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Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime in Central and West Africa

Abidjan, Côte d'Ivoire, 11 and 12 September 2018

Report



This report was prepared by the United Nations Environment Programme
with support from the partners participating in the Symposium.

January 2019

BACKGROUND



Illegal trade in wildlife and wildlife crime often have local roots but also transcend national borders. Organized crime networks operating across countries and regions routinely exploit gaps and discrepancies in national wildlife, forestry, criminal and other laws and the structural issues in the implementation of these legal frameworks. Additional challenges include inadequate links between the legal frameworks for the sustainable management of natural resources and the related criminal penalties, different definitions of 'wildlife' that may exclude non-native species, absence of whistle-blower and witness protection laws, weak sectorial or 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 crime as a predicate offence in anti-money laundering legislation.

In July 2017, the United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products, with partners, convened an Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime in Bangkok, Thailand. Twenty-two countries in Africa and Asia Pacific participated in the symposium. Building on the success of the Bangkok symposium and noting the need to reach out to Central, West and Southern Africa, the Task Force, in partnership with the Food and Agriculture Organization of the United Nations (FAO), and the World Bank-led, Global Environment Facility (GEF)-financed, Global Wildlife Program, convened a Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime in Central and West Africa (the Symposium).

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:

- the Secretariat of the Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES)
- the United Nations Development Programme (UNDP)
- the United Nations Environment Programme (UN Environment)
- the United Nations Office on Drugs and Crime (UNODC)
- the United Nations Department of Economic and Social Affairs (UNDESA)
- the United Nations Department of Political Affairs (DPA)
- the United Nations Department for Peacekeeping Operations (DPKO)
- the United Nations 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-agencytask-force-launched-combat-illicit-wildlife-trade>

Importantly, along with commitments at international level, including those embodied in CITES, the Convention on Biological Diversity, the Convention on the Conservation of Migratory Species of Wild Animals, the World Heritage Convention and the Ramsar Convention on Wetlands, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, as well as the 2030 Agenda for Sustainable Development, countries have committed at the regional and sub regional level to strengthen legislation to effectively address wildlife crime. Relevant obligations and commitments include the African Convention on the Conservation of Nature and Natural Resources, the Lusaka Agreement on Co-Operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, Decision EX.CL/Dec. 832 (XXV) of the Executive Council of the African Union on African Wild Flora and Fauna Conservation and Illegal Trade, the African Common Strategy on Combatting Illegal Trade in Wild Flora and Fauna, the Dakar Declaration on the Development of Sub Regional Wildlife Enforcement Collaboration, the Abuja Recommendations on the Development of a Coordinated Counter Wildlife Trafficking Response in West Africa, and the Yaoundé Declaration that established the Central African Forest Commission (COMIFAC). Several countries in the region have embarked on strengthening national legislation in light of these obligations and commitments.

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.

Objectives and intended outcomes

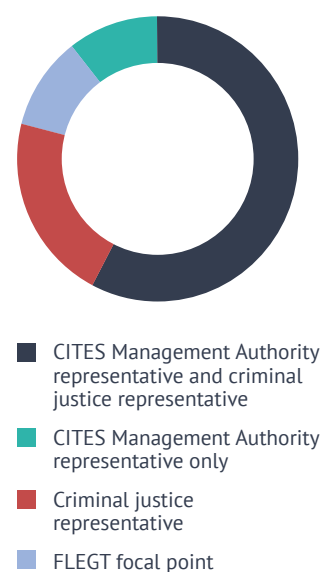
The key objective of the Symposium was to advance efforts across Central and West Africa to develop legal frameworks to combat wildlife crime and improve their implementation to ensure sustainable management of wild fauna and flora. Intended outcomes of the Symposium included: (a) enhanced understanding of existing sub regional, regional, and international commitments addressing illegal trade in wildlife, and the changes needed to reform domestic legal frameworks accordingly; (b) shared knowledge of experiences of other countries in strengthening domestic legal frameworks for addressing illegal trade in wildlife and supporting legal trade; and (c) strengthened working relationships to support cross-border collaboration, and exchange of ideas on the legal frameworks and mechanisms to support this collaboration. The agenda of the Symposium is in Annex 1.

Participants

The Symposium supported the participation of 38 representatives from 19 francophone and lusophone African countries:¹ Angola, Benin, Burkina Faso, Burundi, Cabo Verde, Cameroon, Chad, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Gabon, Guinea, Guinea-Bissau, Madagascar, Mali, Mozambique, Niger, Republic of the Congo and Togo. Eleven countries were represented by a senior official from the national CITES Management Authority and a senior official who has strong expertise with the criminal justice system and its application to wildlife crime; four countries were represented only by a criminal justice representative; two countries were represented only by a CITES Management Authority; and two countries were represented only by a the Forest, Law Enforcement, Governance and Trade programme (FLEGT) Focal Point. The list of Symposium participants is in Annex 2.

Prior to the Symposium, country representatives 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 19 participating countries and one country that could not participate² completed the survey. The summary report of the analysis of responses is in Annex 3.

Figure 1. Country representatives



1 Representatives from Comoros and Rwanda were also invited to participate in the Symposium but were not able to attend the Symposium.

2 Representatives from Comoros could not attend the Symposium but filled out the survey.



Opening remarks

Ms Angèle Luh, Director of the Sub-regional Office for West Africa of UN Environment, welcomed the participants and drew attention to the increasing significance of environmental crime and illegal trafficking of wild fauna and flora. She emphasized that complex transboundary crimes needed both strengthened national legal responses and international cooperation.

Col. Koume Marechal, Deputy Chef de Cabinet of the Ministry of Water and Forests, welcomed the participants on behalf of the Government of Côte d'Ivoire. He noted that his country was not spared from illegal traffic and had taken the initiative to close down the domestic market in ivory as early as 1997. At present, the country was developing an arsenal of legal instruments, comprising, inter alia, a new law to protect the elephant and another on international trade in CITES-listed species. Col. Marechal reiterated the strong commitment of his government to contribute to the eradication of illegal trade in wildlife and forest products.

SESSION 1: Overview

Introduction to the symposium and symposium partners

Ms. Amanda Cabrejo le Roux, Associate Legal Officer (Law Division) of UN Environment, introduced the United Nations Inter-agency Task force on Illicit Trade in Wildlife and Forest Products and the other partners of the Symposium. She explained that the Symposium was built on the lessons learned from the Africa-Asia Pacific Symposium on Strengthening Legal Frameworks to Combat Wildlife Crime held Bangkok, Thailand the previous year.³ In particular, there was a clear need to reach out to francophone and lusophone African countries that were not part of the Bangkok Symposium.

