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World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice; work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime

International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources

Report of the Executive Director

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I. Introduction

1. In its resolution 2008/25, entitled “International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources”, the Economic and Social Council noted with concern that illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, constituted a major source of concern because such activities had an adverse environmental, social and economic impact on many countries.

2. In the same resolution, the Council recalled resolution 16/1 of the Commission on Crime Prevention and Criminal Justice, in which the Commission, *inter alia*, strongly encouraged Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws; to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate such trafficking through the use of international legal instruments such as the United Nations Convention against Transnational Organized Crime¹ and the United Nations Convention against Corruption;² and to provide information to the United Nations Office on Drugs and Crime (UNODC) regarding their use of those instruments for fostering international cooperation in that field, as well as share information with interested Member States with a view to identifying the areas and scope of such cooperation.

3. Also in its resolution 2008/25, the Council took note with appreciation of the report of the meeting of the Open-ended Expert Group on International Cooperation in Preventing and Combating Illicit International Trafficking in Forest Products, including Timber, Wildlife and Other Forest Biological Resources, held in Jakarta from 26 to 28 March 2008 (E/CN.15/2008/20). It also encouraged Member States to continue to provide UNODC with information on measures taken pursuant to Commission resolution 16/1, taking into consideration the emphasis that the Open-ended Expert Group, in its report, had placed on, *inter alia*, the need for holistic and comprehensive national multisectoral approaches to preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, as well as for international coordination and cooperation in support of such approaches, including through technical assistance activities to build the capacity of relevant national officials and institutions.

4. The Council also requested the Executive Director of UNODC to report on the implementation of resolution 2008/25 and provide a brief summary of the mandates and the work of other relevant organizations in that area to the Commission at its eighteenth session.

5. The present report is submitted to the Commission pursuant to Council resolution 2008/25. It provides an overview and brief analysis of the replies

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² *Ibid.*, vol. 2349, No. 42146.

received from Member States on their efforts to implement resolution 2008/25 and, in general, efforts to prevent, combat and eradicate illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws. It contains a synopsis of international initiatives undertaken in this field, as well as the mandate and role of the main relevant organizations.

II. Overview and brief analysis of replies received from Governments

6. In response to a relevant note verbale dated 29 August 2008 from the Secretariat, the following 18 Member States provided information as at 29 January 2009: Belarus, Bulgaria, Croatia, Democratic Republic of the Congo, El Salvador, Ethiopia, Germany, Greece, Japan, Jordan, Mauritius, Morocco, Netherlands, Oman, Poland, Saudi Arabia, Serbia and the United States of America.

7. Belarus stressed that, in accordance with its Constitution and domestic legislation, forest areas were exclusively State property and that their management was conducted by a centralized forest administration. Belarus also provided information on the competent organizations and agencies involved in forest management and the fight against illicit international trafficking in forest products, flora and fauna and other forest biological resources and referred to the legislation and regulatory acts governing the administration of the State fund for the protection of forests. In addition, Belarus provided data on the detection of violations of national laws for the protection of the environment.

8. Bulgaria provided a detailed overview of its criminal legislation on related issues. In that regard, although illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, was not criminalized per se, the Criminal Code contained provisions establishing as offences other relevant acts (illegal harvesting, transportation and damage of trees and other plant species; destruction or damage of plant species; and hunting and illegally keeping or selling protected animal species). Bulgaria provided a list of other provisions of legislation that could be applied in the context of forest law enforcement, including provisions on customs offences, organized crime, bribery, money-laundering, perjury and obstruction of justice.

9. Bulgaria further reported on administrative sanctions in place to punish perpetrators of forestry offences or violations related to the trade and transfer across borders of endangered species of wild flora and fauna, including the punishment of legal persons involved in those acts.

10. In the field of international cooperation, Bulgaria was a party to the Organized Crime Convention, the Convention against Corruption and the European Convention on Mutual Assistance in Criminal Matters.³ The country further incorporated in its domestic legal framework the Council of the European Union framework decision 2002/584/JHA on the European arrest warrant and the surrender procedures between member States.⁴ In addition, Bulgaria had ratified and implemented in its

³ Ibid., vol. 472, No. 6841.

⁴ *Official Journal of the European Communities*, L 190, 18 July 2002.

national legislation the Convention on International Trade in Endangered Species of Wild Fauna and Flora⁵ and the European Union Wildlife Trade Regulation (Council of the European Union regulation No. 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating the trade therein).⁶ The Criminal Code also contained provisions enabling different forms of cooperation, including mutual assistance in criminal matters, transfer of criminal proceedings, transfer of sentenced persons and recognition and enforcement of foreign judgements. Other national legislation provided for the use of special investigative techniques, such as electronic or other forms of surveillance, undercover operations and controlled deliveries. The involvement and active participation of Bulgarian competent authorities in joint investigative bodies was also possible on the basis of bilateral agreements and arrangements and the relevant provisions of United Nations instruments.

