

# Strengthening legal frameworks for licit and illicit trade in wildlife and forest products

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Lessons from the natural resource management, trade regulation  
and criminal justice sectors





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### **Acknowledgements**

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The development of this publication was led by Maria Socorro Manguiat with support from Malvika Bhansali, Colm Hastings and Angella Kangethe. Giovanni Broussard, Sofie Hermann Flensburg, Carmen Naves, Johannes Robinson, Eugenio Sartoretto and Cristina Zucca gave expert input. A final review of the report was undertaken by Arnold Kreilhuber.

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Design, Layout and Printing: Publishing Services Section, UNON, Nairobi, Kenya

ISO 14001:2004 certified



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## Executive Summary

There have been longstanding efforts at the international, regional and national levels to develop and strengthen legal frameworks which regulate legal trade in wildlife and forest products, and which prevent or address any illegal trade in such products. Nevertheless, overexploitation of wildlife and forest resources through illegal, unsustainable and untraceable human activities continues to occur, often at an appalling rate. Just as people are part of the problem, however, so are they part of the solution. Accordingly, they are engaged in ongoing efforts to improve the legal instruments designed to help manage living natural resources, regulate the trade in these resources and prevent, detect and penalize any violations of relevant instruments.

A sizeable amount of domestic and international trade in wildlife and forest products, both commercial and non-commercial, takes place on a regular basis. Such trade meets the needs and desires of people all over the world. Although much of the trade is legal in nature, sometimes there is little awareness or appreciation of this fact. Instead, attention from special interest groups, the media and others has often focused on instances of and concerns about illegal trade. This analysis clarifies the existence and regulation of both legal and illegal trade. Although it is primarily concerned with international trade, there are places where domestic trade is also mentioned – particularly where it may have implications for international trade.

The terms used to describe ‘licit or illicit trade in wildlife and forest products’ are often varied and inconsistent. These inconsistencies can lead to misunderstanding and less effective action. In an effort to achieve a uniform understanding and application of those terms, at both the national and international levels, this analysis proposes working definitions of some of the key terms used in relation to such trade.

Institutions and legal instruments have an important role to play in regulating legal trade and addressing illegal trade in wildlife and forest products. In this analysis, these have been divided into the three thematic sectors of natural resource management, trade regulation and crime prevention and criminal justice. These sectors can overlap, and even work together. They can also remain in their respective ‘silos’, however, where they may not be operating to their best advantage in connection with the trade in wildlife and forest products. One of the aims of this analysis has been to consider how each of these thematic sectors addresses licit and illicit trade in wildlife and forest products and how they have complemented, or might better complement, each other. In this connection, key institutions and instruments in each sector have been identified and described.

Another aim of this analysis has been to identify useful components of existing instruments and possible issues with the content of those instruments, which could benefit from future attention by the executive, legislative and judicial branches of national governments. Such issues might concern unregulated, insufficiently regulated or even over-regulated activities. Although the implementation and enforcement of such instruments is also important, this analysis focuses on the instruments themselves, leaving the analysis of their implementation and enforcement to future studies.

It is hoped that this analysis can serve as a continuing reference tool. With that in mind, a number of potentially useful resources have been identified, with the relevant pages on the World Wide Web being provided for easy access to current information.



# Introduction

## Purpose of analysis

The regulation of licit trade, and the prevention, detection and penalization of illicit trade, in wildlife and forest products<sup>1</sup> (at the global, regional and national levels) has received increasing attention over the years. The degree of such attention continues to be high because challenges still remain for the effective functioning of institutions and legal frameworks in this area. Taking stock of their current status at the global level, listing key players and resources at the regional level, and identifying legislative components and possible gaps or weaknesses at the national level, could assist ongoing and future efforts aimed at improving the effectiveness of their operation.

This analysis was initiated by UN Environment but has been undertaken in collaboration with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the United Nations Office on Drugs and Crime (UNODC) and the Food and Agriculture Organization of the United Nations (FAO). Other UN bodies have been consulted on various parts of this analysis. A summary of initial findings from a zero draft of the analysis was shared with participants in the Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime (Bangkok, July 2017; the Africa-Asia Pacific Symposium), organized by the United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products (UN Inter-Agency Task Force).<sup>2</sup> Information gathered during the Symposium has been incorporated, where appropriate, into this analysis.

The analysis is intended, in part, to build on the UN Environment report entitled “Analysis of the environmental impacts of illegal trade in wildlife” (UNEA-2 Inf. Doc. 28 (2016)) produced in response to Resolution 1/3 on


Illegal trade in wildlife adopted at the first session of the United Nations Environment Assembly (UNEA). It also responds to UNEA-2 Resolution 2/14 on Illegal trade in wildlife and wildlife products and implements relevant parts of the UN Environment project on “Addressing the Illicit Trade in Wildlife and Forest Products”. The analysis may assist States with their implementation of global and regional legally binding instruments like CITES, the United Nations Convention against Transnational Organized Crime (UNTOC) or the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, resolutions of the United Nations General Assembly and policy decisions taken by key institutional partners and others working in the area.

One major component of the analysis comprises the identification and review of relevant institutions and legal frameworks (i.e. both legally binding and non-legally binding instruments) at the global level, and an initial identification of such institutions and frameworks at the regional level. Obligations or recommendations within those legal frameworks, as well as tools for their implementation, were then used to identify components of national legal frameworks (i.e. laws and regulations) and possible gaps or weaknesses that should be addressed. It is anticipated that the information, analysis, checklists, key resources and recommendations contained in the analysis could be used by interested countries to assess the content and experience with implementation of their legal frameworks and to develop or further strengthen those frameworks as needed.

Although a number of countries participating in the Africa-Asia Pacific Symposium (mentioned above) reported having strong legal frameworks and penalties in place, some reported inadequacies that are now being addressed or are scheduled to be addressed and the vast majority of all participants indicated that they would be revising their legislation in the near future – if necessary financial and/or technical assistance were made available.

<sup>1</sup> Trade in wildlife products is sometimes viewed as part of the trade in non-timber forest products.

<sup>2</sup> The report of the Symposium can be found at <https://www.unodc.org/documents/southeastasiaandpacific/Publications/wildlife/Africa-AsiaPac-Wildlife-law-symposium-REPORT-FINAL-SHARE.PDF>.



This analysis also serves as a potential tool for aiding identified institutions which, either individually or through cooperative mechanisms (e.g. the International Consortium on Combating Wildlife Crime (ICWC), the UN Inter-Agency Task Force or the Global Wildlife Programme (GWP)), are working on or considering ways to better regulate licit trade and better address illicit trade in wildlife and forest products. More information on ICCWC, the UN Inter-Agency Task Force and GWP is provided in Annex 1 below. On a broader level, the analysis may also help efforts to improve the sound management of wildlife and forest resources, to reduce overexploitation of biodiversity through licit or illicit trade, to prevent and address related corruption, to enhance the participation of and benefits for indigenous people and local communities and to address any gender inequality that may exist in this area of work.

## Scope, timeframe and structure

The scope of this analysis is licit and illicit trade in terrestrial wildlife and forest products, as well as issues related to indigenous people and local communities and gender equality. The analysis does not cover aquatic products or related institutions and legal frameworks. However, many of the concepts addressed in the analysis are also relevant to aquatic resources and a key concern regarding those resources is illegal, unregulated and unreported fishing as well as related trade. The timeframe of the analysis takes into account longstanding institutions and legal frameworks but places particular focus on the period from Rio+20 (2012) until 2017. The analysis begins with this introductory section, continuing with a summary of existing, relevant global institutions and legally binding and non-legally binding legal instruments (which are outlined in more detail in two annexes) as well as a listing of key regional institutions and instruments and moves on to a description of identified components of national legal frameworks as well as possible gaps and weaknesses in those frameworks that should be addressed.

## Key terms

It is useful to discuss early in the analysis what is meant by the phrase 'licit or illicit trade in wildlife and forest products'. The terms used to describe such trade are often varied and inconsistent, which can lead to misunderstanding and less effective action. More care therefore needs to be taken in achieving a uniform understanding and application of those terms, at both the national and international levels. One of the outcomes of the analysis has been the identified need for working definitions of the key terms mentioned below.

### Illicit or illegal

There is no current globally agreed definition of 'illicit trade in wildlife and forest products' or related terms like wildlife or forest crime, illegal logging and environmental crime. Nevertheless, United Nations General Assembly (UNGA) Resolution 68/193 (2013) speaks of 'illicit networks that drive and enable trafficking in wildlife, timber and timber products harvested in contravention of national laws' as well as 'international trafficking in wildlife, forest products, including timber, and other forest biological resources harvested in contravention of national laws and relevant international instruments'.<sup>3</sup> A more recent Resolution on tackling illicit trade in wildlife, adopted at the 71st session of the General Assembly in 2017,<sup>4</sup> also refers to such networks.

The Wildlife and Forest Crime Analytic Toolkit (produced by UNODC in collaboration with its four other institutional partners in the ICCWC) says that '[w]ildlife and forest crime' refers to the taking, trading (supplying, selling or trafficking), importing, exporting, processing, obtaining, and consumption of wild fauna and flora, including timber and other forest products, in contravention of national or international law. In this context, 'national law' encompasses, *inter alia*, wildlife and forest laws, species protection laws and criminal laws. 'International law' encompasses, *inter alia*, CITES, UNTOC and the United

<sup>3</sup> See document A/RES/68/193 at [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/68/193](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/193).

<sup>4</sup> General Assembly Resolution 71/326, document A/RES/71/326, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/71/326](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/326).



Nations Convention against Corruption (UNCAC).<sup>5</sup> Under the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (1994, entry into force 1996), 'illegal trade' means any cross-border transaction, or any action in furtherance thereof, in violation of national laws of any party to the Agreement for the protection of wild fauna and flora.<sup>6</sup>

This analysis provides a working understanding of illicit trade in wildlife and forest products. In parallel to the conduct of this analysis, UN Environment has been facilitating an experts' process on crimes that have serious impacts on the environment. This process has resulted, among others, in a publication by UN Environment entitled *The State of Knowledge of Crimes that have Serious Impacts on the Environment*.<sup>7</sup>

Per several English language (and legal) dictionaries, 'illicit' trade (or related activities) encompasses but is broader than 'illegal' trade. Illegal trade relates to (often criminal) activities which are not allowed by or are contrary to or in violation of established law or rules. Illicit activities comprise as well those which are not allowed by or are contrary to custom or public morals/ethics. Both illicit and illegal trade include activities which might be legal under other circumstances (e.g. with authorization under a valid permit or certificate). Illicit and illegal trade are often linked to poaching (i.e. the illegal killing and taking of a protected wild animal), the illegal harvest of protected wild plants or the illegal logging of protected timber. For example, wild tigers have been killed for use in traditional medicine; wild orchid species have been harvested and traded internationally among collectors; and the large areas of forest have been cleared for oil palm plantations, in violation of range State legislation and applicable obligations under international law. Taking, harvesting or logging is ordinarily illegal when such activities contravene domestic natural resource or other legislation which prescribes, *inter alia*: who may undertake those activities; which and how many products may be taken, harvested or logged; and why, where, when and how such products may be taken, harvested or logged.

Examples of illicit and illegal trade include, *inter alia*, that which occurs without the written authorization required under law (e.g. smuggling) or that which occurs with written authorization which was fraudulently obtained or falsified, or which is otherwise invalid.

Illicit trade and illicit possession, as well as related acts, may be treated as administrative, civil or criminal offences, with a corresponding penalty, in national legislation. This legislative treatment renders such acts illegal and not just illicit. If the acts are 'criminalized' in national legislation, with a criminal offence and penalty (e.g. imprisonment and/or a criminal fine), then they also constitute wildlife or forest or environmental or general crime. In this connection, it may be helpful to clarify that all crimes are offences in the sense that they involve a violation of law but not all offences are crimes because they may be punishable only by administrative or civil penalties. The UN Environment report on the state of knowledge of crimes that have serious impacts on the environment mentioned above speaks about the three types of penalties. Jurisdictions which provide for all three sorts of offences and penalties may allow them to operate simultaneously or require them to proceed in consecutive fashion (e.g. a criminal case may be pursued first, followed by a related civil case).

As stated in the ICCWC section of the CITES website, 'wildlife crime' as far as ICCWC is concerned refers to acts committed contrary to national laws and regulations intended to protect natural resources and to administer their management and use. At the international level, such crime also involves violations of CITES. This approach by ICCWC seems to reflect a broad view of 'potential' wildlife crime, which does not distinguish those activities actually criminalized under national legislation. A narrower, and arguably more legally precise, definition of 'environmental crime', adopted by UN Environment in 2002, means the violations or breaches of national environmental laws and regulations that a State determines to be subject to criminal penalties under its national laws and regulations.<sup>8</sup>

<sup>5</sup> See [https://www.unodc.org/documents/Wildlife/Toolkit\\_e.pdf](https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf).

<sup>6</sup> See <http://lusakaagreement.org/wp-content/uploads/2013/12/LA-Final-Act-upd.pdf>.

<sup>7</sup> See <https://www.unenvironment.org/resources/publication/state-knowledge-crimes-have-serious-impacts-environment>.

<sup>8</sup> See <https://wedocs.unep.org/bitstream/handle/20.500.11822/17018/UNEP-guidelines-compliance-MEA.pdf?sequence=1&isAllowed=y>.

## Trade or trafficking

Under CITES, 'trade' means commercial and non-commercial international trade (i.e. export, import and re-export). Examples of non-commercial trade include personal pets and biological samples. The term trade also covers domestic trade activities which may lead to international trade (e.g. acquisition/harvesting/production, possession/storage, processing, offer for sale, sale/distribution, purchase, transport, consumption/use and disposal).

UNODC's definition of 'drug trafficking' might be used as a basis for suggesting that trafficking of wildlife and forest products is a global illicit trade involving the acquisition, production, processing, distribution and sale of wildlife and forest products which are subject to laws that prohibit or otherwise regulate the trade of those products.<sup>9</sup> Although the term 'trafficking' ordinarily implies illicit or illegal activity, it is often preceded by one of those adjectives in order to clearly distinguish it from licit or legal trade, which can occur in wildlife and forest products under certain conditions. It has been noted in relation to UNTOC that its Protocol on trafficking in persons is the

"first global legally binding instrument with an agreed definition on trafficking in persons. The intent behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases."<sup>10</sup>

Similarly, as mentioned above, agreed definitions for terms such as wildlife trafficking could assist related national and international cooperation efforts.

Useful comparisons can be made across different forms of illicit trade or trafficking in order to identify key characteristics of such activities and the experience gained in combating them. In this connection, the following types of illicit trade are contained in a 2014 INTERPOL

publication entitled "Countering Illicit Trade in Goods: A Guide for Policy-makers": chemical, biological, radiological, nuclear and explosive (CBRNE) material; arms and weapons; narcotic drugs and psychotropic substances; environmentally sensitive goods [including wildlife, timber, fish and minerals]; pharmaceuticals; excisable products [such as tobacco]; and cultural property. In its Guide, INTERPOL states that illicit trade "can be regarded as a process involving several activities or conducts where the ultimate goal is the **delivery of goods to consumers in violation of applicable laws**". According to the Guide, such goods may be intrinsically legal in nature but then perhaps transported or traded in contravention of law, or illegal in nature, that is, fraudulently produced. Illicit trade is described as a cross-border phenomenon with transnational nature.<sup>11</sup>

## Wildlife and forest products

In line with the broad CITES definition of 'specimen', the term 'wildlife and forest products' under this analysis may be interpreted to mean live or dead terrestrial animals and plants (including timber and non-timber products), as well as their parts and derivatives.<sup>12</sup>

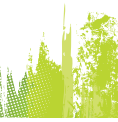
In addition to those CITES-related products that are readily recognizable, there are also products which, from their labelling, marking, packaging or other circumstances, appear to contain such animal or plant parts and derivatives. Such products include both wild-taken and captive bred or artificially propagated animals and plants but do not include domesticated animals and plants or their parts and derivatives. This analysis considers but is not limited to protected animals and plants, including individual species. Such species encompass those listed in CITES Appendix I, which are threatened with extinction (or 'endangered') and which are or may be affected by trade. They also include species listed in CITES Appendix II which although not necessarily now threatened with extinction (or not now endangered) may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival.

9 See <https://www.unodc.org/unodc/en/drug-trafficking/index.html>.

10 See <https://www.unodc.org/unodc/en/treaties/CTOC/>.

11 See <https://www.interpol.int/Crime-areas/Trafficking-in-illicit-goods-and-counterfeiting/Legal-assistance/Legal-publications>.

12 See <https://www.cites.org/eng/disc/text.php#I>.



In addition, they include species listed in CITES Appendix III which a CITES Party has identified as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

As mentioned above, the term 'legal frameworks' at the global level includes both legally binding and non-legally binding instruments. The former will be listed before the latter when discussed in Annex 1 and will be emphasized in bold type. In general, legally-binding instruments will be described and considered in more detail than non-legally binding instruments. The latter have been included, however, as they often supplement legally binding instruments and contain recommendations for the content of national legal frameworks. At the national level, legal frameworks include not only laws but regulations, by-laws, statutory orders and similar instruments.

## Methodology

The analysis comprises a desk study based on primary, and official secondary, intergovernmental and governmental sources.

It is recognized that a number of non-State actors have activities related to the regulation of licit and the prevention, detection or penalization of illicit trade in wildlife and forest products (e.g. the International Air Transport Association or IATA). In an attempt to keep the analysis manageable in its scope, however, the range of their individual activities is not addressed. Nevertheless, reference is made to certain non-legally binding instruments and implementation tools which may have resulted from or are used in active collaboration between UN bodies or wholly intergovernmental organizations and such non-State actors.



# Summary of global and regional institutions and legal frameworks

This analysis has involved a three-step process. It began with the identification and review of global institutions and legal frameworks which are directly or more broadly relevant to the regulation of licit and illicit trade in wildlife and forest products. After a brief general description, virtually all global institutions were considered against a set of four headings designed to provide some structure and comparability in the analysis. The paragraphs following this introduction provide a summary of the above-mentioned analysis. The more detailed identification and review of specific institutions can be found in Annex 1.

As a second step, the analysis has listed and provided links to regional and subregional institutions and legal frameworks that appear relevant to the analysis. For the purposes of this analysis, there was insufficient time and resource to enlist assistance at the regional level for undertaking a more detailed review. However, it is recommended that such work be undertaken in a follow-up project.

As a third step, using the results of this global review and regional listing, possible gaps or weaknesses in national legal frameworks were identified and certain components of national legal frameworks have been suggested for further legislative action where appropriate.

In addition to clustering information according to certain governance levels (i.e. global, regional, national), the analysis also organizes material according to the following thematic sectors, which are heavily implicated in the regulation of licit trade and the prevention, detection and penalization of illicit trade in wildlife and forest products:

1. Natural resource management, which relates to the sustainable management and legal sourcing of wildlife and forest resources;
2. Trade regulation, which refers to controls aimed at ensuring trade activities are legally authorized, biologically sustainable and traceable, including

through a system of permits and related reporting; and

3. Crime prevention and criminal justice, i.e., the prevention and penalization of illicit trade.

In relation to natural resource management, natural resource bodies such as FAO and the International Tropical Timber Organization (ITTO) work to ensure the sustainable management and legal harvesting of wildlife and forest resources, under national and international law, including for purposes of international trade.

With regard to trade regulation, CITES provides a legal framework for ensuring that international trade in certain wildlife and forest products is legal (i.e. obtained in accordance with national laws), biologically sustainable (i.e. not detrimental to the survival of the species) and traceable (i.e. authorized under a system of permits and certificates and reported annually), and by penalizing any trade carried out in violation of the Convention and relevant national law (with related annual reporting of illegal trade).

As for crime prevention and criminal justice, UNODC and criminal justice or law enforcement entities seek to prevent and penalize, increasingly as serious offences, illicit trade in wildlife and forest products – particularly where it involves transnational organized crime, corruption, money laundering and other general crimes.

There is value in more strongly linking together these three thematic sectors, each of which plays an important and interdependent regulatory role, in order to better understand and address licit/illicit trade in wildlife and forest products.

## Global institutions and legal frameworks

While this part of the analysis is not exhaustive in nature, there has been an effort to be comprehensive in identifying and reviewing UN bodies, and wholly intergovernmental





organizations, and their legal frameworks relevant to the licit and/or illicit trade in wildlife and forest products. Identified institutions have been roughly organized under the three broad themes or sectors mentioned above, i.e., natural resource management, trade regulation and crime prevention and criminal justice. A more detailed explanation of these themes is provided in the section on national institutions and legal frameworks below.

As indicated above, each global institution is reviewed against four considerations: (1) general description, legal authority and role vis-à-vis trade in wildlife and forest products; (2) legally-binding instruments; (3) non-legally binding instruments; and (4) key implementation tools, including ongoing projects, guidance materials and cooperative arrangements. In some cases, information under one or more of these considerations may be missing because it is either non-existent or not yet identified.

### Natural resource management<sup>13</sup>

Key institutional actors in this area are the United Nations Department of Economic and Social Affairs (UN DESA), including its Division containing the United Nations Forum on Forests (UNFF) Secretariat, together with ITTO, in relation to forest resources. Another key actor is FAO in relation to both forest and wildlife resources. The UN system-wide Mission for Forests is to promote sustainable forest management (SFM) and the contribution of forests and trees outside forests to the 2030 Agenda for Sustainable Development, including by strengthening cooperation, coordination, coherence, synergies and political commitment and action at all levels. One aspect of FAO's work is to assist Member States, upon request, to develop legislation on wildlife and/or forest resources. FAO also maintains a legal database with abstracts and full texts, *inter alia*, of wildlife and forest legislation submitted by Member States. As an intergovernmental body comprising producing and consuming members, ITTO works to promote the conservation and sustainable management, use and trade of tropical forest resources.

Other institutional actors include the secretariats of key biodiversity-related conventions, that is, CITES, the Convention on Biological Diversity (CBD), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the World Heritage Convention (WHC) and the Ramsar Convention on Wetlands (Ramsar). Work under two of these conventions is species-based (CITES and CMS), work under two others is area-based (WHC and Ramsar) and work under CBD is overarching, encompassing ecosystems (including areas), species and genetic resources. All of these conventions contribute to the Strategic Plan for Biodiversity and its Aichi Targets which aim to ensure the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising from the utilization of genetic resources.

Key instruments in this area include the UN Forest Instrument, the UN Strategic Plan for Forests, the International Tropical Timber Agreement and the biodiversity-related conventions.

### Trade regulation

A key institutional actor in this area is the CITES Secretariat which assists 183 Parties (182 States and the European Union) with the regulation of international commercial and non-commercial trade in about 36,000 listed wildlife species, including over 900 tree species. Important actors in the broader field of trade commodities, trade security and trade facilitation are the World Customs Organization (WCO) and the World Trade Organization (WTO). In addition, the United Nations Conference on Trade and Development (UNCTAD) and the International Trade Centre (ITC) have undertaken activities related to both licit and illicit trade in wildlife and forest products.

Key instruments in this area include CITES, the WCO International Convention on the Harmonized Commodity Description and Coding System, as amended (the Revised Kyoto Convention) and the WTO Trade Facilitation Agreement.

<sup>13</sup> As mentioned earlier, this analysis does not cover aquatic resources.



## Crime prevention and criminal justice

Key institutional actors in this area are the ICCWC partners (comprising CITES, UNODC, WCO and the World Bank) and the United Nations General Assembly (UNGA).

Key instruments are UNTOC and UNCAC, mentioned above, as well as relevant UNGA Resolutions.

## Regional/subregional institutions and legal frameworks

This part of the analysis provides a listing of intergovernmental organizations at the regional and subregional level and legal frameworks directly or broadly relevant to the licit and/or illicit trade in wildlife and forest products. A number of older legally-binding instruments address natural resource management while many of the newer institutions and non-legally binding instruments are focused on criminal justice. Unlike the global institutions, identified regional and subregional institutions have not been reviewed against all the four considerations used in connection with those global institutions.

