



Environmental crime in the current international legal framework: CITES

UNICRI-UNEP conference on environmental crime

(Rome, 29-30 October 2012)

Transnational Wildlife Crime

Wildlife crime, including its links with other forms of crime, is increasingly organized and a serious and growing danger for sustainable development, global stability and international security.

- High profits
- Low risk of detection
- Low penalties



CITES and wildlife crime

- In paragraph 203 of *The Future We Want*, adopted at Rio+20 (June 2012), States have said:
 - We recognize the important role of CITES..., an international agreement that stands at the intersection between trade, environment and development... We recognize the economic, social and environmental impacts of illicit trafficking in wildlife where firm and strengthened action needs to be taken on both the supply and demand sides. In this regard, we emphasize the importance of effective international cooperation among relevant multilateral environmental agreements and international organizations...



Key CITES dates

- The Convention on International Trade in Endangered Species of Wild Fauna and Flora is a **legally-binding** global treaty
- It was adopted on 3 March 1973, and entered into force on **1 July 1975**

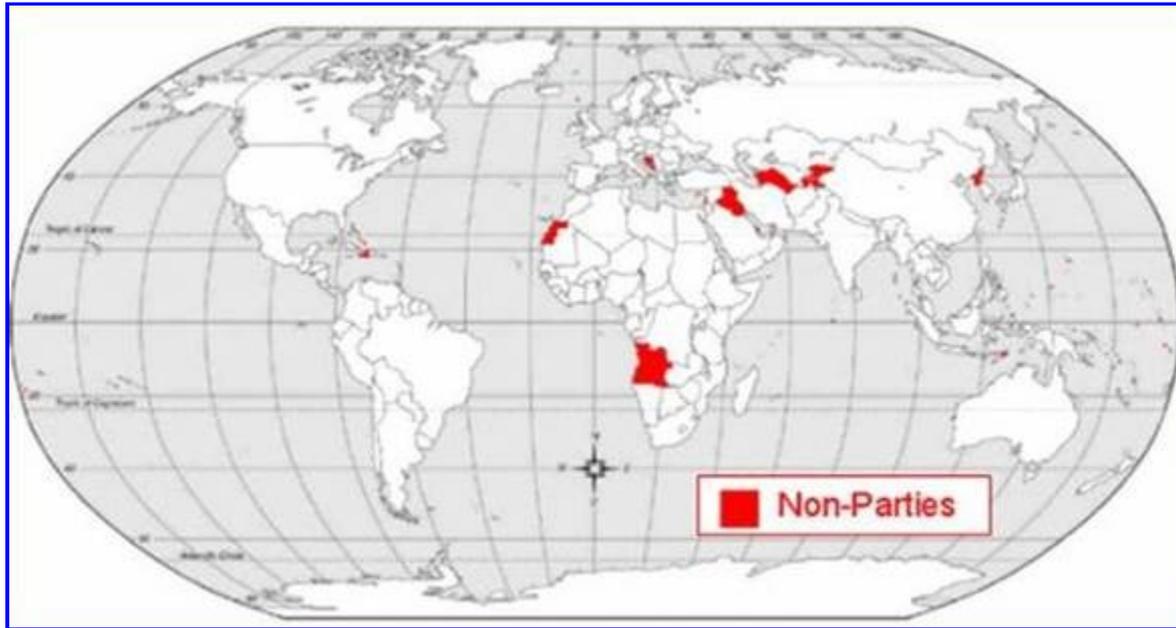


The Convention will celebrate the **40th anniversary** of its adoption at the 16th meeting of the Conference of the Parties (Bangkok, March 2013).



CITES Parties

- The Convention's legal framework and common procedural mechanisms are now used by **175 (soon 176) States Parties** and a number of non-Parties to regulate and monitor international trade in listed species



CITES species



- CITES regulates international trade in close to 35,000 species of wild plants and animals
- About 97% of these species (included in Appendices II and III) can be commercially traded under certain conditions set by the Convention (to ensure environmental sustainability and legal sourcing)
- 3 % of these species (included in Appendix I) are generally prohibited from international commercial trade.