11. Croatia provided information about the responsibilities and structure of the competent national authority dealing with agriculture, forestry and water management issues. The implementation of international conventions and European Union directives on forest management and protection was among the responsibilities of that national authority. Croatia further stressed the importance of enhancing coordination among the different governmental agencies in charge of inspections on related issues. Moreover, it stressed the importance of fostering international cooperation with inspection and customs authorities of neighbouring countries to prevent illicit international trafficking in forest products.

12. The Democratic Republic of the Congo reported that its authorities had taken measures to control the illicit trafficking in flora and fauna, including seizures of different products. Further information was provided on national efforts to enact new legislation on the protection of endangered species of flora and fauna. It was also noted that effective forest law enforcement required the implementation of efficient control measures, including the establishment of surveillance units, the elaboration of plans to designate protected areas and involve people living in protected areas and indigenous populations, as well as non-governmental organizations and the private sector, in related efforts.

13. In the field of international cooperation, the Democratic Republic of the Congo was a party to the Endangered Species Convention, the Convention on Biological Diversity,⁷ the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, as well as a number of multilateral agreements on environmental issues. With regard to the exploitation of forests and the efforts to improve forest law enforcement, the country was involved in negotiations for the conclusion of a voluntary partnership agreement with the European Union.

⁵ United Nations, *Treaty Series*, vol. 993, No. 14537.

⁶ The European Union Wildlife Trade regulation came into effect on 1 June 1997. It enforces the Endangered Species Convention within the European Union and aims to protect wild animals and plants threatened, or likely to become threatened, by international trade. The regulation was amended by Commission of the European Communities regulation No. 1332/2005 and Commission of the European Communities regulation No. 318/2008.

⁷ United Nations, *Treaty Series*, vol. 1760, No. 30619.

14. El Salvador provided an update of the domestic legal framework governing forest-related issues. A new law, entered into force in 2002, was aimed at regulating management and sustainable utilization of forest resources. Further legislation regulated the environmental management and protection as a State obligation. El Salvador also referred to the competent authorities entrusted with the task of implementing the forestry legislation, stressed the need for coordination among those authorities and highlighted the measures taken to prevent and combat illegal logging and violations of environmental legislation, including the laws protecting endangered species of flora and fauna.

15. Ethiopia reported a number of measures taken domestically to protect and conserve its natural resources, including the establishment of protected wildlife areas and the enactment of more streamlined legislation and regulatory acts on the protection of wildlife, as well as the implementation of preventive measures such as awareness-raising activities and public education programmes. It further stressed the importance of having in place the appropriate institutional framework to enable the implementation of legislation on national wildlife and ensure efficient and effective wildlife management. In that context, reference was made to the competence and activities of the national wildlife conservation authority, as well as its cooperation with local agencies and non-governmental organizations involved in related matters. With regard to biodiversity and forest biological resources, Ethiopia highlighted its commitment to promoting the conservation and sustainable utilization of national biodiversity resources and reported on ongoing efforts to enact relevant legislation.

16. Ethiopia identified the destruction and loss of habitat and illegal trafficking in wildlife as the main challenges encountered by national authorities. To address those challenges, a number of initiatives were taken, including the implementation of a new national policy on the protection of forest resources, which came into force in 2007; the establishment of task forces at the federal and regional levels to control trafficking in wildlife across the country; the conduct of regular monitoring in areas where wildlife crime was suspected; and the organization of training activities aimed at raising the awareness of law enforcement authorities, increasing their capacity to deal with such crime, strengthening interinstitutional linkages and promoting international law enforcement cooperation. Ethiopia was a party to the Endangered Species Convention and the Convention on Biological Diversity.

17. Germany reported that in the context of the European Union 2003 Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT), it supported and assisted the European Commission in helping producer countries build a consensus among various stakeholders on the definition of legality of acts in the forest sector, as well as develop verification systems, enhance transparency and governance in that sector and carry out other relevant activities, such as independent monitoring. In that connection, the European Commission had launched negotiations with a number of producer countries in South-East Asia and Africa to conclude voluntary partnership agreements with a view to ensuring that only verified legal timber and timber products were to be imported into the European Union from those countries. The first agreement, with Ghana, was accomplished in 2008. Germany further expressed its support to the initiative of the European Commission to strengthen the FLEGT Action Plan and consider additional legislation to exclude illegal timber from the European market and thus prevent possible circumvention of partnership agreements.

18. In addition, Germany had developed a specific FLEGT strategy on forests and sustainable development. The objective was to support partner countries in designing FLEGT-related measures that could effectively contribute to both achieving legality and sustaining forest management and development. The German development authorities also supported the promotion of FLEGT-related measures in almost 20 partner countries and regions. Furthermore, the private sector had launched and developed, in both producer and consumer countries, various initiatives, including the adoption and implementation of voluntary codes of conduct and traceability schemes.