Key institutional actors at the regional/subregional level include the Lusaka Agreement Task Force, the Association of South East Asian Nations (ASEAN) Working Group on CITES and Wildlife Enforcement, the ASEAN Senior Officers Meeting on Transnational Crime (SOMTC) Working Group on Wildlife and Timber Trafficking, the Central America Wildlife Enforcement Network (CAWEN)/ROAVIS (La Red de Observancia y Aplicación de la Normativa de Vida Silvestre de Centroamericana y Republica Dominicana) and other regional wildlife enforcement networks identified in Annex 2.<sup>14</sup> Other actors include the African Union, the African Ministerial Conference on the Environment (AMCEN), the Southern African Development Community (SADC), the Central African Forests Commission (COMIFAC), the Council of Europe, the European Union (EU), the Organization of American States and the Secretariat of the Pacific Region Environment Program (SPREP).

<sup>14</sup> See individual information sheets on those institutions that attended the 2nd Global meeting of Wildlife Enforcement Networks (Johannesburg, September 2016) at [https://cites.org/eng/prog/iccwc.php/Action/report\\_second\\_global\\_meeting\\_WENS](https://cites.org/eng/prog/iccwc.php/Action/report_second_global_meeting_WENS).

Key instruments include the Lusaka Agreement, the SADC Protocol on Wildlife Conservation and Law Enforcement, the African Commission Strategy on Combating Illegal Trade in Wild Fauna and Flora, the ASEAN East Asia Summit Declaration on Combating Wildlife Trafficking, EU legislation on trade in wildlife and timber as well as environmental crime and the EU Action Plan against Wildlife Trafficking.

## National institutions and legal frameworks

Although national policies are important precursors and complements to national legislation, this analysis focuses on **legislation** (e.g. enabling laws and implementing regulations) dealing with the legal/illicit trade in wildlife and forest products. Relevant non-legally binding instruments may include, however, wildlife/forest policies (or strategies/action plans), specific wildlife/forest trade policies, wildlife/forest law enforcement plans, National Biodiversity Strategies and Action Plans (NBSAPs), sustainable development policies, poverty reduction policies and UN Development Assistance Frameworks (UNDAFs). Both FAO and CITES, *inter alia*, encourage and provide guidance on the development and adoption of a wildlife or wildlife trade policy before the enactment of related legislation.

Similarly, although the implementation and enforcement of legislation is critical to its effectiveness, this analysis is primarily legal in nature and so focuses on the content rather than the application of legislation. Nevertheless, a review of certain reported experiences with legislative application (e.g. court cases) has helped to show the strength or weakness of particular content. Finally, in view of the stated focus on national legislation, this part of the analysis addresses legal/illicit trade rather than the broader concepts of licit/illicit trade.

Effective implementation of the rules regulating the lawful taking and use of wildlife and forest products (e.g. through good administrative services and the involvement of/benefits to indigenous and local communities, including both men and women, as well as youth and other vulnerable groups) helps to prevent unlawful activities



from taking place in the first instance. When such rules are violated, however, provisions need to be in place to detect and address those violations. There has been considerable national and international focus on offences, penalties and other enforcement-related provisions in legislation related to wildlife and forest resources. FAO and others have noted, however, that more attention should be paid to legislative provisions aimed at crime prevention.<sup>15</sup>

## 1. Natural resource management

In the FAO publication on *Wildlife law and the empowerment of the poor* (2010),<sup>16</sup> it is stated that:

Wildlife management is the process of keeping wildlife populations, including endangered species, at desirable levels using scientific, technical and traditional knowledge. **Sustainable** wildlife management adds the aim of balancing the economic, ecological and social values of wildlife, to protect the interests of present and future generations. Thus, this concept looks beyond hunting and protection of individual species and focuses holistically on wildlife as a renewable resource.

The Collaborative Partnership on Sustainable Wildlife Management (described in more detail in Annex 1) has said that sustainable wildlife management (SWM) involves the sound management of wildlife species in order to sustain their populations and habitats over time, taking into account the socioeconomic needs of human populations.<sup>17</sup>

In the ITTO Voluntary Guidelines for the Sustainable Management of Natural Tropical Forests (2015), seven principles for managing natural tropical forests are organized under four objectives: providing the enabling conditions for sustainable forest management or SFM (i.e. forest governance and security of tenure); ensuring forest ecosystem health and vitality; maintaining the multiple functions of forests to deliver products and

environmental services; and integrating social, cultural and economic aspects to implement SFM.<sup>18</sup> The Guidelines are supplemented by the ITTO Criteria and Indicators for the Sustainable Management of Tropical Forests (2016),<sup>19</sup> and a user-friendly reporting format.

### Institutions

Legislation ordinarily spells out the respective roles, powers and functions/responsibilities of relevant institutions as well as the relationships among them. It has been suggested in discussions about the design of effective legal frameworks (e.g. during the Africa-Asia Pacific Symposium mentioned above) that more time and effort should be devoted to the structure of and resources for the institutions that will implement and enforce those frameworks. This includes legislative provisions which establish appropriate fees for administrative services related to the licensing/permitting of access to and use of wildlife and forest resources, thereby enabling national governments to recover some or all of the costs involved in regulating legal activities and detecting as well as penalizing illegal activities involving such resources.

National (and sub-national) institutions dealing with natural resource management may include ministries or departments of forestry, wildlife, agriculture, interior, parks and protected areas, natural heritage, tourism, biodiversity, environment, decentralization and sustainable development, as well as related research institutions and specialized inspectors, rangers and other law enforcement officers. In addition, sanitary/phytosanitary authorities often play a role in natural resource management, especially in relation to the transport, holding/storage and trade in such resources.

Wildlife and forest resources may be regulated under a single act but are often regulated under separate pieces of legislation and by different institutions (e.g. which address wildlife, forests or plants). In cases of multiple legislative acts, they may or may not contain cross-references that link the various institutional and legal frameworks.

15 See FAO Legal Papers Online #75 on Principles for Developing Sustainable Wildlife Management Laws (2008), <http://www.fao.org/3/a-bb108e.pdf>.

16 See <http://www.fao.org/docrep/013/i1906e/i1906e00.htm>, at 3.

17 See <http://www.fao.org/forestry/wildlife-partnership/en/>.

18 See [http://www.itto.int/policypapers\\_guidelines/](http://www.itto.int/policypapers_guidelines/).

19 See [http://www.itto.int/direct/topics/topics\\_pdf\\_download/topics\\_id=4872&no=1&disp=inline](http://www.itto.int/direct/topics/topics_pdf_download/topics_id=4872&no=1&disp=inline).

## Legal frameworks

Natural resource management legislation may include primary laws and subsidiary regulations on game or hunting, wildlife, forests, wild plants, protected species, protected or conservation areas, biodiversity, environment and resource ownership as well as access/benefits (by the State or landowners or indigenous and local communities, including both men and women, as well as youth and other vulnerable groups). Such legislation seeks to ensure, *inter alia*, the legal and sustainable sourcing of wildlife and forest products for subsequent consumptive or non-consumptive use, including commercial or non-commercial trade. It may also seek to fully or partially conserve or protect identified areas or species (e.g. which are rare or of commercial value) from human activities which could jeopardize their long-term survival and their enjoyment by future generations. Enforcement-related provisions in such legislation often authorize and empower wildlife/forestry inspectors and rangers as well as other enforcement officers (e.g. police) to prevent, detect, investigate and penalize legislative violations. Typical offences include engaging in regulated activities without the necessary authorization or in violation of other applicable conditions, false or misleading statements (e.g. in relation to a license of permit) and obstruction of justice.

Components of legal frameworks concerning natural resource management (identified from global/regional/national legal instruments and related guidance materials) include those related to the management, use and conservation of such resources.

## Management

Many laws concerning wildlife and forest products provide for general and/or specific (e.g. species- or area-based) management planning. There may be related requirements to identify, monitor (including through periodic population surveys) and regularly report on the nature and status of wildlife and forest resources. In addition, legislation may provide for consultations with indigenous and local communities (including both men and women, as well as children and other vulnerable groups) as well as other individuals or institutions with information or

knowledge about the status and health of such resources. Management planning requirements may include the establishment and maintenance of an information system or database. Such requirements may also provide for the establishment of a targeted fund (if allowed to co-exist with a country's general fund) and/or fees for specific administrative services which help government recoup its administrative and implementation costs.

As a complement to broader management planning, legislation may require species-specific or resource-specific management plans before use of those resources is authorized.<sup>20</sup>

Another aspect of management planning may involve the handling of human-animal conflict (including compensation for injury/death or property damage).<sup>21</sup> FAO has developed a Human-Wildlife Conflict Toolkit to help address these conflicts. One of the five documents comprising the Toolkit addresses legislation.

Natural resource management often involves a relationship between central and local government as well as the possible devolution of rights, powers and financing to local communities. During the Africa-Asia Pacific Symposium mentioned earlier, a large number of participating countries indicated they had legislation providing for the involvement of local communities in the management of natural resources surrounding them and the provision of benefits arising from such resources. Nevertheless, a publication issued in February 2018 by UN Environment<sup>22</sup> indicates that much remains to be done in terms of achieving the aims of such legislation. Additional legislation is also under development in countries that have not yet given formal recognition to community-based natural resource management or related concepts such as community-based conservation, community-based

20 See section 303 of Australia's *Environment Protection and Biodiversity Conservation Act*, 1999, amended 2015, including subsection 303FK on export or import from an approved captive breeding program, subsection 303FL on export from an approved artificial propagation program, subsection 303FN on export from an approved wildlife trade operation, subsection 303FO on approved wildlife trade management plan and subsection 303FP on accredited wildlife trade management plan, [https://www.legislation.gov.au/Details/C2016C00777/Html/Volume\\_2](https://www.legislation.gov.au/Details/C2016C00777/Html/Volume_2).

21 See article describing FAO involvement in Human Wildlife Conflict Toolkit at <http://www.fao.org/docrep/013/i1758e/i1758e04.pdf>.

22 *Wild Life and Wild Livelihoods: Involving communities in sustainable wildlife management and combating illegal wildlife trade*, [http://wedocs.unep.org/bitstream/handle/20.500.11822/22864/WLWL\\_Report\\_web.pdf](http://wedocs.unep.org/bitstream/handle/20.500.11822/22864/WLWL_Report_web.pdf).



forest management and community wildlife management. An earlier publication by FAO, entitled *Wildlife law and the empowerment of the poor*<sup>23</sup> looks at relevant legislative practice in various regions and identifies ways in which such legislation has contributed to strengthening local community ownership of, access to and benefits from wildlife resources.

The FAO publication mentioned above, as well a briefing paper on gender issued by the Collaborative Partnership on Sustainable Wildlife Management (CPW)<sup>24</sup> reflect steps that have been taken and those still needed to identify the gender-based practices that may present a challenge to sustainable wildlife management and to ensure that women and men have equal opportunities to be involved in sound natural resource management and to benefit from its rewards. In its paper, CPW notes that more research is needed on the gender dimension of sustainable wildlife management.

## Use

Wildlife ownership (or right of access/use) and forest tenure are often a common feature of laws or regulations on such resources. Wildlife and forest resources often belong to the State, which manages them on behalf of the public. In some countries, the State has devolved ownership rights to indigenous and local communities perhaps with the aim in part of instituting community-based natural resource management.<sup>25</sup>

Natural resource legislation very often provides authorization, conditions, limitations and procedures for the taking of live or dead resources from the wild (e.g. hunting, capturing, removing, gathering, harvesting, cutting, logging, etc. whether for subsistence, commercial or recreational purposes). Such conditions or limitations usually address who may be authorized by license or permit to take the wild resources as well as what, how many, where, when, how and why such resources may be taken. Occasionally, legislation

may wholly prohibit the taking of some or all wildlife and forest resources from the wild except perhaps for certain subsistence purposes (often related to indigenous and local communities). Examples of specific legislation are provided in FAO guidance materials on wildlife law (see key resources below).

With regard to **who** may take a resource, legislation may provide certain qualifications for license applicants to meet such as age, education/experience, ability to pay a fee, lack of a criminal record and access to appropriate equipment. In cases of recreational taking, a hunting guide may be held to a higher standard than a hunter in relation to permit or license requirements. Similarly, the owner of a timber concession may need to satisfy a number of technical and other requirements, particularly as such concessions may cover a sizable area and last a number of years.

As for **what** or **how many** products may be taken, legislation may not only specify a species or even an individual specimen but also the gender, age, size and quantity of the wildlife or forest resource that can be taken. Quantity limits may be established via assigned individual quotas that are fixed by government authorities. Such quotas may be established seasonally or yearly and published in implementing legislation or on a government (or intergovernmental) website. The setting of such quotas generally relies on the resource data that has been gathered under a management planning scheme. Implementation of the quotas may also be tracked under such a scheme and used, *inter alia*, for the setting of future quotas.<sup>26</sup> Guidance for determining the biological sustainability of taking a certain quantity of wild animals or plants for international trade can be found in CITES Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings* (2016).<sup>27</sup> Guidance on the setting and use of export quotas can be found in CITES Resolution Conf. 14.7 (Rev.CoP15) on *Management of nationally established export quotas* (2010).<sup>28</sup>

Legislative provisions on **where** wildlife and forest resources may be taken often relate to the avoidance of, or limited access to, those resources found in

<sup>23</sup> See footnote 16, supra.


<sup>24</sup> CPW Fact Sheet 5 on Sustainable Wildlife Management and Gender, 2016, <http://www.fao.org/3/a-i6574e.pdf>.

<sup>25</sup> See Namibia's Nature Conservation Amendment Act, 1996 (Act 5 of 1996), amending the Nature Ordinance, 1975, to provide for an economically based system of sustainable management and utilization of game in communal areas, [https://laws.parliament.na/cms\\_documents/gg-1333-0418d8b0f7.pdf](https://laws.parliament.na/cms_documents/gg-1333-0418d8b0f7.pdf).

<sup>26</sup> FAO has suggested that quotas are only needed where no management plan exists.

<sup>27</sup> See <https://www.cites.org/sites/default/files/document/E-Res-16-07-R17.pdf>.

<sup>28</sup> See <https://www.cites.org/sites/default/files/document/E-Res-14-07-R15.pdf>.



protected areas and to the identification of any State-owned lands where taking can take place. Lands belonging to private individuals may be 'off limits' for the taking of such resources unless advance permission has been granted.

In connection with **when** wildlife and forest resources may be taken, legislation often specifies open and closed seasons for different game animals or plant species (as well as fungi). Other timing requirements may relate to when an animal or plant is at a certain stage of its development or life. The taking of resources may also be limited to certain hours of the day, that is, during the daytime rather than the nighttime.

Legislation on **how** wildlife and forest products are taken usually concerns acceptable (e.g. bow and arrow) and/or prohibited (e.g. explosives, poison, certain weapons, use of artificial lights, etc.) methods of taking a resource.

With regard to **why** resources may be taken, legislation often differentiates among subsistence, commercial and recreational activities. The latter two may be wholly prohibited in certain instances based on concern about the status of a particular resource and the potential for over-exploitation, the perceived difficulty of regulating rather than prohibiting the taking of a resource (e.g. a national wildlife authority may be concerned about the human resources needed to monitor a limited level of taking which might 'open the floodgates' to a potentially large number of people) or a particular national policy decision (e.g. based on stated public morals).

Some resources are captive bred, ranched or artificially propagated for subsequent use, often with the aim of reducing demand pressure on wild resources. Legislation therefore often provides for the authorization and regulation of facilities, operations or plantations, which produce wildlife and forest products. Specific aspects of these operations that are often subject to legislative requirements are the legal sourcing of the stock used for production (which may be a domestic or exotic resource) as well as recordkeeping as to what goes into and comes out of a particular operation (i.e. to prevent any attempt to 'launder' wild-taken specimens through such an operation). Closed-system production facilities generally have no

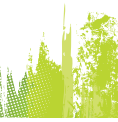
relation to wild populations, but ranching systems often involve taking a percentage of the production stock from the wild (e.g. eggs from wild crocodiles) and returning a percentage of the produced specimens to the wild.

Another type of wildlife or forest resource use involves the regulation of public and private zoos or gardens where wildlife and forest resources (often produced specimens) are held and from or into which such resources may be transported and traded.

Regardless of whether a resource is wild-taken or produced, legislation often regulates its transport from the point of acquisition to a primary or secondary processing facility, to another location (e.g. for management purposes such as re-population of depleted areas) or to another country, if domestic or international trade is involved. Legislation often provides for the authorization and regulation of processing facilities (e.g. based on certain qualifications and under an approved operational plan). As with production operations, legislation may require recordkeeping for what enters and leaves the processing facility. Legislation may also regulate the receipt, acquisition, possession, consumption, use, sale, purchase (including, increasingly, online transactions), export, import and re-export of wildlife and forest products (i.e. the entire value chain). Regulation of these various activities has the potential for overreaching and administrative burden, if not crafted carefully. On the other hand, the failure to properly regulate any of these activities could present a legislative 'loophole' that potential offenders may identify and use to undermine overall efforts to prevent and punish any illegal taking, possession and use of wildlife and forest products.

One form of wildlife and forest resource use, which is sometimes unregulated or poorly regulated, involves the use of such resources as diplomatic or similar types of gifts. Such practices are of particular concern when the resource is rare and its taking or use is subject to legislative restriction or prohibition. Guidance provided under CITES makes it clear that diplomats and troops are not exempt from the provisions of the Convention (see CITES Resolution Conf. 11.3 (Rev. CoP17) on **Compliance and enforcement**).<sup>29</sup>

29 See <https://www.cites.org/sites/default/files/document/E-Res-11-03-R17A.pdf>.



## Conservation

Certain wildlife and forest resources, or areas in which they are found, may be identified (e.g. listed) in legislation for full or partial protection because of their economic, biodiversity, heritage or other value, or their conservation status (e.g. whether they are degraded or in decline). Some species or areas may be identified for certain kinds of use (e.g. game species or areas). On occasion, legislation may list common species (e.g. which can be taken without authorization) or nuisance species (e.g. which legislation may allow to be taken without any authorization, or with authorization limited to a certain number, because they are dangerous to humans or so abundant as to overwhelm the carrying capacity of an area). Protected species or protected areas may be identified and categorized according to their conservation status, which then determines the degree/type of protection they are afforded under legislation (e.g. which human activities may be undertaken in relation to them, if any). The management of protected species and areas may be a component of the broader management planning mentioned above.

Sometimes legislation on natural resource management is contained within a broader law on resource management,<sup>30</sup> biodiversity,<sup>31</sup> or environmental management/protection.<sup>32</sup>

### Possible gaps or weaknesses<sup>33</sup>

Possible gaps or weaknesses in legal frameworks (including laws or regulations which establish and empower relevant institutions) for natural resource management, which might benefit from further legislative work, include:

1. Outdated (e.g. colonial or historical) legislation which is no longer relevant to the current circumstances in the country or which does not include recent amendments to relevant legally binding international instruments or incomplete

legislation (e.g. does not cover all aspects of taking or other activities related to the use of wildlife and forest products);

2. Lack of cross-references to, or stated relationship to, other relevant legislation such as already-existing natural resource management legislation or broader criminal justice legislation;
3. No coverage of domestic or international trade or, alternatively, no links to trade-related legislation;
4. Insufficient controls over wildlife and forest management operations (e.g. coverage of taking but not possession or other activities involving the use of wildlife and forest products);
5. Insufficient controls to prevent or punish illegal activities related to wildlife and forest offences (e.g. domestic markets used for the sale of illegally obtained wildlife and forest products);
6. Coverage of wildlife or forests in general but not specific species or areas which require special protection under national policy or relevant international treaties;
7. Coverage of domestic but not exotic species, such as those included in CITES, which may be involved in activities related to wildlife and forest products;
8. Provision for general but not specific natural resource management planning;
9. No or limited establishment of wildlife and forest tenure and associated rights;
10. No or limited provision for the participation of, and benefits to, local communities and other stakeholders in wildlife and forest resources;
11. Coverage of offences perceived as technical in nature (e.g. based on a license/permit violation where the harm to people may not be evident) rather than additional offences involving wrongdoing of a more general nature (e.g. false statement, falsification of a permit, tampering with a marking, obstruction of justice and other general crime offences);
12. Penalties which are not proportionate to listed offences or which may not allow certain offences to be treated as serious criminal offences (as defined under UNTOC), or which do not criminalize any offences;

30 See New Zealand's Resource Management Act, 1991, amended in 2017, <http://www.legislation.govt.nz/act/public/1991/0069/211.0/DLM230265.html>.

31 See South Africa's National Environmental Management: Biodiversity Act, 2004, [http://www.saflii.org/za/legis/num\\_act/nemba2004476.pdf](http://www.saflii.org/za/legis/num_act/nemba2004476.pdf).

32 See Afghanistan's Environment Law, 2007, [https://www.afghan-web.com/environment/environmental\\_law/](https://www.afghan-web.com/environment/environmental_law/).

33 Once again, it should be noted that this analysis does not cover aquatic resources and areas.



13. Lack of provision for special funding or fees for the administration of natural resource management, including compensation for damage caused by human-animal conflict and provision for the recovery of administrative costs; and
14. Placement of a heavy administrative burden on government rather than a shared burden with private sector and local communities.

### Checklist of key legislative components for natural resource management

This 'checklist' and subsequent ones below are intended to assist a self-review of existing legislation in a particular jurisdiction, thereby helping to identify where such legislation may be sufficient and where it may need further development.