Aim of CITES regulation

- The Convention regulates international trade in listed wild animal and plant species to ensure such trade is **legal, sustainable and traceable**
- **Legal** – the product was obtained in accordance with relevant national legislation
- **Sustainable** – trade in the product will not be detrimental to the survival of the species in the wild
- **Traceable** – an appropriate permit or certificate accompanies the product in trade



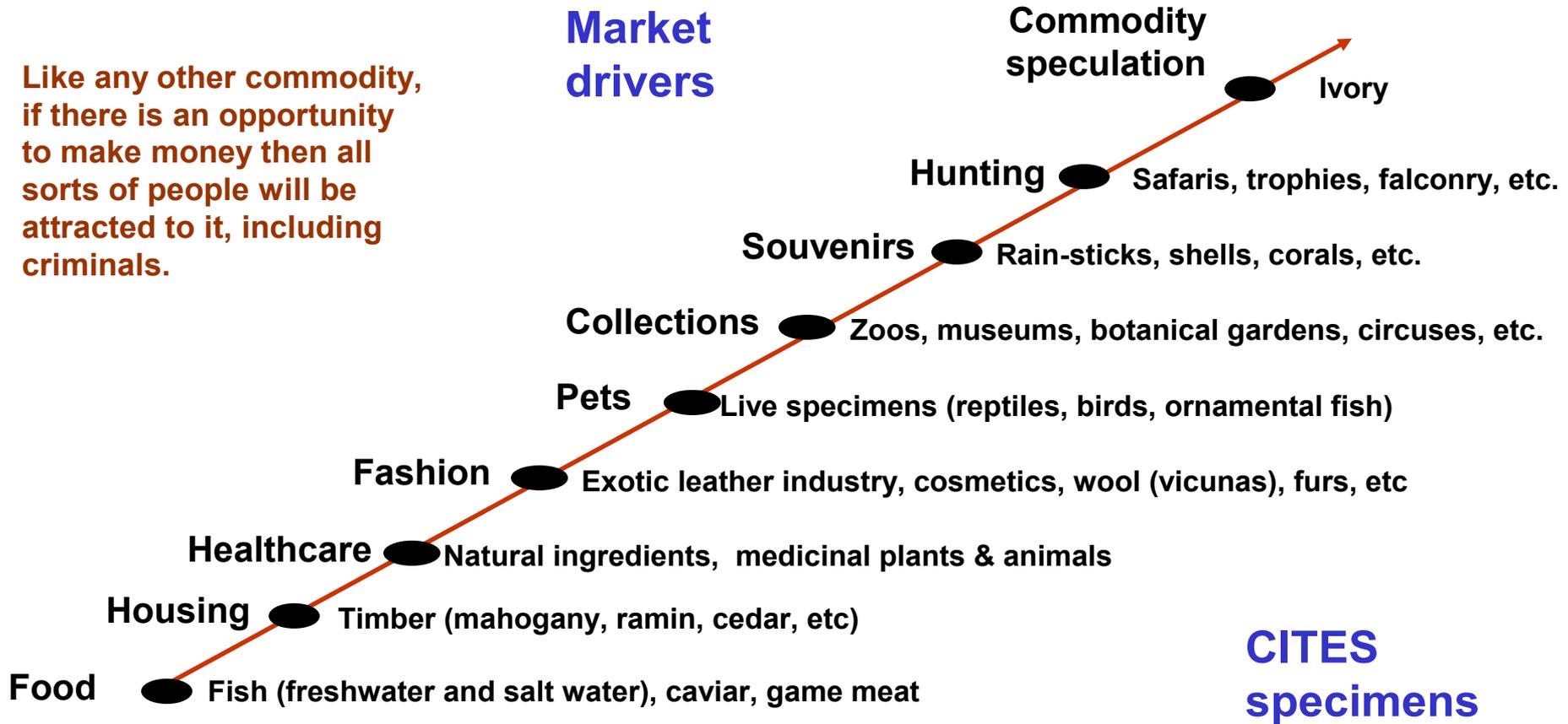
Measures to be taken by the Parties

- Article VIII of the Convention requires Parties to take appropriate measures to enforce its provisions and to prohibit trade in specimens in violation of those provisions
- These measures include the penalization of illegal trade or illegal possession of CITES specimens and the confiscation of such specimens or their return to the State of export
- The CITES National Legislation Project assesses CITES-implementing legislation against agreed criteria and provides legislative advice/assistance



What is driving legal and illegal wildlife trade?

Like any other commodity, if there is an opportunity to make money then all sorts of people will be attracted to it, including criminals.



Document control and recordkeeping

- Effective implementation and enforcement of the Convention depend largely on control over the issuance, inspection and acceptance of CITES documentation – and the physical inspection of consignments, within available resources
