

Major Groups contribution to the Ministerial Dialogue on Illegal Trade in Wildlife

On behalf of all nine Major Groups present at the UNEA: Business and Industry, Children and Youth, Farmers, Indigenous Peoples and their Communities, Local Authorities, Non-Governmental Organisations, The Scientific and Technological Community, Women, Workers and Trade Unions

Nairobi, 23 June 2014

The bigger picture

We applaud the decision to have a Ministerial Dialogue on Illegal Trade in Wildlife, including fisheries and timber. We thank the UNEP Secretariat for its Information document called “

Illegal trade in wildlife: the environmental, social and economic consequences for sustainable development” (UNEP/EA.1/INF/19) and call upon everyone to take good note of its content and suggestions.

It is important to consider different approaches for addressing illegal harvesting and poaching for subsistence reasons, in particular, in the context of poor rural populations that may have no real alternatives, as opposed to individuals or organised groups extracting protected and regulated natural resources for profit. Where poverty and lack of alternatives push people into illegal behaviour, enforcement needs to be accompanied with targeted action to provide alternatives (such as social protection schemes to sustain the jobs and livelihoods of those affected, and economic diversification policies) and, where illegal activities have no specific negative impacts on biodiversity and/or the livelihood of others, reforms to legalize justified behaviours. On the other hand, extraction of protected species and resources for profit needs to be addressed with determined and effective action, with appropriate international cooperation, where relevant. Many of the products from the illegal trade goes across borders, so governments and civil society of importing countries have to take equally strong action to cut off demand as source countries are to do in enforcement, interdiction, prosecution, and regulation.

Furthermore, legal trade is not necessarily sustainable trade and there is growing evidence that marked declines are occurring in a wide range of species as well degradation of ecosystems and their function despite well-intentioned existing regulation. Habitats and natural ecosystems are often not sufficiently protected by existing (domestic and international) laws, nor are the social rights and development opportunities of the people most directly dependent on forests, reefs, and other vulnerable ecosystems. Fighting illegal trade is important, but should be done in conjunction with reforming and improving the national policies to prevent further degradation of biodiversity and natural habitats as well as respecting the rights and role of traditional communities and indigenous peoples that rely heavily upon ecosystem services. Also to guarantee the survival of indigenous peoples, living in harmony with nature.

For such reforms being effective, they require public support so multi-stakeholder processes to involve civil society are essential.

The urgency of fighting illegal trade in wildlife

We concur with the UNEP analysis that illegal trade in wildlife, including fisheries and timber, is a rapidly growing and highly significant problem in many countries around the world and on the high seas, threatening the extinction of species, degrading ecosystems, undermining the livelihoods of people depending on such ecosystems and eroding security, rule of law, exacerbating and entrenching poverty, and derailing sustainable economic development.

An essential element of this trade is that it is illegal, violating international agreements and national laws of the countries of origin and transit. The first focus should be on ensuring compliance with the laws. This is a combination of support from civil society for these laws, corporate responsibility, and government enforcement at all levels. However, illegal trade is difficult to root out as long as there is demand, so action to prevent such demand is important as well.

Barriers for effective enforcement need to be addressed:

- *Lack of political priority:* the social, economic, environmental and security impacts of illegal trade need to be highlighted to mobilise dramatically increased political, business and societal support for good and effective wildlife governance and adequately resourced effective enforcement.
- *Ineffective agencies:* The enforcement agencies have to be well trained and equipped, up to date with the various techniques of organised crime, illegal extractions, laundering illegally acquired wildlife or timber through the supply chain.
- *Lack of cooperation between authorities:* National multi-agency cooperation, such as in National Environmental Security Task Forces (NEST), as recommended by INTERPOL, should resolve this. Such cooperation should include police, customs, environmental agencies, other specialized agencies, prosecutors, non-governmental organizations and intergovernmental partners.
- *Legal weaknesses:* Where legislation is contradictory, insufficient or unnecessarily complex, legal reform needs to be undertaken.
- *Lack of local engagement:* Partnering up with local and sub-national governments can significantly support legal enforcement at the national level. Through their specific capacities and competencies as governmental stakeholders, they can contribute planning, implementation, monitoring of relevant actions.
- *Lack of social accompanying measures* to provide livelihood alternatives to illegal loggers/fisherfolks.
- *Lack of cross-border cooperation:* Enforcement authorities of neighbouring countries need to agree on systematic cooperation and rapid interventions.
- *Lack of support from consumer countries:* Consumer countries need to adopt legislation prohibiting trade and use of (products from) poached wildlife or illegally harvested timber. Good examples are the EU Timber Regulation and the US Lacey Act. Where such laws exist, the enforcement activities have to be stepped up dramatically.
- *Lack of serious consequences:* penalties have to be effective, proportionate and dissuasive, and courts must have the means to respond promptly and with maximum transparency, also to create further dissuasive impacts such as image and reputation loss amongst peers, customers and public.

