



# Economic and Social Council

Distr.: General  
17 March 2005

Original: English

## Commission on Crime Prevention and Criminal Justice

Fourteenth session

Vienna, 23-27 May 2005

Item 6 of the provisional agenda\*

### International cooperation in combating transnational crime

## Illicit trafficking in protected species of wild flora and fauna\*\*

### Report of the Secretary-General

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction . . . . .	1-5	2
II. Responses received from Member States . . . . .	6	3
III. The extent of the problem. . . . .	7-35	3
A. Legislative intervention . . . . .	9-19	4
B. Law enforcement. . . . .	20-26	6
C. Improving regional and international cooperation. . . . .	27-30	8
D. Awareness-raising. . . . .	31-35	9
IV. Actions taken by the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. . . . .	36-41	10
V. United Nations system coordination on trafficking in fauna and flora . . . . .	42-43	12
VI. Concluding remarks and recommendations. . . . .	44-45	13

\* E/CN.15/2005/1.

\*\* The submission of the present report was delayed owing to the need to conduct additional research and consultations.



## I. Introduction

1. In its resolution 2003/27 of 22 July 2003, entitled “Illicit trafficking in protected species of wild flora and fauna”, the Economic and Social Council urged all Member States to cooperate, as appropriate, with the competent entities of the United Nations system, including the United Nations Office on Drugs and Crime (UNODC), the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)<sup>1</sup> and the secretariat of the Convention on Biological Diversity,<sup>2</sup> with a view to preventing, combating and eradicating trafficking in protected species of wild flora and fauna.

2. The Council urged Member States to adopt preventive measures, where necessary, and to review their criminal legislation with a view to ensuring that offences relating to trafficking in protected species of wild flora and fauna were punishable by appropriate penalties that took into account the serious nature of those offences. The Council also encouraged Member States to undertake awareness-raising activities to improve understanding of the serious impact of trafficking in protected species of wild flora and fauna, and called upon Member States to promote international cooperation as well as the conclusion of mutual legal assistance agreements, with a view to preventing, combating and eradicating trafficking in protected species of wild flora and fauna.

3. The Council requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of resolution 2003/27. In September 2003, the Secretariat sent a note verbale to Member States, seeking an update of efforts at the national level to counter trafficking in protected species of wild flora and fauna. More recently, in February 2005, information was also sought from the secretariats of CITES and the Convention on Biological Diversity.

4. In Economic and Social Council resolution 2001/12 of 24 July 2001, the Secretary-General was requested to prepare, in coordination with other competent entities of the United Nations system, a report analysing domestic, bilateral, regional and multilateral legal provisions and other relevant documents, resolutions and recommendations dealing with the prevention, combating and eradication of illicit trafficking in protected species of flora and fauna by organized criminal groups, as well as illicit access to genetic resources and the extent to which organized criminal groups were involved therein. With regard to trafficking in protected species of flora and fauna, the Secretary-General concluded, on the basis of both inputs received from Member States and in-depth research, that organized criminal groups, while not involved in all forms of trafficking in protected species of fauna and flora, were strongly present in various sectors. Even when organized criminal groups, as such, were not fully involved, much of the trafficking was highly organized (E/CN.15/2003/8, para. 25).

5. Building on those conclusions and based on replies from Member States, inputs from the CITES secretariat as well as ongoing work conducted by UNODC, the present report provides an update of various initiatives to combat trafficking in protected species of wild flora and fauna. The secretariat of the Convention on Biological Diversity was approached to provide input, but felt it inappropriate to do so on the basis that illicit access to genetic resources, the issue on which it had

provided information in response to the earlier resolution, was no longer included. While not providing a detailed response to the request for information, the United Nations Environment Programme (UNEP) stated its readiness to work with UNODC, in particular in relation to activities concerning illicit trafficking in protected species of wild flora and fauna.

## **II. Responses received from Member States**

6. Responses were received from 12 countries (Australia, Colombia, Finland, Germany, Lebanon, Mauritius, Morocco, the Sudan, Switzerland, Turkey, the United Arab Emirates and Zambia). In response to the specific issues identified in the resolution, the replies focused broadly on the following: the extent of illicit trafficking in protected species and the role of organized criminal groups; legislative interventions; law enforcement responses; international cooperation; and awareness raising. Each of those issues is reviewed briefly below.