1. Clear and complete provisions on the rights (e.g. tenure, access and use) and responsibilities (e.g. license/permit, registration, recordkeeping/reporting, provision of information or access upon request by government officials) of natural or legal persons who take, produce or use (or undertake related activities like possession, processing/packaging and sale/consumption of) wildlife and forest resources, whether for subsistence, recreation, commercial or other purposes
2. Establishment of a public information system and monitoring scheme to track and trace the taking, production and use of wild and produced (not domesticated) wildlife and forest resources, especially for those resources which are rare or in decline (e.g. where resource populations or distribution are lesser or where the birth/germination/survival rate is lower than the offtake rate) and those resources of subsistence or commercial value (e.g. where demand pressure for the resource is high)
3. Necessary police powers for designated law

enforcement agencies (e.g. search, seizure, confiscation, requests for information or relevant items and arrest)

4. Offences and proportionate penalties for activities carried out in violation of the rights and responsibilities mentioned above, wherever they may have occurred (i.e. in the country of origin, transit or destination), including criminal and serious criminal penalties, where appropriate (e.g. illegal taking or production of wildlife and forest resources, without proper authorization or in contravention of controls; illegal acquisition/receipt, possession, movement, processing/packaging, sale/purchase – including domestic markets – or use/consumption of products which may not have been legally taken or produced; and activities aimed at avoiding the payment of fees, charges, taxes or tariffs)
5. Provisions for access to information, decision-making processes and justice involving wildlife and forest resources for local people and other stakeholders in such resources (including recognition of gender equality)
6. Identification of specific resources/areas requiring protection and any special measures for ensuring such protection (e.g. requirements for, restrictions on or prohibition of the taking, production and use of certain species or for undertaking such activities in certain areas)

### Key resource material

#### FAO

*Legal trends in wildlife management*, 2002 (<http://www.fao.org/docrep/005/Y3844E/Y3844E00.HTM>)

*Best practices for improving law compliance in the forest sector*, 2005 (<http://www.fao.org/docrep/008/a0146e/a0146e00.htm>)



*Human-Wildlife Conflict: Collection of Case studies, Analysis of Management Strategies and Good Practices*, 2005 (<http://www.fao.org/sustainable-forest-management/toolbox/tools/tool-detail/en/c/296001/>)

*Principles for Developing Sustainable Wildlife Management Laws*, 2008 (<http://www.fao.org/3/a-bb108e.pdf>)

*Wildlife laws and the empowerment of the poor*, 2010 (<http://www.fao.org/docrep/013/i1906e/i1906e00.htm>)

*Country Programming Framework: Integrating gender issues*, 2010 (<http://www.fao.org/docrep/013/i1913e/i1913e00.pdf>)

ECOLEX (<https://www.ecolex.org/>)

FAOLEX (<http://www.fao.org/faolex/en/>)

## UNEP

*Wild Life and Wild Livelihoods: Involving communities in sustainable wildlife management and combating illegal wildlife trade*, 2018 ([http://wedocs.unep.org/bitstream/handle/20.500.11822/22864/WLWL\\_Report\\_web.pdf](http://wedocs.unep.org/bitstream/handle/20.500.11822/22864/WLWL_Report_web.pdf))

## ITTO

*Voluntary Guidelines for the Sustainable Management of Natural Tropical Forests*, 2015 ([http://www.itto.int/direct/topics/topics\\_pdf\\_download/topics\\_id=4330&no=0&disp=inline](http://www.itto.int/direct/topics/topics_pdf_download/topics_id=4330&no=0&disp=inline))

*Criteria and Indicators for the Sustainable Management of Tropical Forests* (and user-friendly reporting format), 2016 ([http://www.itto.int/direct/topics/topics\\_pdf\\_download/topics\\_id=4872&no=1&disp=inline](http://www.itto.int/direct/topics/topics_pdf_download/topics_id=4872&no=1&disp=inline))

*ITTO/IUCN guidelines for the conservation and sustainable use of biodiversity in tropical timber production forests*, 2009 ([http://www.itto.int/direct/topics/topics\\_pdf\\_download/topics\\_id=1918&no=0&disp=inline](http://www.itto.int/direct/topics/topics_pdf_download/topics_id=1918&no=0&disp=inline))

## CITES

Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings*, 2016 (<https://cites.org/sites/default/files/document/E-Res-16-07-R17.pdf>)

Decisions 17.65 to 17.69 on *Compliance matters*, 2016 (<https://www.cites.org/eng/dec/valid17/81834>), including collection of examples and information used to verify the legal acquisition of CITES-listed species and consideration of further guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported and guidance on verifying the legal acquisition of founder stock of captive-bred CITES-listed species to be exported

## CBD

*Addis Ababa Principles and Guidelines on Sustainable Use*, 2004 (<https://www.cbd.int/sustainable/addis.shtml>)

## UNECE

Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998, entry into force 2001 (2161 United Nations Treaty Series 447) ([https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-13&chapter=27&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-13&chapter=27&clang=_en))

## Collaborative Partnership on Forests

*Illegal Logging and Related Timber Trade – Dimensions, Drivers, Impacts and Responses: A Global Scientific Rapid Response Assessment Report* and related Policy Brief – *Forests Beyond the Law: Scientific Insights into Illegal Logging and Related Timber Trade*, 2016 (<https://www.iufo.org/science/gfep/illegal-timber-trade-rapid-response/report/>)

## Collaborative Partnership on Sustainable Wildlife Management

*Bushmeat Sourcebook*, 2015 (<http://www.fao.org/forestry/wildlife-partnership/bushmeat-sourcebook/en/>)



Fact sheet 1 on Sustainable Wildlife Management and Biodiversity, 2015 (<http://www.fao.org/3/a-i5182e.pdf>); Fact sheet 2 on Sustainable Wildlife Management and Wild Meat, 2015 (<http://www.fao.org/3/a-i5185e.pdf>); Fact sheet 4 on Sustainable Wildlife Management and Human-Wildlife Conflict, 2015 (<http://www.fao.org/3/a-i4893e.pdf>); and Fact sheet 5 on Sustainable Wildlife Management and Gender, 2016 (<http://www.fao.org/3/a-i6574e.pdf>)

## UNDP

UN Development Assistance Framework Guidance note for UN Country Teams and Implementing Partners Teams on *Mainstreaming Environmental Sustainability in Country Analysis and the UNDAF*, 2009 (<https://undg.org/document/mainstreaming-environmental-sustainability-in-country-analysis-and-the-undaf/>).

UNDP activities under the GEF-funded Global Wildlife Programme, including those related to local communities and livelihoods.

## 2. Trade regulation

Legal trade in wildlife and forest products meets human needs/desires and ordinarily occurs in a much higher volume than illegal trade. A recent report on *Uncovering the Risks of Corruption in the Forestry Sector* (2016)<sup>34</sup> states that illegal logging accounts for 15-30% of forestry activities globally. The same report, however, states that illegal logging accounts for 50-90% of forestry activities in key producer tropical countries. Wildlife and forest product seizure data analyzed in the *World Wildlife Crime Report*, 2016 (UNODC, with support from other ICCWC partners)<sup>35</sup> indicates that large-scale smuggling of reptile skins appears to be a relatively uncommon practice, or at least an undetected one. Rather, illegally caught reptiles may be introduced into legal supply chains within the source country when field collection is not directly monitored, allowing them to be exported as legal trade. In addition, it is recommended in an overarching section of the report that range States adopt measures to prevent and combat

corruption among rangers, wildlife investigators and other relevant officials to help reduce illegal harvesting and trade. The nature and scope of the legislation regulating legal trade provide the basis for determining what is to be considered as illegal trade. For example, a punishable offence can arise when there is non-compliance with the conditions and procedures for obtaining a harvest license or trade permit.

Trade regulation legislation (including laws for CITES implementation, Customs laws and import/export laws) seeks to ensure that any trade in wildlife and forest products is legal (e.g. obtained in conformity with laws for the protection of fauna and flora as well as other relevant laws). In addition, it aims to prevent or penalize document fraud, permit non-compliance or smuggling, which is often involved with illegal trade. Such legislation may also seek to ensure that such trade is biologically sustainable (e.g. not detrimental to the survival of the species) and traceable (e.g. authorized by a written permit/certificate and reported on an annual basis for inclusion in a public global database). In connection with traceability, increased legislative efforts are being made to allow the use of electronic documents/signatures and to simplify, modernize and computerize the issuance/acceptance of required trade documents (e.g. CITES permits), as well as other trade facilitation procedures implemented by Customs and other border agencies. Trade regulation legislation also seeks to penalize natural or legal persons who illegally trade or possess wildlife and forest products, and to confiscate such products so they do not enter the legal market, except under certain conditions.

## Institutions

National institutions responsible for trade in wildlife and forest products include many of the same ministries or departments involved with natural resource management (see page 9 above) as well as ministries of trade, commerce, finance or treasury, export/import, industry and foreign affairs. Customs authorities play a major role in the regulation of such trade, both in relation to trade facilitation (e.g. provisions for expediting the movement, release and clearance of goods, including goods in transit, in accordance with the 2014 WTO Agreement on Trade

<sup>34</sup> See <https://www.interpol.int/Media/Files/Crime-areas/Environmental-crime/Uncovering-the-Risks-of-Corruption-in-the-Forestry-Sector/>.

<sup>35</sup> See [https://www.unodc.org/documents/data-and-analysis/wildlife/World\\_Wildlife\\_Crime\\_Report\\_2016\\_final.pdf](https://www.unodc.org/documents/data-and-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf).



Facilitation<sup>36</sup>) and trade security (e.g. provisions for detecting, investigating, seizing and punishing Customs violations such as false declaration, document fraud and smuggling). Customs authorities are often housed in one of the trade-related ministries mentioned above. About half of national CITES Management Authorities are located in environment ministries while the other half are located in one of the trade-related ministries mentioned above. As allowed by the Convention, some countries have more than one Management Authority with different areas of expertise (e.g. animals, plants, trees, terrestrial species or aquatic species).

As indicated above, scientific institutions often advise ministries responsible for natural resource management. Similarly, national CITES Scientific Authorities provide advice to Management Authorities in the same country on whether proposed trade would be detrimental to the survival of a species and whether wild offtake for export should be subject to a quota. Such Authorities may be housed in government departments (generally independent of the Management Authority), parastatal entities, or research or academic institutions. In some instances, they comprise committees of designated experts. They are often knowledgeable about the conservation status of particular domestic species and involved with population surveys as well as information systems mentioned in the section on management planning above.

Enforcement authorities involved with the regulation of trade in wildlife and forest products generally include government institutions specialized in wildlife or forestry and those with more general powers such as Customs, police, port or airport authorities and prosecutorial services.

All of the above institutions may also form part of national CITES committees, multi-agency enforcement committees, or broader national sustainable development and international treaty committees.

### **Legal frameworks**

Trade regulation provisions related to wildlife and forest products may be part of broader legislation

(i.e. laws and/or implementing regulations that cover matters additional to trade) on wildlife, forests, protected species, prevention of illegal timber import, conservation, biodiversity, environment, import/export or Customs. There is an increasing amount of specialized legislation for the prevention of illegal timber imports and CITES-implementing legislation often comprises detailed 'stand-alone' legislation on trade regulation.

Identified good practice criteria for legal frameworks which provide for trade regulation under CITES include: designation of management, scientific and enforcement authorities for CITES trade and mechanisms for their cooperation; coverage of the export, import and re-export of wildlife and forest products as well as provision for the inspection of products in transit or transshipment; coverage of all CITES-listed species, as well as all CITES specimens, and provision for covering other species of concern which may not be listed in CITES; conditions and procedures for trade, including provision for the issuance and acceptance of appropriate permits and certificates or licenses and safe transport conditions for live animals and plants; exemptions and special procedures for pre-Convention specimens (i.e. those acquired before the Convention became applicable to them), specimens that are personal/household effects, captive bred or artificially propagated products, scientific exchanges and traveling exhibitions; facilitation of legal trade and penalization of illegal trade (e.g. including smuggling and document fraud) and illegal possession; provision for the confiscation and disposal of illegally traded or illegally possessed wildlife and forest products; and due diligence on the part of those who trade in wildlife and forest products to ensure that they are dealing with legally obtained products.

Minimum criteria adopted by Parties under the CITES National Legislation Project<sup>37</sup> are: (1) designation of CITES Management and Scientific authorities; (2) prohibition of trade in violation of the Convention including coverage of all types of trade, all CITES-listed species (as amended from time to time) and all CITES specimens as well as permit/certificate procedures and conditions); (3) penalization of illegal trade and illegal possession; and (4) authorization to confiscate specimens illegally traded or possessed. The

36 See [https://www.wto.org/english/thewto\\_e/20y\\_e/wto\\_tradefacilitation\\_e.pdf](https://www.wto.org/english/thewto_e/20y_e/wto_tradefacilitation_e.pdf).

37 See <https://cites.org/legislation>.

legislation of all Parties has been, or is in the process of being, analyzed and categorized according to whether it meets all, some or none of these four criteria. Parties to the Convention that are not making any efforts to adopt legislation that meets the minimum criteria may be subject to compliance procedures under the Convention.

Additional criteria are recommended in Resolutions and Decisions of the Conference of the Parties (CoP) (e.g. compliance and enforcement, regulation of captive breeding/artificial propagation and other special procedures, disposal of confiscated specimens, etc.). Many national laws require adherence to the IATA transport regulations (i.e. the IATA Live Animals Regulations<sup>38</sup> and the IATA Perishable Cargo Regulations<sup>39</sup>) and the *CITES Guidelines on the Non-Air Transport of Live Wild Animals and Plants*<sup>40</sup> to ensure the safe transport of living specimens, as recommended under CITES Resolution Conf. 10.21 (Rev. CoP16).<sup>41</sup>

According to the UNODC *World Wildlife Crime Report*, data from the UNODC Sharing Electronic Resources and Laws on Crime (SHERLOC) database<sup>42</sup> from 2015 for 131 of 182 CITES Parties showed that the maximum penalty possible for the violation of CITES regulations was a fine in 31% of such Parties, less than 4 years imprisonment for 26% of such Parties and more than 4 years imprisonment for 43% of such Parties.

One component of Customs legislation is the inclusion of wildlife and forest products in lists of prohibited, restricted, controlled or exempted goods, where appropriate. In some countries, wildlife and forest products are referenced as prohibited or restricted/controlled goods in such lists. Such a reference may be narrow (e.g. CITES Appendix I species in the legislation of Angola<sup>43</sup>) or broad (e.g. all wildlife and forest products). Overall requirements for national Customs legislation can be found in the WCO Revised

Convention on the Simplification and Harmonization of Customs Procedures (1999, entry into force 2006).

Components of Customs or other legislation related to trade facilitation (including those provisions identified in the WTO Trade Facilitation Agreement) may include the following: provisions for expediting the movement, release and clearance of goods, including goods in transit; measures for effective cooperation between Customs and other appropriate authorities on trade facilitation and Customs compliance issues; fees and charges imposed on or connected with importation and exportation; and formalities connected with importation, exportation and transit.

## Legality

One of the primary pre-conditions for CITES trade is a determination by the national Management Authority that wildlife and forest products were not obtained in contravention of the laws of that State for the protection of wild fauna and flora.

Components of legislation aimed at strengthening import or export controls for forest products include the imposition of a due diligence requirement (i.e. to determine legal origin) on the importers or buyers of such products in the EU Timber Regulation.<sup>44</sup> In addition, under that EU legislation, and the Forest, Law Enforcement, Governance and Trade (FLEGT) programme, the EU has concluded or is in the process of negotiating Voluntary Partnership Agreements (VPAs) with various producer countries from which the EU imports forest products. Among other things, these VPAs are aimed at ensuring that any timber products introduced into the EU were acquired in accordance with relevant law in the exporting country (e.g. legislation related to forest management, CITES, labour, taxes, etc.). Other legislation aimed at enhancing import controls for forest products includes 2008 amendments to the United States Lacey Act<sup>45</sup> and Australia's Illegal Logging Prohibition Act 2012.<sup>46</sup>

38 See <http://www.iata.org/publications/Documents/cargo-standards/ToC/TOC%20-%20LAR.pdf>

39 See <http://www.iata.org/publications/store/Pages/perishable-cargo-regulations.aspx>.

40 See [https://www.cites.org/sites/default/files/eng/resources/transport/transport\\_guidelines\\_2013-english.pdf](https://www.cites.org/sites/default/files/eng/resources/transport/transport_guidelines_2013-english.pdf).

41 See the United Republic of Tanzania's Wildlife Conservation (CITES implementation) Regulations, 2005, a copy of which is available with UN Environment's Law Division.

42 See <https://www.unodc.org/cld/v3/sherloc/>.

43 See <http://extwprlegs1.fao.org/docs/pdf/ang162520.pdf>.

44 Regulation No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market. See <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R0995&from=EN>.

45 See <https://legcounsel.house.gov/Comps/Lacey%20Act%20Amendments%20Of%201981.pdf>.

46 See <https://www.legislation.gov.au/Details/C2012A00166>.



## Sustainability

Another primary pre-condition for CITES trade is a finding by the national Scientific Authority that export will not be detrimental to the survival of the species. FAO, ITTO and other biodiversity-related Conventions also consider the sustainability of trade in wildlife and forest products.

A related concern for ensuring that trade does not negatively impact human, animal and plant health underlies the sanitary and phytosanitary legislation found in many countries.

## Traceability

Trade regulation is largely achieved through the issuance, inspection and acceptance of documents (e.g. CITES permits and certificates, sanitary and phytosanitary certificates and Customs declarations and supporting documents). Such documents must be presented at, examined by and endorsed by Customs or other border officials. Increasingly, paper documents are being replaced by electronic documents and related computerized systems which help to reduce processing time and any risk of fraud or smuggling. Legislation is often needed for this shift to electronic systems.

## Possible gaps or weaknesses

Keeping in mind the good practice criteria mentioned above, possible gaps or weaknesses in legal frameworks for trade regulation, which might benefit from further legislative work, include:

1. No legislation for regulating international trade in wildlife and forest products (e.g. only administrative provisions or an absence of both administrative and legislative provisions);
2. Enacted legislation has not been made operational through implementing decrees or regulations;
3. No provision for the timely amendment of legislation to incorporate an evolving set of obligations under an applicable treaty, such as periodic changes made to the CITES Appendices by the Conference of the Parties to CITES;
4. Insufficient conditions and procedures for

regulating international trade (e.g. for the issuance/ acceptance of permits and for the endorsement of shipments for export);

5. No express designation of Customs as an enforcement agency for legislation and offences related to wildlife and forest products;
6. Lack of parity between specialized and general enforcement officers;
7. Insufficient legislation for regulating the disposal of confiscated specimens;
8. An outdated or non-proportionate penalty for illegal trade or illegal possession; and
9. Unclear political or legal status of a jurisdiction (e.g. a territory or a duty-free zone) or political instability and related insecurity.

## Checklist of key legislative components for trade regulation

1. Category 1 legislation under the CITES National Legislation Project, meeting all four requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*, 2010<sup>47</sup>
2. Provisions for ensuring the legality, sustainability and traceability of international trade in wildlife and forest products
3. Power to amend legislation simply and quickly to incorporate changes to international obligations under applicable treaties (e.g. reflection of changes to the CITES Appendices in 90 days)
4. Express designation of Customs, other border agencies and import/export offices as implementing and enforcement agencies for legislation and offences related to wildlife and forest products
5. Similar enforcement powers for specialized as well as general enforcement officers
6. Offence and penalty for illegal possession as well as illegal trade and illegal transit/transport
7. Maximum penalty of at least 4 years imprisonment for offences deemed to warrant treatment as serious crimes
8. Legal clarity regarding territorial jurisdiction

<sup>47</sup> The Resolution only sets out the minimum requirements.

9. Enabling law and implementing regulations have been adopted so legislation is fully operational

## Key resource material

### CITES

Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* (<https://cites.org/sites/default/files/document/E-Res-08-04-R15.pdf>)

Legislative status chart, guidance material and examples of legislation (<https://cites.org/legislation>)

Resolution Conf. 10.21 (Rev. CoP16) on *Transport of live specimens* (<https://cites.org/sites/default/files/document/E-Res-10-21-R16.pdf>)

### WCO

Kyoto Convention General Annex Guidelines, Chapter 6, Customs Control, 2010 (<http://www.wcoomd.org/~media/wco/public/global/pdf/topics/wto-atf/dev/rkc-guidelines-ch-6.pdf>)

### WTO

*Understanding the WTO Agreement on Sanitary and Phytosanitary Measures*, 1998 ([https://www.wto.org/english/tratop\\_e/sps\\_e/spsund\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm))

*The Relationship between the Trade Facilitation Agreement and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)*, 2014 ([https://www.wto.org/english/tratop\\_e/sps\\_e/tf\\_sps\\_e.pdf](https://www.wto.org/english/tratop_e/sps_e/tf_sps_e.pdf))

## 3. Crime prevention and criminal justice

### Institutions

National institutions generally concerned with crime prevention and criminal justice include police, Customs, border/port/airport and other enforcement authorities, as well as the judiciary (e.g. prosecutors and judges). These general enforcement agencies often work hand-in-hand

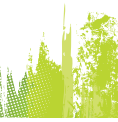
with specialized wildlife and forest enforcement officers in monitoring legal trade and addressing illegal trade in wildlife and forest products.

### Legal frameworks

Criminal justice legislation has an important and increasingly close nexus with specialized legislation on and offences/penalties for illegal trade in, and illegal possession of, wildlife and forest products. Some penal codes contain general environmental offences/penalties, which may encompass illegal trade in, and illegal possession of, wildlife and forest products.

Identified components of legal frameworks for crime prevention and criminal justice include those found in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC) as well as those recommended in various soft-law instruments, including: criminal offences and penalties for transnational organized crime and money laundering, as well as crimes associated with corruption, which may be used in connection with illegally traded or possessed wildlife and forest products; provision for international law enforcement cooperation mechanisms such as mutual legal assistance, extradition and joint investigations; general criminal offences and penalties (e.g. conspiracy, organized crime, bribery, fraud, false statement, etc.) which might be used individually or in conjunction with specialized offences concerning illegally traded and illegally possessed wildlife and forest products; and protection and incentives for reporting persons and witnesses (including victims) and criminal investigative techniques (e.g. controlled delivery, wiretapping, informants, covert operations, asset forfeiture, etc.) which can be used in connection with offences involving wildlife and forest products.

Good practice components under the ICCWC Toolkit and related indicators include wildlife and forest law provisions as well as criminal law provisions which are broader than species protection and which provide: additional criminal offences and penalties (e.g. bribery, fraud, organized crime and money-laundering); provisions on enforcement and judiciary mandates/powers (e.g. search and seizure, and



arrest); human/technical/financial resources (including application of fines to future enforcement efforts); intelligence and investigation techniques (e.g. covert surveillance, covert operations, controlled deliveries, protection of witnesses or victims or reporting persons and asset forfeiture); international cooperation and assistance (including joint investigations, mutual legal assistance and extradition); and measures to promote integrity (including offences related to corruption).

These components might be roughly grouped under three general categories: criminalization, investigative techniques and law enforcement cooperation.

### **Criminalization**

Although Article VIII of CITES speaks of 'penalization' rather than 'criminalization', it is recommended in a number of CITES Resolutions and other non-legally binding instruments that criminal offences and penalties (e.g. for illegal taking, possession and trade) be included in specialized laws on CITES or wildlife and forests. Similar offences and penalties may be provided additionally or alternatively in criminal or penal codes. In particular, such recommendations often call for the penalization of certain offences as 'serious crimes' under UNTOC (i.e. punishable by at least 4 years of imprisonment). There are also a number of recommendations related to the use of a penalty that is proportionate to the offence. Legislation in a number of countries provides for enhanced penalties in cases of recidivism or highly protected resources and areas.

Many provisions in UNTOC and UNCAC address the criminalization of various activities (e.g. participation in an organized criminal group, laundering of the proceeds of crime, concealment, obstruction of justice, abuse of functions or trading in influence). Both Conventions also address the establishment of liability for legal as well as natural persons.

The criminalization of inchoate offences (e.g. attempt and conspiracy) is addressed in some but not all legislation related to wildlife and forest products. Some legislation

lists aggravating factors that might be used in charging and sentencing various offences (e.g. use of a firearm, prior offences, level of intent, role as actor or aider and abettor or degree of harm).

On occasion, legislation ensures that established fines remain consistent with changing economic circumstances through the use of certain calculation tools (e.g. linked to average income). Many laws provide for confiscation/forfeiture of wildlife and forest products (or vehicles, vessels, containers and items used in the commission of an offence) and their subsequent disposal. There may also be applicable asset recovery legislation.

The UN Environment publication entitled *The State of Knowledge of Crimes that have Serious Impacts on the Environment*, provides a broad overview of environment-related offences (which may be punishable as criminal, civil or administrative offences) and an annex containing detailed examples of relevant national legislation from a select group of countries.

### **Investigative techniques**

Many laws provide for the express authorization of enforcement bodies (including police, Customs, and specialized agencies). They also provide necessary police powers (entry, search, seizure, interrogation, arrest). Specialized investigative techniques such as controlled deliveries may be automatically applicable to offences involving wildlife and forest products or may need legislative amendment to achieve such applicability.

Additional legislative provisions may address the protection of, and incentives for, reporting persons and witnesses, including victims.

### **Law enforcement cooperation**

There may be provision for national level cooperation via a coordination mechanism or body. International cooperation is often addressed in criminal procedure legislation or specific legislation on joint investigations, mutual legal assistance and extradition. In principle, such



cooperation provisions are applicable to offences involving wildlife and forest products, but they may not have been used for this purpose.

### Possible gaps or weaknesses

Possible gaps or weaknesses in legal frameworks for crime prevention and criminal justice, which might benefit from further legislative work, include:

1. No criminalization of offences related to illegal trade in or possession of wildlife and forest products, or no penalization of such offences as serious crimes (i.e. punishable by a maximum of 4 years imprisonment or more per UNTOC);
2. No criminalization of offences related to aiding/abetting and attempt or conspiracy;
3. No provision for enhanced criminal penalties where specific aggravating circumstances are present (e.g. recidivism, rare or high value resource, use of a weapon, etc.);
4. No criminalization of offences related to misbehavior by public officials;
5. No or limited provision for incentivizing and protecting reporting persons and witnesses, including victims;
6. No specific provision for the application of international cooperation mechanisms (e.g. extradition and mutual legal assistance) to offences involving illegal trade in, and illegal possession of, wildlife and forest products;
7. Statutory or judicial limitation of certain general crimes and criminal investigative techniques to offences other than those involving wildlife and forest products (e.g. wildlife or forest crimes are not predicate offences for money-laundering or their investigation cannot make use of controlled deliveries); and
8. No provision for the application of offences for transnational organized crime, or crimes related to corruption, to offences involving illegal trade in, and illegal possession of, wildlife and forest products.