19. At the national level, in 2007 Germany had introduced a national procurement policy that favoured verified legal and sustainable timber and timber products. It was stressed that the introduction of that policy had contributed to improving the procurement practices of local and regional governments and in the private sector. That action had also raised awareness among consumers and motivated timber-exporting countries to take voluntary actions to address the issue. In 2007, in collaboration with the World Wildlife Fund, Germany organized an international scientific expert meeting on chemical and genetic methods to verify origins of traded timber (“timber fingerprinting”).

20. Greece reported that it had ratified the Endangered Species Convention in 1992, although the implementation of the Convention had been enforced domestically even earlier through the incorporation in the national legal system of Council of the European Communities regulation No. 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Other European regulations were further enforced at a subsequent stage to render the implementation of the Convention more effective, such as Council of the European Union regulation No. 338/97, the Commission of the European Communities regulation No. 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council regulation No. 338/97, as amended by Commission of the European Communities regulation No. 100/2008 of 4 February 2008 and Commission of the European Communities regulation No. 811/2008 of 13 August 2008 suspending the introduction into the Community of specimens of certain species of wild fauna and flora.

21. Greece also referred to the national regulatory act implementing the above-mentioned regulations of the European Community, which supplemented its existing national legislation with regard to the framework of criminal and administrative sanctions applicable in this field. Furthermore, according to the procedures set forth in that regulatory act, trade in timber species and their products, as well as in wild fauna and flora species that were listed in the appendices of the Endangered Species Convention and the relevant European Community regulations was only permitted subject to the provision of the specific forms, documents, certificates and permits required by the Endangered Species Convention and issued by the competent authorities. Trade in species not listed in the Convention was allowed on the basis of single permits issued by the competent authorities under strict conditions in accordance with the specific status of protection of the species. Greece also made reference to the competent authorities in charge of reviewing compliance with the institutional framework of the Convention and underlined that all the necessary controls were carried out by those authorities.

22. Japan reported on national legislation on international trade in endangered species of wild fauna and flora and the conservation of such species. On the basis of the commitments undertaken at the Group of Eight summit held in Gleneagles, United Kingdom of Great Britain and Northern Ireland, in 2005 and for the purpose of eliminating illegally logged timber, in April 2006 Japan introduced a green procurement policy favouring wood and wood products that had been harvested in a legal and sustainable manner. In line with that policy, in 2006 the competent forestry authority had issued guidelines for the verification of the legality and sustainable harvest of wood and wood products.

23. In the field of bilateral cooperation, in 2003 Japan and Indonesia signed a joint announcement and an action plan on cooperation to combat illegal logging and the trade in illegally logged timber and wood products. As follow-up, a number of technical development projects had been implemented, including the development of logging-monitoring technology using satellite images and the development and verification of wood traceability technology. In addition, since 2007 Japan had been providing to the Government of Brazil images and observation data of the Amazon region, thus assisting in the identification of deforestation areas, including those involving illegal logging.

24. In the field of regional cooperation, Japan and Indonesia jointly launched the Asia Forest Partnership in 2002, which was aimed at promoting sustainable forest management and tackling illegal logging mainly in the Asia-Pacific region. Since its establishment, the Partnership had been expanded to include more than 40 stakeholders, including Governments, non-governmental organizations, international organizations and research institutes. Partnership participants met at least once a year to encourage voluntary cooperation and joint actions, exchange information and views and promote mutual understanding and confidence in the region.

25. In the field of international cooperation, Japan, as the host country of the International Tropical Timber Organization (ITTO) and one of the major importing countries of tropical timber, had been actively supporting activities and projects of the Organization over the past 20 years. Japan had not yet ratified the Organized Crime Convention and the Convention against Corruption.

26. Jordan provided information on provisions of its national legislation addressing issues related to the protection of forest and agricultural areas.

27. Mauritius stated that there was no illicit trafficking in timber and forest products in the country and that no offence related to illicit international trafficking in wildlife had been reported. The competent authority monitored implementation of the Endangered Species Convention, and national legislation was being amended to achieve full compliance with the requirements of the Convention.

28. Morocco referred to national criminal legislation against illegal logging and other laws on the protection of the environment. It was reported that commerce in forest products was subject to strict regulation to ensure that those products were not exploited in an illegal manner. Morocco was a party to the Endangered Species Convention, and the competent national authority charged with supervising the application of the provisions of the Convention was involved in the development of new draft legislation to ensure full adherence of the domestic legal system to the

Convention's requirements. Morocco also provided statistical data on the prosecution of forestry offences in the period 2006-2007.