She thereafter walked participants through the structure of the Symposium. As the complex question of wildlife crime transcends national borders, it is paramount to work better together, not only between states but also between national and international experts with different and complementary perspectives. The urge for a stronger transnational approach and a dialogue between different perspectives guided the design of the Symposium. Thus, the first session is dedicated to an overview of the issues and an overview of international and regional initiatives. Complementary perspectives are discussed in the following sessions: the management of natural resources and the regulation of trade (second

³ The report of the Symposium can be found at <https://www.unodc.org/documents/southeastasiaandpacific/Publications/wildlife/Africa-AsiaPac-Wildlife-law-symposium-REPORT-FINAL-SHARE.PDF>.

session) and the criminal justice and coordination mechanisms (third session). Finally, the discussions can lead to a shared reflection on the future, with concrete recommendations and exchanges on the way forward (fourth and last session).

Introduction of participants, priorities and challenges

Of the 51 participants of the symposium, 38 represented national governments, with the remainder being representatives of the institutions organizing the event. National delegates were partly from Ministries of Justice and partly from authorities responsible for the management of natural resources (Ministries of Environment, Ministries of Water and Forests) reflecting the wide range of institutions involved in the design and implementation of legal systems to control the illegal trade in wild fauna and flora in each country. Of the 19 countries present, seven had been identified as affected by illegal trade in ivory and in 16 countries the legislation regarding trade in specimens of CITES-listed fauna and flora was considered insufficient (category 2 or 3 under the CITES National Legislation Project). Five of the attending countries had ongoing projects under the Global Wildlife Program.

Having established this heterogeneous composition of the audience both in terms of countries and individual delegates, a quick survey was conducted to establish what delegates considered the principal strengths and weaknesses of their respective national legal frameworks to combat illegal trade with wild fauna and flora.



The weaknesses most often identified by the participants related to insufficient awareness of populations and of criminal justice stakeholders of their country's legal framework on wildlife and forest crimes. Many participants added that penalties were too low and that laws were inadequate to effectively tackle these crimes. Other responses, cited less often, pointed at corruption, lack of political will, lack of training and insufficient international cooperation.

When asked about strengths, most of the responses pointed to the existence of a given legal framework that sets out offences and provides for penalties. Some participants considered these penalties as adequate. Other reactions related to the capacity of criminal justice actors and relevant ministries to implement those laws, sometimes through specialized brigades. Some responses related to existing political will and awareness of wildlife crime.

Results of analysis of current status of and gaps in regulating legal trade and combatting illegal trade in wildlife and forest products and recommendations

Ms. Maria Socorro Manguiat, Senior Legal Officer (Law Division) of UN Environment, shared an overview of UN Environment's upcoming publication entitled "Strengthening Legal Frameworks for Licit and Illicit Trade in Wildlife and Forest Products (Lessons from the natural resource management,

trade regulation and criminal justice sectors)". Among the key gaps identified in the analysis are lack of regulation of possession, domestic trade and sale and purchase through the Internet, lack of legal provisions dealing with legal persons and with aggravating circumstances, low levels of criminal prosecution, and the underutilization of international cooperation tools such as extradition and mutual legal assistance for offenses involving wildlife and wildlife products. Key legislative components relating to natural resource management include provisions on rights and responsibilities of persons who take, produce or use wildlife and forest resources, the definition of offenses and the setting of proportionate penalties for activities carried out in violation of these rights and responsibilities, and provisions for access to information, decision-making processes and justice involving wildlife and forest resources for local people and their stakeholders. In the area of trade regulation, key legislative components include compliance with the four minimum requirements for the domestic implementation of CITES, the power to amend legislation simply and quickly to incorporate changes to international obligations under applicable treaties, the definition of offenses and setting of penalties for illegal possession, and the adoption of enabling laws and/or implementing regulations to make legislation fully operational. With regard to the crime prevention and the criminal justice system, key legislative components include the criminalization of offenses such as those relating to illegal taking and possession, transnational organized crime, financial crime and corruption, the setting of penalties for key offenses that will enable these to be treated as serious crimes (as defined under the United Nations

Convention against Transnational Organized Crime), the express designation of all relevant law enforcement bodies, the protection of and incentives for reporting persons and witnesses, and legal provisions for law enforcement cooperation (e.g., joint investigations).

Key messages of the analysis include the contribution of effective implementation of the rules regulating lawful taking and use of wildlife and forest products to preventing unlawful activities from taking place in the first instance, the importance of setting aside resources (including financial resources) for the institutions that will implement and enforce legal frameworks, and the dangers of overreach and the creation of an administrative burden on the one hand, and presenting a legislative loophole on the other.

Update on the legal dimensions of strategies on combatting illegal exploitation and illegal trade in wild fauna and flora in Africa

An overview of the variety and the evolution of regional and sub-regional legal instruments and commitments related to combating illegal trade in wild fauna and flora across Africa was presented jointly by Ms. Cabrejo le Roux of UN Environment and Ms. Jenna Dawson-Faber, UNODC Global Programme on Combating Wildlife and Forest Crime. For example, the 1968 African Convention on the Conservation of Nature and Natural Resources (Maputo Convention), the 1994 Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, the African Common Strategy on Combating Illegal Trade in Wild Flora and Fauna, and most recently the Dakar Declaration on the Development of Sub-Regional



