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Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime

United Nations Inter-Agency Task Force on Illicit Trade in Wildlife
and Forest Products

Symposium Report | Bangkok, 4-5 July 2017



Executive summary

The Africa Asia-Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime (Symposium) was convened by the United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products (Task Force), in partnership with the World Bank-led, Global Environment Facility (GEF)-financed Global Wildlife Program (GWP) and USAID. The event was made possible through the generous support of the Government of Norway, Ministry of Foreign Affairs. Symposium participants included senior officials from the national authorities responsible for wildlife and criminal justice in 22 countries: Botswana, Cambodia, China, Ethiopia, Ghana, India, Indonesia, Kenya, the Lao People's Democratic Republic, Malawi, Malaysia, Mozambique, Myanmar, Nigeria, the Philippines, Solomon Islands, South Africa, Thailand, Uganda, the United Republic of Tanzania, Vietnam, and Zimbabwe, together with parliamentarians from the Lao People's Democratic Republic, the Philippines, Thailand and the United Republic of Tanzania.

Prior to the Symposium, countries' nominated participants completed a rapid survey that asked for baseline information on provisions in national legal frameworks for combatting wildlife crime, on countries' plans for strengthening their own legal frameworks, and on their needs for any assistance in doing so. A total of 24 countries completed the survey – all of the 22 countries that sent participants to the Symposium plus two countries whose nominated participants were ultimately unable to attend.

An indicative summary of an analysis of the information from all 24 responding countries yielded the following results:

- 96% have laws and/or regulations to prevent, detect and penalize wildlife and forest offences
- 88% rely primarily on forest laws and regulations to address wildlife and forest offences; only
- 50% of the countries use Penal Code provisions to punish wildlife and forest crimes
- 100% require or enable authorities to involve communities in developing, implementing and benefitting from policies and laws that ensure the sustainable use of natural resources
- 75% provide financial and/or other support for communities to raise their awareness regarding the disadvantages and dangers of illegal trade in protected wildlife and forest products and to involve them in efforts to prevent, detect and address such trade
- 100% establish penalties for illegal taking, including hunting, poaching, harvesting and logging;
- 88% restrict or prohibit trade in CITES-listed species
- 63% stipulate a minimum prison term for certain wildlife and forest crimes, although this is more common among African countries (85%) and less so in Asian countries (36%)
- 92% stipulate a maximum prison term for certain wildlife and forest crimes
- 46% of the respondents state that their wildlife and forest legal frameworks provide for increasing a penalty if the offence is committed through corruption, although this



is more common among African countries (62%) and less so in Asian countries (27%)

- 42% allow advanced investigative techniques such as controlled deliveries in case of serious wildlife offences, although this is more common among African countries (69%) and less so in Asian countries (9%)
- 25% allow special investigative measures such as wiretapping in case of serious wildlife offences, although this is more common among African countries (38%) and less so in Asian countries (9%)
- 75% allow mutual legal assistance in case of serious wildlife and forest offences.

The complete results of the analysis of the pre-Symposium survey responses are in Annex 3.

Parallel working groups

In parallel working groups, participants considered natural resource management and trade regulation, and criminal justice and inter-regional mechanisms. Each parallel session identified a series of suggested elements for strengthening legal frameworks to combat wildlife and forest crime and for improving coordination and cooperation. Parallel session A focused particularly on institutional arrangements and regulatory mechanisms to prevent wildlife and forest offences and to improve compliance with and enforcement of legislation governing wildlife and forests and offences related to them. Parallel session B focused primarily on enforcement and criminal justice issues, including identifying wildlife and forest crimes as serious crimes offence within the corresponding specialized legal frameworks.

Natural resource management and trade regulation

Building on requirements in CITES and other legally-binding instruments, participants in Parallel Session A on natural resource management and trade regulation identified four clusters of essential elements for national legal frameworks:

1. Designation of authorities, their powers, functions, and collaboration and coordination
 - Require collaboration between the various national Ministries involved in combating wildlife trafficking (e.g., environment,

agriculture, forestry, health, police, customs, prosecution, etc.) to promote a whole-of-government approach. This could be done formally through legislation, or informally through cooperative governance mechanisms

- Consider consolidating multiple institutional mandates into a single border management authority with an integrated chain of command or create a formal dispute resolution mechanism or standard operating procedures if integration is not possible
- Take the effective aspects of CITES institutional arrangements and procedures and apply them to other areas (not just protected species) that require international collaboration to be successful
- Specify a clear and distinguishable distribution of responsibilities among the relevant authorities
- Establish a single chain of command of CITES authorities – one Management Authority should take the lead
- Empower community-based monitoring of implementation and surveillance.

2. Regulation of legal and prohibition of illegal trade

- Clearly distinguish between activities that are considered to be prohibited, restricted and permissible. Regulatory instruments should be drafted in a clear manner that can be easily understood by the regulated community
- Specify the criteria to be applied to determine whether an activity is considered to be permissible, e.g., compliance with a biodiversity or species management plan
- Establish a clearly defined process – formal or informal, e.g., a hotline – for private persons and NGOs to report incidents of illicit trade
- Clearly regulate online trade. The CITES Secretariat is identifying best practices for doing this;

- Clearly specify that the responsibility of an importing country is to verify the authenticity of the CITES export permits, but does not extend beyond this
- Establish fees in such a way that they can be a source of income for enforcement agencies
- Ensure that provisions in national legislation are consistent with the capacity and resources of the enforcement agencies.

3. Penalization of illegal trade

- Define aggravating circumstances
- Penalize attempted violations
- Provide that perpetrators of wildlife crimes are not given an automatic right to bail, due to the fact that many of them abscond once released
- Apply anti-corruption laws to CITES-related violations
- Harmonize/align the categorization of wildlife crime as a “serious offence”, particularly in neighboring countries, to prevent criminals from attempting to operate in countries with less severe penalties.

4. Confiscation of illegally traded specimens

- Stipulate that all items used in the commission of an offence must be confiscated, including assets such as vehicles, equipment, proceeds of the crime (and not just the wildlife contraband itself)
- Establish strong checks and balances if national law allows regulatory authorities to sell/auction confiscated items without a court order, as there may be a risk of the specimens re-entering illegal trade
- Distinguish the seizure of live animals that can be kept in a holding facility or released and wildlife products/derivatives that can be used for scientific or educational purposes.

Criminal justice and inter-regional mechanisms

Participants in Parallel Session B on criminal justice and inter-regional mechanisms debated recommended minimum provisions for criminal penalties in national legal frameworks.

1. Acts that should be punishable as criminal offences:
 - Illegal taking, including hunting, poaching, harvesting and logging
 - Illegal captive breeding, game ranching or artificial propagation
 - Illegal possession
 - Illegal transportation
 - Illegal trade (import, export, re-export)
 - Illegal wildlife products in transit
 - Illegal sale and purchase (including through the internet and other electronic means)
 - Illegal processing
 - Attempt to commit the above.

When this was presented to the plenary, 93% of government participants and parliamentarians strongly agreed or agreed with the recommended minimum provisions.

2. Penalties should be increased for acts committed under these conditions, either as aggravating circumstances or additional charges under separate criminal provisions:
 - The offence involves corruption (such as abuse of position)
 - The offence involves money laundering
 - The offence is committed by an organized group
 - The offence involves a firearm or other violent means
 - The offence results in death or bodily harm
 - The offence is committed by a repeat offender
 - The offence involves a CITES Appendix I species
 - The offence involves exploitation of a minor.

When this was presented to the plenary, 98% of government participants and parliamentarians strongly agreed or agreed that penalties should be increased for acts committed under the listed conditions.

3. Legal frameworks should penalize trade conducted in violation of international and national laws, for the following categories of species:
 - Domestically protected species
 - All species listed in CITES Appendices I, II, III
 - Species that are illegally acquired according to the legislation of the country of origin and/or transit (i.e., as in the US Lacey Act).

When this was presented to the plenary, 93.5% of government participants and parliamentarians strongly agreed or agreed that legal frameworks should penalize trade conducted in violation of international and national laws for the listed categories of species.

4. Legal frameworks should stipulate the following penalties for wildlife offences:
 - Minimum penalties
 - Maximum penalties, not less than 4 years
 - Maximum penalties should be set to the level that is considered to be serious crime.

When these recommendations were presented to the entire group in plenary, 88.9% of government participants and parliamentarians strongly agreed or agreed that legal frameworks should stipulate minimum and maximum penalties as specified.

5. Sentences should be based on a combination of the following factors:
 - The kind of offence (e.g., possession, export, sale, false statement, fraudulent permit, etc.)
 - Independent expert witness
 - First or repeat offence
 - Purpose of the offence (commercial or not)

- Knowledge that the activity is illegal
- Role in the illegal activity (lead or supportive)
- Type of species involved (e.g., highly protected, CITES Appendix I)
- Quantity of specimens that are involved in the offence (weight or number of individuals)
- Market value of specimens involved
- The damage generated
- Aggravating circumstances (organized group, repeat offence, etc.).

When these recommendations were presented to the entire group in plenary, 95.6% of government participants and parliamentarians strongly agreed or agreed that sentences should be based on a combination of the listed factors.

Recommendations

The recommendations for next steps that emerged from the Symposium can be grouped into two categories – recommendations specifically focused on national legal frameworks, and recommendations on related issues, particularly the implementation of the laws.

Regarding national legal frameworks

According to the responses to the pre-Symposium rapid survey, 88% of participating countries plan to strengthen their national legal frameworks to combat wildlife crime and will need external financial and technical assistance to do that. Participants made three broad recommendations, in addition to the specific ones for the contents of national legal frameworks that the parallel sessions proposed:

- Develop a set of model legal provisions to assist countries in strengthening national legal frameworks to combat wildlife and forest crime
- Review the status of existing regulatory frameworks governing wildlife and forest resources, under the CITES National Legislation Project, the UN Environment project, and other relevant initiatives
- Compile best practices and comparative analysis of penalties, and share experiences.

Ongoing activities are at least partially addressing two of these recommendations. UNODC is in the process of developing model criminal law provisions that countries will be able to use to amend existing law or draft new legislation. The CITES National Legislation Project and many of the GWP projects provide support for reviewing existing law and amending it or drafting new laws and/or regulations. UN Environment is currently implementing a project aimed at identifying and analyzing institutions and legal frameworks at the global, regional and national levels which address the regulation of licit trade and the prevention or penalization of illicit trade in wildlife and forest products.

Regarding related issues

The results of the real-time survey in Session 5 indicated that participants considered there is even greater need for support to build capacity to implement national legal frameworks than there is for support to strengthen those frameworks. Participants made several recommendations on implementation and related issues:

- Provide training to strengthen cooperative mechanisms between relevant central authorities to increase capacity to prepare and approve requests for mutual legal assistance (MLA)
- Promote international legal cooperation between regions and promote the creation of informal networks of wildlife and forest authorities, prosecutors, parliamentarians, enforcement agencies (e.g., police, customs officials), and judges
- Identify priority wildlife and forest crimes and facilitate problem-solving dialogues among concerned parties, including source, transit and destination countries
- Include parliamentarians in future initiatives to discuss and promote the strengthening of national legal frameworks to combat wildlife and forest crime
- Include local communities as part of the response and involve them in future initiatives to combat wildlife and forest crime



- Contribute legislation and case law relevant to wildlife and forest crime to UNODC's database Sharing Electronic Resources and Laws on Crime (SHERLOC)
- Consider the development of a massive open online course (MOOC) on illegal trade in wildlife covering national legal frameworks to combat wildlife and forest crime.

Symposium partners are already addressing some of these recommendations in ongoing projects and are including related activities in projects that are currently under development.

The results of the pre-Symposium rapid survey clearly showed that the national legal frameworks of a vast majority of the countries already include minimum legal provisions to punish wildlife and forest offences. Nonetheless, Symposium participants indicated that there is a need to increase consistency in setting adequate penalties as well as in effectively using aggravating circumstances and sentencing guidelines to punish the most serious forms of wildlife and

forest crimes. These recommendations may be introduced in other international fora (e.g., UN inter-governmental bodies, CITES official meetings, etc.) to substantiate the call for the harmonization of legal frameworks and to adopt more specific resolutions/decisions.

Symposium participants made very specific recommendations for the contents of national legal frameworks and general recommendations on the approach for developing provisions to be included in them. Based on their recommendations, Governments should be encouraged to re-assess the quality of their national legal frameworks and to take their own initiatives to strengthen them, and partners should be encouraged to support them in doing so.

The Symposium's recommendations for next steps provide clear indications for Task Force member entities planning future activities in Africa and Asia Pacific, at national level as well as sub-regional and inter-regional levels. Countries should contact Task Force member entities directly with specific requests for assistance.

Acronyms and abbreviations

ASEAN	Association of South East Asian Nations
AIPA	ASEAN Inter-Parliamentary Assembly
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
DPKO	United Nations Department for Peacekeeping Operations
DPA	United Nations Department of Political Affairs
DPI	United Nations Department of Public Information
GEF	Global Environment Facility
GWP	Global Wildlife Program
ICCWC	International Consortium on Combating Wildlife Crime
MLA	Mutual legal assistance
MOOC	Massive online open course
SHERLOC	<i>Sharing Electronic Resources and Laws on Crime</i>
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UN Environment	United Nations Environment Programme
UNFF	United Nations Forum on Forests
UNODC	United Nations Office on Drugs and Crime

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1. Background

Wildlife crime transcends national borders, with Africa and Asia Pacific being especially linked. Organized crime networks operating within and across these two regions routinely exploit gaps and discrepancies in national wildlife, forestry, criminal and other laws. Challenges include inadequate criminal penalties in some jurisdictions, different definitions of 'wildlife' that may exclude non-native species, absence of whistleblower and witness protection laws, weak criminal laws that do not extend to 'attempted offences' or 'participation' in these offences, and do not prohibit the possession and sale of illegally obtained wildlife specimens and products, and failure to designate wildlife and forest offences as predicate offences in anti-money laundering legislation. In addition, countries within and across the two regions have sometimes experienced challenges from absent or inadequate bilateral agreements or arrangements to facilitate cross-border enforcement efforts, including in the areas of mutual legal assistance and extradition arrangements. In parallel, a lack of political will and engagement by parliamentarians, depending on national contexts, can delay or hamper progress with reforms.

United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products

The United Nations created the Task Force as a "one UN" approach to promote and integrate information sharing and coordinated action at global, regional, and national levels.

Member entities of the Task Force are:

- Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat
- United Nations Development Programme (UNDP)
- United Nations Environment Programme (UN Environment)
- United Nations Office on Drugs and Crime (UNODC)
- Department of Economic and Social Affairs (UNDESA)
- Department of Political Affairs (DPA)
- Department for Peacekeeping Operations (DPKO)
- Department of Public Information (DPI)

The Member entities represented at the Symposium were the CITES Secretariat, UNDP, UN Environment, UNODC, and UNDESA which was represented by the United Nations Forum on Forests (UNFF).

See more: <https://www.un.int/news/inter-agency-task-force-launched-combat-illicit-wildlife-trade>



Importantly, countries in Africa and Asia Pacific have committed at the regional and international levels to strengthening legislation to effectively address wildlife crime. Relevant international obligations and commitments include those made under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the United Nations Convention against Transnational Organized Crime, two resolutions of the United Nations Environment Assembly, two resolutions of the United Nations General Assembly, the London Declaration, the Kasane Statement, and the Hanoi Statement. Relevant regional commitments include those made by the African Union Summits culminating in the African Strategy on Combatting Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa, and the Association of South East Asian Nations Summit Declaration on Combatting Wildlife Trafficking, among others (see Resources, Annex 14).

Several countries in Africa and Asia Pacific have embarked on strengthening national legislation in light of these obligations and commitments. Some countries in these two regions have demonstrated leadership by successfully enacting reforms to significantly strengthen legal frameworks and their implementation. Addressing wildlife and forest crime requires comprehensive review and strengthening of laws and regulations extending beyond wildlife and forest legislation to anti-money

laundering, customs legislation, police powers, and mutual legal assistance arrangements, among others.

The Symposium provided a valuable opportunity to take stock of recent developments and for participating countries to review and respond to proposed options for strengthening national laws that govern different elements of wildlife and forest crime.

1.1 Objective and intended outcomes

The key objective of the Symposium was to advance efforts in Africa and Asia Pacific to strengthen and harmonize legal frameworks to combat wildlife crime. Intended outcomes of the Symposium included: (a) enhanced working relationships to support inter-regional collaboration between Africa and Asia Pacific on strengthening legal regimes to combat wildlife crime; and (b) common understanding of what is required to support efforts for national, regional and inter-regional harmonization of legal regimes that effectively address the multiple issues involved in wildlife crime. The Symposium agenda is in Annex 1.

