicial authorities;
- d) the enforcement agencies in range and consumer States of the tiger and other Asian big cat species establish cooperative bilateral and multilateral arrangements, especially for the management of shared wildlife species and protected habitats with common boundaries, in order to achieve more effective control of illegal international trade in specimens of Asian big cat species;
- e) Parties and non-Parties convene regional workshops on law enforcement needs associated with illegal cross-border movement of specimens of Asian big cat species, including the extent of the trade, smuggling routes, methods and final consumer markets for live specimens and parts and derivatives, with technical assistance from the CITES Secretariat and, where available, financial support from interested governments and organizations; and
- f) the range States of Asian big cat species conduct, where appropriate, studies to examine the motivation behind the illegal killing of these species and to recommend appropriate measures to address such motivation; and

REQUESTS:

- a) Parties to consider the expansion of a database such as EU-TWIX to monitor and evaluate the scale and nature of illegal trade in Asian big cats;
- b) countries and organizations with the relevant expertise to encourage and support range and consumer States, as a matter of urgency, in the development of practical identification manuals to aid the detection and accurate identification of parts and derivatives of Asian big cats; and
- c) that, since biological and distribution data are essential for the implementation of the Convention, donor nations assist in funding the infrastructure and the provision of expertise to develop computer databases and mapping as well as any other necessary conservation management techniques;

RECOMMENDS that the consumer States of specimens from the tiger and other Asian big cat species:

- a) work with traditional medicine communities and industries to ~~develop strategies for gradually reducing and eventually eliminating~~ eliminate the use of Asian big cat parts and derivatives;
- b) where necessary and appropriate, remove references to parts and derivatives of Appendix-I Asian big cats from the official pharmacopoeia and include acceptable substitute products that do not endanger other wild species, and introduce programmes to educate the industry and user groups in order to eliminate the use of substances derived from Appendix-I Asian big cats and promote the adoption of appropriate alternatives; and
- c) carry out appropriate education and awareness campaigns to eliminate illegal trade in and use of Asian big cat skins as trophies, ornaments and items of clothing or for the production of other materials;

INSTRUCTS the Secretariat to initiate compliance proceedings in accordance with Resolution Conf 14.3 on CITES compliance procedures where range States fail to comply with this Resolution, included but not limited to where regular reports to Standing Committees or Conferences of the Parties on measures taken to comply with this Resolution are not provided;

CALLS UPON all governments and intergovernmental organizations, international aid agencies, and non-governmental organizations to provide, as a matter of urgency, funds and other assistance to stop illegal trade in specimens of Asian big cat species, and to ensure the long-term survival of the Asian big cat species in the wild; and

REPEALS Resolution Conf. 11.5 (Gigiri, 2000) – Conservation of and trade in tigers.

a) ANNEX 1

Preliminary report form

(to be used for reporting incidents of wildlife crime, illegal trade,
poaching of endangered species or significant intelligence)

1. Date

2. Place

3. Species

4. Type of event

5. Suspect(s):

6. Evidence:

7. Modus operandi:

8. Actions:

9. Other relevant information:

10. Person reporting

11. Date form submitted

The following guidance should be used to assist in the completion of the form and as a memory aid for staff at the scene of the incident.

<p><u>Date:</u> indicate, as appropriate</p> <ul style="list-style-type: none"><u>– date of discovery</u><u>– date of incident</u><u>– date information received</u> <p><u>Place:</u> indicate, as appropriate</p> <ul style="list-style-type: none"><u>– full address (if known)</u><u>– nearest town or landmark</u><u>– map reference</u><u>– GPS coordinates</u><u>– type of place, e.g. forest, commercial building, private dwelling, railway station, airport etc.</u> <p><u>Species:</u> indicate, as appropriate</p> <ul style="list-style-type: none"><u>– common name</u><u>– quantity</u><u>– age</u><u>– sex (if known)</u><u>– live or dead</u><u>– type of specimen, e.g. skin, trophy head, medicinal product, leather articles etc.</u>	<p><u>Evidence:</u> provide brief details of initial results, e.g.</p> <ul style="list-style-type: none"><u>– witnesses</u><u>– documents</u><u>– carcasses (whether any parts removed, e.g. horn or tusk) and plants</u><u>– scene of crime results (weapons, nets, lights, traps, poison, footprints, tyretracks, photographs)</u> <p><u>Modus operandi:</u> manner in which the crime was committed. For example,</p> <ul style="list-style-type: none"><u>– vehicle(s) used (provide registration number if possible)</u><u>– apparent cause of death</u><u>– method of killing, smuggling or concealment</u><u>– route used</u> <p><u>Actions:</u> provide details of initial work done by law enforcement agency or others at scene, for example</p> <ul style="list-style-type: none"><u>– arrest</u><u>– post-mortem</u><u>– filing or registration of case</u><u>– seizure</u>
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Type of event: indicate, as appropriate

- poaching
- taking
- death
- seizure
- trade
- intelligence

Suspect: indicate

- full name
- age, including date and place of birth (if known)
- address
- nationality (ID and passport No. if known)
- occupation
- description
- whether previous offender

- search

Other relevant information: give details such as

- intelligence gathered
- any further action required

Person reporting: indicate

- full name
- rank or title
- organization

Guidance for reporting and intelligence analysis

The Preliminary Report Form should, where necessary, be adapted to suit local requirements. Field staff should receive guidance on the categories of case for which it should be completed and to whom it should be submitted. It should be stressed to field staff that 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 given a positive image 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. It is at this stage that consideration can also be given to creating ECOMESSAGES to pass information between agencies or at regional and international levels or waiting until further investigation is complete.