### Checklist of key legislative components for crime prevention and criminal justice

1. Criminalization of offences (both specialized and general), including those related to illegal taking/possession/trade, transnational organized crime, financial crime and corruption
2. If needed, provision for the applicability of general crimes to offences involving wildlife and forest products
3. Penalties for key offences that will enable them to be treated as serious crimes
4. Express designation in specialized legislation of all relevant enforcement bodies (e.g. Customs)
5. Standard enforcement powers and specialized investigative techniques which can be used for offences involving wildlife and forest products
6. Protection of, and incentives for, reporting persons and witnesses (including victims)
7. Provision for international law enforcement cooperation through joint investigations, mutual legal assistance and extradition and applicability to offences involving wildlife and forest products

### Key resource material

#### ICCWC

*Wildlife and Forest Crime Analytic Toolkit*, 2012 ([https://www.unodc.org/documents/Wildlife/Toolkit\\_e.pdf](https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf))

*Indicator Framework for Combating Wildlife and Forest Crime*, 2016 ([https://cites.org/sites/default/files/eng/prog/iccwc/E-ICCWC-Ind-FW-Assessment\\_guidelines\\_and\\_template\\_clickable-final.pdf](https://cites.org/sites/default/files/eng/prog/iccwc/E-ICCWC-Ind-FW-Assessment_guidelines_and_template_clickable-final.pdf))

#### UNODC

*Model Law on Extradition*, 2004 ([https://www.unodc.org/pdf/model\\_law\\_extradition.pdf](https://www.unodc.org/pdf/model_law_extradition.pdf))

*Model Law on Mutual Assistance in Criminal Matters*, 2007 ([https://www.unodc.org/pdf/legal\\_advisory/Model%20Law%20on%20MLA%202007.pdf](https://www.unodc.org/pdf/legal_advisory/Model%20Law%20on%20MLA%202007.pdf))



*Good practices for the protection of witnesses in criminal proceedings involving organized crime*, 2008 (<https://www.unodc.org/documents/organized-crime/Witness-protection-manual-Feb08.pdf>)

*Technical Guide to the United Nations Convention Against Corruption*, 2009 ([https://www.unodc.org/documents/corruption/Technical\\_Guide\\_UNCAC.pdf](https://www.unodc.org/documents/corruption/Technical_Guide_UNCAC.pdf))

*Legislative Guide for the United Nations Convention against Transnational Organized Crime*, 2004 ([http://www.unodc.org/documents/treaties/Legislative\\_Guide\\_2017/Legislative\\_Guide\\_E.pdf](http://www.unodc.org/documents/treaties/Legislative_Guide_2017/Legislative_Guide_E.pdf))

*Manual on Mutual Legal Assistance and Extradition*, 2012 ([https://www.unodc.org/documents/organized-crime/Publications/Mutual\\_Legal\\_Assistance\\_Ebook\\_E.pdf](https://www.unodc.org/documents/organized-crime/Publications/Mutual_Legal_Assistance_Ebook_E.pdf))

*Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime*, 2012 ([https://www.unodc.org/documents/organized-crime/Publications/Confiscation\\_Manual\\_Ebook\\_E.pdf](https://www.unodc.org/documents/organized-crime/Publications/Confiscation_Manual_Ebook_E.pdf))

*Handbook on the International Transfer of Sentenced Persons*, 2012 ([https://www.unodc.org/documents/organized-crime/Publications/Transfer\\_of\\_Sentenced\\_Persons\\_Ebook\\_E.pdf](https://www.unodc.org/documents/organized-crime/Publications/Transfer_of_Sentenced_Persons_Ebook_E.pdf))

*The United Nations Convention against Corruption Resource Guide on Good Practices in the Protection of Reporting Persons*, 2015 ([https://www.unodc.org/documents/corruption/Publications/2015/15-04741\\_Person\\_Guide\\_eBook.pdf](https://www.unodc.org/documents/corruption/Publications/2015/15-04741_Person_Guide_eBook.pdf))

Sharing Electronic Resources and Laws on Crime (SHERLOC) database (<https://www.unodc.org/cld/v3/sherloc/>)

*ASEAN Handbook on legal cooperation to combat wildlife crime*, 2016 (<https://www.ecolex.org/details/literature/asean-handbook-on-legal-cooperation-to-combat-wildlife-crime-mon-090732/>)

### **Collaborative Partnership on Forests**

*Illegal Logging and Related Timber Trade – Dimensions, Drivers, Impacts and Responses: A Global Scientific Rapid Response Assessment Report* and related *Policy Brief – Forests Beyond the Law: Scientific Insights into Illegal Logging and Related Timber Trade*, 2016 (<https://www.iufro.org/science/gfep/illegal-timber-trade-rapid-response/report/>)





## Conclusions and recommendations

As indicated in the preceding analysis and annexes that follow, there are many institutions and legal frameworks at the global, regional and national levels, which relate directly or indirectly to legal and illegal trade in wildlife and forest products. In addition, the level of activity in this field remains quite high – with new instruments or materials being issued each year, if not more frequently.

Participants in the Africa-Asia Pacific Symposium mentioned above noted generally that more work was needed on the implementation and enforcement of existing legislation rather than the development and adoption of new or strengthened legal instruments. Ongoing challenges with the regulation of legal trade in wildlife and forest products, and the prevention, detection and penalization of illegal trade, nevertheless often have their source in the content as well as the application of legislation.

For example, virtually all countries regulate in some way the taking (including hunting, harvesting and logging) and the international trade of wildlife and forest products but they do not necessarily regulate possession or domestic trade and even fewer have legislative provisions which address sale and purchase through the Internet. Some regions regulate captive breeding, ranching and artificial propagation more comprehensively than others. There are legislative gaps in the coverage of the processing and transit of products as well.

A sizeable number of countries have criminalized violations of legislation governing the trade of wildlife and forest products but the level of criminal prosecutions is not that high and such violations are more often handled through administrative means (e.g. Customs seizure and fine at the border). Maximum prison terms vary and criminal fines vary even more. High minimum penalties have sometimes resulted in an unwillingness of enforcement officers to cite relevant offences and excessively high maximum penalties (e.g. the death penalty) have prompted bilateral discussions between trading partners. Quite a number of countries do

not yet have provision for dealing with legal as well as natural persons and the use of aggravating factors (e.g. the presence of organized crime or corruption) or inchoate offences (e.g. attempt or conspiracy) could be enhanced. Despite legislation authorizing international cooperation through extradition and mutual legal assistance, such tools are not often used for offences involving wildlife and forest products. In addition, few countries make use of general crimes (e.g. fraud or corruption-related offences) together with specialized wildlife or forest crimes.

Overall, the legislative means for preventing offences related to trade in wildlife and forest products receive less attention than the means for detecting and punishing such offences. The primary thrust of both natural resource management and trade regulation legislation is to ensure the legality, sustainability and traceability of trade in those products. They are nevertheless seen primarily as 'command and control' tools.

It is helpful that institutions and legal frameworks for crime prevention and criminal justice work to ensure that violations of relevant specialized resource or trade laws and general criminal laws, in connection with any illegal trade in wildlife and forest resource, are taken seriously and acted upon in an effective manner.

Such efforts should not outweigh or detract from natural resource management actions to ensure that the conditions for access to and use of wildlife and forest resources is clear and fair. Similarly, criminal law enforcement efforts should not take precedence over trade regulation efforts to ensure the facilitation and security of any trade in wildlife and forest products, e.g. through the use and inspection of standard trade documents and processes (including electronic ones).

The terminology used in connection with legal and illegal trade in wildlife and forest products could benefit from more thought and consistency, in order to ensure better understanding of and cooperation between the institutions operating in this area.



There is good opportunity for, as well as value in, continuing to enhance the linkages between the institutions and legal frameworks for natural resource management, trade regulation and criminal justice, in order to more effectively prevent, detect and penalize illegal trade in wildlife and forest products. As new developments regarding such institutions and legal frameworks are occurring in a widespread and rapid manner, it is hoped that the information sites provided in this analysis will help the analysis remain relevant and useful to those who consult it, especially in its form as an online tool.

With regard to any possible extension of the current analysis, it could be worthwhile considering institutions and legal frameworks for licit and illicit trade in fishery products (to the degree they differ from trade in wildlife and forest products) and to further develop background information on the various regional and subregional institutions and instruments identified in Annex 2. Continued identification and description of national legislative approaches, especially recent ones, would also be useful.

# Annex 1: Global institutions and legal frameworks

This analysis is not exhaustive in nature, but rather focused primarily on those UN and wholly intergovernmental institutions and legal frameworks which are directly relevant to the licit and/or illicit trade in wildlife and forest products, or which provide a useful, broader context for the regulation of such trade. Relevant institutions, and their legal frameworks, are listed below under three thematic sectors (natural resource management, trade regulation and crime prevention and criminal justice), with each one assessed with respect to four considerations: general description, legal authority and role vis-à-vis trade in wildlife and forest products; legally binding instruments; non-legally binding instruments; and key implementation tools, including ongoing projects, guidance materials and cooperative arrangements. Information relating to one or more of those considerations may be absent in certain cases, either because it does not exist, or has not yet been identified.

## 1. Natural resource management

### **United Nations Department of Economic and Social Affairs (UN DESA)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

UN DESA is the development pillar of the UN Secretariat and, in this connection, it promotes and supports sustainable development for all (2030 Agenda for Sustainable Development, the 17 Sustainable Development Goals and the Addis Ababa Action Agenda). Amongst other things, it operates the Office for ECOSOC (UN Economic and Social Council) Support and Coordination.

The UN Forum on Forests (UNFF) Secretariat is a UN DESA Division and part of the International Arrangement on Forests. It was established in 2000 (by ECOSOC Resolution 2000/35) as a subsidiary

body with the mandate to promote the management, conservation and sustainable development of all types of forests, and to strengthen long-term political commitment to this end.

UN DESA also provides the Secretariat of the Collaborative Partnership on Forests (CPF), which was established in 2001 to support the work of the UNFF and its member countries (in response to an invitation from ECOSOC in Resolution 2000/35 to heads of UN and other bodies to form the Collaborative Partnerships on Forests). The CPF comprises an informal, voluntary arrangement between 14 international organizations and secretariats with substantial programmes on forests. These entities collaborate to streamline and align their work, to discover ways to improve forest management and conservation and the production and trade of forest products.

UN DESA supports these entities and other components of the International Arrangement on Forests (IAF), namely UNFF Member States, the UNFF Global Forest Financing Facilitation Network (GFFN) and the UNFF Trust Fund.

#### ***Legally-binding instruments***

#### ***Non-legally binding instruments***

UN Forest Principles, 1992

The Forest Principles were adopted during the UN Conference on Environment and Development (Rio de Janeiro, 1992) as the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on Management, Conservation and Sustainable Development of All Types of Forests. Section 2 states that forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual



needs of present and future generations. These needs are for forest products and services such as wood and wood products, water, food, fodder, fuel, shelter, employment, recreation, habitats for wildlife, landscape diversity, carbon sinks and reservoirs and for other forest products. Section 5 provides that national forest policies should recognize and duly support the rights of indigenous people, their communities and other communities and forest dwellers. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use through, *inter alia*, those land tenure arrangements which serve as incentives for sustainable forest management. It also requires the full partnership of women in all aspects of the management, conservation and sustainable development of forests to be actively promoted. Section 13 encourages the facilitation of open and free international trade in forest products. Fiscal, trade, industrial, transportation or other policies and practices that may lead to forest degradation should be avoided. Section 14 states that unilateral measures, incompatible with international obligations or agreements, to restrict and/or ban international trade in timber or other forest products should be removed or avoided, in order to attain long-term sustainable forest management.

UN Forest Instrument (UNGA Resolution 62/98), 2007, extended in 2015 to 2030

The Forest Instrument (formerly known as the Non-legally Binding Instrument on All Types of Forests) is a voluntary and non-legally binding instrument applying to all types of forests. Under Section I the purposes of the Instrument are: (a) to strengthen political commitment and action at all levels to implement sustainable forest management of all types of forests; (b) to enhance the contribution of forests to the achievement of the internationally agreed development goals; and (c) to provide a framework for national action and international cooperation. Section II outlines the underlying principles of the Instrument, providing

that each State is responsible for the sustainable management of its forests and for the enforcement of its forest-related laws. Major groups, local communities, forest owners and other relevant stakeholders should all contribute to achieving sustainable forest management and should be involved in a transparent and participatory way in forest decision-making processes that affect them, as well as in implementing sustainable forest management, in accordance with national legislation. It further provides that sustainable forest management is dependent on good governance at all levels. Section III states that sustainable forest management, as a dynamic and evolving concept, aims to maintain and enhance the economic, social and environmental values of all types of forests, for the benefit of present and future generations. Section IV provides global objectives on forests, pertaining to increasing efforts to prevent forest degradation; enhancing forest-based economic, social and environmental benefits, including by improving the livelihoods of forest-dependent people; and significantly increasing the area of protected forests worldwide as well as the proportion of forest products from sustainably managed forests. Section V provides that Member States should consider the seven thematic elements of sustainable forest management when establishing national policies and measures, including, *inter alia*, the extent of forest resources, forest biological diversity, forest health and vitality, functions of forest resources (productive, protective and socio-economic) and legal, policy and institutional frameworks. States should review and, as needed, improve forest-related legislation, strengthen forest law enforcement and promote good governance at all levels and combat and eradicate illegal practices, in accordance with national legislation, in the forest and other related sectors. States should also encourage the private sector, civil society organizations and forest owners to develop, promote and implement in a transparent manner voluntary instruments, such as voluntary certification systems or other appropriate mechanisms, to develop and promote



forest products from sustainably managed forests harvested in accordance with domestic legislation. In addition, States should enhance access by households, small-scale forest owners, forest-dependent local and indigenous communities, to forest resources and relevant markets in order to support livelihoods and income diversification from forest management, consistent with sustainable forest management. Under Section VI, on international cooperation, Member States should enhance bilateral, regional and international cooperation with a view to promoting international trade in forest products from sustainably managed forests harvested according to domestic legislation. States should also enhance cooperation to address illicit international trafficking in forest products through the promotion of forest law enforcement and good governance at all levels, and strengthen the capacity of countries to combat effectively illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. States should also strengthen the capacity of countries to address forest-related illegal practices, including wildlife poaching, in accordance with domestic legislation, through enhanced public awareness, education, institutional capacity-building, technological transfer and technical cooperation, law enforcement and information networks.

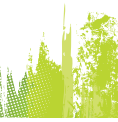
#### UN Strategic Plan for Forests 2017-2030

The Strategic Plan for Forests provides a reference for forest-related work within the UN system and between its partners. It provides a shared global vision and mission for forests, outlining six Global Forest Goals (GFGs) and 26 targets, universal and voluntary, to be achieved by 2030. GFG 1 is to reverse the loss of forest cover worldwide through sustainable forest management and to increase efforts to prevent forest degradation. Indicative

thematic areas for action include wildlife protection and management. GFG 5 is to promote sustainable governance frameworks to implement sustainable forest management, including through the UN Forest Instrument and to enhance the contribution of forests to the 2030 Agenda for Sustainable Development. Indicative thematic areas for action in this context include forest law enforcement, governance, and trade and illegal logging and associated trade.

#### UN Secretary General's Climate Summit New York Declaration on Forests and Action Agenda, 2014

A non-legally binding political declaration endorsed by participating governments, companies, indigenous peoples and civil society organizations. The Declaration proposes a global timeline to cut natural forest loss in half by 2020, and to strive to end it by 2030. To achieve this, participants aim to strengthen forest governance, transparency and the rule of law, empower communities and recognize the rights of indigenous peoples, especially those pertaining to their lands and resources. Under the Action Agenda, it is proposed that governments clarify rights in land tenure systems to improve land security, strengthen community management of natural resources, and resolve overlapping forest clearing concessions. They can also prohibit the importation of illegally sourced commodities, whilst companies and business associations can commit to traceability and transparency in their supply chains. Indigenous peoples should exercise and promote their rights to traditional lands and other natural resources in ways that protect and conserve forests. They can also work with governments to secure their distinct right to participate in decision-making, in order to improve transparency, strengthen forest governance, reduce illegal logging and deforestation and increase overall public participation in such decision-making.



*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

***Illegal Logging and Related Timber Trade – Dimensions, Drivers, Impacts and Responses: A Global Scientific Rapid Response Assessment Report*** and accompanying ***Policy Brief on Forests Beyond the Law: Scientific Insights into Illegal Logging and Related Timber Trade***, 2016 (Collaborative Partnership on Forests, or CPF, and International Union of Forest Research Organizations, or IUFRO)

The report synthesizes the many facets of illegality affecting forests and people, including the various definitions of illegal forest activities. It gives an overview of the markets, actors, wood flows and supply chains involved in illegal logging and related timber trade. It discusses the impacts of such practices across situations of production and consumption, as well as the drivers behind these. The report also presents related governance frameworks and response options, including an analysis of the latest global initiatives to combat the illegal trade, and contains a criminological analysis of organized forest crime and suggestions from timber forensics. The Policy Brief provides nine key messages which, *inter alia*, note the problems of contested and conflicting land tenure, indicate that the majority of timber resulting from illegal forest activities is traded domestically and suggest that the lack of reliable and comparable data hampers efforts to tackle effectively illegal logging and related timber trade.

## **Food and Agriculture Organization of the United Nations (FAO)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

FAO is a specialized agency of the UN. It was established in 1945 and has 194 Member Nations, two associate members and one member organization, the European Union.

The Committee on Forestry (COFO) is the highest FAO Forestry statutory body. At its 23<sup>rd</sup> session (Rome, 2016), COFO considered FAO's work to help curb illegal logging and trade (e.g. by providing support under its Forest Law Enforcement, Governance and Trade Programme (FLEGT) to 30 member countries) in the context of reviewing its programme of work under the Reviewed Strategic Framework. The FAO World Forestry Congress (WFC) is held every six years, with the most recent (WFC-XIV) being held in 2015. The central theme for WFC-XIV was ***Forests and People: Investing in a Sustainable Future***. Focal areas included: forests for socio-economic development and food security, innovation and sustainable trade and improving governance by building capacity.

Within the Secretariat, both the Development Law Service and the Forestry Department of FAO have expertise in wildlife and collaborate to provide technical and legislative assistance to FAO Members. Secretariat staff also support the FAO-European Union FLEGT Programme.

FAO also chairs the Collaborative Partnership on Forests (CPF), established in 2001, and hosts the Collaborative Partnership on Sustainable Wildlife Management (CPW), established in 2013, which has a rotating chair.

### ***Legally-binding instruments***

#### ***Non-legally binding instruments***

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of Food Security (VSGT) (2012)

These guidelines address, *inter alia*, the guiding principles of responsible tenure governance, legal recognition of and allocation of tenure rights and duties, transfers and other changes to tenure rights and duties, and the administration of tenure.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

FAO maintains an online database of national wildlife and forest legislation (FAOLEX). In addition, and in collaboration with UN Environment and the International Union for the Conservation of Nature (IUCN), FAO contributes to the content, structure and oversight of the environmental law portal known as ECOLEX. It has produced numerous guidance materials and publications, including *Legal trends in wildlife management*, 2002, *Best practices for improving law compliance in the forestry sector*, 2005, *Principles for Developing Sustainable Wildlife Management Laws*, 2008 and *Wildlife laws and the empowerment of the poor*, 2010. It has also been developing a series of practical guides to mainstream gender into, *inter alia*, wildlife and forest legislation. A *Bushmeat Sourcebook* and fact sheets on international trade, gender, and other topics have been produced under the CPW. FAO has also published a toolkit on *Human-Wildlife Conflict: Collection of Case studies, Analysis of Management Strategies and Good Practices*, 2005.

### **International Tropical Timber Organization (ITTO)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The ITTO was established in 1986 under the auspices of the UN, and today sits within the UN Conference on Trade and Development (UNCTAD). It is an intergovernmental organization promoting the conservation and sustainable management, use and trade of tropical forest resources. It has 35 producing members and 38 consuming members under the International Tropical Timber Agreement (ITTA), 2006. Together, these members represent about 80% of the world's tropical forests and 90% of the global tropical timber trade. Article 3 of the ITTA provides for the establishment of the ITTO as a legal entity.

One of the themes under ITTO's work on sustainable forest management (SFM) is forest law enforcement, involving, *inter alia*, assistance to members to combat illegal logging and illegal trade.

### **Legally-binding instruments**

**International Tropical Timber Agreement (ITTA), 2006**, entry into force 2011 (replaces ITTA, 1994)

Under Article 1, the objectives of the Agreement are to promote the expansion and diversification of international trade in tropical timber from sustainably managed and legally harvested forests and to promote the sustainable management of tropical timber producing forests. A number of means for achieving these objectives are listed in the same Article.

### **Non-legally binding instruments**

International Tropical Timber Council Decision 6 (XXXI) of 2001 on forest law enforcement in the context of sustainable timber production and trade

Amongst other things, the Decision authorizes studies assessing (1) export and import data on international trade in tropical timber and timber products and (2) the extent, nature and causes of illegal trade (with recommendations on its prevention in the context of the ITTA). The Decision also encourages countries that are in need of ITTO assistance to voluntarily submit projects which address unsustainable timber harvesting, forest law enforcement and illegal trade in tropical timber for consideration.

ITTO Voluntary Guidelines for the Sustainable Management of Natural Tropical Forests, 2014 (updates and replaces 1990 Guidelines)

The Guidelines are centered around seven principles, which are organized under four objectives: (a) providing the enabling conditions





for sustainable forest management (including Principle 1 on forest governance and security of tenure); (b) ensuring forest ecosystem health and vitality; (c) maintaining the multiple functions of forests to deliver products and environmental services (including Principle 4 on multipurpose forest management and Principle 5 on silvicultural management); and (d) integrating social, cultural and economic aspects to implement sustainable forest management (including Principle 6 on social values, community involvement and forest worker safety and health). Guidelines on forest governance and security of tenure concern, *inter alia*, effective linkages and coordination of laws between different levels of governance; regulations and procedures for forest law enforcement; transfer of authority or responsibility from the central government to subnational governments and empowerment of the private sector, communities and civil society institutions and women to collaborate effectively in sustainable forest management; formal systems for ensuring the security of forest tenure; clear rights to forest access and use; and clear and transparent concession/logging rights. Guidelines on multipurpose forest management include guidance and measures to avoid unsustainable levels of non-timber forest product (NTFP) extraction and hunting. Guidelines on silvicultural management include the definition of management objectives for individual resources (e.g. timber and NTFPs); incorporation of wildlife and biodiversity concerns into forest management plans; and protection of forest management units (FMUs) from illegal and unsustainable activities. Two of the factors identified as giving rise to a lack of forest law compliance and good forest governance are failings in the policy and legal frameworks (e.g. incoherent, unrealistic and unenforceable), and corruption. Excessive regulation, especially as a result of secondary legislation, can mean that the transaction costs of legal operations are prohibitively high, pushing forest users into illegal practices. Forest tenure determines who can use what resources, for how long and under what conditions. In revising forest legislation, it is suggested that legislative

overreaching and unnecessary or superfluous licensing and approval requirements should be avoided, and that provisions for transparency and accountability, as well as the role of stakeholders, be enhanced. It is also suggested that consistency in the regulatory framework should be ensured, so that rules and regulations do not contradict others within the forest legal framework. It is further suggested that conflict management systems be developed and implemented to prevent or manage conflicts over the use of forest resources.

ITTO/IUCN guidelines for the conservation and sustainable use of biodiversity in tropical timber production forests, 2009

Part I of the guidelines addresses tropical production forests and the conservation and sustainable use of biodiversity; Part II defines principles, guidelines and priority actions (e.g. political commitment, policies and laws); and Part III concerns implementation of the guidelines.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*


Bilateral cooperation has been taking place for several years under the ITTO-CITES Program for Implementing CITES Listings of Tropical Timber Species, and the Program has been extended for several more years.

**Secretariat of the Convention on Biological Diversity (CBD), Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), Secretariat of the World Heritage Convention (WHC) and Secretariat of the Ramsar Convention on Wetlands**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The CBD, CITES, CMS, WHC and Ramsar Secretariats are established within the respective conventions





they serve. There are 196 States-Parties to CBD, 183 States-Parties to CITES, 124 States-Parties to CMS, 193 States-Parties to WHC and 169 States-Parties to Ramsar. Executive heads of the Secretariats to these five biodiversity-related conventions are members of the Biodiversity Liaison Group.

The role of the CBD Secretariat in relation to licit and/or illicit trade stems indirectly from work done on issues such as the sustainable use of biodiversity, invasive alien species and bushmeat, as well as implementation of the Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets. Activities on the development and revision of National Biodiversity Strategies and Action Plans (NBSAPs) are also relevant, and trade aspects of the Cartagena and Nagoya Protocols may apply.