1.2 Participants

The Symposium supported the participation of more than 40 representatives from Africa and Asia Pacific. Twenty-two countries – 11 each from Africa and Asia Pacific – sent representatives to the Symposium¹: Botswana, Cambodia, China, Ethiopia, Ghana, India, Indonesia, Kenya, the Lao

¹. Afghanistan, Angola, Fiji, Hong Kong SAR China, Singapore, and Zambia were also invited to nominate participants, but for a variety of reasons no one was able to attend.

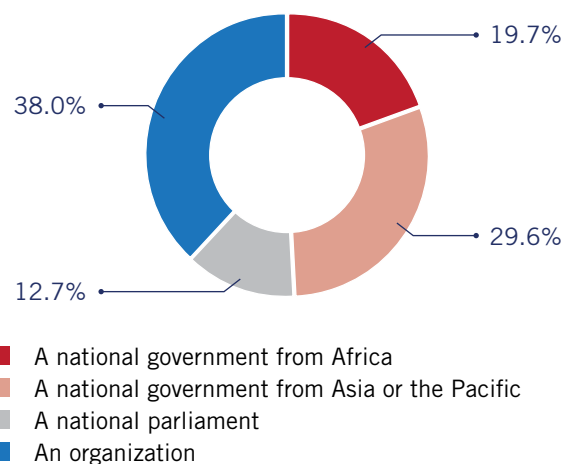
People's Democratic Republic, Malawi, Malaysia, Mozambique, Myanmar, Nigeria, the Philippines, Solomon Islands, South Africa, Thailand, Uganda, the United Republic of Tanzania, Vietnam, and Zimbabwe,. Participants were senior government officials from the ministry responsible for wildlife who have strong expertise with the national legal framework for wildlife conservation, management, and trade, and senior officials who have strong expertise with the criminal justice system and its application to wildlife crime. The national Parliaments of the Lao People's Democratic Republic, the Philippines, the United Republic of Tanzania, and Thailand sent representatives who have demonstrated leadership in enacting or pursuing legal reforms to combat wildlife crime. International and regional organizations active in addressing wildlife and forest crime also participated as partners, resource persons, and observers. The list of Symposium participants is in Annex 2.

The Symposium used real-time survey technology to enable participants to respond immediately to a range of questions. The breakdown of participants' affiliations is shown in Figure 1. For additional profile information on participants, see Annex 5.

Video interviews with some of the participants and resource persons were shared on social media with the hashtag #wildlifelaw.

Figure 1. Participants' affiliations

Who are you representing here today?



Prior to the Symposium, countries' nominated participants completed a rapid survey that asked for baseline information on provisions in national legal frameworks for combatting wildlife crime, on countries' plans for strengthening their own legal frameworks, and on their needs for any assistance in doing so. All 22 participating countries completed the survey. Two countries whose nominated participants were ultimately unable to attend also submitted responses to the survey. The summary report of the analysis of responses is in Annex 3.



2. Symposium day 1 – 4 July

Session 1: Overview

The United Nations Environment Programme (UN Environment), which currently chairs the Task Force, opened the Symposium with remarks by Dr. Isabelle Louis, UN Environment Deputy Regional Director, Asia and Pacific Office. Dr. Louis gave a brief history of the Task Force and set out the rationale for the Symposium's focus on strengthening legal frameworks to combat wildlife and forest crime.

Mr. Andy Raine, UN Environment, introduced the Symposium. He explained that it was the first-ever initiative to bring together senior experts on national legal frameworks from Africa and Asia Pacific to exchange knowledge and experience on issues related to combatting wildlife and forest crime. His presentation is in Annex 4.

Representatives of participating countries' government departments and parliaments

used the real-time survey system to express their opinions on four questions which Ms. Lisa Farroway, UNDP, presented to them. Her presentation is in Annex 5. The questions and participants' responses are in Figures 2-5. Only national government officials and parliamentarians participated in the survey; organizations and observers did not. Responses were not broken down by region or country because the purpose of the survey was simply to give participants an initial indication of perceptions among the group as a whole before they began their substantive discussions.

Following the real-time survey, participants spent approximately half an hour mingling and talking with each other to find out two things they did not know about strengths of other countries' national legal frameworks and challenges they face. Participants recorded their findings, which are set out in Tables 1 and 2.

Figure 2. Main strengths of national legal frameworks

What do you think is the main strength of your national legal framework to combat wildlife crime?

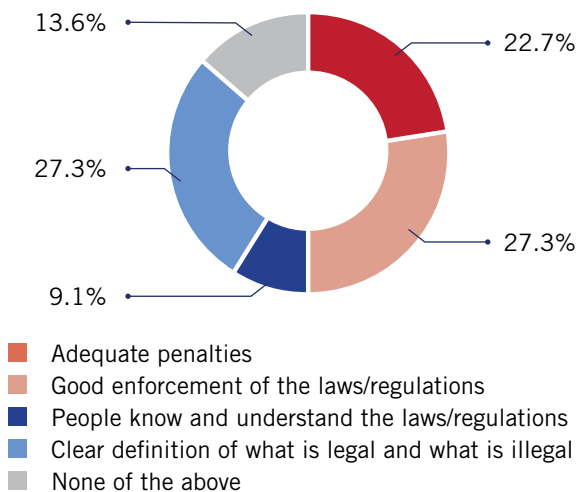


Figure 4. Successes in combating wildlife crime

What is a **success** in combating wildlife crime that your country has achieved?

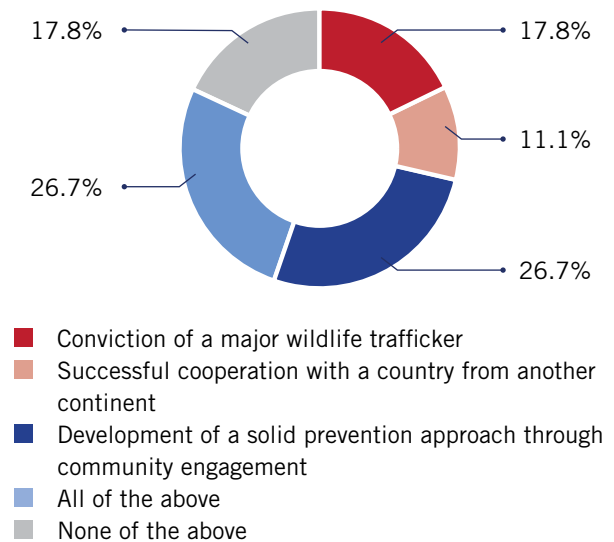


Figure 3. Elements of national legal frameworks that need development

What do you think is a **development area** of your national legal framework to combat WLC?

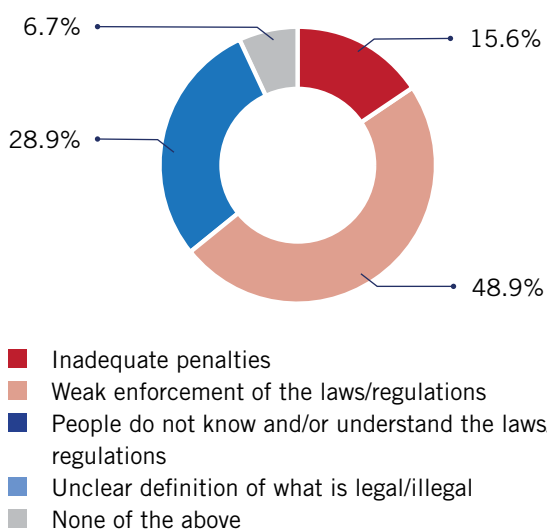


Figure 5. Challenges to combating wildlife crime

What is a **key challenge** to combating wildlife crime that your country has encountered?

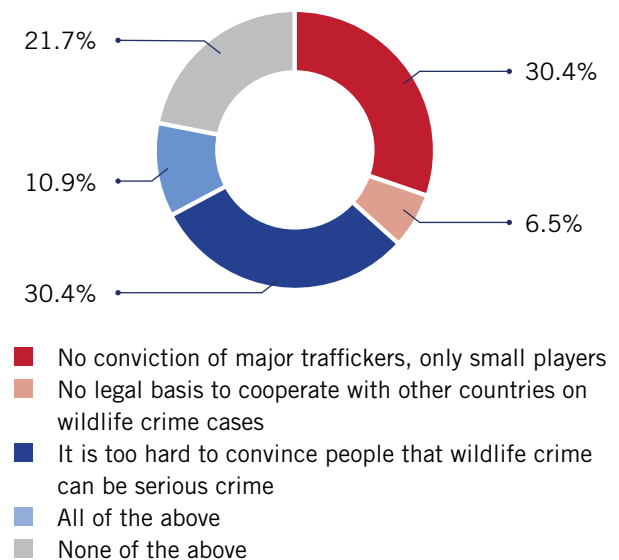


Table 1. Strengths of national legal frameworks to combat wildlife crime

Country	Strengths of national legal frameworks	Related strengths
Botswana	<ul style="list-style-type: none"> Stiff penalties 	
Cambodia	<ul style="list-style-type: none"> National legal framework is adequate 	
China	<ul style="list-style-type: none"> New wildlife law protects wildlife habitats Strong penalties 	
Ethiopia	<ul style="list-style-type: none"> Strong domestic legal framework 	<ul style="list-style-type: none"> Institutional cooperation Cooperation with other countries
India	<ul style="list-style-type: none"> Wildlife trade is banned Very high penalties 	
Indonesia	<ul style="list-style-type: none"> National legal framework is CITES Category 1 	<ul style="list-style-type: none"> Collaboration of stakeholders
Kenya	<ul style="list-style-type: none"> High minimum penalties 	
Lao People's Democratic Republic	<ul style="list-style-type: none"> Ongoing amendment of legislation to bring it to CITES Category 1 Adequate penalties 	<ul style="list-style-type: none"> High awareness and involvement of communities Network of law enforcement agencies Positive collaboration with other States
Malawi	<ul style="list-style-type: none"> Strong penalties 	
Malaysia	<ul style="list-style-type: none"> High penalties 	
Mozambique	<ul style="list-style-type: none"> Strong national legal framework 	<ul style="list-style-type: none"> Handbook for prosecutors
Myanmar	<ul style="list-style-type: none"> Ongoing amendment of legislation to bring it to CITES Category 1 	
Nigeria	<ul style="list-style-type: none"> Very good national legal framework, in line with CITES, and with strict penalties 	<ul style="list-style-type: none"> Cooperation with China
Philippines	<ul style="list-style-type: none"> Strong national legal framework 	<ul style="list-style-type: none"> People's awareness and understanding of laws and regulations Deputized community-level Wildlife Enforcement Officers
Solomon Islands	<ul style="list-style-type: none"> National legal framework is in place – Wildlife Act and legislation to implement CITES 	
South Africa	<ul style="list-style-type: none"> Comprehensive national legal framework 	
United Republic of Tanzania		<ul style="list-style-type: none"> Awareness that wildlife crime has an economic impact Good political will from parliamentary perspective
Thailand	<ul style="list-style-type: none"> Good law on confiscating illegal trophies Tough sentences 	<ul style="list-style-type: none"> People's knowledge of national legal framework
Uganda		<ul style="list-style-type: none"> Community engagement
Vietnam	<ul style="list-style-type: none"> National legal framework is in place Criminal Code was amended to provide adequate penalties 	
Not attributed to a particular country	<ul style="list-style-type: none"> Constitutional provisions on protecting wildlife Legal and illegal acts are clearly differentiated 	

Table 2. Challenges with national legal frameworks to combat wildlife crime

Country	Challenges with national legal frameworks	Challenges with related issues
Botswana		<ul style="list-style-type: none"> Cross-border crime, particularly with Zambia and Zimbabwe
Cambodia		<ul style="list-style-type: none"> Insufficient enforcement Weak cooperation among agencies
Ethiopia	<ul style="list-style-type: none"> Light penalties 	<ul style="list-style-type: none"> No community awareness – people think wildlife trade is legal Weak law enforcement Weak/unsystematic cooperation with other countries
Ghana	<ul style="list-style-type: none"> National legal framework is outdated and not taken seriously 	
India	<ul style="list-style-type: none"> No national law to implement CITES No integration with international law on wildlife conservation 	
Kenya	<ul style="list-style-type: none"> New Constitution gives more rights to accused 	<ul style="list-style-type: none"> Judicial enforcement process is too long
Lao People's Democratic Republic	<ul style="list-style-type: none"> Not enough laws 	<ul style="list-style-type: none"> Weak law enforcement Development projects are inadequate to support communities
Malawi		<ul style="list-style-type: none"> Weak law enforcement No convictions of high-level traffickers
Malaysia		<ul style="list-style-type: none"> Insufficient financial support Insufficient human resources
Mozambique		<ul style="list-style-type: none"> Need strong institutions to implement the laws
Myanmar		<ul style="list-style-type: none"> Weak implementation Low awareness
Nigeria		<ul style="list-style-type: none"> Weak implementation and collaboration with related agencies Need more cooperation with Vietnam
Philippines	<ul style="list-style-type: none"> Weak penalties 	<ul style="list-style-type: none"> Weak enforcement No major convictions for wildlife crimes as yet
South Africa	<ul style="list-style-type: none"> Penalties are not as serious as the conduct 	<ul style="list-style-type: none"> Implementation/enforcement not very effective
United Republic of Tanzania		<ul style="list-style-type: none"> Conflicts between ministries Importing countries in Asia must address demand
Thailand	<ul style="list-style-type: none"> Not all endangered species are included in the national legal framework Penalties are low and the law is not a deterrent 	<ul style="list-style-type: none"> Need to cooperate with other countries of origin to combat trade in endangered species and to enable confiscating illegal trophies People do not know about the laws and the issues
Uganda		<ul style="list-style-type: none"> Communities do not believe in wildlife crime or in the laws Insufficient regional cooperation
Vietnam		<ul style="list-style-type: none"> Lack of public awareness of laws makes it difficult to enforce them – people think wildlife crimes are minor offences
Not attributed to a particular country	<ul style="list-style-type: none"> National legal frameworks do not have provisions to enable regional cooperation mechanisms 	<ul style="list-style-type: none"> Poverty and local habits and customs – human-wildlife conflict, history of using wildlife products and local superstitions that animal parts can cure diseases Lack of capacity to identify protected timber species Minor offenders always prosecuted

Representatives of Task Force member entities participated in a panel chaired by Mr. Jaime Cavelier, Global Environment Facility (GEF) Secretariat. Participants asked panel members a series of questions including on the mechanisms used by the Task Force to support countries and its interaction with Wildlife Enforcement Networks and the International Consortium on Combating Wildlife Crime (ICCWC), capacity-building opportunities and support available for countries and communities, the interaction between the Task Force and GEF-financed projects focussed on illegal trade in wildlife such as those in the Global Wildlife Program (GWP), and how governments can best access the support of the Task Force.

The morning of Day 1 of the Symposium concluded with a presentation by Ms. Marceil Yeater, Senior Legal Consultant, on a UN Environment analysis of the current status of and gaps in regulating legal trade and combating illegal trade in wildlife and forest products. The study is reviewing national legislative frameworks on the issues of natural resource management, including socio-economic aspects, trade regulation, and crime prevention

and criminal justice. Ms. Yeater is carrying out the work, which will be completed by August 2017. She explained the findings of her research and analysis to date and noted that information obtained during the Symposium will be included in a revised draft that will be circulated to a wider group of partners for review. Ms. Yeater's presentation is in Annex 6.

Session 2: Parallel sessions

The afternoon of Day 1 of the Symposium was dedicated to parallel sessions on the aspects of national legal frameworks that the UN Environment study is reviewing. The CITES Secretariat and UNFF co-organized Parallel Session A, which focused on natural resource management and trade regulation. The three presentations made during this session are in Annexes 7-9. UNODC and the GWP co-organized Parallel Session B on criminal justice and inter-regional mechanisms. The presentation made during this session is in Annex 10. The results of the discussions during the two parallel sessions were presented in Session 3 on Day 2 of the Symposium.



3. Symposium day 2 – 5 July

Session 3: Results of parallel sessions

The rapporteurs of the parallel sessions presented the results of the discussions in each session.

Parallel Session A on natural resource management and trade regulation identified four categories of elements that are essential for legal frameworks to combat wildlife and forest crime:

- Designation of authorities, their powers, functions, and collaboration and coordination
- Regulation of legal trade and prohibition of illegal trade
- Penalisation of illegal trade
- Confiscation of illegally traded specimens.