The CITES Tiger Enforcement Task Force identified that the gathering of information and intelligence is not, in itself, sufficient. 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. Consideration will require to be given to how the information is disseminated. 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. Intelligence can also be disseminated through formal and informal email networks or made available through secure websites. Potential recipients of analyses might include such as CITES Management Authorities, all national enforcement agencies, the CITES Secretariat, ICPO-Interpol and the World Customs Organization. Ensuring as wide a distribution as possible 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 Task Force recommended that the following fields or subjects should be examined when studying data that has been collected:

Patterns

– to identify geographical, time of day, day of week, seasonal similarities, etc.

Suspects

– to identify repeat offenders and common descriptions

Suspect profiling

– to identify likely 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

Modus operandi

– to identify common or linked methods of committing crime and engaging in illegal trade, etc.

Trends

– to identify increased or decreased attention to particular species by criminals, locations, methods of crime and smuggling, 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 the most vulnerable, illegally hunted, smuggled and traded species

Forensic science results

– to identify links between crime or illicit trade cases that can be demonstrated through such as ballistic, fingerprint or hand-writing comparisons, etc.

Target criminals

– to identify offenders who are most active and those committing most serious offences and deploy resources, surveillance and intelligence gathering against them

Motives

– to identify what is prompting offenders to engage in illegal hunting and trading

Routes

– to identify access and exit routes used by poachers and routes used by smugglers to transport specimens. Also to identify methods of transport.

Markets

– to identify places and countries where illegal specimens are sold in either transit locations or final destinations, including profiles of likely buyers

Prices

– to identify value of specimens at different points in the supply chain, i.e. financial gain by poacher, smuggler, traders and price paid by final customer, etc.

Financing

– to identify persons or companies that may be funding poaching or illegal trade or to identify whether profits from wildlife crime are funding other activities

Links with other crimes

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

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Guidance for specialized wildlife law enforcement units

The role of specialized units in addressing issues relating to wildlife crime and illicit trade in CITES-listed species has been identified by the Conference of the Parties on a number of occasions. The CITES Tiger Missions Technical Team found specialized units to be very successful, wherever it encountered them. Resolution Conf. 11.3 (Rev. CoP14) encourages Parties to consider the establishment of such units.

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

The structure and composition of specialized units will also be dictated by whether they are created at national, provincial or local levels 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

Another absolutely essential element. The unit must 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.

It is also important that the unit leader should be authorized, to as acceptable a degree as possible, to act on his or her own initiative 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. 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/arrest government officials.

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; a committee of relevant agencies may be preferable.

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', it is essential that the unit's work be properly focused 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 and serious crime issues and does not become involved in '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.

Volunteers

All unit personnel should be volunteers. However, 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 consigned. 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 personnel from each of the national agencies that regularly engage in wildlife law enforcement, such as Forest and Wildlife Departments, the police and Customs. It should also have ready access 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.

Properly funded

The unit must have a budget commensurate with its activities and its leader should not be too constrained in its use. A degree of flexibility should be incorporated to allow for an appropriate response to operational requirements. The use of external funding from supporting donors should be permitted, where necessary, as long as control remains with the proper national authorities and potential donors are not allowed to dictate the unit's activities.

Size

Whilst this will be dictated by country 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.

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.

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.

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, 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, both in a formal and 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.

Incentives

This issue is linked with 'Parity' and consideration may have to be given to achieving parity of salary among unit staff, regardless of the agency in which they 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.

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.

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 and also provide useful insights for unit members to the work of others.

Informant network

The unit should be encouraged to develop a network of informants as a priority task and 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 and illicit trade. Every effort should be made to avoid duplication of effort among enforcement agencies and 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.

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

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 and promotes their participation in 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.

NGO assistance

Taking into account the comments above with regard to funding, the unit should be encouraged to establish close but appropriate links with national and international NGOs. Their importance as sources of information and expert advice and assistance must be recognized. It is essential, however, that their role should be restricted to support of the unit and that NGOs should not be allowed to engage in any operational activity without the agreement of the unit and prosecution authorities.

NGOs ought not to be allowed to undertake activities that rest more properly with government agencies, i.e. covert operations or the maintenance of databases on crime and criminals.

NGOs 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 NGOs accidentally intruding into the unit's own 'undercover' activities.

In determining whether paragraphs f) and g) under URGES of Annex I are applicable to them, Parties are invited to consider the following guidance in relation to the terms used:

- “trade” may be regarded for this purpose as referring to both domestic and international trade*:
- “intensive operations” may be regarded as operations focused exclusively or primarily on the frequent production of tigers;
- “commercial scale” may be regarded as a level of production that enables a breeding operation, or is intended to enable it, to derive a substantial proportion of its revenue from the production of tigers, including, but not limited to, sale of parts and derivatives; and
- “a level supportive only to conserving wild tigers” may be regarded as a level determined solely by the objective of contributing to the long-term conservation of the species in the wild, having regard to the need to preserve the genetic diversity of existing subspecies and populations.

Parties seeking to implement this may find the IUCN Guidelines for the Placement of Confiscated Animals (English only), prepared by the IUCN/SSC Re-introduction Specialist Group, of use.

* It should be noted that, although the word 'trade' is defined in Article I, paragraph (c), of the Convention as meaning "export, re-export, import and introduction from the sea", the opinion of the Secretariat originally presented in Notification2008/059 reflects its understanding of the intention of the Parties when Decision 14.69 was adopted at CoP14.