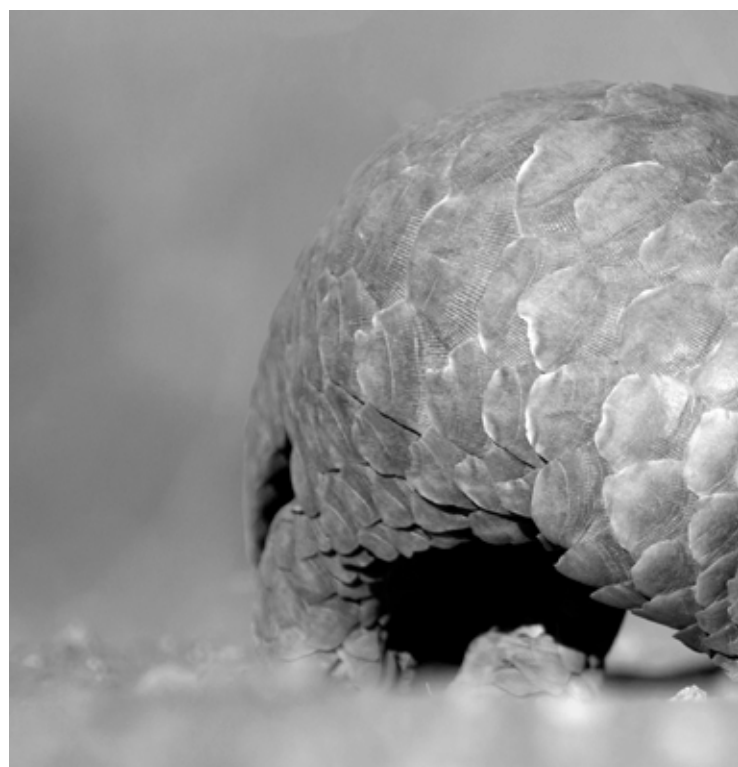
Wildlife Enforcement Collaboration (2016) and the July 2018 Abuja Recommendations on the Development of a Coordinated Counter-Wildlife Trafficking Response in West Africa provide the foundations for effective regional cooperation and collaboration.

To open the debate on progress on national commitments under recent regional instruments and declarations, the participants from Mozambique were invited to present their law enforcement and wildlife authority management perspectives on their legal frameworks. They highlighted that illegal trade in wildlife is broader than simply a criminal justice issue; it covers social, economic and security spheres, and requires strong political will, including engagement of provincial governments, and the engagement of communities. They also commented on the progress in cooperation with other countries at the sub-regional level, as well as mutual legal assistance agreements with Asian countries. They acknowledged that progress in cooperating with Asian countries was partly a result of exchanges between national representatives during the Bangkok Symposium. Questions from the floor focused on the importance of prosecutors' networks both within the region and inter-regionally to cover the entire supply chain, and the role of tackling corruption and following the money in stopping illegal trade.

SESSION 2A: Natural Resource management and the role of local communities – focus on forests and tree species

Ms. Barbara Tavora-Jainchill, Programme Management Officer, Forest Affairs of UNDESA, clarified the role of that Department in the United Nations Inter-Agency Task Force on Illicit Trade in Wildlife and Forest Products, as well as the reasoning behind the Secretariat of the United Nations Forum on Forests representation of UNDESA in the Task Force. Participants were informed of the pertinent sections in the United Nations Forest Instrument and the United Nations Strategic Plan for Forests dealing with the illegal harvest and trade of wildlife and forest products, the importance of natural resources' sustainable management in both preventing and combatting those activities and learned of examples where local communities worked jointly with Governments to deal with the problem.

Participants were then requested to work in groups and provide examples in their countries of positive roles played by local communities in the fight against the illegal harvest and trade of wildlife and forest products. They were asked to indicate whether their respective Governments have considered providing them with a



more active part in the management of natural resources. Various examples were given, and those who shared experiences made it clear that local communities can be helpful in addressing those illegal activities.

SESSION 2B: CITES minimum requirements for national legislation

Ms. Sofie H. Flensburg, Special Legal Advisor of the CITES Secretariat, briefly presented the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which entered into force in 1975 and today comprised 183 Parties, including all but two countries in Africa. The Convention not being self-executing requires Parties to take measures to effectively implement and enforce the provisions of the Convention. These legislative measures must include: 1. The designation of the national CITES authorities; 2. The prohibition of trade in specimens of species included on one of the three Appendices in contravention of the provisions of the Convention; 3. The authority to penalize illegal trade; and 4. The confiscation of illegally traded or possessed specimens. Fifteen of the 19 countries represented at the Symposium had not yet put in place a sufficient legislative framework to meet these minimum requirements, but efforts were ongoing in many parts of the sub-region. It was important to note that the Convention provided for



the only internationally agreed definition of illegal trade, which included, for instance, trade without a permit, trade with a false or invalid permit, or trade with a permit that would not correspond to the actual shipment being traded.

In responding to the questions from participants, Ms. Flensburg noted that the national legislation must cover all species included on the appendices, irrespective of whether they are native to the country concerned. Secondly, it was clarified that the final disposal of confiscated specimens is to be decided at the national level. Resolution Conf. 17.8 (Rev. CoP17) contains certain important recommendations to be considered. For instance, specimens of Appendix I-listed species should in general not be resold and Appendix II-listed species may be sold if the sale is in accordance with national legislation, but countries should ensure that such specimens do not re-enter the illegal market. In case of repeated illegal import of the same species from the same country, it was recommended that the country of import reach out to the country of export to develop a common strategy to stop the traffic. It was further clarified that a Management Authority may authorize the transfer of live animals of Appendix I species for the purpose of increasing the population in the wild; in this instance, purpose code 'N' would apply. Finally, it was mentioned that there are exceptions and special provisions under the Convention for trees that have been artificially propagated under

certain conditions.

SESSION 3: Criminal justice and co-ordination mechanisms

Mr. Giovanni Broussard, UNODC Global Programme on Combating Wildlife and Forest Crime, provided an overview of the United Nations Convention against Transnational Organized Crime (UNTOC) to illustrate how the most serious violations of wildlife laws normally fall under the scope of the Convention. Therefore, the UNTOC can be utilized as the legal basis for international cooperation in the fight against wildlife trafficking, especially for mechanisms like mutual legal assistance, extradition and joint law enforcement operations. Participants were particularly interested in the definition of "serious crime" under the UNTOC, which triggered a discussion about the fact that – in their legal frameworks – countries should assign to the most serious forms of wildlife crime a maximum penalty of at least four years imprisonment.

During this session, the results of the pre-conference survey were showed to the participants and a comparison was drawn with the responses from Southeast Asia, Southern Africa and Eastern Africa. An initial assessment of the results indicates that countries in Western and Central Africa have adopted basic provisions for the criminalization of wildlife offences, have adopted generally low penalties and often do not allow for anti-money laundering investigations, wiretapping, undercover operations or extradition in relation to wildlife crimes. This session highlighted the importance of defining properly the elements of a wildlife offence, including the acts, means and purposes of the offence, the circumstances, the schedules of species involved, the location and time of the offence and the authority of the people committing the act. It was agreed that clear and consistent legal frameworks would help also judges in issuing adequate sentences.