This session also identified potential mechanisms for inter-regional cooperation, including meetings of relevant agencies at national and regional and sub-regional levels, information sharing across regions, and informal bilateral contacts, such as the Symposium participants list (Annex 2). The rapporteur's presentation with the complete list of elements identified for each category is in Annex 11.

Parallel Session B on criminal justice and inter-regional mechanisms focused on identifying

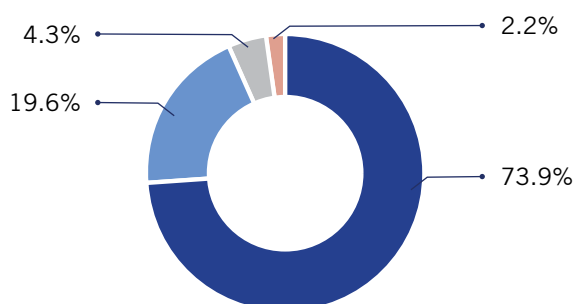
recommended minimum provisions for wildlife-related offences on five issues:

- Acts that should be punishable as criminal offences within specialized wildlife legal framework
- Conditions under which penalties should be increased, either as aggravating circumstances, or as additional charges under separate criminal provisions
- Categories of species for which legal frameworks should penalize trade conducted in violation of international and national laws
- Minimum and maximum fines and prison sentences
- Factors that should be taken into account in sentencing, individually and in combination.

The organizers of Parallel Session B then conducted a real-time survey to measure the entire group's reaction to the recommendations. Only national government officials and parliamentarians participated in the survey; organizations and observers did not. Participants registered strong agreement or agreement – 89%-98% – with the recommendations of Parallel Session B. The results of the real-time survey are shown in Figures 6-10.

Figure 6. Acts that should be punishable as criminal offences:

Q1. To what extent do you agree with the acts that should be punishable as criminal offences?



- | | |
|----------------|-------------------|
| Strongly agree | Disagree |
| Agree | Strongly disagree |
| No opinion | |

- Illegal taking, including hunting, poaching, harvesting and logging
- Illegal captive breeding, game ranching or artificial propagation
- Illegal possession
- Illegal transportation
- Illegal trade (import, export, re-export)
- Illegal wildlife products in transit
- Illegal sale and purchase (including through the internet and other electronic means)
- Illegal processing
- Attempt to commit the above

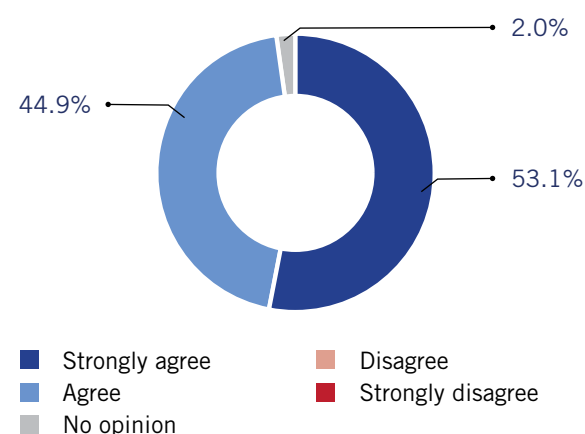
Two issues on which there were differences of opinion among participants were illegal possession and aggravating circumstances. Some participating country representatives believed that illegal possession of protected wildlife or forest products should be criminalized, while others felt that the burden of proof is too difficult to conclusively establish criminality with respect to illegal possession of protected wildlife or forest resources. With respect to aggravating circumstances, representatives of some countries agreed that they should be included in wildlife and forest legal frameworks, while representatives of other countries did not. In fact, it was noted that some aggravating circumstances may be addressed by laws other than wildlife and forest laws.

Mr. Jorge Rios, UNODC, and Mr. Juan Carlos Vasquez, CITES Secretariat, co-moderated a plenary discussion on the results of the parallel sessions. The purpose of the discussion was to summarize the results of the two parallel sessions and not to negotiate a formal statement.

Some of the comments made during the discussion focused on national legal frameworks and others addressed related issues.

Figure 7. Penalties should be increased for acts committed under these conditions, either as aggravating circumstances or additional charges under separate criminal provisions:

Q2. To what extent do you agree with the acts for which penalties should be increased?

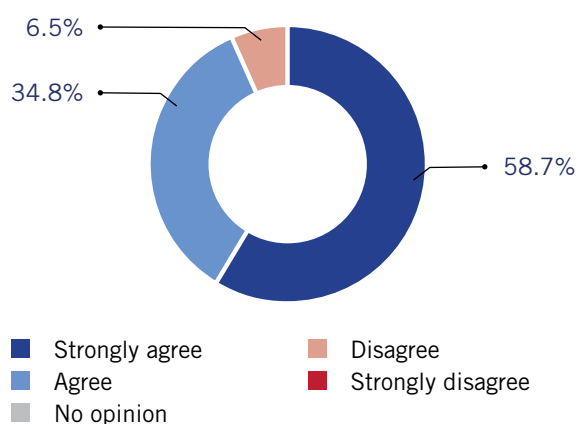


- | | |
|----------------|-------------------|
| Strongly agree | Disagree |
| Agree | Strongly disagree |
| No opinion | |

- The offence involves corruption (such as abuse of position)
- The offence involves money laundering
- The offence is committed by an organized group
- The offence involves a firearm or other violent means
- The offence results in death or bodily harm
- The offence is committed by a repeat offender
- The offence involves a CITES Appendix I species
- The offence involves exploitation of a minor

Figure 8. Legal frameworks should penalize trade conducted in violation of international and national laws, for the following categories of species:

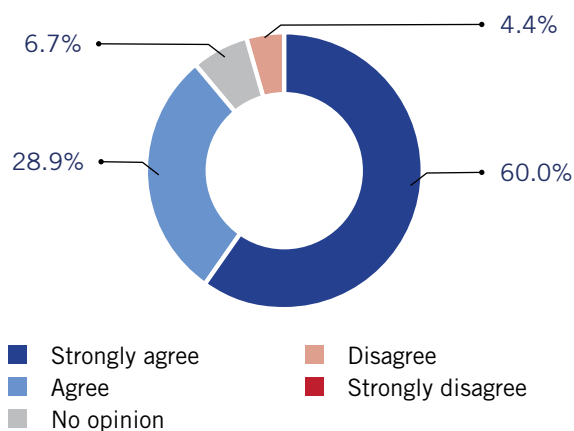
Q3. To what extent do you agree with the categories of species for which trade should be penalized?



- Domestically protected species
- All species listed in CITES Appendices I, II, III
- Species that are illegally acquired according to the legislation of the country of origin and/or transit (i.e., as in the US Lacey Act)

Figure 9. Legal frameworks should stipulate the following penalties for wildlife offences:

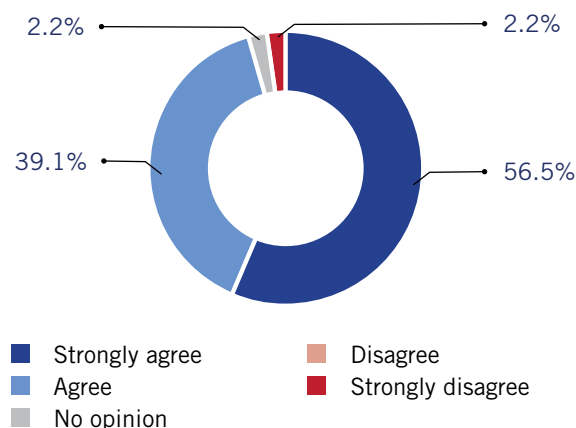
Q4. To what extent do you agree with the penalties that should be stipulated for wildlife offences?



- Minimum penalties
- Maximum penalties, not less than 4 years
- Maximum penalties should be set to the level that is considered to be serious crime

Figure 10. Sentences should be based on a combination of the following factors:

Q5. To what extent do you agree with the factors to base sentencing on?



- The kind of offence (e.g., possession, export, sale, false statement, fraudulent permit, etc.)
- Independent expert witness
- First or repeat offence
- Purpose of the offence (commercial or not)
- Knowledge that the activity is illegal
- Role in the illegal activity (lead or supportive)
- Type of species involved (e.g., highly protected, CITES Appendix I)
- Quantity of specimens that are involved in the offence (weight or number of individuals)
- Market value of specimens involved
- The damage generated
- Aggravating circumstances (organized group, repeat offence, etc.)

Comments regarding national legal frameworks

- If national legal frameworks are not harmonized, it may not be possible to bring to justice wildlife criminals who cross borders.
- Money-laundering provisions do not need to be introduced into wildlife and forest law, but there is potential to amend anti-money laundering legislation and/or proceeds of crime laws to treat natural resources as proceeds of crime. The physical good or product – e.g., rosewood – needs to be legally recognized as profit.
- Wildlife and forest offences should be treated as predicate offences, or serious crimes,

either by amending anti-money laundering legislation or by increasing the penalties for wildlife and forest offences to match the minimum requirement of predicate offences;

- National legal frameworks should distinguish between minor violations and the more serious offences that include corruption, organized groups, transnational activities, and others;
- Sentencing guidelines are a very useful to support judges and prosecutors in identifying factors that occur in cases of wildlife and forest crimes and which should be taken into consideration to set adequate and fair penalties;
- Participants indicated that the following would be useful guidance on how to use the results of the Symposium:
 - A template for a model law, with technical annotations
 - 'Minimum provisions' or 'model provisions' on the specific issues raised in the two parallel sessions
 - For provisions on institutional arrangements, there should be general principles rather than model provisions
 - A checklist or list of priority issues indicating what a comprehensive national legal framework needs to combat wildlife and forest crime
 - A comparison of minimum and maximum penalties in different countries
 - A survey of best practices with national legal frameworks to combat wildlife and forest crime.

Mr. Jorge Rios, UNODC, explained that since UN General Assembly Resolution 69/314 in 2015, there has been a great deal of debate on legislative frameworks to combat wildlife and forest crime. Member States requested UNODC to develop model legal provisions rather than a model law, which would require convening all member States. UNODC has started the process of developing model legal provisions to address crimes involving wildlife, timber, and fish. Many of the elements from the Symposium discussions will feed into this process. UNODC's target date for completing the model legal provisions is May 2018. Mr. Rios noted

that countries need to have the same understanding of offences and the same minimum standards for crimes that cross jurisdictions. He also observed that the results of the Symposium will need to be 'escalated' and raised in other international fora.

Comments regarding related issues

- Independent expert witnesses:
 - Countries need credible independent expert witnesses to help investigators and prosecutors determine loss of ecological value due to wildlife and forest crime
 - There are potential problems when competing expert witnesses testify differently.
- Countries need to establish functional cooperation mechanisms on wildlife and forest crime among enforcement authorities. Options proposed included:
 - Symposium participants could create an informal network to exchange emails, case law, and legislation
 - The Task Force should identify major source countries, major transit countries, and major destination countries so that those countries can network
 - Meetings:
 - Regional/sub-regional annual meetings on traffic flows of specific species or specific wildlife and forest crime issues
 - Annual meetings may not be often enough and may not be responsive enough. It would be preferable to establish an ongoing monitoring programme that can identify priorities, address them, and move on
 - Periodic inter-regional meetings to tackle priority issues
 - Meetings should be held when there is a need to meet, rather than establishing a schedule of meetings
 - Parliamentarians are often not aware of meetings on legislation. It would be easier if there were multiple channels for proposing legislation. When governments propose laws that parliamentarians are unaware of, it

becomes difficult for parliamentarians to respond appropriately. Parliamentarians can also propose amendments to laws, e.g., to close loopholes, and such initiatives need to be coordinated.

The co-moderators made two proposals:

- When they return to their countries, participants should identify actions related to the issues discussed during the Symposium that can be taken immediately
- Partners should develop, within the next 12 months, a massive online open course (MOOC) on illegal trade in wildlife covering national legal frameworks to combat wildlife and forest crime.

On the basis of the rapporteurs' feedback and the discussions during Session 3, the session's co-moderators and one of the rapporteurs prepared a summary of the discussion which was circulated at the close of the symposium, and shown in Annex 12.

One participant noted that different countries are at varying stages of developing their national legal frameworks to combat wildlife and forest crime. That participant explained that it was going to be useful for him to return to his country and report back on what was discussed during the Symposium to provide added motivation for national policymakers and lawmakers to strengthen the national legal framework to combat wildlife and forest crime.

Session 4: Parliamentary perspectives

Two USAID funded projects – Wildlife Asia and PROTECT (Tanzania) – supported the participation of parliamentarians from the Lao People's Democratic Republic, the Philippines, Thailand and the United Republic of Tanzania. As panelists for Session 4, Hon. Mr. Raymond Democrito C. Mendoza, House of Representatives, the Philippines, Hon. Lt. Gen. Chaiyuth Promsook, National Legislative Assembly of Thailand, and Hon. Mr. Jitu Vlajral Soni, Member of Parliament, the United Republic of Tanzania, responded to



questions from co-moderators Ms. Sallie Yang, USAID Wildlife Asia, and Dr. Craig Kirkpatrick, USAID Regional Development Mission Asia, and from participants. Their remarks highlighted several issues with respect to national legal frameworks for combatting wildlife crime.

Measures that can help to ensure that wildlife and forest crimes are appropriately punished may include:

- Use anti-money laundering and anti-corruption laws to prosecute wildlife and forest crimes
- Apply administrative sanctions, such as revoking permits and levying fines, to individuals and legal persons
- Enable special prosecutors to focus on environmental crime generally and wildlife and forest crime in particular
- Create special 'green' courts and/or ombudsmen at sub-national and national levels.

Legal provisions for financing wildlife and forest conservation and law enforcement can do the following:



- Create funds that can be used to support conservation and rewards and other incentives for compliance
- Channel a percentage of the value of equipment and goods seized from violators to be used as rewards for information leading to arrest and conviction in cases of wildlife and forest crime
- Enable insurance or compensation in cases of human/wildlife conflict
- Specify how benefits should be equitably distributed to individuals and communities that support wildlife and forest conservation and law enforcement.

Harmonizing laws to promote more effective enforcement requires collaboration and needs to be done at three levels:

- National level – Eliminate conflicts between national laws, for example, on issues such as species protection and penalties, which create barriers for enforcement
- Regional level – In South East Asia, use the ASEAN Inter-Parliamentary Assembly (AIPA) as a forum to push for harmonizing laws and penalties among ASEAN Member States

- In East Africa, the United Republic of Tanzania intends to partner with Uganda and Kenya to create an East Africa Parliamentary Caucus that will promote harmonization of the laws of East African countries
- Inter-regional level – ensure coordination and cooperation between AIPA and the eventual East Africa Parliamentary Caucus to promote enforcement of laws combatting illegal trade in wildlife and timber.

Session 5: Next steps

Ms. Maria Manguiat, UN Environment, made a brief presentation on a UN Environment project on addressing the illicit trade in wildlife and forest products. One of the activities of the project is the analysis whose preliminary results Ms. Marceil Yeater presented on Day 1. Support to countries for developing and implementing legislation to combat crimes involving wildlife and forest products is another element of the project. The presentation is in Annex 13.

Ms. Manguiat then engaged participants in a real-time survey to gauge countries' needs and priorities for assistance with national legal frameworks to combat wildlife and forest crime. Responses to the pre-Symposium rapid survey had indicated the following:

- 88% of responding countries plan to strengthen their national legal frameworks
- 50% of responding countries do not have sufficient in-country capacity to do this
- 92% of responding countries will need financial assistance
- 88% of responding countries will need external technical legal assistance
- 83% of responding countries will need external technical legal assistance provided in-country
- 42% of responding countries will need external technical legal assistance provided remotely.

The real-time survey asked further questions to assist Task Force members in targeting their assistance to countries. The questions and the results of the survey are in Figures 11-15.

Figure 11. Type of technical legal advisory services needed

What type of **technical legal advisory services** would your country need?