- Each Party maintains records of its CITES trade and submits annual trade reports, which are available through the CITES Trade Database



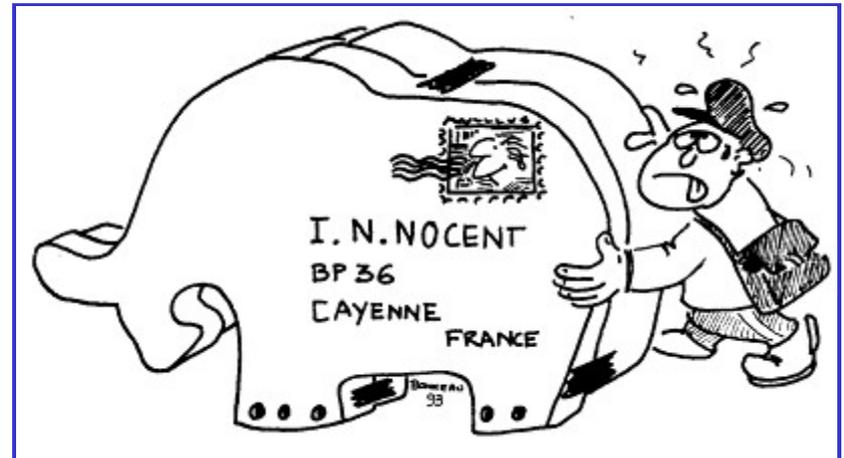
Fraud related to CITES

- Fraud occurs when trading without any CITES documents (smuggling)
- Fraud also occurs with CITES documents, such as cases involving:
 - non-valid CITES document
 - no correspondence between the shipment and the CITES document
 - re-export of specimens different from those imported



Smuggling related to CITES

- Specimens may be hidden in the luggage of travellers, under clothes, inside motor vehicles, inside boats or aeroplanes, inside containers, in crates containing dangerous animals (allegedly or not), or by post
- The following are frequently smuggled by post:
 - eggs (parrots, birds of prey, etc.)
 - dead specimens (ivory, skins, stuffed animals)
 - medicines containing CITES species
 - live reptiles
 - live plants
 - caviar



CITES Trade Database

<http://www.unep-wcmc-apps.org/citestrade/trade.cfm>

- CITES trade data provide the basis for monitoring the implementation of the Convention
- The CITES Trade Database holds more than 12 million records of trade in wildlife
- The Database is managed by the UNEP World Conservation Monitoring Centre (Cambridge, UK) under contract with the CITES Secretariat
- The Database provides a basis for mapping legal trade and detecting illegal or unsustainable trade