Finally, Mr. Broussard provided an overview on the upcoming Guide on drafting legislation to combat wildlife crime. UNODC developed this guide with the support of a group of experts to assist countries to draft more coherent legal frameworks especially in relation to the criminal dimension of wildlife offences. The Guide will include best practices from selected countries, language for model provisions and a commentary for the key legal issues, with a view to assist legislators in the development and/or reviews of laws. The Guide will be officially launched on 17 October 2018 and will be printed in English and in French. UNODC is currently exploring options to disseminate it as widely as possible.

SESSION 4: The way forward: Dialogue on recommendations/ priorities and reflections by UN Task Force member entity representatives

Round table: priorities and issues for the West and Central Africa: what next?

Ms. Manguiat, UN Environment, brought the attention of participants the mandate of the National Environmental Law Unit of the Law Division, which centres on technical legal assistance to countries in relation to their environmental priorities. She recalled assistance that UN Environment has provided to some countries in Latin America that had identified the need to evaluate whether their penalties for wildlife crime, contained either in their penal or wildlife laws, needed to be increased. Resources permitting, such type of assistance could also be extended to some of the participating countries. She also informed participants of the strong ties that UN Environment has established with parliamentary associations and with members of the judiciary around the world and indicated that these networks could also be utilized in further activities to strengthen legal and institutional frameworks relating to wildlife crime, including the ability to implement and enforce these. Finally, she reminded participants of UN Environment's West Africa Office in Abidjan and the Africa Office in Nairobi, which would be happy to assist them and put them in touch with the relevant teams within the UN Environment.

Ms. Tavora-Jainchill, UNDESA, answering a question from the audience regarding the support that international organizations may provide to countries in preventing and combatting the illegal harvest and trade of wildlife and forest products, said that each entity has a different priority and method of work, but all can help. Regarding international projects and the inclusion of local communities in their execution, she said that those projects, prior to their eventual agreement and execution, are negotiated with National Governments; therefore, if there is a belief that local communities may play a positive role in a specific project, Governments may consider negotiating the inclusion of provisions in this regard. The Global Forest Financing Facilitation Network (GFFFN) carries out UNFF's

forest financing activities. Its functions include promoting the design of national forest financing strategies to mobilize resources for sustainable forest management, facilitating access to existing and emerging financial mechanisms, as well as serving as a clearing house for existing, new and emerging financing opportunities and as a tool for sharing lessons learned from successful projects. Some of the countries represented in the Symposium have used the services of the GFFFN.

Mr. Ludovic D'Hoore, UNODC Global Programme on Combating Wildlife and Forest Crime, informed participants on the imminent start of a four-year project aimed at strengthening national and regional capacities with criminal justice stakeholders in the Central Africa region to tackle wildlife and forest crime. The project, which frames in a wider Economic Community of Central Africa States (ECCAS)-European Union (EU) partnership, targets three outcomes: (1) strengthen domestic capacity with investigators, prosecutors and the judiciary in combating wildlife crime; (2) enhance cooperation among ECCAS Member States in this area; and (3) enhance domestic and regional capacities in tackling financial flows related to wildlife and forest crime, i.e. money laundering and corruption. The project will host awareness raising and training sessions, focus on investigative techniques, forensic analysis, financial analysis, enhancing legal frameworks, inter-agency cooperation, international cooperation and mutual legal assistance and enhanced networking across the region, implementation of the Analytical Toolkit developed by the International Consortium for Combating Wildlife Crime, among others. The project is expected to be formally launched during the steering committee of the PARCIC (Programme d'appui aux Réformes et Renforcement des capacités institutionnelles de la Communauté économique des Etats d'Afrique centrale) programme, due to take place in Kinshasa, Democratic Republic of the Congo from 6 to 8 November 2018. A brief set of questions and answers highlighted the need to consider the large variety of actors involved in combatting wildlife and forest crime, and the need to counter the perception that wildlife and forest crime is not only relevant to the Ministries in charge of the environment or water and forests. It is important for policies to reflect all stakeholders directly involved in countering these crimes.



Mr. Oumar Tamboura, UNDP Mali, presented the experience of the UNDP country office in Mali in the field of biodiversity protection through two major interventions. The first, the expansion and strengthening of protected area systems, has been implemented with the development of management plans and business plans for protected area complexes. In his presentation he also mentioned the issue of traditional gold mining in protected areas and the interferences with the migratory routes of migratory species such as the Lord Derby eland.

The second concerns the protection of Gourma elephants, a phase of which was carried out about 10 years ago. However, the achievements of this first phase have been greatly disrupted by the security crisis and elephants which amply justify the new phase that will start soon. It will be an opportunity to update legislation and the institutional framework in line with international standards. This new project funded by the GEF will also strengthen the wildlife crime control mechanism with the involvement of many actors given the particular context of insecurity in the project area. The actors concerned are the water and forest services, local authorities, eco-guards, the army, the United Nations mission in Mali and the communities. Implementation of income-generating activities for the communities for

a better engagement in the fight against poaching and the preservation of the elephants of the Gourma is planned.

Before concluding, Mr. Tamboura spoke about the efforts of the Government of Mali and in particular the transfer of the competences and the resources to the local governments. From this point of view, it seems necessary to strengthen the local environmental governance for an effective exercise of the competences transferred to the local governments.

In the ensuing discussions and the question of the representative of Benin to know what governments can expect from UNDP, Mr. Tamboura recalled the UNDP's mission of supporting governments in the implementation of their development priorities. He invited the representative of Benin to approach UNDP Country Representatives to see the funding opportunities available for his country.

Ms. Flensburg, CITES Secretariat, highlighted that technical assistance and capacity-building for the effective implementation of the Convention is integral to the Convention; it was included in 24 Decisions adopted by the Conference of the Parties at its last meeting (CoP17, South Africa, 2016) and mentioned in at least 21 of the Resolutions, including one from CoP3, which was still valid.

Support and assistance provided by the CITES Secretariat was, in many instances, subject to the availability of voluntary extrabudgetary contributions. However, the Secretariat had made available an important number of valuable guidelines, case studies, model laws, and other reference material in the three languages of the Convention (English, French and Spanish). Some was also available in Portuguese.

In addition to general guidance and capacity building the CITES Secretariat would also provide support to countries finding themselves repeatedly in non-compliance under the Convention to try to address the constraints in a more targeted and sustainable manner. Such support included, for instance, support to developing adequate legislation and had been – or was currently being – provided to, inter alia, Angola, Benin, Côte d’Ivoire, Eritrea, The Gambia, Mauritania, Niger, Somalia and Togo in collaboration with UN Environment.