## **III. The extent of the problem**

7. Of the responses received, only Colombia sought to provide a detailed overview of the extent of the problem. It was reported that, in Colombia, a great many CITES-listed wild species were traded on the black market, destined for export to North American, European and Asian markets. There were organized gangs of traffickers (generally family members or relatives), whose ringleaders were those with the most experience and contacts and who possessed the necessary infrastructure (such as farms, storerooms and vehicles) required for their operations. The main wildlife trafficking routes ran from the Amazon region to Brazil, Ecuador and Peru and from the Orinoco region to other neighbouring countries, the Caribbean and the United States of America. The demand for trafficked specimens was driven by the pet market, collectors' requirements and biomedical research. Hundreds of primates and other animals were trafficked from South America to Europe and the United States for a variety of purposes, including biomedical research and pharmaceutical products, the use of their fur, for private zoos and for collectors. Frogs and snakes were captured for their venom.

8. Colombia also reported that a link had been identified between wildlife trafficking and other criminal activities, such as drug trafficking, which suggested that the perpetrators were not amateurs, but members of highly organized criminal groups. Legitimate consignments of wild animals had also been used by drug-trafficking networks to transport drugs abroad. It was also reported that offences such as the illegal exploitation of natural resources (including trafficking in protected species); negligent environmental pollution through exploitation of mineral and hydrocarbon deposits; illegal crops, hunting and fishing; the destruction of wetlands, mangrove ecosystems and coral; and depredations on biodiversity and ecosystems comprising swamps, lakes, lagoons and bays represented a serious danger to the environment in Colombia. In addition, the existence of illegal narcotics laboratories in the middle of forests was further cause for concern to the environmental authorities, since the chemicals used in the production of those drugs were pollutants, contributing to the destruction of the region's water resources and biodiversity.

## A. Legislative intervention

9. Australia indicated that its Environment Protection and Biodiversity Conservation Act of 1999 controlled the export of Australian native wildlife and wildlife products, the import of live animals and plants and the import and export of all wildlife that was recognized internationally as endangered or threatened. The Act provided the legislative basis for meeting Australia's responsibilities under CITES. It contained offences for illicit trafficking in protected species with penalties of 10 years of imprisonment and/or fines of 110,000 Australian dollars for an individual perpetrator.

10. Colombia reported that it had a comprehensive legal framework to protect its environment and natural resources. The country has ratified CITES and the Convention on Biological Diversity. The Colombian Penal Code (Act No. 599 of 2000) established a series of offences related to trafficking in protected species of wild fauna and flora. The penalty for such activities was two to five years of imprisonment and a fine of up to 10,000 times the amount of the statutory monthly minimum wage. An unauthorized act of exploitation of natural resources by a foreign national within the country was punishable by four to eight years of imprisonment and a fine of 100 to 30,000 times the amount of the statutory monthly minimum wage. An official list of endangered species had been published (through resolution 584 of 2002) as a basic tool in the codification and punishment of environmental offences.

11. Finland reported that it had ratified several international agreements on the environment, including CITES and the European Union Wildlife Trade Regulation.<sup>3</sup> The Nature Conservation Act (1096 of 1996, amended by statute No. 492 of 1997) formed the national legislation on the implementation of CITES and the relevant European Union regulations in Finland. The Act provided for fines for a number of offences defined as "petty". More severe offences fell under chapter 48 of the Criminal Code. The maximum sentence for nature conservation offences was two years in prison.

12. Germany emphasized that the European Union Wildlife Trade Regulation called upon all member States to implement CITES. Germany had complied by means of the Federal Nature Conservation Act. Sections 47 and 49 of the Act provided the legal basis for seizure and confiscation of specimens of plants and animals that were unlawfully imported or exported, held in possession or placed on the market. Through confiscation, the State obtained ownership of the specimen. Subsequent treatment of confiscated specimens was governed by administrative regulations that were based on the resolutions adopted by the Conference of the Parties to CITES. Violations of the provisions on species conservation could be punished either as a criminal offence or as a regulatory offence pursuant to sections 65 and 66 of the Federal Nature Conservation Act.