29. Netherlands reported that it had played an active role in recent years in the framework of the European Union and other international organizations in strengthening international efforts to curb illegal logging and the trade in products resulting from such logging. In particular, the country had been at the forefront in promoting the conclusion of the voluntary partnership agreements with third countries under the FLEGT scheme and had, for that purpose, seconded a national expert to the delegation of the European Commission in Malaysia and supported the FLEGT process in Ghana. The Netherlands also made reference to a study on additional legal measures to complement the FLEGT scheme, which had been announced by the European Commission and was to be released shortly.

30. The Netherlands also highlighted a series of additional policy measures, including guidelines for the public procurement of timber, that had been identified and put in place at the national level to support international efforts. Moreover, the Public Prosecutor's Office had examined a number of individual cases, but the criminal investigations in those cases had not, to date, resulted in prosecutions. It was also noted that the possibility of undertaking prosecutorial action on the basis of the provisions of international legal instruments such as the Organized Crime Convention and the Convention against Corruption would be taken into consideration by the national authorities, if a future case contained elements supporting such an option.

31. Oman referred to a number of domestic measures to maintain and preserve endangered species of wild flora and fauna and other biological resources, such as the development and enforcement of specific legislation, as well as fencing protected areas and establishing new grazing lands and pastures.

32. Poland, as a State member of the European Union, was bound by several regulations and directives of the European Commission and the Council of the European Union on issues related to international trade in wildlife and forest biological resources, including the Council of the European Union regulation No. 338/97, Commission of the European Communities regulation No. 865/2006, and the Commission of the European Communities regulation No. 811/2008. Those binding commitments were incorporated into the domestic legal system through the enactment of legislation that had been in force since 2004 and which criminalized illicit international trafficking in wildlife.

33. Poland also participated in the FLEGT scheme of the European Union, whose aim was to counteract illicit international trafficking in forest products, including timber, by improving the capacity of developing countries and countries with economies in transition to control illegal use of forests, as well as by imposing trade restrictions with respect to raw material and timber products between those countries and the European Union. Poland further reported that a new European Community regulation was to be adopted with a view to establishing a system for the import of timber in the European Union.

34. Poland was a member of ITTO and had ratified the International Tropical Timber Agreement of 1994. Preparations were ongoing for the ratification of the International Tropical Timber Agreement of 2006, which would replace the former Agreement.

35. Poland underscored that the fight against trafficking in forest products, timber and wildlife required close cooperation among national competent authorities, as well as enhanced international cooperation with counterparts in other countries, particularly through the use of mechanisms of the International Criminal Police Organization (INTERPOL) and the European Police Office. Poland cooperated closely with the European Commission Group on Law Enforcement, established by Council of the European Union regulation No. 338/97 to serve as a platform for sharing information and experience on trends in trafficking in wild species. In addition, Polish customs officers participated in various training sessions and workshops aimed at raising awareness of the problems posed by trafficking in wildlife.

36. Poland also provided statistical data kept by its customs authorities for the period 2007-2008 on trafficking in wildlife. In that regard, an increase in related crime rates had occurred, and the country was changing from a transit country to a destination country. With respect to the methods used in committing such trafficking, it was noted that the commodities were sold through the Internet, at markets and in zoological shops.

37. Saudi Arabia referred to the report of its national authorities on the protection of forest life.

38. Serbia submitted the draft text of the country study prepared in September 2008 in the context of a World Bank project on ensuring sustainability of forests and livelihoods through improved governance and control of illegal logging for economies in transition. The study provided an overview of the problem of illegal logging in the country, as well as the legislative, administrative and policy measures adopted by the Government to deal with the problem.

39. The United States expressed its commitment to combating illicit international trafficking in forest products, particularly timber and wildlife, including through working with other countries to find effective approaches to addressing the problem. Through the President's Initiative against Illegal Logging in particular, the United States was helping developing countries combat illicit trade in timber and encouraging Group of Eight and other countries to focus on practical and effective actions, such as improving forest law enforcement and governance in timber-producing countries and regions where illicit trade in timber occurred. In general, the United States paid particular attention to the need to strengthen regional cooperation and to promote the forest law enforcement and governance processes, the transfer of technology, community-based actions and partnerships between the public and private sectors.

40. The United States also referred to its domestic legislation ("Lacey Act"), which enabled the prosecution within its national territory of violations of foreign laws protecting wildlife. In May 2008, that legislation was amended to make it illegal to import, export, transport, sell, receive, acquire or purchase in interstate or foreign commerce, any plant or product made from plants – with limited exceptions – taken or traded in violation of domestic or international law. The scope of application of the legislation was extended to include a broader range of plants and plant products, including timber derived from illegally harvested plants.

41. In the field of bilateral and regional cooperation, the United States and Peru had concluded a free trade agreement that included new and innovative provisions

on combating illegal logging. The two countries were also negotiating a comprehensive environmental cooperation agreement to address forest governance issues. In addition, the United States was assisting Peru and Colombia in monitoring and verifying the management of forests under logging concessions, including by facilitating the sharing of technologies and approaches for increased transparency with respect to forests in the Amazon basin. It was also helping partner countries in Central America and the Amazon basin to develop their capacity to manage mahogany and regulate and document its export. In recent years, the United States had provided financial contributions to strengthen environmental cooperation and improve forest law enforcement and governance under the United States Free Trade Agreement with Central America and the Dominican Republic.