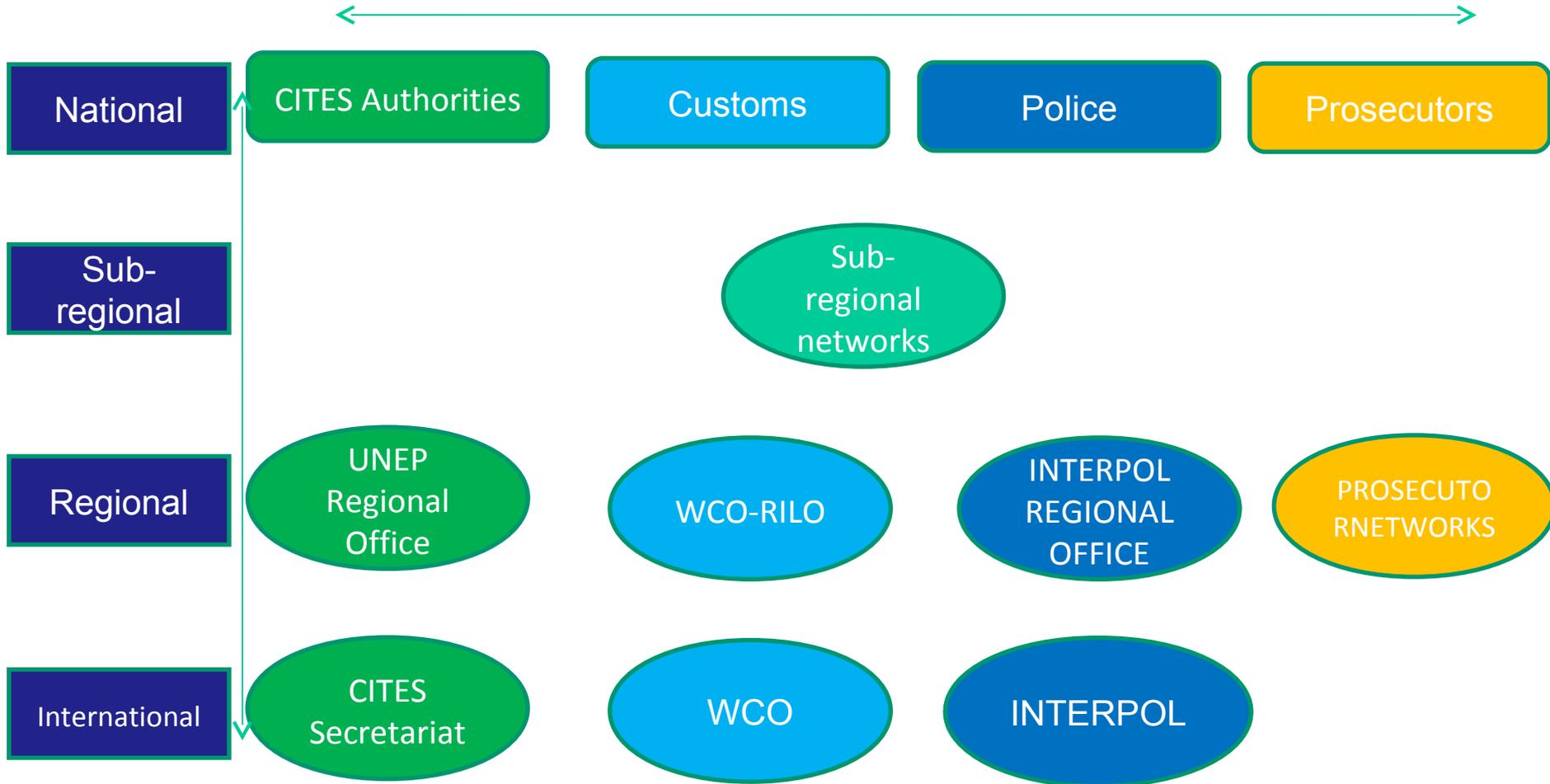


CITES and electronic technology

- A **CITES e-permitting toolkit** provides guidance on information exchange format/protocols/standards and electronic signatures - developed in line with the World Customs Organization's data model
- Electronic permitting is now expressly recognized in Resolution Conf. 12.3 (Rev. CoP15) of the CoP – its use should help to ensure that trade is legal, sustainable and traceable
- E-permitting (and related e-marking) are potentially useful tools for minimizing illegal trade