13. In Germany, imprisonment for up to five years or a fine could be imposed in cases where a specimen listed in annex A of the European Union Wildlife Trade Regulation was wilfully imported or exported or placed on the market without authorization. If such an act was committed on a commercial or habitual basis, the sentence would be between three months and five years of imprisonment. If a specimen listed in annex B of the European Union Regulation was imported or

exported or placed on the market wilfully and unlawfully on a commercial or habitual basis, such an act could be punished by up to three years of imprisonment or a fine. Where an unlawful act did not constitute a criminal offence, proceedings to impose a regulatory fine would, as a rule, be conducted by the Federal Office for Nature Conservation or by the authorities of the *Länder* if the act was committed within Germany. The regulatory fine could be up to €50,000 for acts committed wilfully. Violations committed negligently could also carry a sanction of up to €25,000.

14. Lebanon indicated that it had not yet signed either CITES or the Convention on Biological Diversity. Nevertheless, it abided by the provisions of CITES and received information and updates from the CITES secretariat. Lebanon was currently in the process of modernizing its penal laws dealing with the smuggling of protected species of wild flora and fauna.

15. Mauritius reported that it was a signatory to CITES and had ratified the Convention on Biological Diversity. Mauritius had also signed the Southern African Development Community Protocol on Wildlife Conservation and Law Enforcement. The relevant legislation, the Wildlife and National Park Act of 1993, amended and consolidated the law relating to the conservation and management of wildlife and regulated trade in protected species of wild fauna and flora in accordance with the provisions of CITES. The Wildlife Act provided for a fine not exceeding 100,000 Mauritian rupees (approximately US\$ 3,000-4,000) and for imprisonment for a term not exceeding 5 years for persons illegally trading in protected wildlife. Amendments to current legislation, in order to make it fully compliant with CITES, were under way.

16. Turkey became a party to CITES in 1996 and issued a by-law in 2001 that ensured the effective implementation of the Convention. The by-law provided for cooperation between competent authorities and institutions with a view to making sustainable use of species of fauna and flora covered by CITES and to establish control over international trade in protected species of wildlife. The by-law specified that all trade (export, import, re-export and introduction from the sea) in specimens of protected species included in the relevant appendices to CITES required the prior granting and presentation of a CITES certificate. Trade engaged in without the granting of such a certificate constituted the crime of smuggling as established under the Law Against Smuggling (Law No. 4926). The law had also introduced appropriate penalties that took into account the serious nature of such an offence. Export and import circulars relating to international trade of wild fauna and flora under protection were published in the *Official Gazette* on 21 February 2003. It was also noted that the country's legal framework was being reviewed in order to maintain biological diversity in the context of a project on biological diversity and management of sustainable natural resources supported by the World Bank and launched in 2003.

17. The United Arab Emirates reported that it was a party to CITES and to the Convention on Biological Diversity. In 2002, Federal Law No. 11 concerning the regulation and control of illicit international trade in endangered species of wild fauna and flora was issued. Regulations for implementing the Law, which imposed punishment for such illicit trade as stipulated in CITES, were issued in October 2003. Imports and exports were controlled by two administrative

authorities in the United Arab Emirates, namely the Agency for the Environment and the Ministry of Agriculture and Fish Resources.

18. Switzerland reported that its Federal Law on the Protection of Nature and the Landscape stipulated that those who intentionally and without authority exported, transported or possessed protected plants or vegetable products would be punished by imprisonment of up to one year or a fine of up to 100,000 Swiss francs. The definition of what constituted a protected plant or vegetable product was that contained in CITES. Under certain conditions, the gathering of plants or the capture of wild animals was sanctioned, although that required authorization. The Federal Law on Hunting and the Protection of Mammals and Wild Birds punished with imprisonment of up to one year or a fine the hunting or killing of game and animals designated to be a protected species or the capture of protected species, their import or export (whether dead or alive), when this was done intentionally and without authorization. Following a proposal by the Commission on Foreign Policy of the National Council in February 2002, the Federal Council was currently examining the possibility of signing and ratifying the Council of Europe Convention on the Protection of the Environment through Criminal Law.<sup>4</sup>

19. Morocco reported that it had begun the elaboration of a legal project on the application of CITES, taking into account all measures that were required by the Convention as well as all decisions of the Conference of the Parties. Furthermore, Morocco reported that it took care to comply with the provisions of CITES, with its Customs and Border Service preventing any international movement of protected species of wild fauna and flora.