Evaluation of the symposium

Country representatives were requested to fill out an evaluation survey to ascertain whether their expectations were met, to determine which sessions they found most and least useful, and to gather feedback on areas for improvement. Results of the survey can be found in Annex 12.

Closing remarks

Ms. Manguiat, UN Environment, thanked participants for their attendance at the Symposium and expressed the hope that the Symposium would only be the beginning of the engagement with the participating countries.





ANNEX 1: AGENDA

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

Palm Club Hotel, Abidjan, Côte d'Ivoire
11 and 12 September 2018

TUESDAY, 11 SEPTEMBER 2018

Time	Topic/Activity	Presenter/Facilitator
08.00-09.00	Payment of daily subsistence allowance for funded participants and registration	
Session 1: Overview		Ms. Maria Socorro Manguiat, UN Environment
09.00-09.05	Welcome	Ms. Angèle Luh-Sy, UN Environment
09.05-09.20	Opening remarks	Colonel César Kouame, representative of the Minister of Water and Forest, Côte d'Ivoire
09.20-09.30	Introduction to the symposium and symposium partners	Ms. Amanda Cabrejo le Roux, UN Environment
09.30-10.10	Introduction of participants, priorities and challenges	Co-facilitators: <ul style="list-style-type: none"> Ms. Sofie H. Flensburg, CITES Secretariat Mr. Goetz Schroth, UNDP
10.10-10.40	Break and group photo	
10.40-11.15	Results of analysis of current status of and gaps in regulating legal trade and combatting illegal trade in wildlife and forest products and recommendations Q&A and discussion	Ms. Maria Socorro Manguiat, UN Environment
11.15-13.00	Update on the legal dimensions of strategies on combatting illegal exploitation and illegal trade in wild fauna and flora in Africa	Co-facilitators: <ul style="list-style-type: none"> Ms. Amanda Cabrejo le Roux, UN Environment Ms. Jenna Dawson-Faber, UNODC Presentation: <ul style="list-style-type: none"> Mr. Nunes Mazivile Mr. Albino Macamo, Mozambique
13.00-14.00	Lunch (on a self-paying basis)	

Time	Topic/Activity	Presenter/Facilitator
Session 2: Natural resource management and trade regulation		UN DESA/UNFF/CITES Secretariat
14.00-14.45	Session 2A: 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: Ms. Barbara Tavora-Jainchill, UN DESA/UNFF
14.45-15.35	Working groups	Resource persons: <ul style="list-style-type: none"> • Ms. Sofie H. Flensburg, CITES Secretariat • Ms. Barbara Tavora-Jainchill, UNDESA/UNFF
15.35-16.05	Break	
16.05-17.15	Session 2B: CITES minimum requirements for national legislation Q&A and discussion	Moderator: Ms. Maria Socorro Manguiat, UN Environment Presentation: Ms. Sofie H. Flensburg, CITES Secretariat
17:15-17:45	Session 2C <ul style="list-style-type: none"> • Working group rapporteurs report back • Discussion 	Co-facilitators: <ul style="list-style-type: none"> • Ms. Sofie H. Flensburg, CITES Secretariat • Ms. Barbara Tavora-Jainchill, UNDESA/UNFF

WEDNESDAY, 12 SEPTEMBER 2018

Time	Topic/Activity	Presenter/Facilitator
Session 3: Criminal justice and co-ordination mechanisms		UNODC
09.00-10.30	Minimum provisions of criminalization and rapid survey results Q&A and discussion	Facilitator: Mr. Giovanni Broussard, UNODC
10.30-10.45	Break	
10.45-12.45	Penalties, sanctions and regional standards and co-ordination mechanisms and UNODC guide on drafting legislation for wildlife crime Q&A and discussion	Mr. Giovanni Broussard, UNODC
12.45-14.00	Lunch (on a self-paying basis)	

Time	Topic/Activity	Presenter/Facilitator
Session 4: The way forward: Dialogue on recommendations/priorities and reflections by UN Task Force member entity representatives		
14.00-15.30	Round-table: Priorities and issues for the West and Central Africa: What should happen next?	Moderator: Ms. Amanda Cabrejo le Roux, UN Environment Panelists: <ul style="list-style-type: none"> • Ms. Maria Socorro Manguiat, UN Environment • Mr. Oumar Tamboura, UNDP • Ms. Barbara Tavora-Jainchill, UNDESA/UNFF • Ms. Sofie H. Flensburg, CITES Secretariat • Mr. Ludovic D'Hoore, UNODC
15.30-16.00	Break	
16.00-16.30	Evaluation of the symposium	All participants
16.30-16.45	Remarks by participants	Open opportunity for participants to make final remarks
16.45-17.00	Closing remarks	Ms. Maria Socorro Manguiat, UN Environment



ANNEX 2: LIST OF PARTICIPANTS

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

Palm Club Hotel, Abidjan, Côte d'Ivoire
11 and 12 September 2018

Representing	Title	Name	Position, organization
National representatives			
Angola	Ms.	Albertina Nzuzi MATIAS	CITES National Focal Point
Angola	Mr.	António Binza QUILOBO	Prosecutor
Benin	Mr.	Zacharie DAH-SEKPO	Magistrate, environmental law specialist
Burkina Faso	Ms.	Alizèta KONE COMPAORÉ	Director of Criminal Affairs, Ministry of Justice
Burundi	Mr.	Damien NINDORERA	Legal Advisor to the Burundian Office for the Protection of the Environment
Cabo Verde	Mr.	Iderlindo SANTOS	Project Coordinator (Strategic Tools to Support Mitigation Activities in Key Sectors (Energy and Waste), Ministry of Agriculture and Environment
Cameroon	Ms.	Ngalie MAHA	Head of Hunting Department and member of the CITES Management Authority of Cameroon
Cameroon	Mr.	Peter EDJUA	Prosecutor, Ministry of Justice, Yaoundé Court of Appeal
Central African Republic	Mr.	Joseph Désiré MBANGOLO	Permanent Technical Secretariat APV-FLEGT, Ministry of Water, Forests, Hunting and Fishing
Chad	Mr.	Madangah NGAMGASSOU	Director of Wildlife Conservation and Protected Areas, Ministry of Environment and Fisheries
Chad	Ms.	Nailar NEHOUDAMADJI	Deputy Director of Legislation, Ministry of Justice in charge of Human Rights
Côte d'Ivoire	Mr.	Charles BOGUI	Director of Legal Affairs and Litigation, Ministry of Water and Forests
Côte d'Ivoire	Ms.	Amoin Harlette N'GUESSAN	Deputy Prosecutor, Court of First Instance of Abidjan
Côte d'Ivoire	Ms.	Salimate KONE	Director, Wildlife and Hunting Resources, Ministry of Water and Forests
Côte d'Ivoire	Ms.	Aristide Ossiena KONE	Head of Department, Wildlife Protection, Wildlife and Resources Directorate, Directorate of Wildlife and Game Resources, Ministry of Water and Forests