The role of the CITES Secretariat is detailed in the next section on Trade Regulation.

The role of the CMS Secretariat arises under its work on specific migratory species affected by licit and/or illicit trade and can include related CMS agreements such as the Agreement on the Conservation of Gorillas and their Habitat, the Asian-European Waterbird Agreement (AEWA) and the Memorandum of Understanding on Birds of Prey (Raptors).

The role of the WHC Secretariat derives from its efforts to address wildlife crime taking place in designated World Heritage sites, especially where such crime places the WHC designation at risk (e.g. a site in Tanzania risks losing its designation because of uncontrolled poaching).

The role of the Ramsar Secretariat includes work on the wise use principle under the Convention, and the sound management of Ramsar sites. Among other things, this work involves efforts to prevent and address the illegal hunting of and trade in waterfowl (including migratory ones) for which Ramsar-designated wetlands are a habitat. Legislative guidance under the Convention is

described in more detail below and addresses, *inter alia*, tenure and resource use regimes which undermine wise use.

### **Legally-binding instruments**

**Convention on Biological Diversity**, 1992, entry into force 1993; Cartagena and Nagoya Protocols

Article 1 provides that the objectives of the Convention are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. Under Article 2, 'protected area' is defined as a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives. 'Sustainable use' entails the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations. Article 3 provides that States have the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. Pursuant to Article 5, each Contracting Party shall cooperate with other Contracting Parties, directly or through competent international organizations, for the conservation and sustainable use of biological diversity. Under Article 7, Parties shall identify components of biological diversity important for its conservation and sustainable use, monitor those components, identify processes and categories of activities which have or are likely to have significant adverse effects on the conservation and sustainable use of biological diversity, monitor those effects and maintain and organize, by any mechanism, data derived from such identification and monitoring activities. Under Article 8, States are to establish a system of protected areas or areas where special measures need to be taken to



conserve biological diversity. In addition, States shall regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use. States shall also promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of those areas. States shall also endeavor to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components. Subject to national legislation, States shall respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. They shall also develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations. Where a significant adverse effect on biological diversity has been determined, States shall regulate or manage the relevant processes and categories of activities. Article 10 provides that States shall adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity. They shall protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements, and support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced. Finally, States shall encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

**Convention on International Trade in Endangered Species of Wild Fauna and Flora**, 1973, entry into force 1975 [see further discussion in next section on Trade Regulation]

**Convention on the Conservation of Migratory Species of Wild Animals**, 1979, entry into force 1983; see also various agreements or memoranda of understanding concluded

under the auspices of the CMS such as AEWA, the Gorilla Agreement and the Memorandum of Understanding on Birds of Prey (Raptors)

CMS protects species by listing them in its Appendices. Species that are endangered are listed in Appendix I, while species that benefit from international cooperation for their conservation and management are listed in Appendix II. Species can be listed in both Appendices. With respect to Appendix I-listed species, Parties are under a strict obligation to prohibit their 'taking' (Article III), defined as "taking, hunting, fishing capturing, harassing, deliberate killing, or attempting to engage in any such conduct" (Article I). CMS can thus act as an important instrument to intercept illegal or illicit trade before the trade becomes international, and is therefore a complementary tool to CITES, with whom it shares around 500 species.

#### **Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)**, 1995, entry into force 1999

AEWA lists 254 species of migratory birds that depend on wetlands for at least part of their annual cycle (Annex 2 to the Agreement). In Annex 3 to the Agreement, all species are listed with each of their populations within the AEWA area (total number of populations is 554), and their conservation status is individually assessed and revised at each session of the Meeting of the Parties (three-year intervals). Based on this assessment, each species is placed in different categories, tabulated in three columns of Table 1 in Annex 3. With respect to all Column-A-listed populations, containing those species having the poorest conservation status, Parties are obliged to prohibit the possession or utilization of, and trade in, birds or eggs as well as the possession or utilization of, and trade in, any readily recognizable parts or derivatives of such birds and their eggs. For Column-B-listed populations, Parties are obliged to prohibit the possession or utilization of, and trade in, birds and eggs of the populations which have been taken in contravention of any prohibition laid down pursuant to the provisions of paragraph

2.1.2 of Annex 3, as well as the possession or utilization of, and trade in, any readily recognizable parts or derivatives of such birds and their eggs. The prohibitions in paragraph 2.1.2 concern: (1) taking during various stages of reproduction and rearing and during return to their breeding grounds; (2) certain modes of taking, and in particular indiscriminate means of taking and all means capable of causing mass destructions, as well as local disappearance of, or serious disturbance to populations of a species; and (3) taking over established limits.

These AEWA provisions provide a solid legal basis for tackling illegal or illicit trade at the national level and preventing it from entering the international system. As such, together with CMS it provides another complementary mechanism to CITES, with which it shares a good number of species.

**Agreement on the Conservation of Gorillas and Their Habitats**, also known as the Gorilla Agreement, 2007, entry into force in 2008

The Agreement has 7 States-Parties. Under Article III, paragraph 2, Parties shall, *inter alia*, coordinate their efforts to eradicate activities related to poaching; take all efforts to prevent conflict between humans and gorillas through appropriate land-use planning; and cooperate in the development, harmonization and enforcement of national policies and legislative measures for the conservation of gorillas and their habitats.

**Convention Concerning the Protection of the World Cultural and Natural Heritage**, 1972, entry into force 1975

The Convention has 193 States-Parties. It prescribes their duties in identifying potential world cultural and natural heritage sites and their role in protecting and preserving them. Illegal taking of wildlife and forest products and related illegal activities have occurred in various sites, indicating challenges with their management. This has led to at least one site being included on the List of World

Heritage Sites in Danger. If such activities are not addressed, a site could lose its World Heritage designation.

**Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat**, 1971, entry into force 1975

The Convention has 169 States-Parties, who have committed to: work towards wise use of all their wetlands; designate suitable wetlands for the list of Wetlands of International Importance (the 'Ramsar List') and ensure their effective management; and cooperate internationally on transboundary wetlands, shared wetland systems and shared species. Wildlife and forest resources found in wetland areas may be subject to illegal activities if the management of those areas (including related legislation) is ineffective.

*Non-legally binding instruments*

CBD CoP Decision XII/18 on Sustainable use of biodiversity: bushmeat and sustainable wildlife management (2014)

In paragraph 9, the Conference of the Parties encourages Parties to develop, revise or update their regulatory systems to differentiate among subsistence uses, illegal hunting, and domestic and international trade of wild species and products in a mutually supportive manner with CITES and other international obligations so as to avoid penalizing both the countries and the persons using wildlife resources for subsistence purposes. In paragraph 10, the CoP also encourages Parties to assess, minimize and mitigate the impacts of illegal hunting on the subsistence hunting and livelihoods of indigenous and local communities and on other subsistence users of wildlife resources.

CBD Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity, 2004

The Principles and Guidelines consist of 14 interdependent practical principles, operational



guidelines and a few instruments for their implementation that govern the uses of components of biodiversity to ensure the sustainability of such use.

Practical Principle 2 – Recognizing the need for a governing framework consistent with international, national laws, local users of biodiversity components should be sufficiently empowered and supported by rights to be responsible and accountable for use of the resources concerned.

Practical principle 3 – International, national policies, laws and regulations that distort markets while contributing to habitat degradation or otherwise generate perverse incentives that undermine conservation and sustainable use of biodiversity, should be identified and removed or mitigated. One of the operational guidelines is to: Avoid unnecessary and inadequate regulations of uses of biological diversity because they can increase costs, foreclose opportunities and encourage unregulated uses thus decreasing the sustainability of the use.

Practical principle 12 – The needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources.

CMS CoP Resolution 11.31 on fighting wildlife crime and offences within and beyond borders (2014)

Paragraph 2 urges Parties to take appropriate measures to ensure that their legislative framework provides for penalties for wildlife crime that are effective, act as a deterrent and reflect the gravity of the offence and provide for the confiscation of specimens taken in violation of the Convention. Paragraph 5 encourages Parties, where relevant and appropriate, to enhance cooperation for the repatriation of live, illegally-traded wildlife and

promote the establishment of legal frameworks in recipient countries that ensure a timely and cost-efficient repatriation of live animals and eggs, ensuring that any such framework is consistent with Parties' obligations under CITES and subject to relevant biosecurity and environmental concerns and policies. Paragraph 8 suggests the enacting of national laws that prohibit the possession and sale of illegally obtained wildlife specimens and products other than those that have been confiscated.

CMS CoP Resolution 11.16 on the Prevention of Illegal Killing, Taking and Trade of Migratory Birds (2014)

The CoP calls on the Secretariat to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean and calls also on the Secretariat to actively explore with Parties, non-Party range States and others in South and Central America and the Caribbean the potential to convene an equivalent Task Force in that region.

World Heritage Commission Decision 38 COM 7 (2014) on State of conservation of World Heritage properties

The Committee, *inter alia*, reiterates its utmost concern about the continued impacts on World Heritage properties due to the rising pressure from poaching, particularly of elephant, rhinoceros and valuable timber species, linked to a growing illicit trade, and the increasing involvement of organized crime in this lucrative business.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

All five Secretariats, together with the Secretariats of two further biodiversity-related Conventions (i.e. the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) and the International Plant Protection Convention (IPPC)), are members of the Biodiversity Liaison Group, a platform for the executive heads of seven conventions to exchange information, enhance national implementation of



convention objectives and promote synergies at the national level. In addition, the CBD, CITES and CMS Secretariats are members of the CPW and the CBD Secretariat a member of the Collaborative Partnership on Forests (CPF). All five Secretariats have collaborated bilaterally and multilaterally on illegal or illicit trade issues. The WHC host institution, UNESCO, has shared experiences with CITES on approaches to illegal or illicit trade in cultural property and wildlife/forest products. The IUCN List of Threatened Species and the IUCN Protected Areas Categories are tools which often feature in the work of the Conventions.

#### AEWA Conservation Guidelines No. 5 - Guidelines on Sustainable Harvest of Migratory Waterbirds (2015)

Among other things, the Guidelines address specific management issues related to harvesting (chapter 9), including limits of taking and illegal harvesting.

#### CMS Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT)

MIKT has been established under CMS CoP Resolution 11.16 on the Prevention of Illegal Killing, Taking and Trade of Migratory Birds, to facilitate international cooperation as well as the implementation of the existing guidelines and action plans, in particular the Tunis Action Plan 2013-2020 for the Eradication of Illegal Killing, Trapping and Trade of Wild Birds. It brings together governmental representatives of CMS Parties around the Mediterranean, including the European Union and other interested parties. Representatives from non-CMS Parties as well as relevant international organizations and networks are also part of MIKT as observers.

MIKT also considers whether any new guidelines, action plans or other recommendations respond to specific problems and enables the exchange of information, training and education, law enforcement, deterrence and prevention to reduce the mortality rate among migratory birds.

Ramsar Handbooks – e.g. Handbook 1 (4<sup>th</sup> edition) on *Wise use of wetlands* and Handbook 3 (2010, 4<sup>th</sup> edition) on *Laws and institutions: Reviewing laws and institutions to promote the conservation and wise use of wetlands*.

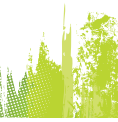
These include, inter alia, guidelines on undertaking such reviews based on national case studies involving past reviews; legal/institutional measures which constrain conservation and wise use, such as conflicting sectoral laws, weak/incomplete laws and land tenure and resource use regimes which undermine wise use; and legal/institutional measures to promote wise use (non-site specific, site-specific and international cooperation). Some of the legislative weaknesses identified are: coverage of wetland resources; measures for sustainable use (e.g. coverage of hunting but not overexploitation of or trade in wetland resources); level of protection given to non-consumptive use of wetlands; range of damaging activities which are covered; and absence of effective monitoring and enforcement procedures, meaningful sanctions and adequate remedies.

#### United Nations Environment Programme (UNEP or UN Environment)

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

UNEP was established in 1972, following the UN Conference on the Human Environment held earlier that year in Stockholm. It has universal membership among UN Member States and is the leading global environmental authority that sets the global agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the UN system, and serves as an authoritative advocate for the global environment. UNEP is the administrative host of the CITES, CBD and CMS Secretariats.

UNEP has extensive experience in the area of environmental law and thereafter in the area of



environmental compliance and enforcement. In more recent years, it has undertaken various activities related to environmental crime. Its formal work on illegal trade in wildlife began in 2014 with a related Resolution adopted at the first session of the United Nations Environment Assembly. A subsequent UNEA Resolution on illegal trade in wildlife and forest products was adopted at its second session in 2016. The UNEP Law Division (in collaboration with other Divisions) undertakes work on environmental rule of law, environmental crime and illegal trade in wildlife under the environmental governance sub-programme.

### ***Legally-binding instruments***

[Serves as administrative host for the CITES, CBD and CMS Secretariats]

### ***Non-legally binding instruments***

Montevideo Programme for the Development and Periodic Review of Environmental Law, 1982 (with subsequent amendments)

Following the adoption of Montevideo Programme I in 1982, sequential 10-year Programmes have formed the basis for the conduct of UN Environment’s environmental law activities. Montevideo Programme IV was adopted in 2009 and a mid-term review of its implementation was conducted in 2015. A background document for that review concerned emerging and important issues in the field of environmental law (UNEP/Env. Law/MTV4/MR/1/3). The document particularly addresses environmental offences, noting that the increasing number of violations of national and international environmental law, and particularly the illegal trade in wildlife and related offences, has become a serious cause of concern to the international community in recent years.

### **UNEA-1 Resolution 1/3 on Illegal trade in wildlife (2014)**

Member States are strongly encouraged, *inter alia*, to: take targeted action to eradicate the supply and transit of and the demand for illegal wildlife products, while respecting and protecting the legal and sustainable trade in wildlife products; and support work to reinforce the legal framework, including through deterrent measures, where necessary. The Executive Director is requested, *inter alia*, to: provide by the second session of the United Nations Environment Assembly [in 2016] an analysis of the environmental impacts of illegal trade in wildlife and wildlife products; and continue to support national Governments, upon their request, to develop and implement the environmental rule of law.

### **UNEA-2 Resolution 2/14 on Illegal trade in wildlife and wildlife products (2016)**

Member States are urged, *inter alia*, to strengthen their wildlife trade governance systems, including institutions, and cooperation across relevant government ministries and agencies, and to step up anti-corruption and anti-money-laundering efforts as they relate to illegal trade and trafficking in wildlife and wildlife products. They are called on to make illicit trafficking in protected species of wild fauna and flora involving organized crime groups a serious crime, in accordance with their national legislation and article 2(b) of UNTOC. The Executive Director is requested to support national governments, upon their request, in facilitating the development and implementation of national legislation related to illegal trade and trafficking in wildlife.

### ***Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements***

UNEP continues to provide legislative assistance to requesting countries in the area of environmental law, including the implementation and enforcement

of multilateral environmental agreements to which a country may be party.

UNEP collaborates jointly and individually on a range of relevant programme activities with the CITES, CBD and CMS Secretariats (e.g. legislative assistance under the CITES National Legislation Project). Together with FAO and IUCN, UNEP contributes to, and helps to operate, the online environmental law portal known as ECOLEX. It cooperates with INTERPOL on environmental compliance and enforcement and they have co-produced several publications on environmental crime, including: *Green Carbon, Black Trade: Illegal Logging, Tax Fraud and Laundering in the World's Tropical Forests*, 2013; *The Environmental Crime Crisis: Threats to sustainable development from illegal exploitation and trade in wildlife and forest resources*, 2014; and *The Rise of Environmental Crime: A growing threat to natural resources, peace, development and security*, 2016. Finally, UNEP is also a member of the Collaborative Partnership on Forests (CPF).

Other relevant materials produced by UNEP include: Analysis of the environmental impacts of illegal trade in wildlife, UNEA-2 Inf. Doc. 28 (2016); and the UNEP publication *Our Planet, Environmental Crime: Tackling the Greatest Threats to our Planet* (March 2017).

## **Global Environment Facility (GEF)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The GEF is an independent financial entity with 183 member countries or 'Participants,' and was established in 1991 to provide funding to achieve global environmental benefits in focal areas such as biological diversity. It comprises a unique partnership of 18 GEF Implementing Agencies of GEF-funded projects, which includes UN bodies, multilateral development banks, national entities and international non-governmental organizations.

The Instrument for the Establishment of the Restructured GEF was adopted in 2015.

The GEF biodiversity and ecosystems portfolio includes various projects on wildlife/forest crime. One such initiative is the Global Wildlife Programme (GWP), a seven-year program that is financed by the facility. The GWP adopts a programmatic approach to bring together interconnected projects, in order to achieve the common objective of promoting wildlife conservation, sustainable development and wildlife crime prevention. The GWP unites 19 countries from Asia and Africa that have agreed to use their GEF-6 STAR allocation to tackle the wildlife crisis. It includes a global coordination project led by the World Bank Group (WBG), whose objective is to create and implement an effective coordination, knowledge management and communications platform to support GWP national projects. Implementing agencies channeling funds to governments or other partners for the national projects are the WBG, UNDP, UNEP and the Asian Development Bank. GWP also collaborates with ICCWC and various other conservation partners (e.g. World Conservation Society, the World Wildlife Fund, the IUCN, TRAFFIC and WildAid). Under the GWP, two virtual knowledge exchange events have been held on 'Site-Based Law Enforcement Monitoring' and 'Engaging Communities to Combat Wildlife Poaching'. In addition, conferences for GWP countries have been convened on 'Engaging Local Communities in Wildlife Conservation' (Kenya, 2016) and 'Reducing Human-Wildlife Conflict and Enhancing Co-Existence' (Gabon, 2017).

### ***Legally-binding instruments***

#### **Instrument for the Establishment of the Restructured GEF, 2015**

### ***Non-legally binding instruments***

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*



GEF publications include *Forest and the GEF: A Brief Look at two Decades of Support for Forests*, 2015.

## United Nations Development Programme (UNDP)

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The UN's work on development is envisaged in the UN Charter. UNDP was born in 1966 as a merger of the Expanded Programme of Technical Assistance (EPTA) to support development and the UN Special Fund to support development projects. It is one of the three original partners in the GEF.

The UNDP-GEF biodiversity and ecosystems portfolio includes various projects on wildlife/forest crime. UNDP has an area of work focused on Environment and Natural Capital: Tackling Wildlife Crime. A number of UNDP activities are related to gender equality and local communities as well as environment and natural resources. The Equator Initiative, established in 2002, is a programme that advances local development solutions for people, nature and resilient communities. The UNDP programme on 'Delivering as One' (DaO) was launched in 2007. The objective of this initiative is to strengthen the management and coordination of UN operational activities at the national level, and particularly in the delivery of the UN Development Assistance Frameworks (UNDAFs). The initiative is hosted by UNDP but incorporates a wide range of other UN bodies. A guidance note for UN Country Teams and Implementing Partners Teams has been compiled on *Mainstreaming Environmental Sustainability in Country Analysis and the UNDAF*, 2009. Reference is made to unsustainable uses of the environment and natural resources and the mismanagement of high-value natural resources such as timber. It is also noted that the environment has been neglected in national development strategies. Country frameworks for environmental governance (including national laws and ratified treaties) provide the normative basis for UNDAF support. The environmental screening

checklist for agency programmes and projects contains questions on biodiversity conservation and natural resource management. Environmental issues related to country problems and UNDAF cooperation areas include pressures on natural resources (such as land clearing, illegal logging and poaching) and associated impacts (including natural resource depletion and biodiversity issues). The UNDAF principle for integrated programming (principle 3 on sustainability and resilience) could be a good avenue for mainstreaming wildlife into UNDAFs, depending on countries' priorities. In DaO countries, the enhanced collaboration within the UN system, which the initiative aims to generate, could facilitate the implementation of UNDAF objectives on wildlife – once agreed upon and integrated into the country UNDAF.

### **Legally-binding instruments**

### **Non-legally binding instruments**


*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

Brochure on **Combating Poaching and Wildlife Trafficking: Strengthening Livelihoods and Governance**

## UN World Tourism Organization (UNWTO)

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The World Tourism Organization is the UN agency responsible for the promotion of responsible, sustainable and universally accessible tourism. Its predecessor organization, the International Union of Official Travel Organizations (IUOTO), was created in 1946 as an international non-governmental organization. In 1970, the IUOTO adopted the statutes of the UNWTO and in 1976 the agreement was signed for the UNWTO to become an executing agency of UNDP, carrying out technical cooperation with governments.



As the leading international organization in the field of tourism, UNWTO promotes tourism as a driver of economic growth, inclusive development and environmental sustainability. It encourages the implementation of the Global Code of Ethics for Tourism. UNWTO's members include 156 Member States, 6 Associate Members and 500 Affiliated Members, representing the private sector, educational institutions, tourism associations and local tourism authorities.

In 2013, UNWTO and UNODC agreed on a campaign calling on tourists to help reduce demand for illicit goods (including illegal wildlife products involving CITES-listed species) and services related to transnational organized crime.

In 2014, UNWTO, UNODC and African Tourism Ministers committed to advancing the tourism sector's support in the global fight against the surge of poaching that is threatening one of Africa's main tourism resources: its unique wildlife and biodiversity.

#### ***Legally-binding instruments***

#### ***Non-legally binding instruments***

Global Code of Ethics, 1999

Addressed to governments, the travel industry, communities and tourists alike, the Global Code aims to maximize the sector's benefits whilst minimizing its potentially negative impacts on the environment, cultural heritage and societies across the world. The Code features a voluntary implementation mechanism through its recognition of the role of the World Committee on Tourism Ethics (WCTE), to which stakeholders may refer matters concerning the application and interpretation of the document.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

There is a UNWTO publication entitled ***Towards Measuring the Value of Wildlife Watching Tourism in Africa***, 2015.

## **International Labour Organization (ILO)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

Established in 1919, the ILO is the only tripartite UN agency. It brings together governments, employers and workers representatives of 187 Member States to set labour standards, develop policies and devise programmes promoting decent working conditions for all women and men.

During a side event of the 2015 meeting of the UN Economic and Social Council in New York, ILO Assistant Director-General and Regional Director for Africa stated that the volatility of the job market in Africa may lead impoverished persons to engage in illicit activities, including trafficking in wildlife, as an escape route from poverty. He further stated that a stronger focus on employment creation and social protection could reduce illegal wildlife trade.

#### ***Legally-binding instruments***

**Indigenous and Tribal Peoples Convention**, 1989 (No. 169), entry into force 1991

There are 22 States-Parties to the Convention. Under Article 7, paragraph 4, Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit. Article 8, paragraph 1, states that in applying national laws and regulations to the peoples concerned, due regard shall be had to their customs or customary law. Article 10, paragraph 2, provides that preference shall be given to methods of punishment other than confinement in prison. Under Article 15, paragraph 1, the rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management, and conservation of these resources. Article 18 prescribes that adequate penalties shall be established by law for unauthorized intrusion

upon, or use of, the lands of the peoples concerned, and governments shall take measures to prevent such offences.

### ***Non-legally binding instruments***

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

### **United Nations Human Rights Council (HRC)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The UN Human Rights Council (which replaced the former UN Commission on Human Rights) is an intergovernmental body within the UN system made up of 47 States elected by the UN General Assembly. The HRC is responsible for strengthening the promotion and protection of human rights around the world and for addressing situations of human rights violations and making recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (A/HRC/34/49, 2017), together with a special report on Madagascar (which recognizes good practices with respect to protected areas and community participation in the protection of biodiversity) identifies issues of concern in relation to illegal logging and trafficking.

Conclusions and recommendations in the main report suggest that a human rights perspective helps to promote policy coherence and legitimacy in the conservation and sustainable use of biodiversity. The Special Rapporteur also recommends that States establish legal and institutional frameworks

for the protection of biodiversity that regulate harm caused to biodiversity by private actors as well as government agencies, and adopt and implement standards that accord with international standards, are non-retrogressive and non-discriminatory, and respect and protect the rights of those who are particularly vulnerable to the loss of biodiversity and ecosystem services.

### ***Legally-binding instruments***

### ***Non-legally binding instruments***

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

### **International Atomic Energy Agency (IAEA)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The IAEA is the world's central intergovernmental forum for scientific and technical co-operation in the nuclear field. It works for the safe, secure and peaceful uses of nuclear science and technology, contributing to international peace and security and the UN Sustainable Development Goals. The Statute of the IAEA was approved in 1956 by an international conference held at the headquarters of the UN. It came into force in 1957. The IAEA has 168 Member States.