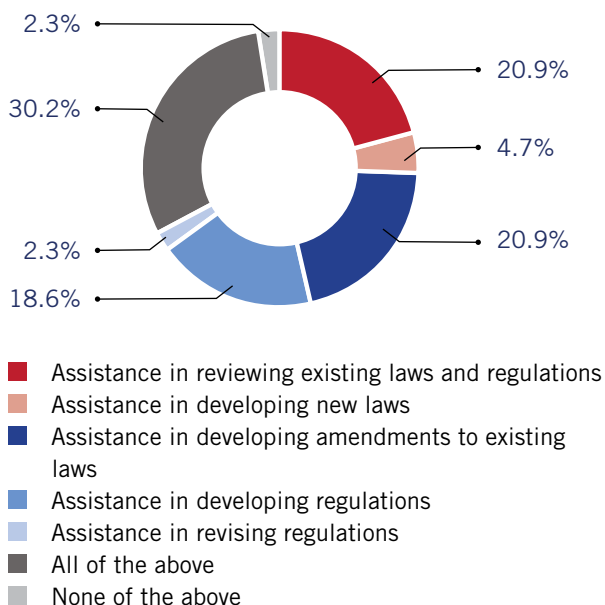


Figure 12. Kind of support needed to build capacity

What **kind of support** would your country need to build capacity to implement laws and/or regulations to prevent, detect and penalize wildlife crime?

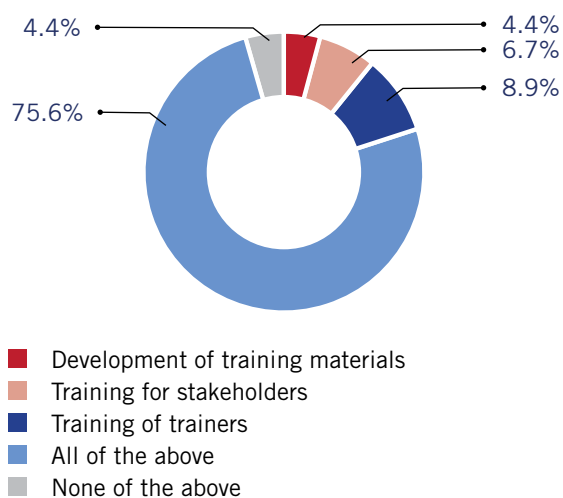
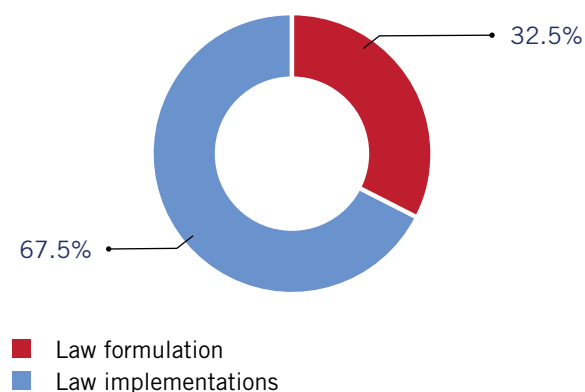


Figure 13. Stakeholder groups' needs for capacity building

Which **stakeholder group in your country** do you think is most important to include in capacity building to enhance national legal frameworks?



This question originally gave the following options for answers: ministries, parliamentarians, law enforcement agencies, prosecutors, judiciary, all of the above. Approximately 75% of participants opted for 'all of the above'. The question was then re-framed with only two options for answers in order to better identify the category of stakeholders most in need of capacity building.

Figure 14. Interest in a guide for prosecutors of wildlife crimes

Would your country be interested in a **guide for prosecutors of wildlife crimes**?

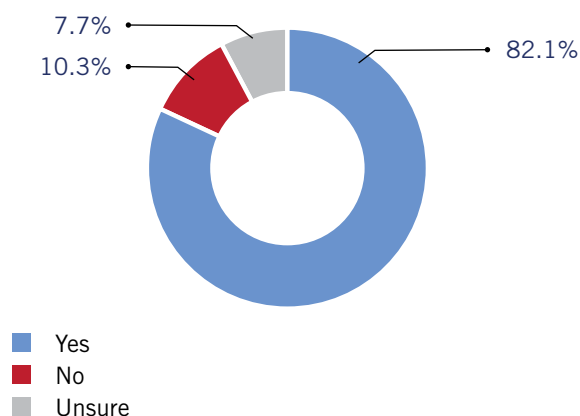
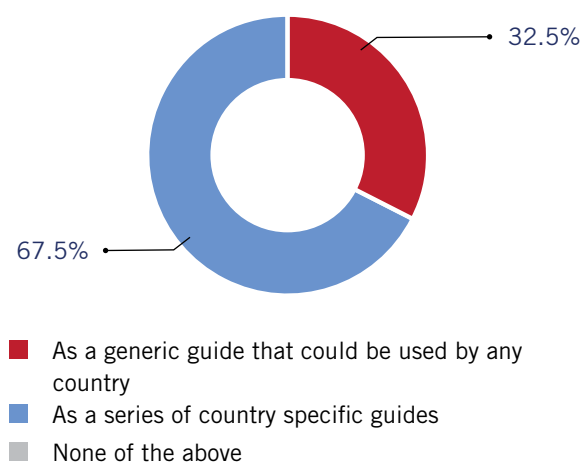


Figure 15. Target for an eventual prosecutors' guide

If yes, how should such a guide for prosecutors be targeted?



In addition to participants' general indications of needs for assistance, one participant specified her country's requirements:

- comparative experience with confiscation and how to deal with confiscated items
- comparative experience with captive breeding and artificial propagation
- comparative experience with sustainable finance for wildlife and forest conservation and for combatting wildlife and forest crime, including how to integrate tourism into conservation and enforcement initiatives.

Representatives of Task Force member entities and Symposium partners then participated in a final panel chaired by Mr. Jaime Cavalier, GEF Secretariat. The purpose of the panel was to give participants an opportunity to ask Task Force member entity representatives and partners final questions after their discussions over the two days of the Symposium and allow the panelists to make final remarks on behalf of their agencies.

Participants from three countries highlighted the need for training prosecutors:

- One of the participants, a prosecutor, stated that there needs to be holistic training on enforcing wildlife and forest law and that in his country they do not expect prosecutors to be trained independent of other stakeholders

- Another participant reinforced the prosecutor's remarks, saying that building capacity of prosecutors is important because many prosecutors are unaware of all available legal options for prosecuting wildlife and forest crimes. Instead they tend to prosecute on the basis of laws that offer the lower maximum penalties
- A participant noted that her country also needs capacity building for law enforcement agencies and prosecutors, particularly because the new penal code will come into force on 1 January 2018. She emphasized as well that support for implementing law is broader than just law enforcement. There are other important stakeholder groups, e.g., communities, and her country needs capacity building for them and for other stakeholder groups as well.

Participants from two countries explained measures their countries have taken to involve the private sector in efforts to ensure sustainable funding that can be used to support communities:

- One participant described how her country created a trust fund to be managed by the private sector which will receive income generated from a percentage of fees charged for accessing resources – specifically, honey – and channelling money back to the communities and individuals that provide the resources.
- Another participant noted several measures his Government has taken, including legally mandated user fees for diverting forest land to another purpose, a compensatory forest restoration management and planning fund which provides financial support for wildlife and forest conservation plans, and an amendment to the Companies Act that made it mandatory for companies to allocate 2% of their past two years' profit for corporate social responsibility activities.

A parliamentarian said that it would be helpful to have a WhatsApp group or some similar way to contact colleagues in other countries quickly and easily to get information, or find out how to get information, on laws around the world. He noted that a one-stop clearinghouse for such information would be very helpful.



Photo credit: USAID

Panelists responded to participants' comments and asked questions of the participants as well.

Mr. Jorge Rios, UNODC, agreed that funds from profits of exploiting natural resources need to be channelled back to communities and protected areas and that countries need to find ways to ensure equitable distribution of money generated from tourism and other uses of natural resources.

Ms. Sofie Flensburg, CITES Secretariat, pointed out that there are so many initiatives on combatting wildlife and forest crime and so much information available that a one-stop clearinghouse would be impossible to build and maintain. The CITES Secretariat continuously works to keep its website up-to-date with the latest legislation from its 183 Parties and to support countries to bring their national legislation up to CITES Category 1.

Mr. Simon Robertson, World Bank/GWP, explained that the GWP has a monthly workshop on Webex and would be happy to invite all Symposium participants to join the workshops. Each workshop is also recorded and made available online. The GWP will email to all Symposium participants an invitation to join the workshops. Anyone who prefers not to be on the mailing list should let GWP know and their address will be deleted from

the list. He also emphasized that it is everyone's responsibility to reflect on what they have learned from the Symposium and what they will take back to their home institutions.

Ms. Barbara Tavora-Jainchill, UNFF Secretariat, reiterated that UNFF wanted to approach the question of strengthening legal frameworks from the perspective of prevention and of how to make local communities part of the solution. In designing projects, she hoped that all Symposium partners and participants would include components on raising awareness of local communities to create allies in combatting wildlife and forest crime.

Ms. Marceil Yeater, Senior Legal Consultant, had questions for participants. She asked them to let her and/or UN Environment know about any provisions in national legal frameworks that enable countries to cover the administrative costs of controlling wildlife and forest trade. China, for example, has made cost-recovery arrangements for administrative services that make it possible for the CITES Management Authority to be self-funded. She also requested participants to share information on experience with regional agreements, bilateral cooperation, and work with the private sector.

Mr. Jaime Cavelier, GEF Secretariat, returned to the question of managing information, asking whether it would be possible for the Task Force to conduct a 'clinic' to respond to requests for assistance with finding information. He noted that if someone does not know how to get started researching an issue, the task can be overwhelming. He also cautioned that funds are only one tool to ensure sustainable financing and that national funds require substantial core capitalization to offer real money for conservation.

Participants from four countries made final remarks:

- One participant said that the Symposium had shown her that fighting wildlife and forest crime is as important as fighting corruption. She noted that her country does not have enough prosecutors and that most prosecutions are handled by police/non-lawyer prosecutors.
- Another participant stated that the Symposium had come at a good time for his country because it is in the process of strengthening its laws and hopes that there will be similar events in the future.
- A third participant highlighted that enforcement is not the solution and that countries need to involve communities to

combat wildlife crime. Shortly after the Symposium, the Government of his country planned to engage with schools on preventing wildlife and forest crime. He pointed out that coordination between States is a problem for the world, and not only African and Asian countries. Jointly with UNODC, the Government of his country will discuss the ICCWC toolkit findings and review and discuss the next steps that the country can take.

- The final participant said that she had already informed colleagues in her country that there are sources of support for the body the country has established to bring stakeholders together to combat wildlife and other environmental crimes, particularly in the fisheries sector.

Mr. Andy Raine, UN Environment, closed the Symposium noting that participants had identified: concrete ways to strengthen national legal frameworks to combat wildlife and forest crime; options for working together inter-regionally; and next steps. He said that the Symposium had been a step forward for the Task Force, which needs to move quickly to find ways to address the issues involved in combatting wildlife and forest crime and to work with countries to reverse the decline in wildlife and forest resources confronting the world.



Recommendations

The recommendations for next steps that emerged from the Symposium can be grouped into two categories – recommendations specifically focused on national legal frameworks, and recommendations on related issues.

Regarding national legal frameworks

According to the responses to the pre-Symposium rapid survey, 88% of participating countries plan to strengthen their national legal frameworks to combat wildlife and forest crime and will need external financial and technical assistance to do that. Participants made three broad recommendations, in addition to the specific ones for the contents of national legal frameworks that the parallel sessions proposed:

- Develop a set of model legal provisions to assist countries in strengthening national legal frameworks to combat wildlife and forest crime
- Review the status of existing regulatory frameworks governing wildlife and forest resources, under the CITES National Legislation Project, the UN Environment project, and other relevant initiatives
- Compile best practices and comparative analysis of penalties, and share experiences.

Ongoing activities are at least partially addressing two of these recommendations. UNODC is in the process of developing model criminal law provisions that countries will be able to use to amend existing law or draft new legislation. The CITES Secretariat's National Legislation Project and many of the GWP national projects provide support for reviewing existing law and amending it or drafting new laws and/or regulations. UN Environment is currently implementing a project aimed at identifying and analyzing institutions and legal frameworks at the global, regional and national levels which address the regulation of licit trade and the prevention or penalization of illicit trade in wildlife and forest products.

Regarding related issues

The results of the real-time survey in Session 5 indicated that participants considered there is greater need for support to build capacity to implement national legal frameworks than there is for support to strengthen those frameworks. Participants made several recommendations on implementation and related issues:

- Provide training to strengthen cooperative mechanisms between relevant central authorities to increase capacity to prepare and approve requests for mutual legal assistance (MLA)
- Promote international legal cooperation between regions and promote the creation of informal networks of wildlife and forest authorities, prosecutors, parliamentarians, enforcement agencies (e.g., police, customs officials), and judges
- Identify priority wildlife and forest crimes and facilitate problem-solving dialogues among concerned parties, including source, transit and destination countries
- Include parliamentarians in future initiatives to discuss and promote the strengthening of national legal frameworks to combat wildlife and forest crime
- Include local communities as part of the response and involve them in future initiatives to combat wildlife and forest crime
- Contribute legislation and case law relevant to wildlife and forest crime to UNODC's database Sharing Electronic Resources and Laws on Crime (SHERLOC);
- Consider the development of a massive open online course (MOOC) on illegal trade in wildlife covering national legal frameworks to combat wildlife and forest crime.

Symposium partners are already addressing some of these recommendations in ongoing projects and are including related activities in projects that are currently under development.



Conclusions

The results of the pre-Symposium rapid survey clearly showed that the national legal frameworks of a vast majority of the countries already include minimum legal provisions to punish wildlife and forest offences. Nonetheless, Symposium participants noted that there is a need to increase consistency in setting adequate penalties as well as in effectively using aggravating circumstances and sentencing guidelines to punish the most serious forms of wildlife and forest crimes. These recommendations may be introduced in other international fora (e.g., UN inter-governmental bodies, CITES official meetings, etc.) to substantiate the call for the harmonization of legal frameworks and to adopt more specific resolutions/decisions.

Symposium participants made very specific recommendations for the contents of national legal frameworks and general recommendations

on the approach for developing provisions to be included in them. Based on their recommendations, Governments should be encouraged to re-assess the quality of their national legal frameworks and to take their own initiatives to strengthen them, and partners should be encouraged to support them in doing so.

The Symposium's recommendations for next steps provide clear indications for Task Force member entities planning future activities in Africa and Asia Pacific, at national level as well as sub-regional and inter-regional levels. Countries should contact Task Force member entities directly with specific requests for assistance.