Representing	Title	Name	Position, organization
Côte d'Ivoire	Mr.	Boniface Roth AFFI	Deputy Director, Directorate of Training and Capacity Building (DFRC)
Côte d'Ivoire	Mr.	Fofana YAYA	Advisor to the Director General, Directorate General of Water and Forests
Côte d'Ivoire	Mr.	Simplice KOBON KOBON	Deputy Director of Police, Directorate of Forestry and Water Police
Côte d'Ivoire	Mr.	Antoine Augou TCHIDJE	Ministry of Water and Forests
Côte d'Ivoire	Ms.	Djire Epse Comara SITA	Ministry of Agriculture and Rural Development
Côte d'Ivoire	Mr.	Jean-Luc KOUASSI	Directorate of Reforestation and Forest Cadastre, Ministry of Water and Forests
Democratic Republic of the Congo	Mr.	Abraham Itshudu EKUMBAKI	Technical Assistant to the Secretary General for Environment and Sustainable Development, Legal Expert in Wildlife Crime, Ministry of the Environment and Sustainable Development
Gabon	Mr.	Brice Léandre MEYE	Director General of Wildlife and Protected Areas, Ministry of Forestry, Environment and Protection of Natural Resources
Gabon	Mr.	Alain Georges MOUKOKO	Chamber President of the Mouila Court of Appeal
Guinea	Mr.	Namori KEITA	Director General of Nature Conservation, Ministry of Environment, Water and Forests
Guinea	Mr.	Mamadou Dian Bora DIALLO	Focal Point responsible for combating wildlife crime
Guinea-Bissau	Mr.	Fai DJEDJO	Directorate General of Forests and Wildlife at the Ministry of Agriculture and Rural Development
Guinea-Bissau	Mr.	Mamadu EMBALÓ	Judge of the Bafatá Regional Court
Madagascar	Ms.	Felanirina RABEVAZAHA	Head of Forest Tax and Recovery Department, FLEGT National Focal Point Coordinator, Directorate General of Forests, Ministry of Environment, Ecology and Forests
Mali	Mr.	Christian Idrissa DIASSANA	Magistrate, National Director of Judicial Affairs and Seals, Ministry of Justice
Mali	Mr.	Modibo KONATE	Engineer, Water and Forests, Head of the Convention, Agreements and Treaties Section at the National Directorate of Water and Forests
Mozambique	Mr.	Nunes MAZIVILE	Natural Resource Manager, Ministry for the Coordination of Environmental Affairs

Representing	Title	Name	Position, organization
Mozambique	Mr.	Albino MACAMO	Attorney-General's Office/Department of Environment, Assistant Attorney General
Niger	Mr.	Samaila SAHAILOU	Director of Wildlife, Hunting, Parks and Reserves, Ministry of Environment and Sustainable Development
Niger	Mr.	Noudjia KAIGAME KIARI	Environmental Law Specialist, National Director of Legislation, Ministry of Hydraulics and Sanitation
Republic of the Congo	Ms.	Stella Michele Nguenoni YOKA	Assistant Prosecutor of the Brazzaville Court
Togo	Mr.	Kotchikpa OKOUMASSOU	Engineer of Water and Forests
Togo	Mr.	Tossa Amouzou AKOHOUEGNON	Director of Criminal Cases and Graces at the Central Authority

UN, other intergovernmental organizations, and nongovernmental organizations

United Nations Entities

CITES Secretariat	Ms.	Sofie Hermann FLENSBORG	Special Legal Advisor
UNDP	Mr.	Oumar TAMBOURA	Program Advisor / Cluster Leader, Environment and Sustainable Development, United Nations Development Program
UNDP	Mr.	Goetz SCHROTH	Program Specialist, Environment, UNDP Angola
UNDP	Mr.	Emmanuel MOUTONDO	Senior Legal Consultant
UNDESA	Ms.	Barbara TAVORA-JAINCHILL	Programme Management Officer, Forest Affairs
UN Environment	Ms.	Maria Socorro MANGUIAT	Senior Legal Officer
UN Environment	Ms.	Amanda CABREJO LE ROUX	Associate Legal Officer
UN Environment	Ms.	Marie-Yolande IRANGUI	Programme Assistant
UN Environment	Ms.	Angele LUH-SY	Senior Coordination Officer
UNODC	Ms.	Jenna DAWSON-FABER	Crime Prevention and Criminal Justice Officer
UNODC	Mr.	Giovanni BROUSSARD	Drug Control and Crime Prevention Officer
UNODC	Mr.	Ludovic D'HOORE	Program Management Officer

Other intergovernmental and nongovernmental organizations

European Union	Mr.	Stephan COCCO	European External Action Service (EEAS) in Abidjan
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ANNEX 3: RAPID SURVEY

Africa Asia-Pacific (2017) and Central & West Africa (2018) Symposiums on Strengthening Legal Frameworks to Combat Wildlife Crime

Countries in the sample	From Asia Pacific	From Southern & East Africa	From Central & West Africa
40	11	13	16

#	Question	Answer	Total	Asia Pacific	South. & East Africa	Central & West Africa
1	Does your country have legislation and/or regulations for preventing, detecting and penalizing illegal trade in protected wildlife and forest products?	Yes	95%	91%	100%	94%
		No	3%	0%	0%	6%
		Other	3%	9%	0%	0%
2	If yes, what are the main laws and regulations your country uses for this purpose?	Wildlife/game/hunting law/regulations	83%	82%	85%	81%
		Specialized CITES law/regulations	70%	64%	62%	81%
		Forest law/regulations	90%	91%	85%	94%
		Import/export laws/regulations	73%	55%	77%	81%
		Biodiversity law/regulations	63%	36%	62%	81%
		Penal Code	65%	36%	54%	94%
		Protected species law/regulations	68%	27%	77%	88%
		Customs Law	60%	36%	54%	81%
		Protected areas law/regulations	70%	36%	85%	81%
		Special laws – e.g., anti-money laundering, anti-corruption	65%	36%	69%	81%
	Other (explain)	18%	18%	8%	25%	
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%	100%
		No	0%	0%	0%	0%
		Other	0%	0%	0%	0%