To verify whether timber has been harvested sustainably, reliable scientific information on the exact source of the wood is needed. The IAEA (with support from the IAEA Environment Laboratories) offers training to its Member States on the use of nuclear and isotopic techniques for monitoring programmes, and provides them with reference materials that can help determine the origin of timber products.



## **Legally-binding instruments**

### **Non-legally binding instruments**

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

## **General Assembly of the United Nations (UNGA) and UN Economic and Social Council (ECOSOC)**

See additional information below on the work of UNGA and ECOSOC in the context of crime prevention and criminal justice.

### **Non-legally binding instruments**

UNGA Resolution 66/288 (2012), The future we want (outcome document of the UN Conference on Sustainable Development or Rio+20) (A/RES/66/288)

Paragraph 203 – “We recognize the important role of CITES, an international agreement that stands at the intersection between trade, the environment and development, promotes the conservation and sustainable use of biodiversity, should contribute to tangible benefits for local people and ensures that no species entering into international trade is threatened with extinction. We recognize the economic, social and environmental impacts of illicit trafficking in wildlife, where firm and strengthened action needs to be taken on both the supply and demand sides. In this regard, we emphasize the importance of effective international cooperation among relevant multilateral environmental agreements and international organizations...”

Other relevant paragraphs include paragraph 30 on livelihoods, paragraphs 45 and 236-244 on gender equality, paragraph 193(-196) on forests, paragraph 197(-204) on biodiversity, and paragraph 266 on corruption and illicit financial flows.

UNGA Resolution 70/1 (2016), Transforming our world: the 2030 Agenda for Sustainable Development (contains Sustainable Development Goals and related targets and, *inter alia*, reaffirms Agenda 21 and the Rio Principles, etc.)

SDG Target 15.7 – “Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products.”

SDG Target 15.c – “Enhance global support for efforts to combat poaching and trafficking of protected species, including by increasing the capacity of local communities to pursue sustainable livelihood opportunities.”

ECOSOC (70<sup>th</sup> session, 2016) took note of report of UN Statistical Commission on SDG indicators

Within this report, SDG indicators 15.7.1 and 15.c.1 (i.e. for measuring progress on the above Targets) are presented as the proportion of traded wildlife that was poached or illicitly trafficked.

Within the related metadata repository for tracking the indicators and targets, UNODC has provided details on how the above indicators could be measured (i.e. in connection with seizure data like the data used in the World Wildlife Crime Report, 2016).

## **2. Trade regulation**

### **Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Secretariat)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The CITES Secretariat and its functions are established under Article XII of the Convention. States-Parties determine the structure, budget and work programme of the Secretariat, which is administratively hosted by UNEP. Additional

responsibilities of the Secretariat are provided in specific Resolutions and Decisions of the Conference of the Parties (CoP), as well as in Decisions of the Standing Committee of the CoP and the Scientific Advisory Bodies of the CoP (i.e. the Animals and Plants Committees).

The primary role of the Convention in relation to licit and illicit trade in wildlife and forest products is explicitly recognized in several UNGA and UNEA Resolutions. The Secretariat supports and monitors States-Parties' implementation of the Convention, including the trade regulation and law enforcement provisions found in Articles II, III, IV, V, VI, VII and VIII. In this connection, the Legal Affairs and Compliance and Enforcement Support teams of the Secretariat provide specialized legislative and law enforcement assistance to Parties either upon their request or in connection with compliance concerns identified by CITES bodies (e.g. under the CITES National Legislation Project). The Secretariat also has a number of relevant multilateral and bilateral cooperative arrangements with other UN and wholly intergovernmental bodies, which are listed and described below.

### **Legally-binding instruments**

#### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973, entry into force 1975 (183 States-Parties)**

The Convention is essentially a trade treaty with a wildlife conservation purpose. It provides the conditions and procedures under which trade in covered wildlife and forest products can occur, depending on whether such trade is commercial or non-commercial in nature and which degree of protection is afforded to the particular species in trade, according to the Appendix in which it is listed (which reflects its conservation status and the known or potential effect of trade). The Convention's ultimate objectives are to ensure that trade occurs only in accordance with the Convention, that none of the listed species (35,000+, including 600+ timber

species) is overexploited through international trade, and that illegal trade or illegal possession, or both, are penalized under national measures.

### **Non-legally binding instruments**

Resolutions of the CoP provide longstanding interpretive guidance for the Convention implementation (e.g. R17.9 on *Trade in hunting trophies of species listed in Appendices I or II*; R17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*; R17.6 on *Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention*; R17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species*; R16.7 on *Non-detriment findings*; R16.6 on *CITES and livelihoods*; R15.2 on *Wildlife trade policy reviews*; R14.7 on *Management of national established export quotas*; R14.4 on *Cooperation between CITES and ITTO regarding trade in tropical timber*; R14.3 on *CITES compliance procedures*; R13.11 on *Bushmeat*; R12.10 on *Registration of operations that breed Appendix-I animals species for commercial purposes*; R12.3 on *Permits and certificates*; R11.16 on *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II*; R11.3 on *Compliance and enforcement*; R10.21 on *Transport of live specimens*; R10.13 on *Implementation of the Convention for timber species*; R9.19 on *Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes*; R9.7 on *Transit and transshipment*; R8.4 on *National laws for implementation of the Convention*; and R8.3 on *Recognition of the benefits of trade in wildlife*).

Decisions of the CoP establish action points to be implemented between meetings of the CoP (e.g. Dec. 17.28 to 17.30 on *Rural communities*; Dec. 17.36 to 17.40 on *Livelihoods*; Dec. 17.41 to 17.43 on *Food security and livelihoods*; Dec. 17.44 to 17.48 on *Demand reduction*; Dec. 17.52 on *International Consortium on Combating Wildlife*

*Crime (ICCWC)*; Dec. 17.58 to 17.64 on **National laws for implementation of the Convention**; Dec. 17.65 to 17.69 on **Compliance matters** (including the collection of examples and information used to verify the legal acquisition of CITES-listed species, consideration of further guidance for verifying the legal acquisition of specimens of CITES-listed species to be exported, and guidance on verifying the legal acquisition of founder stock of captive-bred CITES-listed species to be exported); Dec. 17.70 to 17.82 on **National Ivory Action Plans process**; Dec. 17.86 on **Community awareness on wildlife trafficking**; Dec. 17.87 to 17.88 on **Domestic markets for frequently illegally traded specimens**; Dec. 15.57 and 17.92-17.96 on **Combating wildlife cybercrime**; Dec. 17.97 to 17.100 on **Wildlife crime support in West and Central Africa**; 17.101 to 17.107 and 14.69 on **Captive-breed and ranched specimens**; Dec. 14.73 (Rev. CoP17) to 14.74 (Rev. CoP17) and 17.112 to 17.113 on **Bushmeat**; Dec. 17.118 to 17.119 on **Disposal of confiscated specimens**; Dec. 17.152 to 17.155 on **Traceability**; Dec. 17.158 to 17.159 on **Electronic systems and information technologies**; Dec. 17.168 to 17.169 on **Identification (timber)**; Dec. 16.58 (Rev. CoP17) on **Physical inspection of timber shipments**; Dec. 17.170 on **Stocks and stockpiles (specimens of CITES-listed species)**; and Dec. 16.53 on **Non-detriment findings**.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

The CITES National Legislation Project was established in 1992 and its continuation is currently authorized under Resolution Conf. 8.4 (CoP15) of the CoP and CoP17 Decisions 17.58-17.64 on **National laws for implementation of the Convention**. Following the adoption of Resolution Conf. 16.7 providing guidance on the making of non-detriment findings in the context of the biological sustainability of trade, the CoP has recently authorized work relating to the making of legal acquisition findings pursuant to the Convention (i.e. CoP17 Decisions

17.65-17.69 on Compliance matters (including the development of guidance on verification of the legal acquisition of exported specimens)).

A set of legislative guidance materials, as well as an updated legislative status chart for all CITES Parties, is available under the National Legislation Project (<https://cites.org/legislation>). The CITES Secretariat is a member of the UN Inter-Agency Task Force on Combating the Illegal Trade in Wildlife and Forest Products, the ICCWC, the CPW, and the Biodiversity Liaison Group. Various guidance materials have been developed under these partnerships. The Secretariat has engaged in bilateral cooperation for a number of years under the ITTO-CITES Program for Implementing CITES Listings of Tropical Timber Species. The Secretariat also works with UNEP, FAO, UNODC, additional ICCWC partners and other bodies at the global level to provide legislative assistance and enforcement support to requesting Parties.

Under the CITES programme on Monitoring the Illegal Killing of Elephants (MIKE) a National Level Law Enforcement Capacity Assessment form was developed, which contains a section on Legal & Institutional Aspects. Under the CITES National Ivory Action Plans (NIAPs), one of the 5 pillars covered by the NIAP template is legislation and regulations.

The cooperative MoU between CITES and the International Air Transport Association (IATA) addresses both legal and illegal trade. The IATA Live Animals Regulations and Perishable Cargo Regulations have been recognized by CITES Parties as the definitive standards for ensuring the safe transport of live specimens, as required under the Convention.

## **World Trade Organization (WTO)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*



The WTO was established in 1995 by the Uruguay Round negotiations. Its predecessor organization, the General Agreement on Tariffs and Trade (GATT), was concluded in 1947 and entered into force in 1948. The WTO has 164 member countries. It is an organization for the negotiation, agreement, implementation and monitoring of a system of trade rules, and for the settlement of trade disputes. The system's overriding purpose is to help trade flow as freely as possible – as long as there are no undesirable effects – as a facilitator of economic development and well-being. There are 16 different multilateral agreements (to which all WTO members are parties) and two different plurilateral agreements (to which only some WTO members are parties).

Although the WTO generally deals with licit rather than illicit trade in goods and services, the organization's Committee on Trade and Environment (CTE) has exchanged information and experience on the illicit trade in wildlife and forest products. There has also been a call by several WTO members, within the Council on Trade in Goods, for the initiation of talks within the WTO on the issues of illicit trade and the fight against money laundering.

### ***Legally-binding instruments***

**WTO Trade Facilitation Agreement (TFA)**, 2014, entry into force 2017

The Agreement contains provisions for expediting the movement, release and clearance of goods (including goods in transit), prescribes measures for effective cooperation between customs and other appropriate authorities on trade facilitation and Customs compliance issues, and contains provisions for technical assistance and capacity building in this area.

### ***Non-legally binding instruments***

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

WTO publications include *CITES and the WTO: Enhancing Cooperation for Sustainable Development* (2015).

## **United Nations Conference on Trade and Development (UNCTAD)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

UNCTAD is a permanent intergovernmental body established by the UN General Assembly in 1964. It is part of the UN Secretariat and the UN Development Group and has 194 member countries.

The UNCTAD BioTrade Initiative was launched in 1996 and promotes sustainable BioTrade in support of the objectives of the CBD. Since 2003, the Initiative has also hosted the BioTrade Facilitation Project (BTFFP), which focuses on enhancing sustainable bio-resources management, product development, value added processing and marketing. Illicit trade in natural resources was discussed during the 14<sup>th</sup> session of UNCTAD (2016).

### ***Legally-binding instruments***

#### ***Non-legally binding instruments***

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

The UNCTAD publication *Traceability Systems for a Sustainable International Trade in South-East Asian Python Skins* (2014) was published in collaboration with CITES. Two UNCTAD studies, looking at illegal trade in ornamental plants in Latin America and illegal trade in medicinal plants in the Mekong subregion, were prepared in consultation with the CITES Secretariat and member States in 2016. CITES and UNCTAD have also cooperated in assisting Customs authorities to regulate trade in wildlife through UNCTAD's Automated System for Customs Data (ASYCUDA).



## International Trade Centre (ITC)

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

Founded in 1964, ITC is the joint agency of the United Nations and the WTO. It is the only multilateral agency fully dedicated to supporting the internationalization of Small and Medium Enterprises (SMEs). All UN and WTO members are governing members of ITC.

One of the ITC's 6 focal areas is promoting and mainstreaming inclusive and green trade through, *inter alia*, the Poor Communities and Trade Programme, and the Women and Trade Programme.

In 2017, ITC published the results of a new study requested by the governments of Viet Nam and South Africa on the demand in Viet Nam for rhinoceros horn used in traditional medicine (see [http://www.intracen.org/uploadedFiles/intracenorg/Content/Publications/11\\_V\\_\\_Public%20Information\\_Publications\\_2016-2017%20Bienn.pdf](http://www.intracen.org/uploadedFiles/intracenorg/Content/Publications/11_V__Public%20Information_Publications_2016-2017%20Bienn.pdf)). Other ITC publications related to wildlife trade are provided below.

### **Legally-binding instruments**

### **Non-legally binding instruments**

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

ITC publications include a Technical Paper on the *Trade in South-East Asian Python Skins* (2012) and a report on *The Trade in Wildlife: A framework to improve biodiversity and livelihood outcomes* (2015). ITC has collaborated with CITES in the preparation of such publications, and in other activities related to trade in wildlife and forest products. ITC collaborates with IUCN and Kering (world's largest fashion brand owners) on the Madagascar Crocodile Conservation Sustainable Use Programme.

## World Customs Organization

See below under crime prevention and criminal justice.

WCO has a role in trade facilitation as well as trade security. In this connection, it is able to track and gather statistics on trade in a large range of commodities, through the use of identifying numbers assigned to individual commodities in the Harmonized Commodity Description and Coding System (Harmonized System or HS).

## 3. Crime prevention and criminal justice

### **General Assembly of the United Nations (UNGA) and United Nations Economic and Social Council (ECOSOC)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

Both bodies were established in 1945 under the Charter of the United Nations. UNGA is the chief deliberative and policymaking body and representative organ of the UN, comprising 193 UN Member States. ECOSOC is the principal UN organ responsible for advancing the three dimensions of sustainable development (economic, social and environmental), coordinating the work of UN specialized agencies and following up on the results of UN conferences and summits. One of ECOSOC's functional commissions is the Commission on Crime Prevention and Criminal Justice (CCPCJ), which organizes and implements the outcomes of the UN Congress on Crime Prevention and Criminal Justice held every five years. The Congress has addressed wildlife and forest crime on a number of occasions and its related decisions have often been endorsed by both UNGA and ECOSOC. The CCPCJ also serves as a governing body for UNODC, which is discussed in more detail below.

Both UNGA and ECOSOC, together with the CCPCJ, provide policy guidance for, and keep under review, the United Nations crime prevention and criminal justice programme, and in particular its

technical cooperation capacity. In this connection and as indicated below, both bodies have adopted resolutions which directly or indirectly relate to illicit trade in wildlife and forest products.

### *Legally-binding instruments*

**United Nations Convention against Transnational Organized Crime** and the Protocols thereto (UNTOC), 2000 (adopted under UNGA Resolution 55/25), entry into force 2003

UNTOC has 188 States-Parties. Whilst containing no specific provisions or protocols on illicit trade in wildlife and forest products, the Convention is relevant to the subject in several areas (cf. the Protocols on trafficking in persons and the illicit manufacturing of and trafficking in firearms). In particular, UNGA Resolutions and decisions in other forums have called upon States to make illegal trade in such products and which involves organized crime, punishable by at least four years imprisonment in order to qualify as a 'serious crime' under Article 2 of UNTOC. Key provisions concern the criminalization of participation in an organized criminal group (Article 5), the criminalization of the laundering of proceeds of crime (Article 6), measures to combat money-laundering (Article 7), the criminalization of corruption (Article 8), measures against corruption (Article 9), the liability of legal persons (Article 10), confiscation and seizure (Article 12), the disposal of confiscated proceeds of crime or property (Article 14), extradition (the surrender of any person who is sought by the requesting State for criminal prosecution for any extraditable offence or for the imposition or enforcement of a sentence in respect of such an offence) (Article 16), mutual legal assistance (in investigations, prosecutions and judicial proceedings) (Article 18), joint investigations (Article 19), the criminalization of obstruction of justice (Article 23), the protection of witnesses (Article 24) and prevention (Article 31).

**United Nations Convention against Corruption** (UNCAC), 2003 (adopted under UNGA Resolution 58/122), entry into force 2005

UNCAC has 182 States-Parties. Like UNTOC, the Convention is indirectly relevant to the illicit trade in wildlife and forest products despite having no specific provisions on the subject. Key provisions include preventive anti-corruption policies and practices (Article 5), preventive anti-corruption body or bodies (Article 6), public reporting (Article 10) and measures to prevent money-laundering (Article 14). Chapter III concerns the criminalization of: bribery of national public officials (Article 15); embezzlement, misappropriation or other diversion of property by a public official (Article 17); trading in influence (Article 18); abuse of functions (Article 19); illicit enrichment (Article 20); laundering of proceeds of crime (Article 23); concealment (Article 24); obstruction of justice (Article 25); and participation and attempt (Article 27). Further relevant Articles relate to the liability of legal persons (Article 26), the protection of witnesses, experts and victims (Article 32), the protection of reporting persons (Article 33), extradition (Article 44), mutual legal assistance (Article 46), joint investigations (Article 49) and special investigative techniques (Article 50). Finally, Chapter V encompasses asset recovery.

### *Non-legally binding instruments*

UNGA Resolution 45/116 (1990) on the Model Treaty on Extradition, amended by UNGA Resolution 52/88 (1997)

Invites Member States, if they have not yet established treaty relations with other States in the area of extradition, or if they wish to revise existing treaty relations, to take into account, whenever doing so, the Model Treaty on Extradition [contained in the Annex]. The Model Treaty addresses, *inter alia*, the obligation to extradite, extraditable offences, grounds for refusal, channels of communication and required documents, and the surrender of person or property.



Periodic UNGA Resolutions on the rule of law at the national and international levels (e.g. Resolution 69/123 of 2014) – the website for the UN and Rule of Law, section on Land, Property and Environment, states that CITES provides the framework for repression of illicit wildlife trafficking (see <https://www.un.org/ruleoflaw/thematic-areas/land-property-environment/>).

UNGA Resolution 67/189 (2012) on strengthening the UN crime prevention and criminal justice programme, in particular its technical cooperation capacity

Expresses deep concern about environmental crimes, including trafficking in endangered and, where applicable, protected species of wild fauna and flora, and emphasizes the need to combat such crimes by strengthening international cooperation, capacity building, criminal justice responses and law enforcement efforts.

UNGA Resolution 68/193 (2013) on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

Again expresses deep concern about trafficking in endangered and, where applicable, protected species of wild fauna and flora, and emphasizes the need to combat such crimes; emphasizes that coordinated action is critical to eliminate corruption and disrupt the illicit networks that drive and enable trafficking in wildlife, timber and timber products harvested in contravention of national laws; draws attention to emerging policy issues, namely *inter alia* illicit financial flows and environmental crime, including illicit trafficking in endangered species of wild fauna and flora; reaffirms ECOSOC Resolution 2013/40 of 25 July 2013, entitled “Crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora,” which encouraged Member States to make illicit trafficking in protected species of wild fauna and flora involving organized crime groups a serious crime, as defined in article 2, paragraph (b), of the United Nations Convention against Transnational Organized Crime, in order to ensure that adequate

and effective means of international cooperation can be afforded under the Convention in the investigation and prosecution of those engaged in illicit trafficking in protected species of wild fauna and flora; and strongly encourages Member States to take appropriate measures to strengthen law enforcement and related efforts to combat individuals and groups, including organized crime groups, operating within their borders, with a view to preventing, combating and eradicating international trafficking in wildlife, forest products, including timber, and other forest biological resources harvested in contravention of national laws and relevant international instruments.

UNGA Resolution 69/314 (2015) on tackling illicit trafficking in wildlife

Urges Member States to take decisive steps at the national level to prevent, combat and eradicate the illegal trade in wildlife, on both the supply and demand sides, including by strengthening the legislation necessary for the prevention, investigation and prosecution of such illegal trade as well as strengthening enforcement and criminal justice responses in accordance with national legislation and international law, acknowledging that the International Consortium on Combating Wildlife Crime can provide valuable technical assistance in this regard. Calls upon Member States to make illicit trafficking in protected species of wild fauna and flora involving organized crime groups a serious crime, in accordance with their national legislation and article 2 (b) of UNTOC. Also calls upon Member States to review and amend national legislation as necessary and appropriate so that offences connected to the illegal wildlife trade are treated as predicate offences, as defined in UNTOC, for the purposes of domestic money-laundering offences, and are actionable under domestic proceeds of crime legislation. Encourages Member States to harmonize their judicial, legal and administrative regulations to support the exchange of evidence regarding and criminal prosecution of illicit trafficking in wildlife. Calls upon Member States to



prohibit, prevent and counter any form of corruption that facilitates illicit trafficking in wildlife and wildlife products. Strongly encourages Member States to support the development of sustainable and alternative livelihoods for communities affected by illicit trafficking in wildlife and its adverse impacts, with the full engagement of the communities in and adjacent to wildlife habitats as active partners in conservation and sustainable use, enhancing the rights and capacity of the members of such communities to manage and benefit from wildlife and wilderness.

UNGA Resolution 70/301 (2016) on Tackling illicit trafficking in wildlife

Stresses its determination to implement fully and without delay the commitments undertaken in its Resolution 69/314. Takes note of the ***World Wildlife Crime Report: Trafficking in protected species***, prepared by UNODC in 2016. Requests the Secretary-General to present updated information to the General Assembly at its 71<sup>st</sup> session on the global status of illicit trafficking in wildlife, including poaching and illegal trade, and on the implementation of the present Resolution, and to present proposals for possible future action.

ECOSOC Resolution 1992/1 (upon request in UNGA Resolution 46/152) established the CCPCJ; ECOSOC Resolution 1992/22 outlines the CCPCJ's mandate and priorities, which entails implementing actions to combat transnational crime, including organized crime, economic crime and money laundering, and promoting the role of criminal law in protecting the environment.

ECOSOC Resolution 2013/40 of 25 July 2013, entitled "Crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora," urges States to make wildlife crime a serious crime.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

There have been several UNGA-related discussions on wildlife crime (i.e. discussion in the margins of UNGA in 2013, and an informal plenary session in 2015). A UN Group of Friends on poaching and illicit wildlife trafficking was established in 2013.

### UN Office on Drugs and Crime (UNODC)

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

UNODC was established in 1997 through a merger between the UN Drug Control Programme and the Centre for International Crime Prevention. It is an office within the UN Secretariat and is mandated to serve all UN Member States. In this connection, it has a presence in the field and provides technical assistance to Member States in the areas of, *inter alia*, organized crime and trafficking, corruption, and crime prevention and criminal justice reform.

UNODC serves as the Secretariat for both UNTOC and UNCAC. It also serves as the lead UN body for the Rule of Law programme. The focal point for UNODC's work on wildlife and forest crime (WLFC) is the Global Programme on Wildlife and Forest Crime/ Sustainable Livelihoods Unit (GAP/SLU) which, *inter alia*, embraces capacity building activities in Africa, Asia and Latin America and coordinates implementation of the ***Wildlife and Forest Crime Analytic Toolkit***. UNODC also conducts work related to mutual legal assistance, extradition, international cooperation for the purposes of confiscation of the proceeds of crime, and the international transfer of sentenced persons.

### **Legally-binding instruments**

UNTOC and UNCAC (see descriptions above).

## Non-legally binding instrument

See UNGA and ECOSOC Resolutions above.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

UNODC is a partner in the ICCWC. A Cooperative Memorandum of Understanding is in place between UNODC and the Lusaka Agreement Task Force (2016), which is described below in the section on regional institutions and legal frameworks. One of UNODC's key activities in this area is SHERLOC, an online knowledge management portal for Sharing Electronic Resources and Laws On Crime which contains, *inter alia*, national legislative provisions on wildlife crime. Since 2014, UNODC, the UN World Tourism Organization and African Tourism Ministers have been implementing their commitment to advance the tourism sector's support in the global fight against the surge in poaching, which is threatening one of Africa's main tourism resources – its unique wildlife and biodiversity.