Wildlife Law Enforcement cooperation



CITES Virtual College

- The CITES Virtual College is available at <http://campusvirtual.unia.es/cites/>
- It provides capacity-building activities and materials online. For example,
 - Online courses are available in English, French and Spanish
 - Introduction to CITES for Customs
 - Training course for enforcement officers and information module for prosecutors and the judiciary
 - CITES Train the Trainers Presentations
 - Green Customs Knowledge Series



Inter-agency committees/ specialized teams

- In Resolution Conf. 11.3 (Rev. CoP15), the Conference of the Parties to CITES recommends that Parties establish inter-agency committees for enforcement of the Convention
- The Conference also recommends that Parties consider the formation of specialized wildlife law enforcement units or teams



ICCWC and other collaboration

- Multi-agency (and cross-sectoral and trans-disciplinary) cooperation and partnerships at the local, state or provincial, national, regional and global levels (as well as between these levels) are essential.
- A new initiative, the International Consortium on Combating Wildlife Crime (ICCWC), was established in November 2010. Its partners are:
 - CITES
 - INTERPOL
 - UNODC
 - World Customs Organization
 - World Bank
- Aims = facilitating multi-agency cooperation, materials and tools to enhance knowledge and skills, research on the drivers and scale and value of wildlife crime and related offences and national assessments of scope of illegal wildlife trafficking and associated responses.



ICCWC information-sharing channels

INTERPOL

- **Ecomessage**: intelligence data reporting system for the many different law enforcement agencies concerned in the fight against environmental crimes.
- Submitted through an **INTERPOL National Central Bureau** or **Sub-Regional Bureau**.

World Customs Organization

- **ENVIRONET**: an internet-based global communication tool dedicated to environmental protection.
- **CENcomm** is a communication tool to facilitate information exchange during the period of joint operations.





Wildlife and Forest Crime Analytic Toolkit



UNODC

United Nations Office on Drugs and Crime



ICCWC Toolkit

- The *Toolkit* was launched in July 2012 and is available at <http://www.unodc.org/documents/Wildlife/Toolkit.pdf>
- The *Toolkit* in its current form will be **pilot-tested** in partnership with three selected national governments and will be revised to ensure that it is a practical tool
- The Toolkit provides countries with a technical resource that enables them to undertake a **national assessment** of legislation, law enforcement measures, prosecutorial and judicial capacities, data, etc. related to wildlife and forest crime



UNCTOC

- The United Nations Convention against Transnational Organized Crime (UNCTOC) was adopted in 2000 and has been supplemented by the adoption of three protocols on trafficking in persons, smuggling of migrants and trafficking in firearms
- There may be potential for developing another protocol on wildlife crime or, more broadly, environmental crime
- Such a protocol could help strengthen the existing international legal framework and improve coherence and cooperation between general crime and specialized environmental crime agencies at the national and international levels
- At its sixth session (Vienna, October 2012), the Conference of the Parties to UNCTOC adopted a resolution (CTOC/COP/2012/L.4/Rev2) welcoming the report on technical assistance provided to States in the application of the Convention to new forms and dimensions of transnational organized crime, concerning *inter alia* environmental crime (CTOC/COP/2012/7)



15%-70%-15% Ratio

70% could go either

way depending on extent of regulation,

opportunity and

15% always follow the law

15% always break the law



Understanding what works (the successes)

1970's = less
than 5,000
vicuñas

2009 = vicuñas
no longer
endangered,
fiber traded



Interventions will fail unless they are better connected to people

CITES Secretariat Geneva