## **B. Law enforcement**

20. Australia reported that the agency Environment Australia was responsible for the administration of legislation relating to wildlife trade, working cooperatively with the Australian Customs Service, the Australian Federal Police and state and territory wildlife agencies to enforce the law. The Australian Customs Service provided the operational and investigative role for offences detected at the border. In addition to administering the legislation, Environment Australia played a central coordinating role for wildlife enforcement activities in the country.

21. In Colombia, as a result of the growing awareness of the importance of the fight against environmental offences, the Office of the Prosecutor General had established subdivisions in two prosecution bureaux dedicated to conducting most of the investigations relating to offences against natural resources and the environment, so as to handle the subject in a more specialized manner. Nevertheless, prosecutors across the country were also competent to manage cases involving such offences. Colombia reported, however, that there remained enormous logistical problems in combating environmental crime, since both the lack of resources and the internal conflict in Colombia ensured that the conduct of investigations in the numerous affected environmental areas, many of which were in remote areas accessible only by sea and air, was difficult. The shortage of specialized and technical personnel required for these types of investigations and the conditions in which inspections needed to be carried out and technical evidence collected, also

impeded the achievement of more effective results in the fight against environmental crime.

22. Colombia also provided an overview of a series of prevention and monitoring mechanisms to combat the illicit trade in protected species. These included an agreement on a National Strategy for the Prevention and Control of the Illegal Traffic in Wild Species; the signing of an inter-agency agreement for the implementation of the National Strategy; the establishment of regional committees for the prevention and control of the illegal trade in protected species in various parts of the country; the design of a questionnaire for the generation of statistical data; agreement on and adoption of both criteria and a methodology for imposing financial penalties on trafficking in protected species; the publication of the names of traded species of trees, birds and invertebrates to ensure more effective identification; the development of instruments to facilitate control of the trade in wild species, such as a single national laissez-passer and a marking system; and agreement on a strategy for the handling of confiscated specimens.

23. One of the difficulties reported by the Colombian authorities related to the criminalization and effective enforcement of environment-related offences concerning the illicit trade in protected species of wild flora and fauna. One area of concern was awareness on the part of the judiciary of the seriousness of the threat posed by trafficking in fauna and flora. As a result, in most departments there were no specialized prosecutors or magistrates who understood or were trained in environmental crime.

24. In Finland, the system of prosecution was reorganized at the beginning of 2000. At that time, three local prosecutors were appointed as “key prosecutors” specializing in nature conservation infringements committed anywhere in the country. Their work was coordinated by the Office of the Prosecutor General. The Finnish Environment Institute had been involved both in training and in ongoing cooperation with law enforcement authorities. In November 2002, the Office of the Prosecutor General arranged a seminar in order to strengthen cooperation against trafficking in protected species of wild fauna and flora. The Customs School continued to organize special training seminars for customs officials in the specific area of trafficking in protected species. The Finnish Environment Institute also arranged training sessions on matters relating to international trade in protected species of flora and fauna.

25. In Germany, the enforcement of CITES and the European Union Wildlife Trade Regulation fell under the responsibility of the Federal Office for Nature Conservation and the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, as well as the customs and police authorities and the competent nature conservation authorities of the *Länder*. Close cooperation and exchange of experience took place between those authorities. One of the platforms for such exchange was the annual conference of the Customs Criminological Office on investigations in the field of species conservation, which was attended by officials of the customs investigation service, the police and the nature conservation authorities, as well as by experts from other European countries. Special commissions composed of staff members of various authorities had been set up to investigate a number of cases of trafficking in protected species.

26. Zambia reported that its Drug Enforcement Commission continued to support the efforts of other agencies, such as the Zambia Wildlife Authority, by arresting all those found in possession of protected species of wild flora and fauna. All such cases were handed over to the relevant authorities.

### **C. Improving regional and international cooperation**

27. Australia indicated that, in accordance with the provisions of the Mutual Assistance in Criminal Matters Act of 1987, its authorities could and did facilitate mutual legal assistance between Australian and foreign law enforcement agencies in criminal investigations and prosecutions involving trafficking in protected species of wild flora and fauna. Australia also assisted foreign law enforcement agencies on a police-to-police basis. The provision of such assistance was facilitated by the many Australian Federal Police Liaison Officers stationed around the world.