#	Question	Answer	Total	Asia Pacific	South. & East Africa	Central & West 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	70%	64%	85%	63%
		No	25%	27%	15%	31%
		Other	5%	9%	0%	6%
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%	100%
		2. Illegal captive breeding, game ranching or artificial propagation	70%	100%	69%	50%
		3. Illegal possession	90%	82%	92%	94%
		4. Illegal transport	90%	91%	85%	94%
		5. Illegal trade (import, export, and re-export)	98%	100%	100%	94%
		6. Illegal transit	80%	82%	77%	81%
		7. Illegal sale and purchase, including through the internet	83%	91%	77%	81%
		8. Illegal processing	68%	64%	77%	63%
		9. Attempt to commit all (or some) of the above	60%	73%	69%	44%
		10. None of the above	3%	0%	0%	6%
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	85%	91%	85%	81%
		2. All species listed in CITES Appendices I, II, and III	85%	82%	92%	81%
		3. Other species (please specify)	15%	18%	8%	19%
		4. None of the above	3%	0%	8%	0%

#	Question	Answer	Total	Asia Pacific	South. & East Africa	Central & West Africa
7	What are the penalties for illegal trade in protected wildlife and forest products?	1. Do you use a minimum prison term?	74%	36%	85%	93%
		2. If so, how many months? (average of results)	22	11	44	2
		3. Do you use a maximum prison term?	90%	100%	85%	87%
		4. If so, how many years? (average of results)	9	8	13	5
		5. How much is the minimum monetary fine? (average in USD)	869	634	1,519	86
		6. How much is the maximum monetary fine? (average in USD)	113,755	182,675	98,525	14,066
		7. Confiscation	87%	82%	85%	93%
		8. Other (explain)	23%	27%	31%	13%
8	Does your country's legal framework provide for increased penalties under certain conditions?	Yes	93%	82%	92%	100%
		No	8%	18%	8%	0%
8A	If yes, under which conditions?	1. The crime involves corruption	48%	27%	62%	50%
		2. The crime is committed by an organized group	65%	55%	62%	75%
		3. The crime involves a firearm	70%	45%	69%	88%
		4. The crime resulted in death or bodily harm	70%	45%	69%	88%
		5. The crime is committed by a repeat offender	78%	64%	77%	88%
		6. The crime involves a CITES Appendix I species	60%	45%	54%	75%
		7. Other (please specify)	20%	27%	15%	19%

#	Question	Answer	Total	Asia Pacific	South. & East Africa	Central & West 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.)	93%	100%	85%	94%
		2. First or repeat offence	78%	73%	92%	69%
		3. Purpose of the offence (commercial or not)	68%	73%	77%	56%
		4. Knowledge that the activity is illegal (mens rea)	45%	27%	54%	50%
		5. Role in the illegal activity (lead or supportive)	58%	64%	62%	50%
		6. Type of species that are smuggled or otherwise illegally traded (e.g. highly protected, listed in CITES Appendix I)	88%	73%	92%	94%
		7. Quantity of specimens that are smuggled or otherwise illegally traded	68%	45%	69%	81%
		8. Market value of specimens that are smuggled or otherwise illegally traded	60%	45%	54%	75%
		9. The damage generated	63%	55%	54%	75%
		10. Aggravating circumstances (corruption, organized group, etc.)	73%	45%	77%	88%
		11. Other	n/a	n/a	n/a	19%
10	Does your country have prosecuting and/or sentencing guidelines for cases of illegal trade in protected wildlife and forest products?	Yes	68%	55%	69%	75%
		No	30%	45%	23%	25%
		Other (please explain)	5%	0%	15%	0%
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	65%	64%	85%	50%
		2. Controlled delivery	38%	9%	69%	31%
		3. Mutual legal assistance	75%	73%	77%	75%
		4. Extradition	58%	36%	85%	50%
		5. Criminal liability for legal persons	50%	45%	62%	44%
		6. Wiretapping	33%	9%	46%	38%
		7. Informants	58%	45%	69%	56%
		8. Undercover operations	45%	36%	54%	44%
		9. Witness or whistle-blower protection	55%	55%	69%	44%

#	Question	Answer	Total	Asia Pacific	South. & East Africa	Central & West Africa
12	Does your country have plans to strengthen the national legal framework to combat wildlife crime?	Yes	92%	90%	92%	94%
		No	5%	0%	8%	6%
		Other (please explain)	3%	10%	0%	0%
13	Does your country have sufficient in-country capacity to strengthen the national legal framework to combat wildlife crime?	Yes	48%	45%	38%	56%
		No	48%	45%	54%	50%
		Other (please explain)	5%	9%	8%	0%
14	Does your country need external technical legal assistance to strengthen the national legal framework to combat wildlife crime?	Yes	88%	91%	85%	88%
		No	10%	0%	15%	13%
		Other (please explain)	5%	9%	0%	0%
15	What is your country's primary need for assistance to strengthen the national legal framework to combat wildlife crime?	1. Financial support	95%	82%	100%	100%
		2. External technical legal assistance provided in-country	83%	82%	85%	81%
		3. External technical legal assistance provided remotely	43%	36%	46%	44%
16	Is your country likely to be interested in being part of an inter-regional mechanism to combat wildlife crime?	Yes	98%	91%	100%	100%
		No	0%	0%	0%	0%
		Other (please explain)	2%	9%	0%	0%



ANNEX 4: PRESENTATION

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



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

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


Maïra Socorro Mangual
11 September 2018, Abidjan, Côte D'Ivoire

Background

Project: Addressing the illicit trade in wildlife and forest products

Component 2: Governance – legal support is provided to countries to facilitate information exchange, and to review, strengthen and enforce legal frameworks on wildlife trade

Activity: To undertake an **illegal wildlife trade law and institutional gap analysis** and develop a **compendium of best practices on illegal wildlife trade regulation**