42. Furthermore, the United States continued its cooperation with Indonesia and China under bilateral memorandums of understanding on illegal logging and associated trade, concluded in 2006 and 2007, respectively. Action under the memorandum of understanding with Indonesia included bilateral consultations and actions to promote transparent timber markets and trade in legally produced timber products, as well as enhanced cooperation in the field of forest law enforcement and partnerships with non-governmental entities. In support of that memorandum of understanding, the United States and Indonesia co-sponsored Commission resolution 16/1. The memorandum of understanding with China established a bilateral forum to set priorities for joint work, enhance forest law enforcement and governance, share information on illegal logging and associated trade, promote trade in legally sourced forest products and explore partnerships between the public and private sectors.

43. Moreover, the United States joined China and Australia in launching the Asia-Pacific Network for Sustainable Forest Management and Rehabilitation at the Symposium on Sustainable Forest Management, held in Beijing in September 2008. The Symposium brought together participants from Asia-Pacific Economic Cooperation and other countries, regional and international organizations and scientific institutions, as well as representatives from the private sector and civil society, in order to share experiences and lessons learned in the development and implementation of sustainable forest management. Challenges related to the enhancement of forest law enforcement and governance in order to tackle illegal logging and associated trade were among the issues discussed at the Symposium.

44. Furthermore, in 2007 the Government of the United States and the Nature Conservancy launched a regional public-private partnership, Responsible Asia Forestry and Trade, to promote responsible timber trade in Asia. The initiative brought together governmental agencies, non-governmental organizations and private sector entities to discuss ways to improve forest management practices in both timber-producing and timber-importing countries, promote trade in timber from certified legal sources and strengthen regional cooperation in forest management and trade.

45. In addition to the regular voluntary contributions provided to ITTO, in 2007 the United States joined Australia, Japan, the Netherlands and Norway in establishing and funding a new work programme, the Tropical Law Enforcement and Trade programme. The objectives of that programme were to improve forest law enforcement in ITTO member countries and promote international trade in tropical timber from legal and sustainably managed forests.

46. The United States was also working with other Group of Eight countries to implement the commitments undertaken at the Group of Eight summit held in Gleneagles, United Kingdom, in 2005, with a view to tackling illegal logging, especially in timber-producing countries, as well as the commitments contained in the Declaration on Forest Law Enforcement and Governance in Europe and North Asia issuing from the Group of Eight Summit held in St. Petersburg, Russian Federation, in 2006.

47. The United States reported on its active participation in, and support for, a variety of other initiatives against trafficking in wildlife, including the global Coalition against Wildlife Trafficking, launched in February 2007, and reported on the development of the Association of Southeast Asian Nations Wildlife Enforcement Network, launched in December 2005.

48. Other partnerships, initiatives and activities supported by the United States included the conclusion of debt-for-nature agreements with 12 countries in Africa, Asia and Latin America under the 1998 Tropical Forest Conservation Act; cooperation with the Government of Liberia and other partners to help implement the reforms contained in Liberia's new forestry legislation, based largely on the multi-donor Liberia Forest Initiative launched in 2004; financial support within the Congo Basin Forest Partnership to provide local forest users and owners with the tools needed to monitor and protect their forests; and cooperation with forest product companies and their suppliers worldwide through the Sustainable Forest Products Global Alliance to promote responsible forest management, reduce illegal logging and improve the well-being of local communities in developing countries.

49. In June 2007, the United States hosted a side event during the 14th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The objectives of the event were to highlight the role that the illicit trade in wildlife played in undermining conservation efforts and present case studies regarding regional enforcement activities to combat illicit trade in wildlife. The United States also organized a side event at the seventeenth session of the Commission and provided support to the meeting of the Open-ended Expert Group held in Jakarta, from 26 to 28 March 2008.

III. Overview of international initiatives and the mandates and roles of the main relevant organizations

A. Secretariats of global environmental conventions

1. Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora

50. The Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, whose headquarters are located in Geneva, is responsible for monitoring the implementation of the Convention, which was opened for signature on 3 March 1973. The Convention entered into force on 1 July 1975 and was subsequently amended. There are currently 174 parties to the Convention, which regulates international trade in specimens of species of wild fauna and flora, including the export, re-export and import of live and dead animals

and plants and of parts and derivatives thereof. Trade in such specimens is based on a system of permits and certificates, which can be issued if certain conditions are met, and which must be presented before consignments of specimens are allowed to leave or enter a country. The animal and plant species subject to different degrees of regulation are listed in three appendices to the Convention.