28. Colombia reported on the outcome of a workshop held in December 2002 among the countries of Latin America with the aim of improving regional cooperation in order to combat the illegal trade in wild fauna and flora. The workshop identified a number of key difficulties in the region in that regard. These included the divergence of domestic laws; the delay in the timely supply of information between countries; excessive workload of key staff; and the restriction of knowledge of CITES to senior officials. The workshop made a number of recommendations, including an emphasis on harmonizing the legislation of all the States concerned; training of law enforcement agents specifically for the task of combating environmental crime; greater efforts to disseminate the content of CITES to both officials and communities; and closer working relationships between officials tasked with combating environmental crime in each of the countries. Furthermore, Colombia reported on efforts to promote international cooperation and agreements for the purpose of preventing, combating and eradicating the illegal trade in wildlife, within the framework of cross-border commissions established with the neighbouring countries of Brazil, Peru and Venezuela (Bolivarian Republic of).

29. Germany indicated that its authorities were closely integrated into existing international and regional cooperation networks. These included the Enforcement Working Group of the European Union, the Wildlife Working Group of the International Criminal Police Organization (Interpol) and the CITES Working Group of the Customs Cooperation Council (also call the World Customs Organization). In addition to these forums, there was close bilateral and multilateral cooperation between individual authorities at the international level. Such cooperation took place both at an informal level and on the basis of mutual legal assistance treaties. Germany emphasized that it was of great importance that existing information could be forwarded to the competent agencies as quickly as possible. The use of modern information technology had facilitated cooperation between authorities in recent years and had led to results in the fight against international crime involving protected species. In order to enhance the exchange of experience, an international expert workshop on the control of trade in protected species within the European Union was organized in Frankfurt, Germany, in November 2001 at the initiative of the Trade Records Analysis in Flora and Fauna in Commerce network in Europe (TRAFFIC Europe)<sup>5</sup> and with financial and expert support from the Federal Office



for Nature Conservation. The results of the workshop had been published and were available from TRAFFIC Europe.

30. The importance of international cooperation was highlighted in three other responses. Mauritius reported that it was cooperating with Interpol in the fight against trafficking in protected species of wild fauna and flora. In response to the note verbale, the Sudan submitted Republican Decision No. 17 of 2003 “Concerning the Khartoum Declaration of Protection of Wildlife” that was made by the President of the Sudan. The Declaration highlighted the importance of cooperation at the international and regional levels. Turkey indicated that, along with the implementation of national legislation, the Governments of Germany and Turkey had initiated a twinning project covering the period from September 2003 to September 2005. The project aimed to establish and update a database on relevant species of flora and fauna; develop the technical capacity of, and provide material and information for, the customs authorities that played a major role in preventing trafficking; raise public awareness on the protection of wild flora and fauna; and provide assistance in establishing a CITES office.

#### **D. Awareness-raising**

31. Australia indicated that Environment Australia undertook wide-ranging awareness and education campaigns. For example, Environment Australia produced brochures and fact sheets concerning wildlife trade, CITES and domestic legislation. The Australian Institute of Criminology also played a role in raising awareness through the publication of research related to those topics. A recent publication, for example, explored the nature of the illicit market in Australian abalone, describing stages in the market from poaching, through processing and selling to the end consumer.<sup>6</sup> The report also described the intersection between the legal and illegal markets and potential options for disrupting the illicit market.

32. Colombia reported on awareness-raising activities aimed at promoting a better understanding of the impact of the illegal trade in protected species, through both campaigns and training activities within various agencies such as the military and the Office of the Prosecutor General. Other efforts also included the development of research on specific aspects, such as the trade in medicinal plants in the country. Colombia indicated that measures had been adopted to encourage the initiation of productive projects on the legal use of wild species that were the object of illicit trade (such as, for example, butterflies, marine turtles, iguanas and wild duck). The country’s response indicated, however, that there were financial limitations on the implementation of such awareness-raising activities.