UNODC international cooperation tools and publications include: *Mutual Legal Assistance Request Writer Tool* (MLA Tool); *Manual on Mutual Legal Assistance and Extradition*, 2012; *Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime*, 2012; *Handbook on the International Transfer of Sentences Persons*, 2012; *Model Law on Extradition*, 2004; *Model Law on Mutual Assistance in Criminal Matters*, 2007; *Model Treaty on Extradition* (UNGA Resolution 45/116, as amended by UNGA Resolution 52/88); *Model Treaty on Mutual Assistance in Criminal Matters* (UNGA Resolution 45/117, as amended by UNGA Resolution 53/112); and *Extradition and Mutual Legal Assistance Casework Guidelines*.

UNODC and WCO are partners in the Global Container Control Programme, which aims to fortify the structures and processes which allow for the application of sustainable laws for State

and selected ports to minimize the exploitation of maritime containers, for illicit trafficking of drugs and other transnational organized crime activities. The Programme maintains strategic alliances with various security entities within States with operational ports, including Customs, the Police, Maritime Institutions and the private sector (see <https://www.unodc.org/ropan/en/BorderControl/container-control/ccp.html>).

## UN Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The establishment of the Inter-Agency Task Force was collectively proposed to the UN Secretary-General by UNEP, the CITES Secretariat, UN DESA, the UN Department of Political Affairs (DPA), the UN Department of Public Information (DPI), the UN Department of Peace-keeping Operations (DPKO), UNDP and UNODC. The formation of the Task Force, and a small Secretariat, was welcomed by the UN Secretary-General in 2016.

The Task Force comprises the eight original entities listed above, and its overall purpose is to further support the implementation of activities initiated by these, on the prevention and tackling of illicit trade in wildlife and forest products, in a coordinated and holistic manner.

An effective and efficient UN response to illicit trade in wildlife and forest products requires proactive information sharing, harmonized efforts, and coordinated action across the UN system at global, regional and national levels. The Task Force will focus its attention on identifying and promoting opportunities for coherence and for the development of joint initiatives across the UN system. It will also provide a platform by which, in line with existing mandates, operational capacities and taking care not to duplicate the work of either the ICCWC or GWP, entities collectively work to

ensure complementary engagement from an enforcement, development and environmental perspective; avoid duplication of effort; make better use of available resources; and ensure complementary engagement with Member States and partners.

#### **Legally-binding instruments**

#### **Non-legally binding instruments**

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

One of the first joint activities of the Task Force was the organization of an Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime (Bangkok, July 2017). A follow-up symposium for Francophone countries is tentatively planned.

#### **International Criminal Police Organization (ICPO or INTERPOL)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

INTERPOL was officially created in 1923 as the International Criminal Police Commission and became known as INTERPOL in 1956. It has 192 member countries.

INTERPOL has an Environmental Compliance and Enforcement Committee and Working Groups, and an Environmental Security Programme. Under the latter, it operates, *inter alia*, Project LEAF (Law Enforcement Assistance to Forests) and Project PREDATOR (which aims to enhance governance and law enforcement capacity for the conservation of Asian big cats and other wildlife species). A further INTERPOL programme provides legal assistance in respect of trafficking in illicit goods and counterfeiting, which encompasses illicit trade in environmentally sensitive goods such as wildlife and timber.

#### **Legally-binding instruments**

#### **Non-legally binding instruments**

INTERPOL General Assembly Resolution on emerging threats in Environmental Security (AG-2014-RES-03)

Bears in mind previous Resolutions such as: AGN/61/RES/12 (1992) deciding that an Environmental Crime Working Party under INTERPOL's auspices be set up; AGN/62/RES/5 (1993) encouraging member countries to set up a special police department to deal with law enforcement, investigations and statistics relating to environmental crime; and AGN/62/RES/6 (1993) urging member countries to ensure that measures were taken to control trade in, possession of and illicit traffic in species of wild fauna and flora. Urges member countries to develop concepts and tools in response to current and emerging threats, such as the National Environmental Security Task Force (NEST). Tasks the General Secretariat to establish regional environmental security task forces encompassing disciplines such as, *inter alia*, wildlife, forestry and natural resources.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

INTERPOL is a partner in ICCWC. It collaborates with UNEP on the broader issue of environmental compliance and enforcement. Amongst various INTERPOL publications, its Office of Legal Affairs has produced ***Countering Illicit Trade in Goods: A Guide for Policy-Makers***, 2014, which contains a chapter on environmentally sensitive goods including wildlife crime and natural resources crime.





## World Customs Organization (WCO)

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The Customs Co-operation Council (CCC) was established in 1952, and the informal name 'World Customs Organization' was adopted in 1994. WCO has 181 member countries. It is an intergovernmental body whose mission is to enhance the effectiveness and efficiency of Customs administrations.

WCO generally facilitates licit trade, ensures border security, and prevents or addresses illicit trade of all kinds, including the illicit trade of wildlife and forest products.

### *Legally-binding instruments*

**Revised Convention on the Simplification and Harmonization of Customs Procedures** (initial Kyoto Convention), 1973-1974, entry into force 2006

**International Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi Convention)**, 1977, entry into force 1980

**International Convention on the Harmonized Commodity Description and Coding System (HS Convention)**, 1983, entry into force 1988

The Harmonized System is an internationally standardized system of names and numbers (including a six-digit code) used to classify traded products for Customs purposes. It is regularly reviewed and revised by WCO with input from other organizations (such as FAO). The Harmonized System allows Customs offices to track the movement of products in legal trade, and to detect products that may be the subject of illegal trade. However, as the codes are assigned to specific commodities, they do not always allow for the

identification of certain traded wildlife and timber species.

### **Non-legally binding instruments**

Revised Arusha Declaration on Customs Integrity (2001)

Declares that an effective national Customs integrity programme must address various key factors: leadership and commitment; regulatory framework; automation; reform and modernization; audit and investigation; code of conduct; human resource management; morale and organizational culture; and relationship with the private sector.

Declaration of the Customs Co-operation Council on the Illegal Wildlife Trade (2014)

The CCC (WCO) declares its support for regional cooperation efforts within and among the Wildlife Enforcement Networks (WENs) and the WCO's Regional Intelligence Liaison Offices (RILOs). It requests Customs authorities to participate actively in enforcement operations aimed at combating wildlife trafficking.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

WCO is a partner in the ICCWC.

### **World Bank**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The International Bank for Reconstruction and Development (IBRD), later called the World Bank, was founded in 1944 under the IBRD Articles of Agreement (most recently amended in 2012) and now includes five development institutions. The World Bank is essentially a cooperative, composed of 189 member countries or shareholders.





The World Bank's Global Wildlife Program (GWP) is a global partnership on wildlife conservation and crime prevention, and which promotes sustainable development by combatting illicit trafficking in wildlife. It provides administrative services as the host of the functionally independent Global Environment Facility (GEF) Secretariat, which is described below. It is also the Trustee of the GEF and related trust funds and, together with UNDP and UNEP, represents one of the three original partners in the GEF.

**Legally-binding instruments**

**Non-legally binding instruments**

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

The World Bank is a partner in ICCWC. Relevant World Bank publications include **Justice for Forests: Improving Criminal Justice Efforts to Combat Illegal Logging** (2012).

**International Consortium on Combating Wildlife Crime (ICCWC)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

ICCWC is a collaborative effort of five intergovernmental organizations, which work to bring coordinated support to national wildlife enforcement agencies and the subregional and regional networks that act in defense of natural resources. Its partners are the CITES Secretariat, INTERPOL, UNODC, the World Bank and WCO, and was established in 2010 pursuant to a Letter of Understanding signed by representatives of these bodies.

ICCWC represents and promotes a multi-agency approach to the enforcement of national and international law on trade in wildlife and forest products. It supports the use of both general and specialized criminal laws, procedures, techniques

and tools for dealing with illicit trade in wildlife and forest products.

**Legally-binding instruments**

CITES, UNTOC and UNCAC (see descriptions above).

**Non-legally binding instruments**

Letter of Understanding establishing the International Consortium on Combating Wildlife Crime, 2010

The LoU is signed by the heads of the CITES Secretariat, ICPO-INTERPOL, UNODC, the World Bank and WCO. Under the LoU, ICCWC partners agree, within the context of their respective responsibilities, capacities and priorities, to, *inter alia*, work collaboratively to support national law enforcement agencies, and regional wildlife law enforcement agencies, bodies and networks in responding to transnational wildlife crimes. They also agree to assist countries in reviewing their current responses to wildlife crimes and related violations, facilitate national multi-agency interaction and cooperation, and encourage effective responses throughout the justice system.


*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

ICCWC's work with interested States in implementing the **Wildlife and Forest Crime Analytic Toolkit** is ongoing. Another World Wildlife Crime Report should be produced in 2017 or 2018 which draws, *inter alia*, on the illegal trade reports submitted by CITES Parties.<sup>48</sup>

**ICCWC Wildlife and Forest Crime Analytic Toolkit, 2012**

The **Toolkit** is an attempt to provide a comprehensive overview for analyzing preventive and criminal justice responses to wildlife and forest offences in a given country. It is designed mainly to assist government officials in wildlife and forestry administrations, and

<sup>48</sup> As of the time of finalization of this analysis, no such report had yet been produced.



Customs and other relevant enforcement agencies to identify and address issues related to wildlife and forest crime including, *inter alia*, illegal logging and illegal trade. The **Toolkit** is organized into five parts: legislation; enforcement; judiciary and prosecution; drivers and prevention; and data and analysis. Each part provides a practical and detailed guide on the key issues to be examined, with reference to the relevant international conventions, standards and norms, as well as relevant guidelines and documents. The sections within each part provide **Toolkit** users with checklists, against which they can analyze specific areas (e.g. national wildlife laws, national forest laws, import and export offences, offences related to possession, penalties for wildlife and forest offences, document fraud and related offences, money-laundering offences, corruption and bribery offences, witness and victim protection and international cooperation in criminal matters and sentencing).

***ICCWC Indicator Framework for Combating Wildlife and Forest Crime: A self-assessment framework for national use – Assessment Guidelines*, 2016**

The ICCWC **Indicator Framework** has been developed to work alongside the **ICCWC Toolkit** mentioned above and provides an additional assessment tool for use at the national level. While the **Toolkit** provides the means for a comprehensive analysis, the **Indicator Framework** allows for a more rapid assessment of national law enforcement response to wildlife and forest crime. It also provides a standardized framework to monitor any changes in national law enforcement capacity and effectiveness over time. The **Indicator Framework** is a comprehensive set of 50 indicators arranged against eight desired outcomes of effective law enforcement to combat wildlife and forest crime (e.g. Outcome 5 – There is a strong legal basis to combat wildlife crime). Indicators related to Outcome 5 include: national wildlife legislation (i.e. the comprehensiveness of national legislative provisions for wildlife conservation, management and use, including international

trade in protected species of wildlife, indicator 28); CITES legislation assessment (i.e. the category in which CITES implementation legislation has been placed, indicator 29); legal provisions for international cooperation (i.e. the extent to which they are applied to wildlife, indicator 30); legal provisions to combat corruption (i.e. which can be used in the investigation and prosecution of wildlife crime, indicator 31); and legal provisions to address organized crime (i.e. which can be used in the investigation and prosecution of wildlife crime, indicator 32). Indicators related to Outcome 6 – Wildlife crime is prosecuted in accordance with the severity of the crime, include: use of criminal law (i.e. the extent to which it is used to prosecute wildlife crime, indicator 33); administrative penalties (i.e. the percentage of wildlife crimes resolved with administrative penalties, indicator 36); and prosecution guidelines (i.e. whether they exist for the prosecution of wildlife crime, indicator 38). Outcome 7 – Wildlife crime offenders are appropriately penalized – has indicators such as: available penalties (i.e. the extent to which wildlife crime offences are penalized in a manner that reflects the nature and severity of the crime, indicator 40); sentencing guidelines (i.e. whether they exist for the sentencing of offenders convicted with wildlife crime, indicator 41); legal provisions for asset forfeiture (i.e. the existence of provisions that can be applied to wildlife crime, indicator 43); and use of asset forfeiture legislation (i.e. whether these are used in wildlife crime cases, indicator 44).

**UNODC (ICCWC) *World Wildlife Crime Report: Trafficking in Protected Species*, 2016**

The Report is UNODC's first to delve into the global dimensions of wildlife and forest crime. It represents two years of comprehensive research, based on the latest and best available data (e.g. seizure data shared by CITES Parties), and seeks to inform and support further urgent action by the international community.



The Report contains a summary and overview and chapters on the following subjects: Defining transnational organized crime (Chapter 1); The World Wildlife Seizures (World WISE) database (Chapter 2); Furniture, Case study: Rosewood logs (Chapter 3); Art, décor and jewelry, Case study: African elephant ivory (Chapter 4); Fashion, Case study: Reptile skins (Chapter 5); Cosmetics and perfume, Case study: Oud (Chapter 6); Food, tonics and medicine, Case studies: Pangolin and Rhino horn (Chapter 7); Pets, zoos and breeding, Case study: Live parrots (Chapter 8); Seafood, Case study: Caviar (Chapter 9); and Implications for policy (Chapter 10).

Additional ICCWC implementing tools include; *ICCWC Guidelines on methodology and procedures for ivory sampling and laboratory analysis*, 2014; *Best Practice Guide for Forensic Timber Identification and Law Enforcement Best Practice Flow Diagram for Timber*, 2016; and the Wildlife Crime and Money Laundering training programme, 2016.

## **Organization for Economic Cooperation and Development (OECD)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The OECD is an intergovernmental organization established in 1961, upon the entering into force of the OECD Convention. It has 35 member countries and is supra-regional rather than global in nature.

The OECD Task Force on Countering Illicit Trade (TF-CIT) works with member governments to address, *inter alia*, illicit trade in wildlife and forest products.

### **Legally-binding instruments**

#### **Non-legally binding instruments**

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

*OECD Trade Policy Study on Illegal Trade in Environmentally Sensitive Goods*, 2012, which includes wildlife and timber.

## **Financial Action Task Force (FATF)**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

The FATF is an intergovernmental body originally established at the G-7 Summit in 1989 as the Financial Action Task Force on Money Laundering. It now has 37 member jurisdictions and two regional organizations (i.e. the European Commission and the Gulf Co-operation Council), representing most financial centres in all parts of the world. In addition, there are a number of FATF Associate Members, comprising subregional and regional FATF-like entities. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system.

FATF has collaborated with ICCWC partners and their member countries on the links between financial crime and wildlife crime.

### **Legally-binding instruments**

#### **Non-legally binding instruments**

International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation – the FATF Recommendations (2012)

The FATF Recommendations set out a comprehensive and consistent framework of measures which countries should implement in order to combat, *inter alia*, money laundering and terrorist financing. Countries have diverse legal, administrative and operational frameworks and different financial systems, and so cannot all take identical measures to counter these threats. The FATF Recommendations, therefore,

set an international standard, which countries should implement through measures adapted to their particular circumstances. The FATF Recommendations have been endorsed by over 180 countries and are universally recognized as the international standard for anti-money laundering and countering the financing of terrorism (AML/CFT). Selected Recommendations include: National cooperation and coordination (Recommendation 2); Money laundering offence (Recommendation 3); Terrorist financing offence (Recommendation 5); Regulation and supervision of financial institutions (Recommendation 26); Financial intelligence units (Recommendation 29); Mutual legal assistance (Recommendation 37); and Extradition (Recommendation 39).

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

### **United Nations Security Council**

*General description, legal authority and role vis-à-vis trade in wildlife and forest products*

One of the six main organs established under the UN Charter, the Security Council has primary responsibility for the maintenance of international peace and security. It has 15 members. Under the Charter, all Member States are obligated to comply with Council decisions (i.e. they are legally binding).

As indicated below, the Security Council has addressed illicit trade in wildlife and forest products in the context of its work on peace and security in specific countries.

### **Legally-binding instruments**

**Resolution 2121** (2013) condemns the devastation of natural heritage and notes that poaching and trafficking of wildlife are among the factors that fuel the crisis in the Central African Republic.

**Resolutions 2134/2136** (2014) endorse the use of sanctions to combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources, including wildlife poaching and trafficking.

**Resolution 2262** (2016) identifies the Lord's Resistance Army as contributing to regional insecurity through, *inter alia*, the illicit exploitation or trade of natural resources, including wildlife as well as wildlife products, in or from the Central African Republic.

### **Non-legally binding instruments**

Presidential statement S/PRST/2012/28 (19 December 2012) acknowledges links between wildlife crime and regional security and calls for an investigation into the involvement of the Lord's Resistance Army in elephant poaching and related illicit ivory smuggling.

*Key implementation tools, including ongoing projects, guidance materials and cooperative arrangements*

### **Multilateral political processes (G8, G7, G20 and High-level Conferences on Illegal Wildlife Trade)**

The G8 Summit has recognized the need to combat criminal wildlife trafficking (2013) and G7 leaders have reaffirmed their ongoing commitment to fight illegal trade in wildlife (2015).

During their July 2017 meeting, the G20 adopted an Annex to the G20 Leaders Declaration containing 'G20 High Level Principles on Combatting Corruption Related to Illegal Trade in Wildlife and Wildlife Products.' For the purpose of those Principles, the terms 'wildlife and wildlife products' have the same scope as in UNEA Resolution 1/3 of 27 June 2014 on 'Illegal trade in wildlife'; reference to 'illegal trade in wildlife and wildlife products' includes domestic and cross-border trade, as well as illegal activities linked to such trade, including the poaching of wildlife.



Under heading 1, Strengthening frameworks to combat corruption linked to illegal trade in wildlife and wildlife products, paragraph a) relates to **Enhancing and strengthening legislative frameworks**: Reviewing and, where necessary, amending existing legislation and regulations to ensure that every State, consistent with its treaty obligations, including, provisions of the UNCAC, as applicable, can prosecute corruption linked to illegal trade in wildlife and wildlife products and seize and recover assets related thereto.

Under the same heading, paragraph d) relates to **CITES permit system**: Supporting measures aimed at making the CITES permit system more resilient against corruption, e.g. through ensuring robust findings, introducing and/or implementing electronic systems for managing permits, increasing the traceability of wildlife products, sharing permit data and reporting on trade using international standards, increasing international cooperation and efforts to address corruption as well as through the promotion of capacity building for CITES authorities and authorities responsible for administration, regulation and enforcement of the Convention.

Under heading 3 on Investigation, prosecution and sanctioning, paragraph e) relates to **Sanctions and Asset Recovery**: Fully applying anti-corruption provisions of national and international law to corruption related to illegal trade in wildlife and wildlife products and ensuring corrupt practices associated with illegal trade in wildlife and wildlife products on both the supply and demand side are punishable as criminal offences. Sanctioning persons, including legal persons, involved in corrupt practices related to illegal trade in wildlife and wildlife products with effective, proportionate and dissuasive sanctions and seizing and recovering assets.

Under the same heading, paragraph f) relates to **Witness protection**: Given the involvement of organized crime groups, putting in place


mechanisms that allow for effective protection of witnesses from retaliation and intimidation by criminal groups when testifying in cases related to corruption and illegal trade in wildlife and wildlife products.

Finally, and under the same heading, paragraph g) relates to **Whistleblower protection**: Putting in place mechanisms that allow for effective protection from retaliation of whistleblowers coming forward against corruption related to illegal trade in wildlife and wildlife products.

#### Declaration of the London Conference on the Illegal Wildlife Trade, 2014

The Declaration addresses the scale and consequences of the illegal trade in wildlife and looks at building on the existing international framework for action. It identifies specific Actions within a number of clusters. Under the heading of 'Eradicating the market for illegal wildlife trade products', one action point is to take measures to ensure that the private sector acts responsibly, to source legally wildlife products used within their sectors; and to urge the private sector to adopt zero tolerance policies on corporate gifting or accepting of species threatened with extinction or products made from them. Under the heading 'Ensuring effective legal frameworks and deterrents,' one action point is to address the problem of the illegal wildlife trade by adopting or amending legislation, as necessary, to criminalise poaching and wildlife trafficking, and related crimes including by ensuring that such criminal offences are 'serious crimes' within UNTOC. A second action point is to address the serious problem of corruption and money-laundering facilitating wildlife trafficking and related offences by adopting or amending legislation, as necessary, criminalizing corruption and bribery facilitating poaching, wildlife trafficking, and related offences.

Under the heading 'Strengthening law enforcement', one action point is to provide the necessary



conditions for, and further support, including through international co-operation to share expertise, the use of the full range of investigative techniques and tools already deployed against other forms of domestic and transnational organized crime. Finally, under the heading 'Sustainable livelihoods and economic development', one selected action point is to work with, and include local communities in, establishing monitoring and law enforcement networks in areas surrounding wildlife.

#### Statement of the Kasane Conference on the Illegal Wildlife Trade, 2015

The Statement reaffirms and builds upon the action points identified in the London Declaration mentioned above. Under the heading 'Ensuring effective legal frameworks and deterrents', one action point is to review and amend national legislation as necessary and appropriate so that offences connected to the illegal wildlife trade are treated as 'predicate offences', as defined in UNTOC, for the purposes of domestic money laundering offences, and are actionable under domestic proceeds of crime legislation. Another action point is to ensure that relevant prosecutors, judges, Financial Intelligence Units, and authorities engaged in law enforcement, have the resources, knowledge and capacity effectively to investigate and prosecute financial crimes associated with wildlife crime. Finally, under the heading 'Sustainable Livelihoods and economic development', one selected action point is to promote the retention of benefits from wildlife resources by local people where they have traditional and/or legal rights over these resources.

#### Statement of the Hanoi Conference on Illegal Wildlife Trade, 2016

The Statement acknowledges various new developments (e.g. the launch of the One UN Global Campaign, Wild for Life, led by UNEP, with UNDP, UNODC, CITES and other partners, that uses an open-source platform in eight languages and aims to raise broad public awareness on the implications of the illegal trade in wildlife).

In addition to the global action points identified in earlier Conferences, the Hanoi Statement contains an Annex with actions undertaken, or to be undertaken, by individual countries or international organizations in connection with the themes identified in London and Kasane. Under the heading 'Ensuring effective legal frameworks and deterrents', the People's Republic of China states that its newly-amended **Wild Animal Conservation Law** will come into force on 1 January 2017, in which one article is listed specifically on combating illegal wild animal trade and penalties are stipulated clearly for activities such as illegal wildlife consumption, illegal online wildlife trade and advertisements for wildlife trade. For the next move, China will improve the supporting regulations for the **Wild Animal Conservation Law** to effectively deter criminals. Under the same heading, the Republic of Indonesia states that it is now in the process of reviewing its conservation act in order to increase the effectiveness of conservation efforts including wildlife law enforcement. In the proposed new law, it plans to treat wildlife crime as a serious crime and apply a necessary and appropriate punishment for the illegal wildlife trafficking criminal offence. It also will address the need to include efforts in tackling online wildlife trafficking.



## Annex 2: Regional/subregional institutions and legal frameworks

Like the global section above, this regional section is focused on UN and intergovernmental institutions, and legal frameworks, which are relevant to the licit and/or illicit trade in wildlife and forest products, or which provide a useful, broader context for such trade. These institutions and legal frameworks are addressed in regional and subregional clusters.

In addition to those independent bodies at the regional/subregional level, bodies with links to global institutions or legal frameworks include wildlife enforcement networks (WENs) related to CITES, FAO regional forestry commissions, UNEP regional seas conventions and protocols, INTERPOL regional offices or bureaus, WCO Regional Intelligence Liaison Offices (RILOs), regional associate members of the FATF, asset recovery networks in various parts of the world (i.e. the Camden Assets Recovery Interagency Network (CARIN) in Europe, and other regional networks in Asia Pacific (ARIN-AP), Eastern Africa (ARINEA), Southern Africa (ARINSA) and West Africa (ARIN-WA), Transnational Organized Crime units in Africa and multi-agency task forces in key regions such as Africa and Asia (supported by UNODC and UNDP), and UN regional economic and social councils.

A more detailed identification and analysis of institutions and legal frameworks at the regional and subregional levels will require additional input from relevant bodies and, as such, would be worth further developing in another phase of the project underlying this analysis.