Addressing demand is a responsibility for all

Where products are of clearly illegal origin, consumers need to be made liable directly. However, in many cases, such as pulp and paper, fuelwood or charcoal, this is not obvious. Processing industries who are attracted by the lower prices of the offered materials undermine the competitiveness of legally and certainly sustainably produced materials. Both processing industries and end consumers can play an essential role in closing markets for illegal products by requiring legality verification and transparent chain of custody certification. Valid CITES licences are an obvious example, but also certified or legality verified timber and timber products.

- We, therefore, call upon governments in all countries to introduce, at all levels of government, public procurement rules and initiatives to ensure legal origins of relevant products. They can identify reliable private schemes, such as FSC and MSC, and where these are absent, require from suppliers specific due diligence practices to certify legal origins.
- In relation to the general public, governments can initiate or support awareness campaigns. In this regard, we emphasize the proximity of local and subnational governments to citizens, enabling tailored-cut campaigns to target different communities and sectors.

International cooperation is essential.

Much of the illegal trade in wildlife and timber is international. To fight this effectively, international cooperation is essential, including by making trade and use of poached or illegally harvested materials illegal outside the country of origin.

Furthermore, it is a reality that the countries of origin have specific challenges in meeting with the enforcement requirements and need support (inter alia) from the consumer countries in terms of intelligence sharing, trainings, and technical and financial support.

Successfully combating illegal trade in wildlife would become an outstanding precedent for protecting global biodiversity through the compliance with international agreements and with transboundary conservation policies and mutual support for effective domestic policy coherence.

- We strongly recommend the cooperation with relevant governmental and non-governmental expert organizations and multilevel governments to improve the effectiveness and complement the national efforts.
- The UN should ensure coordinated effort and avoid duplication between ongoing initiatives.
- We call upon governments to support the United Nations Office on Drug and Crime (UNODC) by feeding in the environmental perspective of illicit wildlife trafficking.
- We call upon governments to support International Consortium on Combating Wildlife Crime (ICWC) by feeding in the environmental perspective of illicit wildlife trafficking.

- We call upon governments to strengthen the LEAF project run by Interpol and UNEP, and use its special services systematically to identify specific techniques of laundering illegal products and training enforcement officers, including in international cooperation.
- We welcome the decisive decisions adopted by CITES Parties on combating illegal wildlife trade at its 16th meeting of the Conference of the Parties in 2013; and call upon Parties to fully implement this and other CITES decisions.
- We invite Member States to consider the advisability of a protocol on “Illicit trade in wildlife, including fisheries and forest crime” under the UN Convention against Transnational Organized Crime (UNTOC) in order to provide clarity to Parties concerning definitions of illegal wildlife trade, jurisdiction and steps required at the national level.
- We call for stepping up international cooperation to investigate and uncover financial flows in relation to illicit wildlife trafficking and illegal timber trade.
- We call for a yearly report on illicit wildlife trafficking to be prepared by the United Nations Office on Drugs and Crime in consultation with ICCWC.
- We call upon governments and concerned international bodies to make verifiable and reliable data available on the Illegal Trade in Wildlife, including fisheries and timber in line with principle 10.
- We call upon on UNEP and international concerned bodies to develop scientific indicators to better monitor/compare progress in this area.

Mainstream the fight against illegal trade in wildlife and timber

The dimension of this trade justifies to put and maintain this subject on the agenda of the UN and its activities to promote peace and security, poverty eradication, and sustainable development. In particular, UNEP can play a role in feeding the subject into existing processes through a perspective on environmental impacts of this trade.

- We call for the UN General Assembly to pass a resolution on Illicit Wildlife Trafficking. The UNGA Resolution should call for a Programme of Action to strengthen cooperation between source, transit and destination states, strengthen institutional linkages and support existing mechanisms (such as the International Consortium for Combating Wildlife Crime (ICCWC), and initiatives such as the Wildlife Enforcement Networks (WENs).
- We call for the appointment of a Special Representative to the Secretary-General.

Finally, we call upon the integration of a specific target, complemented with indicators in the Sustainable Development Goals. The June 2nd Co-chairs proposal included the following text: *“end poaching and trafficking of endangered species, and end demand and supply of illegal wildlife products”*

We propose to amend this in the following way: *“End poaching of wildlife and illegal logging in forests, with specific measures to tackle this problem both at the supply and demand sides, including through international cooperation, also by creating synergies between different levels of government and stakeholders at achieving sustainable development”*.

Contact: John Hontelez, j.hontelez@fsc.org