51. For each meeting of the Conference of the Parties to the Convention, the Secretariat prepares a review of alleged infractions of the Convention. Those reviews are intended to provide the parties with an overview of illicit trade and to identify significant problems concerning the issuance and acceptance of documents related to the Convention. By monitoring the implementation of the Convention, the Secretariat has established close working relationships not only with regional and national law enforcement agencies but also with the World Customs Organization and INTERPOL. The Secretariat also has a record of engaging in verification and assessment missions to States parties to the Convention.

2. Secretariat of the Convention on Biological Diversity

52. The Convention on Biological Diversity was concluded at Rio de Janeiro, Brazil, on 5 June 1992 and entered into force on 29 December 1993. The Convention is predominantly concerned with habitat protection, seeking to balance the need for economic development with the protection of biodiversity, especially through the establishment of reserves in developing countries. The Convention's principal emphasis is on sustainable development and the use of natural resources, including flora and fauna, recognizing the interaction between habitats and human populations. The Convention seeks to protect ecosystems, including forests. To that end, the Convention requires parties to take steps to limit activities that threaten the extinction of species or the degradation of ecosystems within their territory. Specifically, the Convention calls on parties to take active steps to rehabilitate and restore degraded ecosystems, create and enforce laws and regulations to protect threatened species, establish special protection areas and conduct environmental impact assessments of development projects.

53. The Secretariat of the Convention on Biological Diversity was established to support the goals of the Convention. Its principal functions are to prepare for and service meetings of the Conferences of the Parties to the Convention and other subsidiary bodies of the Convention and to coordinate with other relevant international bodies. The Secretariat has institutional links to the United Nations Environment Programme and is located in Montreal, Canada. The Secretariat plays a significant role in supporting the implementation of the Convention by compiling national reports on compliance and transmitting them to the Conference for review. The Secretariat also acts as an information clearing house.

B. International organizations, partnerships and law enforcement mechanisms

1. United Nations Environment Programme

54. Pursuant to the United Nations Conference on the Human Environment, held in Stockholm from 5 to 16 June 1972, the General Assembly established the United Nations Environment Programme in its resolution 2997 (XXVII) of

15 December 1972. Among the principal tasks of the Programme in relation to the illegal timber trade is sponsoring new international environmental law treaties and promoting existing ones, developing guidelines and best practice principles on environmental protection, administering conventions such as the Endangered Species Convention, and providing assistance to Governments in implementing and administering international environmental law and related programmes as well as providing technical assistance. The Programme works closely with the International Union for the Conservation of Nature (IUCN) in developing environmental policies and international law.

2. Commission on Sustainable Development

55. The Commission on Sustainable Development was established as a follow-up to the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, from 3 to 14 June 1992. The Commission is a functional commission of the Economic and Social Council. Its principal purpose is to monitor, review and consider progress in implementing international environmental conventions and related policies. States are obliged to provide to the Commission information about their progress in environmental management and their implementation of, and adherence to, relevant conventions and policies. The Commission meets annually to review the information provided by Member States and determine its work programme.

3. United Nations Development Programme

56. The United Nations Development Programme, established in 1965, deals primarily with human development. Since the 1990s, the Programme has focused more on environmental protection in so far as it relates to the enhancement of human development. In particular, the Programme contributes considerably to capacity- and institution-building in developing countries to ensure that environmental matters are addressed more adequately. The Programme provides assistance in reviewing and implementing domestic environmental laws and organizes training for personnel.

4. International Union for the Conservation of Nature

57. The International Union for the Conservation of Nature was established in 1948. IUCN is governed by its General Assembly. It is managed by its Council, and its Secretariat headquarters are based in Gland, Switzerland. The main work of IUCN is carried out by a number of commissions specializing in various aspects of conservation. IUCN has played an important role in the development of policies and international law and was responsible for drafting the Convention for the Protection of the World Cultural and Natural Heritage,⁸ the Endangered Species Convention and the agreements of the Association of the Southeast Asian Nations. IUCN is also involved in the technical review of proposals for the listings of the Endangered Species Convention. IUCN has produced and disseminated a considerable amount of information about forest protection and sustainable management of forests. Moreover, IUCN maintains a catalogue of threatened species, known as the "IUCN Red List", which serves to identify and catalogue a great range of flora and fauna

⁸ United Nations, *Treaty Series*, vol. 1037, No. 15511.

threatened with extinction. The list is not enforceable in any way but helps countries identify endangered species, including trees. The list is seen as a precursor to the listing of species in the appendices of the Endangered Species Convention.

5. United Nations Forum on Forests

58. The United Nations Forum on Forests was established by Economic and Social Council resolution 2000/35 as a subsidiary body to the Council and as the successor to the Intergovernmental Panel on Forests. The Forum was mandated to develop a legal framework for all types of forests. In the Plan of Implementation of the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002,⁹ Governments called for immediate action on domestic forest law enforcement and illegal international trade in forest products. Building upon the work of the Forum, the General Assembly adopted the non-legally binding instrument on all types of forests (Assembly resolution 62/98, annex). The Forum has adopted a multi-year programme of work for the period 2007-2015.