33. In Finland, the customs authorities and the Finnish Environment Institute had distributed information on amended regulations to regional contact persons, traders, pet societies and the public. Cooperation in distributing information was received from non-governmental organizations and the major zoological and botanical gardens. The Institute maintained its own website on CITES (<http://www.ymparisto.fi/CITES>). Application forms for permits and certificates, import notification forms and labels for scientific institutions were also available on the Internet. On the European Union level, the European Union website ([www.eu-wildlifetrade.org](http://www.eu-wildlifetrade.org)) had been designed to provide up-to-date and tailor-made

information to commercial entities as well as travellers. The Institute had prepared articles for hobby magazines as well as press releases on matters related to CITES. The Institute published information on CITES in the free-advertisement papers in order to inform traders about the regulations. The Institute participated in a joint Nordic effort to prepare a film to warn of the offences connected to CITES, which was being shown on flights from Scandinavia to the Far East with the objective of preventing smuggling of protected species. The Institute also took part in meetings and seminars organized by various hobby societies related to CITES.

34. Germany indicated that the Federal Government was making ongoing efforts to inform the general public and the authorities involved about the background to and regulations under the laws on species conservation and the associated restrictions. The Federal Office for Nature Conservation regularly conducted, or assisted in conducting, seminars for staff members of the authorities involved. In those meetings, the legal justifications were discussed, problem cases were pointed out and guidelines on identification were offered. Public awareness was raised in various ways and the Internet in particular was gaining increasing significance for use in informing the public. The Federal Office for Nature Conservation's websites ([www.bfn.de](http://www.bfn.de) and [www.cites-online.de](http://www.cites-online.de)) provided interested persons with comprehensive information on existing regulations. In addition to information on the application of statutory provisions, two databases were available online, WISIA ([www.wisia.de](http://www.wisia.de)) and ZEET ([www.zeet.de](http://www.zeet.de)), which helped users to ascertain easily the status of protection of animal and plant species as well as existing prohibitions. A joint website of the Federal Office for Nature Conservation and the Customs Service, tailored specifically to the needs and questions of tourists, was under preparation at the time of reporting. In addition, information was provided to travellers at various airports through displays in showcases and brochures. Efforts were made to gain public understanding of the law on species conservation by issuing targeted press releases at the beginning of the travel season. In addition, dealers, importers, travel agents and other commercial parties involved were informed about changes as required. Such information was distributed either in a targeted manner through information leaflets aimed at specific groups or in a general manner through the website of the Federal Office for Nature Conservation.

35. Mauritius indicated that, owing to a lack of technical staff, very few awareness-raising activities had been carried out. However, a half-day workshop was organized by the National Parks and Conservation Service in October 2001, where participants from different institutions involved in matters related to CITES were present. The main objective was to sensitize the participants on CITES and its implementation.

#### **IV. Actions taken by the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora**

36. The CITES secretariat provided an overview and supporting documentation concerning ongoing efforts to counter the role and impact of organized criminal groups in trafficking in protected species of fauna and flora. The secretariat reported that numerous indicators suggested that the problem was now significant and

growing. These included the high profits and comparatively low risks associated with trafficking in endangered species which, per unit of measure for some products, was more lucrative than trafficking in narcotics; the organized nature of the illegal harvesting of some endangered species, including the recruitment, payment and supply of poachers for prolonged periods in the field; the fact that the processing and subsequent marketing of illegally harvested specimens was often a complex undertaking, requiring specialized skills and a degree of financial capital; the length of some smuggling routes, which might cross several international borders, and the sophisticated means of trafficking and concealment, implying the involvement of a large number of individuals and a high level of organization; the sophisticated forgery of genuine permits and certificates authorizing trade in wildlife as well as the security stamps used on CITES documents by States parties; and the fact that law enforcement sources indicated that persons involved in serious wildlife crime often had previous convictions for other criminal activity or were known to be part of an organized criminal group. In particular, the secretariat had noted the increasingly sophisticated techniques used by criminal groups engaged in the illegal trade in wildlife.

37. In response to those developments, at its twelfth meeting the Conference of the Parties to CITES instructed the secretariat to convene a meeting of experts to ascertain measures to identify the flow of enforcement-related data to and from relevant international, regional and national law enforcement organizations, CITES Management Authorities and the CITES secretariat; assist in the coordination of investigations regarding violations of the Convention; and help maintain appropriate levels of confidentiality regarding law enforcement information. The expert group meeting was held in February 2004. From the outset, the meeting regarded the term “enforcement” as referring to matters relating to illicit trafficking in wild fauna and flora.