Annex 1: Agenda

Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products

Amari Watergate Hotel, Bangkok, Thailand, 4-5 July 2017
Watergate Ballroom C, Level 6

TUESDAY 4 JULY

Time	Topic/Activity	Presenter/Facilitator
08.00-09.00	Registration	
Session 1: Overview Session Chair: Mr. Andy Raine, UN Environment		
09.00-09.10	Welcome	Dr. Isabelle Louis, UN Environment
09.10-09.20	Introduction to Symposium	Mr. Andy Raine, UN Environment
09.20-10.10	Introduction of participants, priorities and challenges	Co-facilitators: <ul style="list-style-type: none"> • Ms. Lisa Farroway, UNDP • Ms. Patti Moore, Senior Legal Consultant
10.10-10.30	Group photo / Break	
10.30-11.15	Panel: Work of the UN Task Force and its member entities and their hopes for the Symposium	Moderator: <ul style="list-style-type: none"> • Mr. Jaime Cavellier, GEF Secretariat Panelists: <ul style="list-style-type: none"> • Mr. Juan Carlos Vasquez, CITES Secretariat • Mr. Jorge Rios, UNODC • Ms. Barbara Tavora-Jainchill, UNDESA/UNFF • Ms. Maria Socorro Manguiat, UN Environment • Ms. Lisa Farroway, UNDP
11.15-11.50	Results of analysis of current status of and gaps in regulating legal trade and combatting illegal trade in wildlife and forest products and outline of proposed 'recommendations' in defined categories of legal frameworks Q&A and discussion	Ms. Marceil Yeater, Senior Legal Consultant
11.50-12.00	Introduction to afternoon parallel sessions	Mr. Andy Raine, UN Environment
12.00-13.00	Lunch	

Time	Topic/Activity	Presenter/Facilitator
Parallel Session 2A: Natural resource management and trade regulation (Breakout room, Level 9)		UNFF/CITES Secretariat
13.00-15.00	Parallel Session 2A-1: Natural Resource management and the role of local communities – focus on forests and tree species Q&A and discussion	Moderator: Ms. Maria Socorro Manguiat, UN Environment Presentation 1: Ms. Barbara Tavora-Jainchill, UNDESA/UNFF Presentation 2: Ms. Sofie H. Flensburg, CITES Secretariat
15.00-15.15	Break	
15.15-15.45	Parallel Session 2A-2: CITES minimum requirements for national legislation	Moderator: Ms. Marceil Yeater, Senior Legal Consultant Presentation: Ms. Sofie H. Flensburg, CITES Secretariat
15.45-17.15	Working groups	Resource persons: <ul style="list-style-type: none"> • Ms. Sofie H. Flensburg, CITES Secretariat • Ms. Barbara Tavora-Jainchill, UNDESA/UNFF • Ms. Marceil Yeater, Senior Legal Consultant
17.15-18.00	Parallel Session 2A-3 <ul style="list-style-type: none"> • Working group rapporteurs report back • Prepare summary to be presented in Session 4 of Day 2 and elect presenters 	Co-facilitators: <ul style="list-style-type: none"> • Ms. Sofie H. Flensburg, CITES Secretariat • Ms. Barbara Tavora-Jainchill, UNDESA/UNFF
18.00-20.00	Dinner	
Time	Topic/Activity	Presenter/Facilitator
Parallel Session 2B: Criminal justice and inter-regional mechanisms (Plenary room, Level 6)		UNODC/Global Wildlife Program (GWP)
13.00-15.00	Parallel Session 2B-1: Minimum provisions of criminalization	Co-facilitators: <ul style="list-style-type: none"> • Mr. Simon Robertson, World Bank/GWP • Mr. Jorge Rios, Mr. Giovanni Broussard, UNODC
15.00-15.15	Break	
15.15-17.15	Parallel Session 2B-2: Penalties, sanctions and regional standards/inter-regional mechanisms	Co-facilitators: <ul style="list-style-type: none"> • Mr. Jorge Rios, Mr. Giovanni Broussard, UNODC • Mr. Simon Robertson, World Bank/GWP
17.15-18.00	Parallel Session 2B-3 <ul style="list-style-type: none"> • Prepare the back-to-plenary report for Session 4 and elect presenters • Fill out GWP survey 	Co-facilitators: <ul style="list-style-type: none"> • Mr. Simon Robertson, World Bank/GWP • Mr. Giovanni Broussard, UNODC
18.00-20.00	Dinner	

WEDNESDAY 5 JULY

Time	Topic/Activity	Presenter/Facilitator
Session 3: Results of Parallel Sessions Session Chair: Mr. Robert Wabunoha, UN Environment		
09.00-09.30	Results of Parallel Session 2A	One or more presenters as set by participants on Day 1
09.30-10.00	Results of Parallel Session 2B	One or more presenters as set by participants on Day 1
10.00-10.15	Real-time survey on recommendations/priorities for national legal frameworks on natural resource management and trade regulation; and criminal justice and inter-regional mechanisms	Co-facilitators: <ul style="list-style-type: none"> • Ms. Lisa Farroway, UNDP • Ms. Patti Moore, Senior Legal Consultant
10.15-10.30	Break	
10.30-12.00	Plenary discussion to develop summary statement and/or elements of the meeting report, based on the results of Parallel Sessions 2A and 2B	Co-moderators: <ul style="list-style-type: none"> • Mr. Juan Carlos Vasquez, CITES Secretariat • Mr. Jorge Rios, UNODC
12.00-13.00	Lunch	
Session 4: Parliamentary Perspectives (USAID Wildlife Asia) Co-moderators: Dr. Craig Kirkpatrick, USAID Regional Development Mission Asia Ms. Sallie Yang, USAID Wildlife Asia		
13.00-14.30	Panel: Parliamentary mandates, best-practices, and special powers to support government initiatives to combat wildlife crimes Q&A	Panelists: <ul style="list-style-type: none"> • Hon. Mr. Raymond Democrito C. Mendoza, Representative, Party List - TUCP; House of Representatives, the Philippines • Hon. Lt. Gen. Chaiyuth Promsook, Chairman, Standing Committee on Environment and Natural Resources, National Legislative Assembly of Thailand • Hon. Mr. Jitu Vlajral Soni, Member of Parliament, the United Republic of Tanzania; Chairman, Tanzania Parliamentarians Friends of the Environment
14.30-14.45	Break	

Time	Topic/Activity	Presenter/Facilitator
Session 5: Next Steps Session Chair: Ms. Lisa Farroway, UNDP		
14.45-15.40	UN Environment wildlife trade project	Ms. Maria Socorro Manguiat, UN Environment
15.40-16.00	Real-time survey on national needs for assistance with legal frameworks to combat wildlife crime	Co-facilitators: <ul style="list-style-type: none"> • Ms. Lisa Farroway, UNDP • Ms. Patti Moore, Senior Legal Consultant
16.00-16.30	Panel: UN Task Force member entity representatives and other Symposium partners	• Moderator: Mr. Jaime Cavalier, GEF Secretariat Panelists: <ul style="list-style-type: none"> • Ms. Maria Socorro Manguiat, UN Environment • Ms. Barbara Tavora-Jainchill, UNDESA/UNFF • Mr. Juan Carlos Vasquez, CITES Secretariat • Mr. Jorge Rios, UNODC • Mr. Simon Robertson, World Bank/GWP • Ms. Marceil Yeater, Senior Legal Consultant
16.30-16.50	Closing remarks	Open opportunity for participants to make remarks
16.50-17.00	Closing	UN Environment

Annex 2: Participants list

Representing	Title	Name	Position, organization
National governments			
Botswana	Mr	Kamogelo Boniface Maleke	Principal Prosecutions Counsel
Cambodia	Mr	Hak Sarom	Deputy Director, General Directorate, Administration for Natural Protection and Conservation
Cambodia	Mr	Chhin Sophea	Government official, Department of Biodiversity, National Council for Sustainable Development/Ministry Of Environment
China	Mr	Gu Zihua	Deputy Director, Department of Treaty and Law, Ministry of Foreign Affairs
China	Mr	Zhang Shaomin	Deputy Director, Department of Policy and Law, State Forestry Administration
Ethiopia	Ms	Mesay Tsegaye Meskele	Director of Crime Investigation and Prosecution, Federal Attorney General
Ethiopia	Mr	Daniel Pawlos Anshebo	Director, Wildlife Trafficking Control Directorate, Ethiopian Wildlife Conservation Authority
Ghana	Mr	Nana Kofi Adu-Nsiah	Executive Director, Wildlife Division
Ghana	Mr	Dennis Osei-Hwere	Director of Legal, Forestry Commission
India	Mr	Roy P. Thomas	Joint Director (Wildlife), Ministry of Environment, Forest and Climate Change
India	Mr	Kamal Datta	Joint Director, Wildlife Crime Control Bureau
Indonesia	Mr	Rasio Ridho Sani	Director General, Law Enforcement on Environment and Forestry, Ministry of Environment and Forestry
Indonesia	Mr	Bambang Dahono Adji	Director of Biodiversity Conservation, Ministry of Environment and Forestry
Indonesia	Mr	Puja Utama Sukirno	Deputy Director of Wildlife Preservation, Ministry of Environment and Forestry
Indonesia	Ms	Neneng Kurniasih	Section Head Of Regional 1, Directorate General of Law Enforcement on Environment and Forestry, Ministry of Environment and Forestry

Representing	Title	Name	Position, organization
Indonesia	Mr	Istanto	Director of Forest Protection and Mitigation, Ministry of Environment and Forestry
Kenya	Mr	Leonard Maingi	Corporation Secretary, Head of Legal Services, Kenya Wildlife Service
Kenya	Mr	Katto Wambua	Principal Prosecution Counsel, Office Of the Director of Public Prosecution
Lao People's Democratic Republic	Mr	Soutsænphaeng Singdala	Vice Head of Division, the Supreme People's Prosecutor of Lao PDR
Lao People's Democratic Republic	Mr	Saysamay Alouthong	The Supreme People's Prosecutor of Lao PDR
Malawi	Mr	Brighton Kumchedwa	Director, Department of National Parks and Wildlife
Malawi	Ms	Mary Kachale	Director of Public Prosecutions, Ministry of Justice
Malaysia	Mr	Salman bin Haji Saaban	Director of Enforcement Division, Department of Wildlife and National Parks
Malaysia	Mr	Mohd Khairul Mubin bin Ab. Satar	Assistant Director, Enforcement Division, Department of Wildlife and National Parks
Mozambique	Mr	Albino Macamo	Assistant Attorney General, Attorney General's Office
Mozambique	Mr	Nunes Mazivile	CITES Management Authority, ANAC
Myanmar	Ms	Yu Yu Khin	Director, Prosecution Department, Attorney General's Office
Myanmar	Dr	Tin Zar Kywe	Assistant Director, Nature and Wildlife Conservation Division, Forest Department
Nigeria	Ms	Ehi-Ebewele Elizabeth	Deputy Director, Head of Wildlife and CITES Management Authority, Department of Forestry
Nigeria	Mr	Bolarinde Omoluabi	Deputy Director, Public Prosecutions
Philippines	Mr	Alejandro Daguiso	Assistant State Prosecutor
Solomon Islands	Ms	Sirepu Ngava Ramosaea	Principal Legal Officer, Office of the Director of Public Prosecution
South Africa	Mr	Anthony Mosing	Advocate, National Prosecuting Authority of South Africa
South Africa	Mr	Mark Jardine	Director, Environmental Management Inspectorate: Capacity Development and Support, Department of Environmental Affairs

Representing	Title	Name	Position, organization
Thailand	Mr	Chatchom Akapin	Deputy Director General, International Affairs department
Thailand	Mr	Somkiat Soontornpitakkool	Director of Wild Flora and Fauna Protection Division, Department of National Parks, Wildlife and Plant Conservation
Uganda	Mr	Charles A. Elem-Ogwal	Deputy Director, Office of the Director of Public Prosecutions
Uganda	Mr	Charles Tumwesigye	Deputy Director for Field Operations, Uganda Wildlife Authority
United Republic of Tanzania	Mr	Alexander Nyangero Songorwa	Director, Wildlife Division
United Republic of Tanzania	Mr	Faraja A. Nchimbi	Principal State Attorney, Attorney General's Chambers
Vietnam	Ms	Nguyen Thi Van Anh	Officer, Biodiversity Conservation Agency, Vietnam Environment Administration, MONRE
Vietnam	Ms	Nguyen Cam Tu	Officer, Department of International Cooperation and Mutual Legal Assistance in Criminal Matters, the Supreme People's Procuracy of Vietnam
Zimbabwe	Mr	Ray H. Goba	Advocate, National Prosecuting Authority
Parliamentarians and their staff			
Lao People's Democratic Republic	Hon. Mr	Viengthavisone Thephachanh	Vice Chairman, Committee on Foreign Affairs, Member of Parliament, The National Assembly of Lao PDR; Secretary, AIPA Caucus Working Group on CITES and Wildlife Protection
Lao People's Democratic Republic	Hon. Mr	Sanya Praseuth	Vice Chairman, Committee on Economic, Technology and Environment, Member of Parliament, The National Assembly of Lao PDR
Philippines	Hon. Mr	Raymond Democrito C. Mendoza	Representative, Party List - TUCP; House of Representatives, the Philippines
Thailand	Lt. Gen	Chaiyuth Promsookt	Chairman, Standing Committee on Environment and Natural Resources, Member of Parliament
Thailand	Hon. Admiral	Weerapan Sookgont	Spokesperson, Standing Committee on Environment and Natural Resources, Member of Parliament
Thailand	Mr	Tanukom Bamrungpon	Director of Inter-Parliamentary Union Division, Secretariat of the House of Representatives

Representing	Title	Name	Position, organization
Thailand	Mr	Prajak Mongjamlang	Foreign Affairs Officer (Professional Level), Secretariat of the House of Representatives
Thailand	Mr	Chulatas Saikrachang	Foreign Affairs Officer (Professional Level), Secretariat of the House of Representatives
United Republic of Tanzania	Hon. Ms	Kemirembe Rose Julius Lwota	Deputy Chairperson, Natural Resources and Environmental Management Committee, Member of Parliament
United Republic of Tanzania	Hon. Mr	Jitu Vlajral Soni	Chairman, Tanzania Parliamentarians Friends of Environment, Member of Parliament - Babati Vijijini
United Republic of Tanzania	Hon. Rev.	Peter Simon Msigwa	Member of Parliament - Iringa Mjini
United Republic of Tanzania	Hon. Ms	Esther Matiko	Shadow Minister of Natural Resources and Tourism, Member of Parliament - Bunda Mjini
UN, intergovernmental organizations, donors, NGOs and observers			
United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products Member Entities			
CITES Secretariat	Mr	Juan Carlos Vasquez	Chief, Legal and Compliance Unit
CITES Secretariat	Ms	Sofie Flensburg	Special Legal Advisor
UNDP	Ms	Lisa Farroway	Regional Technical Specialist, Ecosystems and Biodiversity, Bangkok Regional Hub
UNDP	Mr	Joel Scriven	REDD Technical Specialist, Bangkok Regional Hub
UNDP	Ms	Nittaya Saengow	Programme Assistant, Bangkok Regional Hub
UNDP	Ms	Pakamon Pinprayoon	Programme Assistant, Bangkok Regional Hub
Senior Legal Consultant (UNDP)	Ms	Patricia Moore	Senior Legal Consultant
United Nations Department of Economic & Social Affairs	Ms	Barbara Tavora-Jainchill	United Nations Forum on Forests Secretariat
UN Environment	Dr	Isabelle Louis	Deputy Regional Director, Asia and Pacific Office
UN Environment	Mr	Andrew Raine	Legal Officer and Regional Environmental Governance Coordinator, Asia and the Pacific Office
UN Environment	Ms	Makiko Yashiro	Programme Officer, Asia and the Pacific Office

Representing	Title	Name	Position, organization
UN Environment	Ms	Saranya Rojananuangnit	Programme Assistant, Asia and the Pacific Office
UN Environment	Mr	Robert Wabunoha	Regional Coordinator, Environmental Governance, Africa Office
UN Environment	Ms	Maria Socorro Mangiat	Head, National Law Unit, Law Division
Senior Legal Consultant (UN Environment)	Ms	Marceil Yeater	Senior Legal Consultant
UNODC	Mr	Jorge Rios	Head of the Global Programme for Combating Wildlife and Forest Crime, UNODC Headquarters
UNODC	Mr	Giovanni Broussard	Regional Coordinator, Global Programme for Combating Wildlife and Forest Crime, UNODC Southeast Asia
UNODC	Ms	Jenny Feltham	Wildlife and Forest Crime Advisor, UNODC Vietnam
Intergovernmental and donor organizations			
Asian Development Bank	Mr	Arun Abraham	ADB/GEF Senior Environment Specialist (Consultant)
CMS Secretariat	Ms	Carmen Naves	Coordinator of Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean, Convention on Migratory Species
European Union	Ms	Khobkhul Inieam	Programme Officer (Cooperation), Delegation of the European Union to Thailand
European Union	Ms	Jenni Lundmark	Delegation of the European Union to Thailand
European Union	Ms	Julie Menant	Delegation of the European Union to Thailand
GEF Secretariat	Mr	Jaime Cavelier	Senior Biodiversity Specialist, Programs Unit
INTERPOL	Mr	Ujjwal Meghi	Environmental Security, INTERPOL Liaison Office for Asia and the Pacific
USAID PROTECT Project Tanzania	Mr	Albanie Marcossy	USAID PROTECT Project (Promoting Tanzania's Environment, Conservation and Tourism)
USAID Regional Development Mission for Asia	Mr	Craig Kirkpatrick	Regional Wildlife Conservation Advisor

Representing	Title	Name	Position, organization
USAID Regional Development Mission for Asia	Ms	Laurie Frydman	Regional Environment Office
USAID Wildlife Asia Activity	Mr	Brian V. Gonzales	Partnership Specialist and Objective 3 Lead
USAID Wildlife Asia Activity	Ms	Sallie Yang	Legal Specialist
World Bank	Mr	Simon Robertson	Senior Governance Specialist, Environment and Natural Resources Global Practice
World Customs Organization	Mr	Sang Yong Park	Regional Intelligence Liaison Office (RILO), Asia Pacific
Observers			
EU/Myanmar My Governance Project	Ms	Stephanie Venuti	Senior Expert, EU/Myanmar My Governance Project: CITES Implementation
EU/Myanmar My Governance Project	Mr	Greg Rose	Senior Expert, EU/Myanmar My Governance Project: CITES Implementation
Environmental Law Consultant (MONRE Vietnam)	Ms	Clare Cory	International Environment Law Consultant Sydney, Australia (and MONRE Vietnam)
TRAFFIC	Mr	James Compton	Senior Director, Asia
TRAFFIC	Ms	Monica Zavagli	Programme Officer, Wildlife TRAPS project