59. In the non-legally binding instrument on all types of forests, Member States committed themselves to adopting national policies and measures for achieving the objectives of the instrument. Member States agreed that they should, inter alia, review and improve forest-related legislation, strengthen forest law enforcement and promote good governance to support sustainable forest management and create an enabling environment for forest investment and combat and eradicate related illegal practices. Member States also defined measures of international cooperation and means of implementation, inter alia, to strengthen the capacity of countries to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. Enhanced public awareness, education, institutional capacity-building, technological transfer and technical cooperation, law enforcement and information networks were identified as means of achieving the instrument's objectives.

6. International Tropical Timber Organization

60. ITTO was established in 1983 in accordance with article 3, paragraph 1, of the International Tropical Timber Agreement, with its headquarters in Yokohama, Japan. ITTO seeks to achieve the sustainable development of tropical forests by balancing economic and environmental interests with respect to tropical timber. Its purpose is to encourage sustainable development by helping the tropical timber industry manage, and thus conserve, the resource base upon which it depends. ITTO has produced a number of documents, including many guidelines for the sustainable management and use of forests. The Yokohama Action Plan, adopted by ITTO in 2002, encompasses a number of specific initiatives aimed at enhancing forest law enforcement in producing member countries and at improving cooperation between ITTO and the secretariat of the Endangered Species Convention.

⁹ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex, para. 45 (c).

7. Food and Agriculture Organization

61. The Food and Agriculture Organization has been carrying out various activities in support of efforts by countries to promote more efficient forest law enforcement and governance. The National Forest Programme Facility, hosted by the Food and Agriculture Organization, contributes to policy reform in States members of the Organization by strengthening domestic capacity and disseminating information and knowledge to the public, decision makers and other interested parties.

8. International Criminal Police Organization

62. In 1976, the INTERPOL General Assembly adopted a resolution requesting States members to cooperate in cases related to wildlife crime. A wildlife subgroup (now named the “Wildlife Crime Working Group”) was established in 1993. The objectives of the Working Group are to improve the exchange of information, including criminal intelligence, on persons and companies involved in the illegal trade in wild flora and fauna; support investigations into illegal activities related to wildlife crime by improving national, regional and international law enforcement; exchange information on methods and trends in such illegal trade, with a view to developing a more proactive approach; and develop training and information documents needed for the investigators.

C. Regional organizations, processes, partnerships and law enforcement mechanisms

1. European Union Forest Law Enforcement, Governance and Trade initiative

63. Approved by the Council of the European Union in 2003, the Forest Law Enforcement, Governance and Trade Action Plan promotes bilateral agreements between importing and exporting countries to create a voluntary licensing scheme to verify the legal origin of timber and wood products imported into Europe. The Action Plan does not impose binding trade restrictions but attempts to support national efforts to suppress illegal logging and trade by discouraging markets for products that cannot be verified as being legally sourced.

2. Asia Forest Partnership

64. The Asia Forest Partnership, launched by Japan and Indonesia, comprises 15 States, the European Commission, 8 international organizations and 4 non-governmental organizations. Among the priorities of the Partnership are the development of minimum legal standards, timber tracking, the introduction of verification systems, the promotion of measures to eliminate the export and import of illegally harvested timber, the exchange of information on illegal logging and illegal trade, research and awareness-raising.

3. Congo Basin Forest Partnership

65. The Congo Basin Forest Partnership, comprising 29 members, including international and non-governmental organizations, aims to improve coordination for the promotion of sustainable management of Congo basin forest ecosystems and

wildlife. It also aims to ensure good governance and raise the living standards of the people living in the Congo basin.

4. Asia Forest Law Enforcement and Governance Ministerial Process

66. One of the most recent forest initiatives relevant to the illegal trade in timber and timber products is the series of conferences constituting the Forest Law Enforcement and Governance (FLEG) initiative. The FLEG processes were originally stimulated by the Group of Eight Action Programme on Forests of 1998 and are now coordinated by the World Bank. They bring together some of the key producing and consuming countries in various subregions. The first of those initiatives was FLEG East Asia, which was launched in Bali, Indonesia, in September 2001 and currently involves 10 States of the region as well as the United States and the United Kingdom, which are the two main sponsors of the FLEG process. Unlike prior regional initiatives, the Ministerial Declaration adopted at the meeting held in Bali in 2001 specifically addressed violations of forest law and forest crime, in particular illegal logging and associated illegal trade and recognized the threats to ecosystems and biodiversity and the resulting serious economic and social damage. The Declaration set out a range of measures to improve regional cooperation to suppress forest crime: fostering information exchange and law enforcement cooperation, establishing a notification system for commercially traded timber, carrying out awareness-raising activities, improving forest-related governance and reducing the potential for corruption. The Declaration is, to date, the most comprehensive regional agreement addressing the specific characteristics and attendant circumstances of the illicit trade in timber and timber products. Similar initiatives have been launched in Africa, Latin America, Europe and the Russian Federation.