38. It was reported that a common theme throughout the expert group meeting was the considerable frustration experienced by wildlife law enforcement officers resulting from a lack of support from their Government, policy-makers and senior management and from being unable to identify and make contact with the relevant national agencies responsible for wildlife law enforcement around the world. It was also noted that many of the officers responsible for law enforcement, especially in developing countries or in countries with economies in transition, did not have parity in terms of training, equipment, authority and salaries, with their counterparts in national customs and police authorities. This often led to a lack of professionalism among some officers and a lack of ability to respond effectively to wildlife crime, whether at a national level or when trying to react to requests for investigation received from abroad.

39. In addition, the expert group concluded that the current approach of communicating through CITES Management Authorities was often inefficient and sometimes hampered investigations, because those authorities did not know how to respond or had poor relationships with their national law enforcement agencies. The group also identified the provision of training as a subject that required more detailed discussion, since it believed that training was not always adequately coordinated, that the effectiveness and follow-up to training needed to be examined and that the role of non-governmental organizations in providing enforcement-related training should be studied.

40. In its report on enforcement matters at the twelfth meeting of the Conference of the Parties, the secretariat raised the subject of corruption and how that adversely affected implementation of the Convention. It initially suggested, if the Conference of the Parties so instructed, that it would prepare guidance on the matter for the thirteenth meeting of the Conference of the Parties. The secretariat subsequently withdrew that offer when it became apparent that it was unlikely to have the resources to undertake such work. However, it had since been possible to prepare a training module relating to ethics in wildlife law enforcement, which was currently being tested and refined, and it was hoped to make the module widely available.

41. At its thirteenth meeting, held in Bangkok from 2 to 14 October 2004, the Conference of the Parties to CITES, drawing on input from the expert group, amended its resolution Conf. 11.3, entitled "Compliance and enforcement".<sup>7</sup> Among other issues, the amended resolution<sup>8</sup> recommended that all Parties:

(a) Recognize the seriousness of illegal trade in wild fauna and flora and identify it as a matter of high priority for their national law enforcement agencies;

(b) Consider formulating national action plans, incorporating timetables, targets and provisions for funding, designed to enhance enforcement of CITES, achieve compliance with its provisions and support wildlife-law enforcement agencies;

(c) Provide officials who have wildlife-law enforcement responsibilities with equivalent training, status and authority to those of their counterparts in customs and police;

(d) Ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in CITES appendix II, and of all provisions ensuring protection against illegal traffic for the species included in the CITES appendices;

(e) In case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to the provisions of the Convention in order to penalize such violation and to take appropriate remedial action;

(f) Inform each other of all circumstances and facts likely to be relevant to illegal traffic and also of control measures, with the aim of eradicating such traffic.

## **V. United Nations system coordination on trafficking in fauna and flora**

42. Cognizant of the growing threat posed by transnational organized criminal activity, the Secretary-General, within the framework of the United Nations System Chief Executives Board for Coordination, initiated a process aimed at developing an effective response to the phenomenon across the United Nations system. The process was initiated through the presentation of a paper to the Board in April 2004, entitled "organized crime and corruption are threats to security and development: the role of the United Nations system", outlining the scale of the threat posed by transnational crime and its impact in three critical sectors where the United Nations is active: peace and security; development; and human rights, democracy and governance. Many United Nations entities made a direct contribution to the paper,

highlighting issues of particular concern to them and their programmes. An important conclusion of the process was that not enough was known about the extent to which organized crime had an impact on the work of the United Nations system, including in the area of trafficking in endangered species. Subsequently, information was requested from all United Nations agencies and departments on the impact of transnational organized crime, if any, in relation to issues in their mandates. Both UNEP and the CITES secretariat provided detailed information on the nature and role of organized criminal groups in trafficking in protected species of flora and fauna, as well as environmental crime more generally. As a result of the process, a joint programme of activities to tackle organized crime by the United Nations system as a whole has been agreed upon. In relation to trafficking in protected species of fauna and flora, several joint activities were identified, as follows:

(a) United Nations entities will work together, at both the headquarters and the country level, to encourage States to ratify the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I), including urging States to consider treating trafficking in flora and fauna as a serious crime under the Convention;<sup>9</sup>

(b) A joint project between UNODC, UNEP and the CITES secretariat will be initiated to assess the extent of the involvement of organized criminal groups in the area of environmental crime, including the issue of trafficking in protected species of wild flora and fauna;

(c) Awareness-raising training programmes and materials for United Nations staff and peacekeepers will be developed on the specific issue of trafficking in endangered species;<sup>10</sup>

(d) Joint training and awareness-raising activities will be developed on the nature and role of organized crime and its impact in a variety of illicit markets, including trafficking in protected species of wild flora and fauna.