### Africa

#### African Union

**African Convention on the Conservation of Nature and Natural Resources**, 1968, entry into force 1969, revised 2003, revised Convention has been ratified by 16 countries but has not yet entered into force ([https://au.int/sites/](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf)

[default/files/treaties/7782-treaty-0029\\_-\\_revised\\_african\\_convention\\_on\\_the\\_conservation\\_of\\_nature\\_and\\_natural\\_resources\\_e.pdf](https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf))

**African Union Convention on Combating and Preventing Corruption**, 2003, entry into the force 2006 (<https://au.int/en/treaties/african-union-convention-preventing-and-combating-corruption>)

Executive Council of the AU Decision EX.CL/Dec. 832 (XXV) (2014) on African Wild Flora and Fauna Conservation and Illegal Trade in Wildlife ([https://au.int/sites/default/files/decisions/9662-ex\\_cl\\_dec\\_813\\_-\\_850\\_xxv\\_e-1.pdf](https://au.int/sites/default/files/decisions/9662-ex_cl_dec_813_-_850_xxv_e-1.pdf))

Brazzaville Declaration on illicit trade in wild flora and fauna (2015) ([http://archive.au.int/collect/oaucounc/import/English/EX%20CL%20910%20\(XXVII\)%20\\_E.pdf](http://archive.au.int/collect/oaucounc/import/English/EX%20CL%20910%20(XXVII)%20_E.pdf))

African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa and its Matrix of Implementation (May 2015) (<https://wedocs.unep.org/bitstream/handle/20.500.11822/20825/African%20Strategy%20Strategy%20Africaine%20AU.pdf?sequence=1&isAllowed=1>)

#### African Development Bank (AfDB)

The Marrakech Declaration: A 10-Point Action Plan to Combat Illicit Wildlife Trafficking (2013) (<https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/The%20Marrakech%20Declaration%20-%20A%2010-Point%20Action%20Plan%20to%20Combat%20Illicit%20Wildlife%20Trafficking.pdf>)

#### African Ministerial Conference on the Environment (AMCEN)

AMCEN Decision 15/2 on African Common Strategy on Combating Illegal Trade in Wild Fauna and Flora



(2015) ([http://web.unep.org/sites/all/themes/Amcen6/AMCEN15Docs/Decision%20\\_2\\_Wildlife%20\\_Advance.pdf](http://web.unep.org/sites/all/themes/Amcen6/AMCEN15Docs/Decision%20_2_Wildlife%20_Advance.pdf))

AMCEN Decision 16/2 on Environment in Africa contains a section on Wildlife: management and illegal trade (2006) (section IV) (<https://au.int/sites/default/files/documents/33005-doc-amcen-en.pdf>)

**Lusaka Agreement Governing Council for Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora**

**Lusaka Agreement on Co-operative Enforcement Operations directed at Illegal Trade in Wild Fauna and Flora**, 1994, entry into force 1996 (<http://lusakaagreement.org/wp-content/uploads/2013/12/LA-Final-Act-upd.pdf>)

#### **Africa – Central and West Africa**

##### **Central African Forests Commission (COMIFAC)**

COMIFAC Regional Action Plan for Strengthening National Wildlife Law Implementation 2012-2017 (PAPECALF)

Declaration of the “Sub-Regional Workshop to Combat Wildlife Trade and Dismantle Transnational Criminal Networks” (2012) ([https://photos.state.gov/libraries/cameroon/231771/PDFs/Regional%20Anti-Trafficking%20Workshop%20Declaration\\_English.pdf](https://photos.state.gov/libraries/cameroon/231771/PDFs/Regional%20Anti-Trafficking%20Workshop%20Declaration_English.pdf))

Brazzaville Declaration ([http://archive.au.int/collect/oauounc/import/English/EX%20CL%20910%20\(XXVII\)%20E.pdf](http://archive.au.int/collect/oauounc/import/English/EX%20CL%20910%20(XXVII)%20E.pdf))

Central Africa Wildlife Enforcement Network (WEN)/COMIFAC ([https://cites.org/sites/default/files/eng/prog/iccwc/WENs/COMIFAC-info\\_sheet\\_Sept16.pdf](https://cites.org/sites/default/files/eng/prog/iccwc/WENs/COMIFAC-info_sheet_Sept16.pdf))

Stratégie sous régionale pour l'utilisation durable de la faune sauvage par les communautés autochtones et locales des pays de l'espace COMIFAC

L'Organisation pour la Conservation de la Faune Sauvage en Afrique (OCFSA) or African Organization for Wildlife

Conservation ([http://pfbcbf.org/news\\_en/items/OCFSA-declaration.html](http://pfbcbf.org/news_en/items/OCFSA-declaration.html))

COMIFAC has hosted AFRICA-TWIX (Trade in Wildlife Information eXchange) since 2016 ([http://pfbcbf.org/news\\_en/items/wildlife-crimepaco.html](http://pfbcbf.org/news_en/items/wildlife-crimepaco.html))

##### **Economic Community of Central African States (ECCAS)**

ECCAS Ministers Declaration on the Anti-Poaching Campaign in Central Africa (adopts Extreme Emergency Anti-Poaching Plan (PEXULAB) in certain areas and requests formulation of an Emergency Plan of Action for other areas; requests Member States to re-energize OCFSA) (2013) ([http://pfbcbf.org/news\\_en/items/ECCAS-LAB-EN.html](http://pfbcbf.org/news_en/items/ECCAS-LAB-EN.html))

##### **Economic Community of West African States (ECOWAS)**

**West Africa Convention on Extradition**, 1994 ([http://documentation.ecowas.int/download/en/legal\\_documents/protocols/Convention%20on%20Extradition.pdf](http://documentation.ecowas.int/download/en/legal_documents/protocols/Convention%20on%20Extradition.pdf))

**Protocol A/P.3/12/01 on the Fight Against Corruption**, 2001 ([https://eos.cartercenter.org/uploads/document\\_file/path/406/ECOWAS\\_Protocol\\_on\\_Corruption.pdf](https://eos.cartercenter.org/uploads/document_file/path/406/ECOWAS_Protocol_on_Corruption.pdf))

Monrovia Statement on Whistle-blower and Witness Protection in West Africa, 2016 ([https://www.unodc.org/documents/westandcentralafrica//Sept2016\\_Monrovia\\_wistleblowers/Monrovia\\_Statement\\_on\\_Whistle-Blower\\_and\\_Witness\\_Protection\\_-\\_EN\\_-\\_21\\_09\\_2016.pdf](https://www.unodc.org/documents/westandcentralafrica//Sept2016_Monrovia_wistleblowers/Monrovia_Statement_on_Whistle-Blower_and_Witness_Protection_-_EN_-_21_09_2016.pdf))

**West African Central Authorities and Prosecutors Against Organized Crime (WACAP) – a UNODC initiative**

**Network of National Anti-Corruption Institutions in West Africa (NACIWA) – UNODC initiative.**

#### **Africa – Eastern and Southern Africa**

**Horn of Africa Wildlife Enforcement Network (HAWEN)**

**UN Environment Regional Seas Programme**



**Nairobi Convention Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region**, 1985, entry into force 1996 (<http://web.unep.org/nairobiconvention/who-we-are/structure/protocols>)

Regional Summit to Stop Wildlife Crime and Advance Wildlife Conservation and the Arusha Declaration on Regional Conservation and Combating Wildlife/Environmental Crime (2014) ([http://internationalconservation.org/publications/Arusha\\_Declaration\\_Regional\\_Conservation\\_Combating\\_Wildlife\\_Environmental\\_Crime.pdf](http://internationalconservation.org/publications/Arusha_Declaration_Regional_Conservation_Combating_Wildlife_Environmental_Crime.pdf))

3<sup>rd</sup> East Africa Timber Trade Stakeholders' Forum (including representation from the East African Community, or EAC, and the Southern African Development Community, or SADC) and the Zanzibar Declaration on Illegal Trade in Timber and Forest Products (2015) (<https://www.tralac.org/images/docs/8052/zanzibar-declaration-illegal-timber-trade-september-2015.pdf>)

**East African Association of Anti-Corruption Authorities (EAAACA)**

**Southern African Development Community (SADC)**

**SADC Protocol on Wildlife Conservation and Law Enforcement**, 1999, entry into force 2003 ([https://www.sadc.int/files/4813/7042/6186/Wildlife\\_Conservation.pdf](https://www.sadc.int/files/4813/7042/6186/Wildlife_Conservation.pdf))

**SADC Protocol against Corruption**, 2001, entry into force 2003 ([http://www.sadc.int/files/7913/5292/8361/Protocol\\_Against\\_Corruption2001.pdf](http://www.sadc.int/files/7913/5292/8361/Protocol_Against_Corruption2001.pdf))

SADC Law Enforcement and Anti-Poaching Strategy 2016-2021 (2015) (<https://dc.sourceafrica.net/documents/26991-SADC-Law-Enforcement-and-Anti-Poaching-Strategy.html>)

**SADC Trade in Wildlife Information eXchange (SADC-TWIX)**

**SADC Rhino and Elephant Security Group** (established in 2002)

**Southern Africa Wildlife Enforcement Network (WEN-SA)**

**Asset Recovery Inter-Agency Network for Southern Africa (ARINSA)**

**Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO)**

**Southern African Forum Against Corruption (SAFAC)**

**Asia/Pacific**

**Asia-Pacific Economic Cooperation (APEC)**

APEC Bali Declaration (2013) ([https://www.apec.org/Meeting-Papers/Leaders-Declarations/2013/2013\\_aelm](https://www.apec.org/Meeting-Papers/Leaders-Declarations/2013/2013_aelm))

Paragraph 18 (h) prescribes that countries must take steps to combat wildlife trafficking by enhancing international cooperation through Wildlife Enforcement Networks (WENs) and other existing mechanisms, reducing the supply of and demand for illegally traded wildlife, increasing public awareness and education related to wildlife trafficking and its impacts, and treating wildlife trafficking crimes seriously.

**UNEP Asia Pacific**

Asia Environmental Enforcement Awards

The awards recognize excellence in enforcement by government officials and institutional teams combatting transboundary environmental crimes in Asia.

**Trans-Pacific Network on Dismantling Transnational Illicit Networks**

Trans-Pacific Workshop on Combating Corruption and Illicit Trade – Co-Chairs' Summary of Outcomes (2016) – includes a section on environmental crime (<http://www.colombo-plan.org/index.php/trans-pacific-symposium-on-dismantling-transnational-illicit-networks/>)

## Asian Development Bank (ADB)

Environmental Governance and the Courts in Asia: An Asian Judges Network on the Environment (2012) (<https://www.adb.org/publications/environmental-governance-and-courts-asia-asian-judges-network-environment>)

Asian Environmental Compliance and Enforcement Network (AECEN)

Symposium on combating illegal wildlife trade for Asian Justices, Attorneys General, Prosecutors and Police and Customs Officers (2013) and related published proceedings entitled Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice and Upholding the Rule of Law – The Proceedings (2014) (<https://www.adb.org/publications/symposium-combating-wildlife-crime-proceedings>)

1<sup>st</sup> Southeast Asia Youth Conference on Illegal Wildlife Trade (2015)

## Asia/Pacific – Southeast Asia

### Association of Southeast Asian Nations (ASEAN)

**ASEAN Working Group on CITES and Wildlife Enforcement (AWG CITES-WEN)**

**ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) Working Group on Wildlife and Timber Trafficking**

**ASEAN National Police (ASEANAPOL)** – first formal meeting held in 1981; Terms of Reference on establishment of permanent Secretariat agreed in 2009; ASEANAPOL Secretariat based in Kuala Lumpur, has been fully operational since 2010

**ASEAN Agreement on the Conservation of Nature and Natural Resources**, 1985, has not yet entered into force (<https://www.ecolex.org/details/treaty/asean-agreement-on-the-conservation-of-nature-and-natural-resources-tre-000820/>)

**ASEAN Treaty on Mutual Legal Assistance in Criminal Matters**, 2004 (<http://agreement.asean.org/media/download/20160901074559.pdf>)

**Agreement on the Establishment of the ASEAN Centre for Biodiversity**, 2005

**ASEAN Agreement on Customs**, 2012 (<http://agreement.asean.org/media/download/20140117163238.pdf>)

ASEAN East Asia Summit (EAS) Declaration on Combating Wildlife Trafficking (2014) (<https://cites.org/sites/default/files/eng/news/sundry/2014/EAS%20declaration%20on%20combating%20wildlife%20trafficking.pdf>)

ASEAN Regional Action Plan on Trade in CITES Wild Fauna and Flora (2011-2015)

ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime (in collaboration with UNODC and Freeland Foundation) (2016) – the handbook provides criminal justice and law enforcement officials from the ASEAN region with a strategic tool that outlines key wildlife laws in all 10 ASEAN Member States, as well as an array of wildlife national laws for the prosecution of wildlife criminals (<https://www.ecolex.org/details/literature/asean-handbook-on-legal-cooperation-to-combat-wildlife-crime-mon-090732/>)

**Southeast Asian Parties Against Corruption (SEA-PAC)**

Asia/Pacific – South Asia

**South Asia Wildlife Enforcement Network (SAWEN)**

Asia/Pacific- Pacific

**Secretariat of the Pacific Regional Environment Programme (SPREP)**

**Convention on Conservation of Nature in the South Pacific** (or Apia Convention), 1976, entry into force 1990 (Parties suspended its operation at their 8<sup>th</sup> meeting in 2006, until further notice)



**Convention for the Protection of the Natural Resources and Environment of the South Pacific Region** (or Noumea Convention), 1986, entry into force 1990 (<https://www.sprep.org/convention-secretariat/noumea-convention>)

Action Strategy for Nature Conservation and Protected Areas in the Pacific Islands Region 2008-2012: Empowering local people, communities and Pacific institutions

The Micronesia Challenge is a Declaration of Commitment signed in 2006 by the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, Guam and the Commonwealth of the Northern Marianas Islands. Its overall goal is to effectively conserve 30% of the near shore marine resources and 20% of the terrestrial resources across Micronesia by 2020 (<http://palau.chm-cbd.net/micronesia-challenge>)

## Europe

**UNEP – Mediterranean Action Plan, established under the Regional Seas Programme**

**Protocol** (to the Barcelona Convention) **concerning Specially Protected Areas and Biological Diversity in the Mediterranean**, 1995, entry into force 1999 (<http://web.unep.org/unepmap/5-specially-protected-areas-protocol-spa-and-biodiversity-protocol>)

**United Nations Economic Council for Europe (UNECE)**

UNECE – UNECE/FAO Forestry and Timber Section - focuses on compiling and analyzing data and statistics (e.g. on forest products in trade), and addressing challenges related to sustainable forest management (<http://www.unece.org/forests/welcome.html>)

**Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**, 1998, entry into force 2001 (<http://ec.europa.eu/environment/aarhus/>)

**European Network for Environmental Crime (ENVICRIMENET)**

**European Network against Environmental Crimes (ENEC)**

**European Network of Prosecutors for the Environment (ENPE)**

**European Federation of Associations for Hunting and Conservation (FACE)**

**European Partners against Corruption/European contact-point network against corruption (EPAC/EACN)**

**Council of Europe**

**European Convention on Extradition**, 1957, entry into force 1960 (<https://rm.coe.int/1680064587>)

**European Convention on Mutual Assistance in Criminal Matters**, 1959, entry into force 1962, amended 2001 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2000:197:0001:0023:En:PDF>)

**Convention on the Conservation of European Wildlife and Natural Habitats** (Bern Convention, 1979, entry into force 1982); **European Charter on Hunting and Biodiversity** (2007) (<https://www.coe.int/en/web/bern-convention>)

**Criminal Law Convention on Corruption and its Additional Protocol**, 1999, entry into force 2002 (<https://rm.coe.int/168007f3f5>)

**Civil Law Convention on Corruption**, 1999, entry into force 2003 (<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/174>)

**Budapest (Council of Europe) Convention on Cybercrime**, 2001, entry into force 2004 (<https://www.coe.int/en/web/cybercrime/the-budapest-convention>)

**Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime and on the Financing of Terrorism**, 2005, entry into force 2008 (<https://rm.coe.int/168008371f>)

Recommendation CM/Rec(2014)7 on the protection of whistleblowers, 2014 and attached Explanatory Memorandum (<https://rm.coe.int/16807096c7>)

Recommendation No. R (2000) 10 on codes of conducts for public officials, 2000 (<https://rm.coe.int/16806cc1ec>)

## Europe - European Union

Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008L0099>)

EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+)

European Union Forum of Judges for the Environment (EUFJE)

European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)

## European Parliament

**Regulation (EU) No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (EU Timber Regulation or EUTR)** ([http://ec.europa.eu/environment/forests/timber\\_regulation.htm](http://ec.europa.eu/environment/forests/timber_regulation.htm))

Resolution of 15 January 2014 on wildlife crime (2013/2747(RSP)) (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0454+0+DOC+XML+V0//EN>)

Directorate-General for Internal Policies: Policy Department A: Economic and Scientific Policy, Study on Wildlife Crime – for Committee on the Environment, Public Health and Food Safety of the European Parliament (ENVI) (2016) ([http://www.europarl.europa.eu/RegData/etudes/STUD/2016/570008/IPOL\\_STU\(2016\)570008\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/570008/IPOL_STU(2016)570008_EN.pdf))

## European Council

**Council Regulation (EC) No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, concerning the implementation of CITES within the Community, as amended** ([http://ec.europa.eu/environment/cites/legislation\\_en.htm](http://ec.europa.eu/environment/cites/legislation_en.htm))

**Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos, as amended** ([http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.1999.094.01.0024.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.1999.094.01.0024.01.ENG))

**Council Directive 2009/147/EC on the conservation of wild birds, as amended (Birds Directive)** ([http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm))

**Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended (Habitats Directive)** ([http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm))

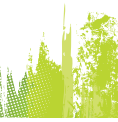
## European Commission

**Commission Regulation (EC) No. 1808/2001 of 30 August 2001 laying down detailed rules concerning the implementation of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein, as amended (see above)**

**Commission Regulation (EC) No. 2087/2001 of 24 October 2001 suspending the introduction into the Community of specimens of certain species of wild fauna and flora, as amended (see above)**

**Commission Decision 97/266/EC of 18 December 1996 concerning a site information format for proposed Natura 2000 sites, as amended (see above)**

**CITES 'Enforcement Group', established under Council Regulation (EC) No. 338/97 of 9 December 1996 on the**



**protection of species of wild fauna and flora by regulating trade therein, concerning the implementation of CITES within the Community, as amended**

**EU-TWIX (European Union Trade in Wildlife Information eXchange)**

EU-Forest Law Enforcement, Governance and Trade (EU FLEGT) – the Facility contributes to combating illegal logging and strengthening forest governance while encouraging sustainable economic development in countries that produce or process timber and export to the EU (supports FLEGT initiatives in other regions outside of Europe)

EU Action Plan against Wildlife Trafficking (COM (2016) 87 final) (2016) (see above)

Voluntary Partnership Agreements (VPA’s) under EU legislation on timber. Within the EU FLEGT Facility, VPA’s constitute a legally binding trade agreement between the European Union and a timber-producing country outside the EU. Its purpose is to ensure that timber and timber products exported to the EU come from legal sources (<http://www.euflegt.efi.int/vpa>).

**Agreement between the European Union and Japan on mutual legal assistance in criminal matters**, 2009, entry into force 2011 (<http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=8341>)

**Agreement on Extradition and Agreement on Mutual Legal Assistance between the European Union and the United States of America**, 2003, entry into force 2010 ([http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/jha/110727.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/110727.pdf))

**EUROPOL**

EUROPOL Secure Information Exchange Network Application (SIENA)

Frontex (European Border and Coast Guard Agency)

Eurojust (EU Judicial Network)

**Europe – Danube/Carpathian Mountains**

Draft report on Combating Wildlife and Forest Crime in the Danube/Carpathian Region (prepared by UNEP and the Secretariat of the Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention), in cooperation with Eurac Research, June 2017)

**Europe - Central Asia**

Central Asia Regional Information and Coordination Centre (CARICC) (cooperation to increase information exchange among law enforcement agencies, supported by UNODC)

Regional Enforcement Strategy to Combat Illegal Wildlife Trade in Central Asia 2014-2018 (with support from INTERPOL)

**Latin America and the Caribbean**

**Organization of American States (OAS)**

**Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere**, 1940, entry into force 1942 (<http://www.oas.org/juridico/english/treaties/c-8.html>)

**Inter-American Convention on Mutual Assistance in Criminal Matters**, 1992, entry into force 1996 (currently 28 States-Parties) (<http://www.oas.org/juridico/english/treaties/a-55.html>)

**Inter-American Convention against Corruption**, 1996, entry into force 1997, and the Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption (MESICIC), an intergovernmental body established in 2002 ([http://www.oas.org/en/sla/dil/inter\\_american\\_treaties\\_B-58\\_against\\_Corruption.asp](http://www.oas.org/en/sla/dil/inter_american_treaties_B-58_against_Corruption.asp))



Model laws protecting freedom of expression against corruption (2004) ([http://www.oas.org/juridico/english/model\\_law\\_whistle.htm](http://www.oas.org/juridico/english/model_law_whistle.htm)) and to facilitate and encourage the reporting of acts of corruption and to protect whistleblowers and witnesses (2013) ([http://www.oas.org/juridico/english/law\\_reporting.htm](http://www.oas.org/juridico/english/law_reporting.htm))

### **AMERIPOL (the Police Community of the Americas)**

#### **Latin America and the Caribbean – Caribbean**

#### **UNEP Regional Seas Programme/Caribbean Environment Programme (CEP)**

**Cartagena Convention Protocol Concerning Specially Protected Areas and Wildlife**, 1990, entry into force 2000 (<http://www.cep.unep.org/cartagena-convention/spaw-protocol>)

Association of Caribbean Commissioners of Police (ACCP)

Caribbean Wildlife Enforcement Network (CaribWEN)

#### **Latin America and the Caribbean – Central America**

Central American Commission on Environment and Development (CCAD)

Convention for the Conservation of the Biodiversity and Protection of Wilderness Areas in Central America, 1992, entry into force 1994, currently has 6 States-Parties. (<https://www.ecolex.org/details/treaty/convention-for-the-conservation-of-the-biodiversity-and-the-protection-of-priority-wilderness-areas-in-central-america-tre-001162/?q=Convention+for+theConservation+of+the+Biodiversity+and+Protection+of+Wilderness+Areas+in+Central+America%2C>)

#### **Central America Wildlife Enforcement Network (CA WEN)/ROAVIS**

Memorandum of Understanding establishing ROAVIS (La Red de Observancia y Aplicación de la Normativa de Vida Silvestre de Centroamérica y República Dominicana)

Central America-Dominican Republic Environmental Prosecutors Network - has developed prosecution guidelines for wildlife crimes.

#### **Network of Prosecutors against Organized Crime (REFCO) (a Central American initiative established in 2011 with support from UNODC)**

**The Dominican Republic – Central America – United States Free Trade Agreement (DR-CAFTA)** – Agreement underlies a United States bilateral project on CITES implementation and enforcement.

#### **Latin America and the Caribbean – South America**

Amazon Cooperation Treaty Organization (ACTO)

**Treaty for Amazonian Cooperation**, 1978, entry into force 1980, amended 1998 (establishing ACTO); currently 8 States-Parties

ACTO has had a number of project, supported by bilateral funds and technical assistance from the CITES Secretariat, aimed at helping its members with their preparations for meetings of CITES policy bodies as well as the development of e-permitting schemes related to CITES trade.

**Convention for the Conservation and Management of the Vicuna**, 1979, entry into force 1982 (currently 5 States-Parties) (<https://www.ecolex.org/details/treaty/convention-for-the-conservation-and-management-of-the-vicuna-tre-000102/>)

Regional Biodiversity Strategy for the Tropical Andean Countries (RBS) (2002)

**Latin American Environmental Prosecutors' Network ("the Red")** – a forum through which 300+ state and federal environmental prosecutors across Latin America share ideas and collaborate regarding effective methods to combat environmental crimes, ranging from illegal logging to wildlife trafficking.





**South America Wildlife Enforcement Network (SudWEN)**

**North America**

**North American Commission for Environmental Cooperation (NACEC)**

**North American Agreement on Environmental Cooperation**, 1993, entry into force 1994 (immediately after entry into force of the North American Free Trade Agreement or NAFTA)

North American Wildlife Enforcement Group (NAWEG)

**West Asia**

**League of Arab States**

Committee on biodiversity and desertification (works to enhance implementation of MEA's and addresses various CITES issues)

**Arab Anti-Corruption and Integrity Network (ACINET)**

CITES Experts Group for West Asia



United Nations  
Environment Programme