5. Lusaka Agreement Task Force

67. The Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora was the result of the first meeting of African wildlife enforcement officers, which had been held in Lusaka in 1992. Participants in that meeting had resolved to set up a mechanism, the Lusaka Agreement Task Force, to facilitate cooperation among wildlife law enforcement agencies in the various countries. The following States are parties to the Lusaka Agreement, which came into effect in December 1996: Congo, Kenya, Lesotho, Uganda, United Republic of Tanzania and Zambia. Ethiopia, South Africa and Swaziland are signatories. Each party has the obligation, individually and jointly, to take appropriate measures, in accordance with the Agreement and in cooperation with the Task Force, to investigate and prosecute cases of illegal trade. The Task Force, whose headquarters are located in Nairobi, has been involved in investigating and presenting evidence of illegal trade in wildlife species in Africa, resulting in major seizures of ivory.

6. North American Agreement on Environmental Cooperation

68. In 1993, Canada, Mexico and the United States signed the North American Agreement on Environmental Cooperation and created the Commission for Environmental Cooperation. Among the objectives of the Agreement is the promotion of regional cooperation for the conservation, protection and enhancement

of the environment. The Agreement also commits parties to the effective enforcement of their respective environmental laws, including those protecting wild flora and fauna. Responding to that commitment, the North American Working Group on Environmental Enforcement and Compliance Cooperation of the Commission for Environmental Cooperation was constituted to serve as a forum for regional cooperation. The North American Wildlife Enforcement Group, a member of the Working Group, is a network of senior wildlife enforcement officials that provides guidance and identifies priorities for regional cooperation on wildlife protection issues.

IV. Conclusion

69. The information received from Member States pursuant to Economic and Social Council resolution 2008/25 provided an overview of various initiatives that were undertaken or are under way at the national, regional and international levels to deal effectively with illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. In general, reporting Member States highlighted different aspects of the problem and stressed the importance of streamlining efforts to better target criminal activities associated with this form of trafficking. The need to focus attention on more concerted counteraction was also reflected in the conclusions of the meeting of the Open-ended Expert Group held in Jakarta, pursuant to Commission resolution 16/1.

70. It is recalled that the Expert Group, *inter alia*, concluded the following:

(a) There was an urgent need to expand knowledge of the scope and scale of the problems created by illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, and, for that purpose, wide-ranging research should be undertaken and data and information should be collected, analysed and exchanged;

(b) The rationalization and streamlining of applicable laws and regulations at the national level was an essential precondition for effective forest law enforcement and governance, but the mere existence of legislation was not a panacea and thus long-term public reform was needed to curb related crimes, including by monitoring and reviewing such legislation with a view to achieving consistent application and adaptation;

(c) Preventive policies were a substantial component of domestic action against forest crimes, including trafficking in forest products, timber, wildlife and other forest biological resources;

(d) A holistic and multisectoral approach was essential to improving inter-agency collaboration at the governmental level and maximizing synergy and partnerships with other stakeholders that could play an active role in related matters;

(e) Enhanced cooperation at the bilateral, regional and international levels was vital to effectively address the problems posed by the illicit international trafficking in forest products, including timber, wildlife and other forest biological resources;

(f) Priority should be accorded to the need to identify the requirements of Member States for building institutional and operational capacity to ensure compliance with the law in the forest sector and effective forest law enforcement.

71. UNODC can play an important role in helping Member States to address serious issues posed by environmental crime, in particular illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. The expertise of UNODC in countering various forms of illegal trafficking and in addressing issues that are often at the origin of such criminal activity can be successfully applied in this sector. In addition, UNODC field offices have recently begun developing several projects concerning environmental crime in selected regions. Those projects have been developed in response to needs identified by developing countries and have secured funding in a relatively short time, demonstrating the relevance of UNODC skills in this field.

72. The Commission may wish to provide more in-depth guidance on ways and means to further specify the bridging role that UNODC can play between security and developmental aspects of illicit international trafficking in forest products and environmental crime in general, as well as on how the United Nations Office on Drugs and Crime can best channel and make available its expertise on identifying criminal justice needs and providing legal advisory and technical assistance services in this field. Moreover, in view of the involvement of numerous international actors and stakeholders in the fight against related crimes, albeit with differing mandates and focus, the Commission may wish to devote attention to the identification of concrete areas where the added value of UNODC activities would be greatest, taking into account the need to develop synergy with such stakeholders, ensure complementarity with existing initiatives and avoid duplication and fragmentation of efforts.