43. UNODC will be responsible to coordinate the implementation of the various measures endorsed for action by the Chief Executives Board. A report is to be provided to the Board after a period of one year, whereupon the programme of joint activities will be reviewed.

## **VI. Concluding remarks and recommendations**

44. The issue of trafficking in protected species of flora and fauna and the increasing role of organized criminal groups in this illicit market presents an important challenge to national Governments, regional organizations and the international community. It should be noted that the issue of trafficking in protected species of wildlife is on the agenda of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in April 2005, under the item dealing with effective measures to combat transnational organized crime.

45. The present report points to a variety of initiatives that are under way at the national, regional and international levels to deal with both trafficking in protected species and the role of organized criminal groups therein. It is evident that, while progress has been made, there is still substantial work to be done. Of importance, in

particular given the focus of UNODC, is to underscore that trafficking offences in the area of environmental crime where there is evidence of the involvement of organized criminal groups should be, where possible and appropriate, designated as serious crimes, bringing them within the purview of the United Nations Convention against Transnational Organized Crime. In addition, cooperation between those entities of the United Nations system working on issues of environmental management and those working on issues related to criminal justice should be enhanced, in order to ensure a more effective global response to the problem of environmental crime, including trafficking in protected species of flora and fauna. It is therefore recommended that:

(a) Member States should consider the appropriateness of designating offences of trafficking in protected species of flora and fauna, where there is evidence of the involvement of an organized criminal group, as a “serious crime” as defined by the United Nations Convention against Transnational Organized Crime;

(b) Member States should consider implementing the recommendations of the thirteenth meeting of the Conference of the Parties to CITES in regard to trafficking and law enforcement response;

(c) Countries should consider the possibility of funding joint projects between entities of the United Nations system that specifically aim to curb the role of organized crime in trafficking in protected species of flora and fauna through, among other activities, awareness-raising, joint training and conducting evaluations and assessments;

(d) The Commission on Crime Prevention and Criminal Justice should consider any recommendations made by the Eleventh Crime Congress on the topic of trafficking in endangered species, or related matters, and call upon Member States to take any appropriate actions in response thereto.

#### Notes

<sup>1</sup> The Convention on International Trade in Endangered Species of Wild Fauna and Flora (United Nations, *Treaty Series*, vol. 993, No. 14537) is an international agreement that aims to ensure that the international trade in specimens of wild animals and plants does not threaten their survival. The Convention currently accords varying degrees of protection to over 30,000 species of animals and plants. There are currently 167 States parties to the Convention.

<sup>2</sup> One of the key agreements adopted at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, the Convention on Biological Diversity (United Nations, *Treaty Series*, vol. 1760, No. 30619) establishes three main goals: the conservation of biological diversity; the sustainable use of its components; and the fair and equitable sharing of the benefits from the use of genetic resources. The Convention has 188 States parties.

<sup>3</sup> Council Regulation (EC) No. 338/97, which came into effect on 1 June 1997.

<sup>4</sup> Council of Europe, *European Treaty Series*, No. 172.

<sup>5</sup> TRAFFIC, the wildlife trade monitoring network, works in close cooperation with the secretariat of CITES. It is a joint programme of the World Wide Fund for Nature and the World Conservation Union.

<sup>6</sup> Rebecca Tailby and Francis Gant, “The Illegal Market in Australian Abalone”, *Trends and Issues in Crime and Criminal Justice*, No. 225 (Australian Institute of Criminology, April 2002). Abalone is a shellfish, the meat of which is considered a delicacy in certain parts of the world.

- <sup>7</sup> See CITES, Conference of the Parties, thirteenth meeting, summary report of Committee II, sixth session (CoP 13 Com II Rep. 6).
- <sup>8</sup> Resolution Conf. 11.3 (Rev. CoP 13).
- <sup>9</sup> The Convention defines “serious crime” as “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty” (art. 2, subpara. (b)).
- <sup>10</sup> Concerns have been expressed of cases where holders of United Nations laissez-passer and United Nations peacekeepers have been intercepted by customs agencies in the possession of prohibited wildlife products.
-