Annex 3: Summary analysis of results of pre-Symposium rapid survey

Total responding Countries: 24		From Asia Pacific: 11	From Africa: 13		
#	Question	Answer	Total	Asia Pacific	Africa
1	Does your country have legislation and/or regulations for preventing, detecting and penalizing illegal trade in protected wildlife and forest products?	Yes	96%	91%	100%
		No	0%	0%	0%
		Other	4%	9%	0%
2	If yes, what are the main laws and regulations your country uses for this purpose?	Wildlife/game/hunting law/regulations	79%	82%	77%
		Specialized CITES law/regulations	58%	64%	54%
		Forest law/regulations	88%	91%	85%
		Import/export laws/regulations	63%	55%	69%
		Biodiversity law/regulations	50%	36%	62%
		Penal Code	50%	36%	62%
		Protected species law/regulations	50%	27%	69%
		Customs Law	50%	36%	62%
		Protected areas law/regulations	63%	36%	85%
		Special laws – e.g., anti-money laundering, anti-corruption	58%	36%	77%
		Other (explain)	13%	18%	8%
3	Does your country's legal framework require or enable authorities to involve communities in developing, implementing and benefiting from policies and laws that ensure the sustainable use of natural resources?	Yes	100%	100%	100%
		No	0%	0%	0%
		Other	0%	0%	0%

#	Question	Answer	Total	Asia Pacific	Africa
4	Does your country's legal framework provide financial and/or other support for communities to raise their awareness regarding the disadvantages and dangers of illegal trade in protected wildlife and forest products and to involve them in efforts to prevent, detect and address such trade?	Yes	75%	64%	85%
		No	21%	27%	15%
		Other	4%	9%	0%
5	For which of the following activities involving protected wildlife and forest products does your country's legal framework establish administrative or criminal offences and penalties (fines and/or prison sentences)?	1. Illegal taking, including hunting, poaching, harvesting and logging	100%	100%	100%
		2. Illegal captive breeding, game ranching or artificial propagation	79%	100%	62%
		3. Illegal possession	88%	82%	92%
		4. Illegal transport	88%	91%	85%
		5. Illegal trade (import, export, and re-export)	100%	100%	100%
		6. Illegal transit	79%	82%	77%
		7. Illegal sale and purchase, including through the internet	79%	91%	69%
		8. Illegal processing	71%	64%	77%
		9. Attempt to commit all (or some) of the above	71%	73%	69%
		10. None of the above	0%	0%	0%
6	For which wildlife and forest product species does your country's legal framework restrict or prohibit trade and penalize illegal trade?	1. Domestically protected species	83%	91%	77%
		2. All species listed in CITES Appendices I, II, and III	88%	82%	92%
		3. Other species (please specify)	17%	18%	15%
		4. None of the above	4%	0%	8%

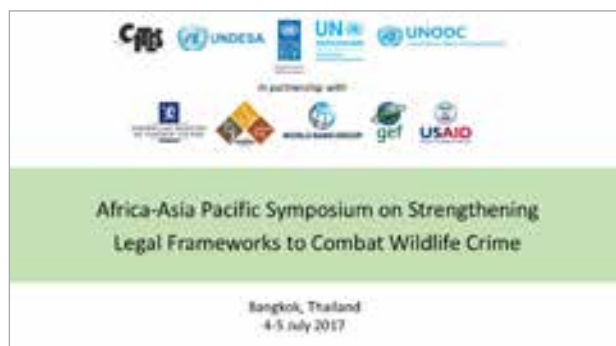
#	Question	Answer	Total	Asia Pacific	Africa
7	What are the penalties for illegal trade in protected wildlife and forest products?	1. Do you use a minimum prison term?	63%	36%	85%
		2. If so, how many months? (average of results)	33	11	44
		3. Do you use a maximum prison term?	92%	100%	85%
		4. If so, how many years? (average of results)	10	8	13
		5. How much is the minimum monetary fine? (Average in USD)	1,203	634	1,771
		6. How much is the maximum monetary fine? (Average in USD)	152,017	182,675	112,600
		7. Confiscation	83%	82%	85%
		8. Other (explain)	29%	27%	31%
8	Does your country's legal framework provide for increased penalties under certain conditions?	1. Yes	88%	82%	92%
		2. No	8%	18%	0%
8A	If yes, under which conditions?	1. The crime involves corruption	46%	27%	62%
		2. The crime is committed by an organized group	58%	55%	62%
		3. The crime involves a firearm	58%	45%	69%
		4. The crime resulted in death or bodily harm	58%	45%	69%
		5. The crime is committed by a repeat offender	71%	64%	77%
		6. The crime involves a CITES Appendix I species	50%	45%	54%
		7. Other (please specify)	21%	27%	15%

#	Question	Answer	Total	Asia Pacific	Africa
9	Does the penalty for illegal trade in protected wildlife and forest products depend on any of the following factors?	1. The kind of offence (e.g. possession, export, sale, false statement, fraudulent permit, etc.)	92%	100%	85%
		2. First or repeat offence	79%	73%	85%
		3. Purpose of the offence (commercial or not)	75%	73%	77%
		4. Knowledge that the activity is illegal (mens rea)	38%	27%	46%
		5. Role in the illegal activity (lead or supportive)	58%	64%	54%
		6. Type of species that are smuggled or otherwise illegally traded (e.g. highly protected, listed in CITES Appendix I)	83%	73%	92%
		7. Quantity of specimens that are smuggled or otherwise illegally traded	54%	45%	62%
		8. Market value of specimens that are smuggled or otherwise illegally traded	50%	45%	54%
		9. The damage generated	54%	55%	54%
		10. Aggravating circumstances (corruption, organized group, etc.)	58%	45%	69%
10	Does your country have prosecuting and/or sentencing guidelines for cases of illegal trade in protected wildlife and forest products?	1. Yes	63%	55%	69%
		2. No	33%	45%	23%
		3. Other (please explain)	8%	0%	15%

#	Question	Answer	Total	Asia Pacific	Africa
11	For serious wildlife/forest crimes, i.e. those punishable by 4 years of imprisonment or more, does your country's legal framework allow any of the following?	1. Anti-money laundering investigations	75%	64%	85%
		2. Controlled delivery	42%	9%	69%
		3. Mutual legal assistance	75%	73%	77%
		4. Extradition	58%	36%	77%
		5. Criminal liability for legal persons	54%	45%	62%
		6. Wiretapping	25%	9%	38%
		7. Informants	54%	45%	62%
		8. Undercover operations	46%	36%	54%
		9. Witness or whistleblower protection	63%	55%	69%
12	Does your country have plans to strengthen the national legal framework to combat wildlife crime?	1. Yes	88%	82%	92%
		2. No	4%	0%	8%
		3. Other (please explain)	4%	9%	0%
13	Does your country have sufficient in-country capacity to strengthen the national legal framework to combat wildlife crime?	1. Yes	42%	45%	38%
		2. No	50%	45%	54%
		3. Other (please explain)	8%	9%	8%
14	Does your country need external technical legal assistance to strengthen the national legal framework to combat wildlife crime?	1. Yes	88%	91%	85%
		2. No	8%	0%	15%
		3. Other (please explain)	8%	18%	0%
15	What is your country's primary need for assistance to strengthen the national legal framework to combat wildlife crime?	1. Financial support	92%	82%	100%
		2. External technical legal assistance provided in-country	83%	82%	85%
		3. External technical legal assistance provided remotely	42%	36%	46%
16	Is your country likely to be interested in being part of an inter-regional mechanism to combat wildlife crime?	1. Yes	96%	91%	100%
		2. No	0%	0%	0%
		3. Other (please explain)	4%	9%	0%



Annex 4: Introduction to the Symposium (presentation)



Tuesday		Wednesday
AM	Session 1: Overview	Session 2: Results of Parallel Sessions
PM	Parallel Session 2A: Natural Resource Management and Trade Regulation (UNEP/EPIC Secretariat)	Parallel Session 2B: Criminal Justice and Inter-regional Mechanisms (UNODC/GaP)
	Session 3: Parliamentary Perspectives (UNAM)	
Session 4: Next steps		
Reception		



Annex 5: Introduction of participants (presentation)



90 participants

Government

- Wildlife law
- Criminal justice

Parliamentarians

Sponsored by
USAID

Organizations, observers



22 countries

15
CITES National Ivory Action Plan Parties

12
Parties with CITES legislation Category 2 or 3

12
Global Wildlife Program national projects

Icebreaker

1. Stand up and start talking with other participants
2. Find out **2 things you didn't know** from others:
 - A strength of a national legal framework
 - A weakness of a national legal framework
3. Record these on Post-it notes and place on wall



Annex 6: Initial results of UN Environment analysis (presentation)

Structure of UN Environment analysis

- Two-step process: (a) review of **global/regional (including subregional)** institutions and their legal frameworks; and (b) identified criteria for and possible gaps/weaknesses in **national legal frameworks**
- Global/regional institutions are considered against 4 factors: (1) general description, legal authority and role vis-à-vis trade in wildlife and forest products; (2) legally-binding instruments; (3) non-legally binding instruments; and (4) key implementation tools, including ongoing projects, guidance materials and cooperative arrangements
- **National legislative frameworks** have been reviewed in relation to: **natural resource management** (including socio-economic aspects); **trade regulation**; and **crime prevention and criminal justice**

Scope of UN Environment analysis

- As indicated above, key 'soft-law' instruments at global and regional level have been identified
- Although **national policies** are important precursors and complements to national legislation, the analysis focuses on **legislation** dealing with trade in wildlife and forest products
- Implementation and enforcement of legislation is critical to its effectiveness, but the analysis focuses on the **content** rather than the **application** of legislation
- Reported **experience** with application (e.g. court cases) has helped show the strength or weakness of particular content

Licit versus legal

- 'Licit' comes from the Latin word 'licitus' which means 'allowed' (from the verb licere) - 'illicit' therefore means 'not allowed'
- **Licit** activities include but are broader than **legal** activities, which are those allowed by or in conformity with established **law or rules**; licit activities also include those allowed by or in conformity with **custom or public morals**
- The draft analysis of national legislation generally considers **legal/illegal** activities rather than licit/illicit ones

Legal and illegal trade

- **Legal trade** in wildlife/forest products **meets human needs/desires** and generally occurs in a much higher volume than illegal trade (Cf. recent INTERPOL report on risks of corruption in forest sector)
- Laws and rules regulating legal trade provide the basis for determining what is **illegal trade** - a punishable offence arises when those laws and rules are violated
- Illegal trade includes activities which might be legal under other circumstances (e.g. with authorization under a valid permit or certificate)
- Illegal trade is often **linked to other illegal activities** such as poaching (i.e. the illegal killing and taking of a protected wild animal), the illegal harvest of protected wild plants or the illegal logging of protected timber

Wildlife crime and illicit trade

- Wildlife crime can include illicit trade, if there are **criminal offences and penalties** for such trade (e.g. the lack of prior authorization, document fraud or smuggling)
- Some wildlife-related offences (including illegal trade) are punishable only by **administrative** rather than criminal fine, so they do not necessarily constitute crimes
- What comprises wildlife crime varies from country to country depending on the types of offences and penalties that are provided in legislation - the notion of **'harmonizing'** legislative provisions across countries may not be realistic, unless self-executing supra-national legislation is adopted, but common legislative elements have been promoted successfully (e.g. CITES National Legislation Project, ICCWC Toolkit and UNTOC 'serious' crime)

Crime prevention and repression

- Effective implementation of the rules regulating the legal taking and use of wildlife and forest products (e.g. through **good administrative services, regular monitoring and the involvement of/benefits to local communities**) helps to prevent illegal activities from taking place in the first instance
- When such rules are violated, however, provisions need to be in place to **detect and address** those violations
- Crime prevention can be more effective and cost-efficient than crime repression – it also occurs **before rather than after harm is done**, though the latter can result in the deterrence of future crime

Natural resource management

- **Key global institutions** are UNDESA and UNFPA, together with ITTO, for forest resources and FAO for forest and wildlife resources; other actors include the secretariats of biodiversity-related conventions, UN Environment, the GEF and UNDP
- **Key global instruments** include the UN Forest Instrument, the International Tropical Timber Agreement and the biodiversity-related conventions
- **National legal frameworks** include laws on game/hunting, wildlife, forests, plants, protected species, protected areas, nature conservation, biodiversity, environment and resource ownership as well as access/benefits (by the State or landowners or indigenous/local communities)
- Such frameworks seek to ensure, inter alia, the **legal and sustainable sourcing** of wildlife and forest products for subsequent use, including commercial or non-commercial trade.

NRM – identified criteria

- Management **planning** for resources as a whole or species (area-specific; periodic surveys; record-keeping (e.g. monitored use of quotas) and reporting, with related **information system**; handling of human-animal **conflict** (including compensation for injury/death or property damage); **resource ownership and access** (e.g. indigenous and local communities)
- Limitations on taking of wildlife/forest products from the wild, including **who** (e.g. experience or knowledge of person taking), **what** (species or individuals, sex, size, age), **how many** (assigned quota or maximum limit), **where** (outside or within protected areas) or **specific areas**, **when** (open/closed seasons), **how** (accepted and/or prohibited methods) and **why** (subsistence, commercial, recreational)
- Authorization/regulation of facilities and operations which **captive breed, ranch or artificially propagate** as well as public and private **zoos or gardens**
- Authorization/regulation of **transport, storage, processing, receipt, acquisition, possession, consumption, use, sale/purchase** (including online), export and import
- Identification and full or partial **protection of specific species and areas** to restore or maintain renewable resource, habitat and biodiversity



Annex 6 (cont.)

NRM – possible gaps to address

- Provision for **general but not specific** management planning
- **Lack of funding** for natural resource management, including salaries, training and equipment for civil service and compensation for damage caused by human-animal conflict
- **Heavy administrative burden/cost** for government rather than shared burden with private sector and little or no recovery of costs (e.g. through fees)
- **Outdated or incomplete** legislation (e.g. does not cover all aspects of taking or other activities related to the use of wildlife/forest products)
- Little or no coverage of **domestic or international trade** or, alternatively, no links to trade-related legislation; coverage of taking but not **possession**; coverage of domestic but not **exotic** species
- **Penalties** which are not proportionate to listed offences
- **Over-spooning or over-regulation** (e.g. prohibited taking of any CITES-listed species regardless of Appendix)

Trade regulation

- A **key global institution** is the CITES Secretariat which assists States Parties with the regulation of international trade in listed species; important actors in the broader field of trade commodities and trade facilitation are WCO and WTO; UNCTAD and ITC have also undertaken relevant activities
- **Key global instruments** in this area include CITES, the WCO International Convention on the Harmonized Commodity Description and Coding System (HS Convention) and the WTO Trade Facilitation Agreement
- **National legal frameworks** include laws for CITES implementation, Customs laws and import/export laws
- Such frameworks seek to ensure that any trade in wildlife/forest products is **legal, biologically sustainable and traceable** and that legal trade passes through any formalities with a minimum of delay

Trade regulation – identified criteria

- Designation of management, scientific and enforcement **authorities** for CITES trade and mechanisms for their cooperation
- Coverage of the **export, import and re-export** of wildlife/forest products and provision for the inspection of products in **transit or transshipment**; coverage of **all CITES-listed species**, as well as **all CITES specimens**, conditions and procedures for trade, including **revenue/acceptance of permits and certificates** and **safe transport** conditions for live animals and plants, exemptions and special procedures for pre-Convention specimens, **personal/household effects**, captive bred or artificially propagated products, **scientific exchanges** and **travelling exhibitions**
- **Facilitation** of legal trade and **penalization** of illegal trade and illegal possession
- Provision for the **confiscation and disposal** of illegally traded or illegally possessed wildlife and forest products
- Inclusion of wildlife/forest products in lists of prohibited, restricted, controlled or exempted goods in **Customs laws**
- Requirement of **due diligence** on the part of those who trade in wildlife/forest products to ensure they are dealing with legally obtained products
- Coverage of domestic **species of concern not listed** in CITES

Trade regulation – possible gaps to address

- No legislation for regulating international trade in wildlife/forest products (e.g. **only administrative provisions** or an absence of both administrative and legislative provisions)
- Enacted legislation not made **operational** through implementing decrees or regulations
- No provision for **timely amendment** of legislation containing CITES-listed species (i.e. following periodic changes to the CITES Appendix)
- **Insufficient conditions and procedures** for regulating international trade (e.g. for the issuance/acceptance of permits)
- No offence/penalty, or no criminal offence/penalty, for **illegal trade and illegal possession**; **outdated or non-proportionate penalty**
- No offence/penalty for **attempts or aiding and abetting**; no enhanced penalty for **recidivism**; no offence/penalty for violation of the law by **public officials**
- **Unclear political or legal status of a jurisdiction** (e.g. a territory, duty-free zone, civil unrest)

Criminal justice legislation

- **Key global institutions** are the ICCWC partners (comprising CITES, INTERPOL, UNODC, WB and WCO), UN Inter-Agency Task Force, GWP and the UN General Assembly
- **Key instruments** are UNTOC and UNCAC as well as relevant UNGA resolutions
- **National legal frameworks** include Customs laws, penal codes, organized crime laws, anti-corruption laws, anti-money laundering laws and legislation on international law enforcement cooperation
- Such frameworks are a useful **complement to or substitute for specialized legislation** on and offences/penalties for illegal trade in and illegal possession of wildlife/forest products

Criminal justice – identified criteria

- Offences/penalties for **transnational organized crime** and **money laundering**, as well as crimes associated with **corruption**, which may be used in connection with illegally traded or possessed wildlife and forest products
- Provision for international law enforcement cooperation mechanisms such as **mutual legal assistance, extradition and joint investigations**
- General criminal offences and penalties (e.g. **conspiracy, organized crime, bribery, fraud, abuse of office, extortion**, etc.) which might be used individually or in conjunction with specialized offences for illegally traded and illegally possessed wildlife/forest products
- Criminal investigative techniques (e.g. **controlled delivery, electronic surveillance, informants, covert operations, asset forfeiture**, etc.) which can be used in connection with offences involving wildlife/forest products

Criminal justice – possible gaps to address

- Limited or no provision for **international cooperation mechanisms**
- **Statutory or judicial limitation** of certain general crimes and criminal investigative techniques to offences other than those involving wildlife and forest products
- Limited or no offences/penalties for transnational organized crime or crimes related to corruption, **which involve wildlife/forest products**

Status of work

- An analysis of national legal frameworks and comments from key partners on an preliminary review of global/regional institutions and instruments were incorporated into a zero order draft submitted to UN Environment on 30 June 2017
- Information obtained during this symposium and from other sources will be included in a revised draft that will be circulated to a wider group of partners for review
- The final analysis is currently scheduled for completion by 31 August 2017



Annex 7: Sustainable natural resource management combats and prevents illegal harvesting and trade of wildlife and forest products (presentation)





Annex 7 (cont.)

Legal and illegal harvesting – an example

• Determining the legality of harvested products through land use management

National Forest Code of Brazil

Determines the areas of native vegetation that must be preserved and which regions are legally authorized to harvest the different types of rural production.

Two types of preservation areas:

Legal Reserve – percentage of each property or rural production that should be preserved, varying according to the region and biome: *only up to one-sixth of the land may be used for other purposes besides sustainable forest management.*

Permanent Preservation Area – preserves fragile places like river banks, tops of hills and slopes, river sources, tanks, dams and biodiversity: *that are never subject any kind exploitation is prohibited.*

Working with local communities

- Protecting sea turtles by raising awareness at the community level
- Supporting sustainable levels of fish population through small levels of financial assistance
- Providing financial incentives to promote sustainable forest management

Some conclusions


- Addressing illegal harvesting and trade of wildlife and forest products requires taking into account the social, economic and environmental realities;
- Governments often have limited resources and competing priorities;
- Clear legal frameworks are a critical pre-condition;
- Prevention is just as important as combatting illegal harvesting and trade.

Thank you for your attention!


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Annex 8: CITES and sustainable management of forests (presentation)



CITES and sustainable management of forests


Sofie H. Flensburg, Special Legal Advisor
CITES Secretariat

Tree species listed in CITES		
Commonly named	App. I	App. II
Etonies		Diospyros spp. (populations of Madagascar)
Rosewoods, Afrosesia, bubingas, sandalwood and palisanders	Dalbergia nigra	Dalbergia spp., Pericopsis elata, Pterocarpus erinaceus, Pterocarpus santalinus 3 species of Guibourtia etc.
Bacabats		Adansonia grandident
African cherry		Prunus Africana
Ramin		Gonystylus spp
Agave-wood-producing species		Aquilaria and Gynrops

Trade in specimens of CITES listed species

The App. II listing of a plant taxa can include:

- The entire plant/tree (live or cut)
- Parts and derivatives (products) as specified in an annotation
- All parts and derivatives if the listing is not accompanied by an annotation



Trade in specimens of CITES listed species

- Trade in products (specimens) of CITES App. II listed tree species can be legal if
 - The tree from which the product is made was legally harvested (legal acquisition); and
 - The CITES SA has made a "non-detriment finding" (risk assessment); and
 - No trade suspension is in place concerning the species or the country in question; and
 - The CITES MA has issued an export permit (or the product is exempted from the rules)

Trade in specimens of CITES-listed tree species

- Trade in covered products/specimens of CITES App. II tree listed species is illegal if it is taking place in violation of the convention, i.e.
 - The tree from which the product is made was **illegally harvested** (no license/permit or moratorium on any harvest in place); or
 - There is **no "non-detriment finding"** (risk assessment) made by the CITES SA; or
 - The CITES MA has **not issued an export permit** (and no exemption apply)

Illegal trade in forest products

- Consequences of illegal trade include
 - Lost public revenue
 - Lost income opportunities for rural/local communities
 - Loss of valuable / irreplaceable tropical forests
 - Undermining of the legal and sustainable tropical forest timber industry
 - Etc.





Annex 8 (cont.)

National legal frameworks on trade in forest products

- What are the options for strengthening national legal frameworks to
 - Combat **illegal trade** in timber and non-timber forest products, while at the same time
 - Facilitate **legal and sustainable** trade in those products?



National legal frameworks on trade in forest products

Options for strengthening national legal frameworks?

- Clear regulation of the harvesting/taking (who, when, where, what, how much)
- Engagement of rural communities in the monitoring and surveillance of the regulation
- Engagement and contribution of private sector
- Clear regulation on the possession (proof of legal harvesting)
- Establishment and communication of harvest and of export quotas and monitoring of their implementation
- Clear rules – updated with new listings and including all annotations (stricter measures possible)
- Regulation of domestic trade and of trade in exotic species



New CITES Tree Species Programme 2017-2021

Will follow-up the
ITTO-CITES Programme's work
2006-2016



CITES tree species programme

- Current budget: 7 M euros (EU) for work on CITES listed tree species.
- Goal: Assist in the conservation of global biodiversity and contribute to poverty alleviation
- Objectives:
 1. Sustainably manage endangered tree species through improved technical capacity;
 2. Contribute to legal and traceable products derived from these species;
 3. Improve governance, enforcement, and capacity to manage endangered trees species; and
 4. Promote rural development based on sustainable management.



Key areas of work

- Producing Non-detriment Findings (NDFs);
- Supporting national, regional and international working groups;
- Strengthen timber identification capacities and traceability;
- Commission Market studies; and
- Raising awareness and strengthening effective implementation of CITES for listed tree species.

Project proposals from range States for a maximum budget of
USD250,000

Supporting documents

- Project proposal template
- Eligibility Criteria to consider eligible project proposals
- Relevant CoP17 Decisions and Resolutions concerning CITES tree species



Thank you!



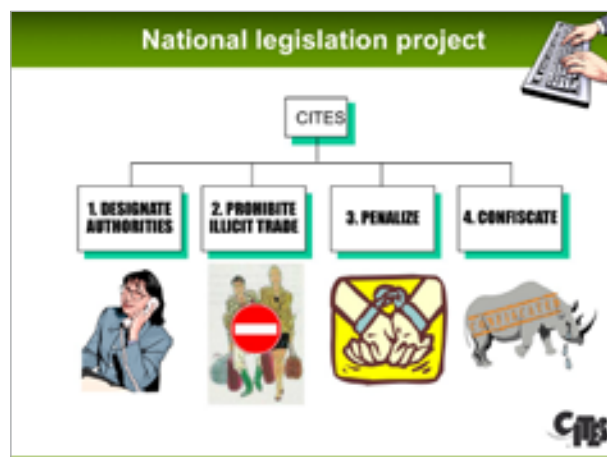


Annex 9: Strengthening national legislation on trade in CITES-listed species to combat illegal trade (presentation)



Strengthening national legislation on trade in CITES-listed species to combat illegal trade

*Sofie H. Flensburg, Special Legal Advisor
CITES Secretariat*



National Legislation Project (2)

Based on analysis and dialogue with the Party concerned, the national legislation is placed in one of three categories:


Category 1: legislation that is believed generally to meet the requirements for implementation of CITES

Category 2: legislation that is believed generally *not to meet all requirements* for the implementation of CITES

Category 3: legislation that is believed generally *not to meet the requirements* for implementation of CITES

Each of these requirements comprises components that are **essential** (Convention) and strongly **recommended** (Resolutions). Only essential requirements need to be fulfilled for the legislation to be placed in Category 1.

NLP aims to ensure that all Parties incorporate all **essential** as well as all **recommended** components.




Key Convention provisions


- The Convention contains key provisions essential for Parties to include in their legislation
 - Articles III to VII of the Convention set forth the conditions under which trade is allowed to take place
 - Article IX requires that each Party designates a Management Authority and a Scientific Authority
 - Article VIII requires that each Party prohibits trade in specimens in violation of the Convention, and penalizes such trade and authorizes confiscation of specimens illegally traded or possessed




I. CITES Authorities

Essential (Art. IX)

- The CITES Management Authorities and CITES Scientific Authorities should be **designated by a legal instrument** (law, regulation, decree)
- The legislation should clearly and precisely give CITES authorities the **necessary powers to carry out their responsibilities** (power to grant – and not to grant – permits and certificates, power to establish export quotas, etc.)





Annex 9 (cont.)

I. CITES Authorities (2)

Strongly recommended

(Res. 10.3, Res. 11.3)

- The Scientific Authorities should be **independent** of the Management Authority(ies) and the functions of the Management and Scientific Authorities should be **separate**.
- Legislation should require and provide mechanisms for **coordination, collaboration and communication** between the Management and Scientific Authorities as well as with other government agencies with relevant competence (e.g. Customs, police, ministry responsible for foreign trade, etc.)
- The departments and agents responsible for **enforcing** the Convention should be clearly designated in the legislation and be given the necessary powers to carry out their tasks.



I. CITES Authorities (3)

Discussion:

What are options for strengthening **national legal frameworks** with respect to the designation of authorities, their functions and powers and their collaboration?

- Which powers should be conferred upon enforcement officers?
- Should the collaboration between CITE MA and Customs be regulated and if so, how?



II. Prohibition of trade violating CITES

Essential

(Articles III, IV, V, VI and VII)

- All **species** included in the three Appendices of the Convention are covered by national legislation irrespective of whether they are native or exotic.
- **Timely (automatic) amendment** of any annexes or schedules to reflect periodic changes made to the Appendices.
- All types of **CITES specimens** (live or dead animals and plants, as well as parts and derivatives)
- All types of **trade transactions** under the Convention (export, import, re-export, and introduction from the sea, irrespective of their commercial or non-commercial character)
- **Conditions and procedures** for the granting of permits and certificates required for trading in CITES specimens should be clearly set out in the Convention to ensure that such trade is **legal, sustainable and traceable**.



II. Prohibition of trade violating CITES (2)

Recommended

(Res. 12.3, Res. 10.21, Res. 9.6, Res. 9.7)

- **General clause prohibiting** any trade in CITES specimens in violation of the Convention (e.g. without a valid permit or certificate), as a sort of catch-all provision
- The legislation should include a **standardized permit/certificate form**
- If payment for permits is requested, the legislation should clearly set out such **fees**
- Legislation should provide for the **inspection of specimens in transit, or being transhipped**, to verify the presence of a valid CITES permit or certificate as required under the Convention or to obtain satisfactory proof of its existence



II. Prohibition of trade violating CITES (3)

Discussion:

How could national legal frameworks with respect to the regulation of legal trade and the prohibition of illegal trade be strengthened?

- Should there be a clearly defined process for private persons/NGOs to report incidents of illegal trade?
- Is illegal international trade via Internet covered by the national CITES legislation?
- What is the responsibility of importing countries to verify legality and sustainability?



III. Penalization of illegal trade

Essential

(Conv. Art. VIII)

- A clear definition of the **prohibited activities** should be included in the legislation, e.g.:
 - trade without a valid permit/certificate
 - possession of specimens that were illegally acquired/introduced
 - falsification of documents / mis-declaration of origin/volume of the specimens
 - **Attempts** at any of the above
- The legislation should specify that the breach of any prohibition constitutes an **offence** which is punishable by imprisonment, fine, confiscation, suspension of activity, etc.





Annex 9 (cont.)

III. Penalization of Illegal trade (2)

Recommended

(Res. 17.3)

- A maximum penalty of at least **4 years of imprisonment** for CITES-related offences involving **organized crime** or trafficking in endangered species, in order to qualify such offences as **serious crimes** under the UN Convention against Transnational Organized Crime
- Liability of legal persons
- Cross-reference any offences and penalties related to CITES that are provided in Customs, general crime, environmental or other legislation



III. Penalization of Illegal trade (3)

Discussion:

Possible options for strengthening the legal frameworks with respect to the penalization of illegal trade:

- Should the legislation **provide offences and penalties** for attempted violations, aiding and abetting, corporate and corporate officer liability, recidivism, obstruction of justice, false statement, tampering, fraud?
- Should the legislation establish **aggravating circumstances** for measuring the appropriate penalties?
- How are CITES-related offences and violations by **government officials** acting under color of law reported, investigated, prosecuted and penalized?
- Does **criminal legislation** on regulated or prohibited goods, organized crime, money laundering, controlled deliveries, wire tapping, the use of informants, etc. cover offences related to CITES?



IV. Authorization to confiscate

Essential

(Conv. Article VIII, paragraph 1(b), Res. 17.8)

- The legislation (either specialized CITES legislation or other legislation) should provide for the **permanent confiscation** - as distinguished from the **temporary seizure** - of illegally traded or possessed specimens?

Recommended

- Does legislation authorize the confiscation of not only specimens but also vehicles, vessels, containers, equipment, etc. used in the commission of a CITES-related offence?



IV. Authorization to confiscate (2)

Confiscation of specimens of CITES-listed species involved in an infraction is **compulsory**.



The application of this precautionary measure is not subordinated to the identification of the infractor and the penal liability of the accused



IV. Authorization to confiscate (3)

Discussion

Option for strengthening national legal frameworks with regard to confiscation?

- Should the legislation **specify which authorities** may confiscate, the extent of their confiscation powers, the procedures that must be followed, and the **final disposal** of confiscated specimens?
- Can confiscated specimens be sold by the authorities? What are pros and cons?
- Should the legislation provide for **confiscation of assets**?



Process for strengthening legislation to combat illegal trade

Discussion

- What are some key aspects to consider in the process of developing strengthened CITES legislation?
 - Needs and concerns of any industrial sector (forestry, fisheries, garment) that depends on the natural resource for legal trade
 - Needs and concerns of local communities that depend on the resources for subsistence and other domestic use and trade of the resources
 - Need to facilitate periodic update of the Appendices
 - Engagement of parliamentarians
 - Role and resources of other agencies (customs, police, judiciary etc.)





Annex 10: Harmonizing the legal provisions related to wildlife crimes (presentation)

UNODC
United Nations Office on Drugs and Crime

COMBATING
WILDLIFE AND TRAFFIC CRIME

Harmonizing the legal provisions related to wildlife crimes

Minimum provisions of criminalization?

Bangkok, 31st July 2017

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Human Trafficking

- Protocol to the UN Convention Against Transnational Organized Crime

- 170 Parties are requested to criminalize the:

- Act
- Means
- Purpose

The Act

Recruitment, Transport, Transfer, Harboring, Receipt

The Means

Force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a third party

The Purpose

Exploitation, including sexual exploitation, forced labour, slavery or practices similar to slavery, servitude, or the removal of organs

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Illegal Wildlife Trade

Origin → **Export** → **Transit** → **Import** → **Destination**

Origin: Cyber crime, Environment based, Murder, Corruption, Poaching, Possessing, Processing

Transit: Money Laundering, Conspiracy

Destination: Other forms of TOC, Tax evasion, Export/Import for export, Selling/Buying

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Main laws and regulations

Question	Answer	Total	Asia Pacific	Africa
Wildlife laws/hunting laws/regulations		73%	84%	77%
Specialized CITES law/regulations		58%	64%	54%
Forest law/regulations		58%	71%	81%
Import/export laws/regulations		63%	51%	69%
Customs laws/regulations		57%	58%	62%
Penal Code		52%	55%	64%
Protected species law/regulations		30%	47%	63%
Customs Law		30%	38%	61%
Protected areas law/regulations		33%	56%	81%
Special laws (e.g., anti-theft, smuggling, anti-corruption)		18%	38%	71%
Other (unpaid)		13%	18%	9%

If yes, what are the main laws and regulations your country uses for this purpose?

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Finding common standards

- Behaviours constitute wildlife crime (Act)
- Aggravating circumstances (Means)
- Consistent approach to species
- Consistent penalties
- Legal basis for international cooperation

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Act: what constitutes a crime?

Question	Answer	Total	Asia Pacific	Africa
1. Regulating, including hunting, poaching, harvesting and logging		100%	100%	100%
2. Regulating hunting, game ownership or official protection		74%	100%	11%
3. Regulating		89%	87%	81%
4. Regulating		88%	73%	84%
5. Regulating (import, export, and/or receipt)		100%	100%	100%
6. Regulating		74%	87%	71%
7. Regulate and enforce, including through the Internet		71%	73%	14%
8. Regulating		71%	84%	77%
9. Enforced to control all or some of the above		71%	73%	81%
10. None of the above		0%	0%	0%

Out of which of the following activities involving protected wildlife and forest products have your country's legal framework provision administrative or criminal offences and penalties (may include both or neither)?



Annex 10 (cont.)

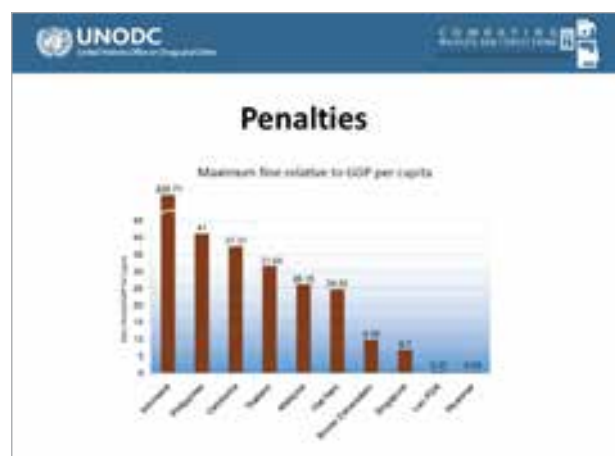
UNODC Global Study on Organized Crime				
COMPARISONS By Region, Age, Gender, Crime				
Means: which aggravating circumstances?				
Question	Answer	Total	Asia-Pacific	Africa
Does your country's legal framework provide for increased penalties under certain conditions?	1. Yes	88%	83%	93%
	2. No	8%	18%	0%
If yes, under which conditions?	1. The crime involves corruption	46%	27%	67%
	2. The crime is committed by an organized group	54%	55%	62%
	3. The crime involves a firearms	54%	80%	68%
	4. The crime results in death or bodily harm	54%	45%	60%
	5. The crime is committed by a repeat offender	73%	64%	77%
	6. The crime involves a CITES Appendix I species	50%	40%	54%
	7. Other (please specify)	11%	11%	11%

UNODC Global Study on Organized Crime				
COMPARISONS By Region, Age, Gender, Crime				
Consistent approach to species				
<ul style="list-style-type: none"> Only domestic species Domestic species + some alien species All CITES Species All illegally harvested wildlife (Lacey Act)* 				
<p>*It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce:</p> <p>(A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law;</p>				

UNODC Global Study on Organized Crime				
COMPARISONS By Region, Age, Gender, Crime				
Consistent approach to species				
Question	Answer	Total	Asia-Pacific	Africa
For which wildlife and forest product species does your country's legal framework restrict or prohibit trade and generate legal trade?	1. Domestically protected species	48%	90%	11%
	2. All species listed in CITES Appendix I, II, and III	46%	82%	62%
	3. Other species (please specify)	17%	18%	15%
	4. None of the above	4%	0%	8%

UNODC Global Study on Organized Crime				
COMPARISONS By Region, Age, Gender, Crime				
Penalties				
Question	Answer	Total	Asia-Pacific	Africa
What are the penalties for illegal trade in protected wildlife and forest products?	1. Do you get a maximum prison term?	93%	94%	80%
	2. If so, how many months?	42	34	57
	3. Do you get a maximum prison term?	93%	94%	80%
What are the penalties for illegal trade in protected wildlife and forest products?	4. If so, how many years?	57	7	17
	5. How much is the maximum monetary fine? (USD)	8,123	400	2,545
	6. How much is the maximum monetary fine? (USD)	194,708	151,346	180,364
	7. Confiscation	80%	82%	80%
	8. Other (specify)	10%	17%	18%

UNODC Global Study on Organized Crime				
COMPARISONS By Region, Age, Gender, Crime				
Penalties				
AAE	Min Imprisonment	Max Imprisonment	Min Sanction	Max Sanction
Angola	3 months	3 years		
Cambodia	1 month	10 years	200\$	62,500\$
Kenya	5 years	Life Imprisonment	8,400\$	182,700\$
Myanmar		7 years	75	875
Tanzania	5 years	10 years	Twice the value	10 times the value
Singapore		2 years		363,300\$
South Africa		10 years		765,000\$ Or 3 times commercial value
Thailand		8 years		1,142\$





Annex 10 (cont.)

Sentencing				
Question	Answer	Total	Asia-Pacific	Africa
Does your country have prosecuting and/or sentencing guidelines for cases of illegal trade in protected wildlife and forest products?	E. Yes	63%	55%	69%
	F. No	37%	45%	31%
	G. Other (please explain)	0%	0%	0%

Sentencing				
Question	Answer	Total	Asia-Pacific	Africa
1. The level of offence (e.g., prosecution, arrest, civil legal measures, financial penalty, etc.)		60%	55%	65%
2. Level of imprisonment		45%	35%	55%
3. Amount of the fine (percentage of GDP)		45%	35%	55%
4. Knowledge of the illegal activity (e.g., intent)		35%	25%	45%
5. Role in the illegal activity (e.g., support)		35%	25%	45%
6. Type of offence that is prosecuted or otherwise legally treated (e.g., highly protected, listed in CITES Appendix I)		35%	25%	45%
7. Quantity of specimens that are confiscated or otherwise legally treated		35%	25%	45%
8. Whether value of specimens that are confiscated or otherwise legally treated		35%	25%	45%
9. The illegal proceeds		35%	25%	45%
10. Aggravating circumstances (e.g., corruption, organized crime, etc.)		35%	25%	45%



Transnational Organized Crime

- A structured group of **three or more persons**
- Acting together with the aim of committing one or more **serious crime**
- In order to obtain **financial or material benefit**
- These crimes are planned and/or committed in **more than one country**

Serious Crime : offence punishable by a maximum deprivation of liberty of at least 4 years or more

Scope of application

- It applies to the "prevention, investigation and prosecution" of
 - Offences established by the convention
 - Other serious crimes**
 - Protocol offences
- Only when:
 - transnational in nature
 - an organized criminal group is involved

Key implications for State Parties

- Effective international cooperation**
 - Extradition (art. 16)
 - Mutual Legal Assistance (art. 18)
 - Joint investigations (art. 19)
- Liability of legal persons**
 - Criminal, civil administrative – with proportionate and dissuasive sanctions
- Effective Prosecution, Adjudication and Sanctions**
 - Including longer statute of limitations



Annex 10 (cont.)

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WILDLIFE AND FOREST CRIME**

Key implications for State Parties

- **Special investigations**
 - Including controlled deliveries, electronic surveillance also at bilateral level (art. 20)
- **Law Enforcement cooperation**
 - Exchange of information, coordination of operations, training (art. 27)

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**COMBATING
WILDLIFE AND FOREST CRIME**

Controlled deliveries

Article 20: Special investigations measures

1. It is permitted by the basic principles of its domestic legal system, each State Party shall, within its jurisdiction and under the conditions prescribed by its domestic law, take the necessary measures to allow for the application and of controlled delivery and, where it deems appropriate, for the use of other special investigative techniques such as electronic or other forms of surveillance and undercover operations, by its competent authorities to be necessary for the purpose of effectively combating organized crime.

Article 27: Law enforcement cooperation

1. States Parties shall cooperate closely with one another consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. Such States Parties shall, in particular, share relevant information.

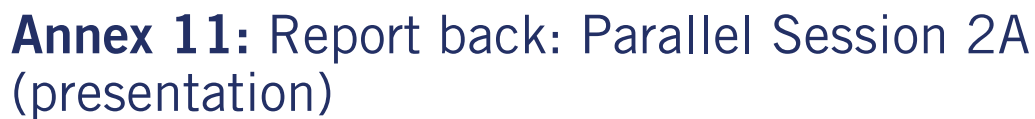
2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on legal assistance, domestic law, law enforcement, operations, joint efforts, data, information or arrangements already exist, including those in the absence of such agreements or arrangements between the States Parties concerned, the States may conclude this Convention as the basis for mutual law enforcement cooperation in regard to the offences covered by this Convention. Without prejudice to the States Parties which may not be a party to an agreement or arrangement including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

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WILDLIFE AND FOREST CRIME**

Cooperation and investigations

Question	Answer	Total	Rate (%)	Ratio
For serious wildlife/forest crimes, i.e. those punishable by a year of imprisonment or more, does your country's legal framework allow any of the following?	1. Joint cross-border law-enforcement investigations	75%	84%	80%
	2. Controlled delivery	42%	9%	49%
	3. Mutual legal assistance	75%	73%	77%
	4. Extradition	58%	80%	72%
	5. Criminal liability for legal persons	58%	93%	62%
	6. Witnessing	75%	8%	58%
	7. Informants	54%	45%	52%
	8. Undercover operations	48%	30%	58%
	9. Witness or victim/defendant protection	43%	50%	48%





Annex 12: Summary circulated at conclusion of Symposium

Senior officials from the national authorities responsible for wildlife and criminal justice in Botswana, Cambodia, China, Ethiopia, Ghana, India, Indonesia, Kenya, Lao People's Democratic Republic, Malawi, Malaysia, Mozambique, Myanmar, Nigeria, Philippines, Solomon Islands, South Africa, Thailand, Uganda, United Republic of Tanzania, Vietnam, and Zimbabwe, together with parliamentarians from Cambodia, Lao People's Democratic Republic, Thailand and the United Republic of Tanzania, jointly developed the following summary of their discussions during the Symposium. In this summary, Symposium participants have identified a set of possible elements for national legal frameworks for combatting wildlife crime and suggestions for key actions.

The Symposium was convened by the United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products, in partnership with the World Bank-led, GEF-financed Global Wildlife Program and USAID. The member entities of the UN Inter-Agency Task Force are: UN Environment; the CITES Secretariat; UNDESA, represented by UNFF; UNDP; UNODC; DPA; DPI; and DPKO. Other entities that participated in the Symposium included: the GEF Secretariat, the CMS Secretariat, ADB, INTERPOL, the WCO, the European Union, and TRAFFIC.

In parallel working groups, participants considered (A) natural resource management and trade regulation and (B) criminal justice and inter-regional mechanisms. Each parallel session identified a series of suggested elements for strengthening legal frameworks to combat wildlife crime and for improving coordination and cooperation. Parallel session (A) focused particularly on institutional arrangements and regulatory mechanisms to improve compliance and enforcement of legislation governing wildlife and wildlife crime. Parallel session (B) focused primarily on enforcement issues, including identifying wildlife crime as a serious crime and associated criminal offences within specialized wildlife legal frameworks.

Suggested elements for legal frameworks

Symposium participants identified suggested elements for drafting provisions to tackle wildlife crime that were clustered as follows:

- Designation of authorities, their powers, functions and collaboration and coordination

- Regulation of legal and prohibition of illegal trade
- Penalisation of illegal trade
- Confiscation of illegally traded specimens
- Mechanisms for Inter-regional cooperation.

The full lists and descriptions of elements as presented during the Symposium were made available to participants during the Symposium and will also be available at a link that will be provided to all participants.

Recommendations

Symposium participants made the following recommendations:

1. Develop a set of model legal provisions to assist countries in strengthening national legal frameworks to combat wildlife crime)
2. Compile best practices and comparative analysis of penalties, and share experiences
3. Consider the development of a massive open online course (MOOC) on strengthening national legal frameworks to combat wildlife crime
4. Contribute legislation and case law relevant to wildlife crime to the SHERLOC database
5. Provide training to strengthen cooperative mechanisms between relevant central authorities to increase capacity to prepare and approve MLA requests
6. Identify priority wildlife crimes and facilitate problem-solving dialogues among concerned parties, including source, transit and destination countries
7. Promote international legal cooperation between regions
8. Include parliamentarians in future initiatives to discuss and promote the strengthening of national legal frameworks to combat wildlife crime
9. Promote the creation of informal networks of wildlife authorities, prosecutors, enforcement agencies (e.g. police, customs officials), and judges
10. Review the status of existing regulatory frameworks governing wildlife, under the CITES National Legislation Project and other relevant initiatives.



Annex 13: Addressing the illicit trade in wildlife and forest products (presentation)





Annex 14: Resources

Resolutions

- United Nations General Assembly Resolution No. 70/301. Tackling illicit trafficking in wildlife. A/RES/70/301. 2016
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/283/36/PDF/N1628336.pdf?OpenElement>
- United Nations General Assembly Resolution No. 69/314. Tackling illicit trafficking in wildlife. A/RES/69/314. 2015
http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/69/314
- United Nations Environment Assembly of the United Nations Environment Programme Resolution 2/14. Illegal trade in wildlife and wildlife products. UNEP/EA.2/Res.14. 2016
http://wedocs.unep.org/bitstream/handle/20.500.11822/17508/K1607258_UNEPEA2_RES14E.pdf?sequence=8&isAllowed=y
- United Nations Environment Assembly of the United Nations Environment Programme Resolution 1/3. Illegal trade in wildlife. 2014
<http://wedocs.unep.org/bitstream/handle/20.500.11822/17285/K1402364.pdf?sequence=3&isAllowed=y>

Declarations, Statements

- Hanoi Statement on Illegal Wildlife Trade 2016
[http://iwthanoi.vn/wp-content/themes/cites/template/statement/Hanoi%20Statement%20on%20Illegal%20Wildlife%20Trade%20\(English\).pdf](http://iwthanoi.vn/wp-content/themes/cites/template/statement/Hanoi%20Statement%20on%20Illegal%20Wildlife%20Trade%20(English).pdf)
- Doha Declaration 2015
http://www.unodc.org/documents/congress/Documentation/ACONF222_L6_e_V1502120.pdf
- Kasane Statement 2015
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417231/kasane-statement-150325.pdf
- London Declaration 2014
<https://cites.org/sites/default/files/eng/news/sundry/2014/london-wildlife-conference-declaration-140213.pdf>
- EAS (East Asia Summit) Declaration on Combatting Wildlife Trafficking 2014
<https://cites.org/sites/default/files/eng/news/sundry/2014/EAS%20declaration%20on%20combating%20wildlife%20trafficking.pdf>

Strategies, Tools

- United Nations strategic plan for forests, 2017-2030
http://www.un.org/esa/forests/wp-content/uploads/2016/12/UNSPF_AdvUnedited.pdf
- African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa. 2015
http://pfbc-cbfp.org/news_en/items/Africa-wildlife.html
- CITES basic principles and guidelines on minimum requirements for national legislation to implement the Convention
https://cites.org/eng/legislation/National_Legislation_Project
- ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime
<http://www.wildlex.org/sites/default/files/literatures/MON-090732.pdf>
- ICCWC Indicator Framework for Combating Wildlife and Forest Crime
<https://cites.org/sites/default/files/eng/com/sc/66/Inf/E-SC66-Inf-22.pdf>
- Wildlife and Forest Crime Analytic Toolkit
https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf

Databases

- UNODC SHERLOC
https://www.unodc.org/cld/v3/sherloc/legdb/search.html?lng=en#?c=%7B%22filters%22:%5B%7B%22fieldName%22:%22en%23__el.legislation.crimeTypes_s%22,%22value%22:%22Wildlife,%20forest%20and%20fisheries%20crime%22%7D%5D,%22match%22:%22%22,%22startAt%22:20,%22sortings%22:%22%22%7D
- ECOLEX
<https://www.ecolex.org/>
- FAOLEX
<http://www.fao.org/faolex/en/>
- Wildlex
<http://www.wildlex.org/>