Scope


1. Regulation of licit trade
2. Prevention, detection and penalization of illicit trade

in terrestrial wildlife and forest products



Structure: Three thematic sectors

1. **Natural resource management** – sustainable management and legal sourcing of wildlife and forest products
2. **Trade regulation** – ensuring that trade activities are legally authorized, biologically sustainable and traceable
3. **Crime prevention and criminal justice** – prevention and penalization of illicit trade



Key terms: Illicit, illegal and criminal

1. **Illicit** – not allowed by, or contrary to, or in violation of established **laws and rules** and/or not allowed by, or contrary to, **custom or public morals/ethics**
2. **Illegal** – not allowed by, contrary to, or in violation of **established laws and rules**
3. **Criminal** – violations or breaches of laws and regulations that a State determines to be subject to **criminal penalties** (e.g., imprisonment and/or criminal fine) under **national laws and regulations**



Key terms: Trade, trafficking, wildlife and forest products

1. **Trade** – commercial and non-commercial international trade (i.e., export, import and re-export)
 - also covers domestic trade activities which may linked to international trade
2. **Trafficking** – global illicit trade involving the acquisition, production, processing, distribution and sale of wildlife and forest products which are subject to laws that prohibit or otherwise regulate the trade of those products
3. **Wildlife and forest products** – live or dead terrestrial animals and plants (including timber and non-timber products) as well as their parts and derivatives



Key gaps

1. Less attention to **preventing** offenses than the means for **detecting or punishing** such offenses
2. Lack of regulation of **possession, domestic trade, and sale and purchase through the internet**
3. Lack of provisions on dealing with **legal persons**, and with **aggravating circumstances**
4. Low use of provisions on **general crimes** together with **specialized or wildlife or forest crimes**
5. Low level of **criminal prosecutions**
6. Underutilization of **international cooperation tools** (extradition and mutual legal assistance) for offenses involving wildlife products



Natural resource management: Key legislative components

1. Provisions on rights and responsibilities of persons who take, produce or use wildlife and forest resources
2. Offenses and proportionate penalties for activities carried out in violation of these rights and responsibilities
3. Establishment of a public information system and monitoring scheme to track and trace the taking, production, and use of wildlife and forest resources
4. Provisions for access to information, decision-making processes and justice involving wildlife and forest resources for local people and other stakeholders
5. Identification of specific resources/areas requiring protection and any special measures for ensuring such protection





ANNEX 4 (cont.)

Trade regulation: Key legislative components

1. Compliance with all four minimum requirements on national laws for CITES implementation
2. Power to amend legislation simply and quickly to incorporate changes to international obligations under applicable treaties
3. Offense and penalty for illegal possession as well as illegal trade and illegal transit/transport
4. Legal clarity regarding territorial jurisdiction
5. Adoption of enabling law and implementing regulations to make legislation fully operational



Crime prevention and criminal justice: Key legislative components

1. Criminalization of offenses, including those related to illegal taking/possession/trade, transnational organized crime, financial crime and corruption
2. Penalties for key offenses that will enable them to be treated as serious crimes
3. Express designation of all relevant enforcement bodies
4. Protection of, and incentives for, reporting persons and witnesses
5. Provision for international law enforcement cooperation through joint investigations, mutual legal assistance and extradition and applicability of these tools to offenses involving wildlife products



Key messages

1. Higher volume of legal trade in wildlife and forest products than illegal trade
2. Contribution of effective implementation of the rules regulating lawful taking and use of wildlife and forest products to preventing unlawful activities from taking place in the first instance
3. Importance of resources for the institutions that will implement and enforce legal frameworks
4. Dangers of overreach and the creation of an administrative burden on the one hand, and presenting a legislative loophole on the other



Thank you



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ANNEX 5: PRESENTATION

Regional and subregional instruments and commitments

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United Nations Office on Drugs and Crime

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REGIONAL AND SUBREGIONAL INSTRUMENTS AND COMMITMENTS

Jenna Dawson-Faber
Programme Manager,
Global Programme for Combating WILFC
UNODC

Amanda Cabrejo le Roux
Associate Legal Officer
International Env. Law Unit
UN Environment

UNODC
United Nations Office on Drugs and Crime

UN environment

African Convention on the Conservation of Nature and Natural Resources (Maputo Convention)

- Adopted on 11 July 2003; entry into force on 23 July 2016
- Supports the implementation of CITES
- Article XI: trade in specimens and products thereof
- Encourages the use of criminal sanctions
- Encourages parties to eliminate illegal trade in wild fauna and flora by entering into agreements
- Revised version adopted on 7 March 2017
- Signed on 2 July 2018



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Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

- Adopted on 8 September 1994; Entry into force on 10 December 1996
- Status: 7 signatories, 7 parties
- For the implementation of CITES in Africa
- Established the Working Group on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora

Country	Signature Date	Entry into Force Date
Burkina Faso	10/12/1996	10/12/1996
Burundi	10/12/1996	10/12/1996
Cameroon	10/12/1996	10/12/1996
Cote d'Ivoire	10/12/1996	10/12/1996
Democratic Republic of Congo	10/12/1996	10/12/1996
Egypt	10/12/1996	10/12/1996
Senegal	10/12/1996	10/12/1996



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Decision EX.CL/ Dec.832 (XXV) of the Executive Council of the AU on «the African Wild Flora and Fauna Conservation and Illegal Trade in Wildlife »

- Decision adopted in June 2014
- Reiterates the obligations under the Maputo Convention and urges all Parties to sign and ratify CITES and take decisive and strong measures to strengthen laws and policies and engages communities in deterring wildlife crime
- Joint action against the illegal exploitation and illegal trade of African wild fauna and flora



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African Strategy on Combating Illegal Exploitation and Illegal Trade in Wild Fauna and Flora in Africa

- May 2015
- Guides African countries towards a harmonized response to address illegal logging and the illicit trade in wild fauna and flora
- Objective: prevent and reduce with the view of eliminating the illegal exploitation and illegal trade in wild fauna and flora in Africa, through its adoption and implementation
- 7 core objectives / 7 strategic components
- Approved by **AMCEN Decision 15/2** and the **Brazzaville Declaration**



January 8, 2019

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Implementation of the African Strategy

- **AMCEN Decision 16/2** on environment in Africa (2017)
- **African Elephant Action Plan**
 - Adopted in March 2010 by 37 African Elephant Range States
 - Harmonization of policies, awareness-raising and community cooperation
- Declaration of the "sub-regional workshop to combat wildlife trade and dismantle transnational criminal networks" (2012)
- **ECCAS Declaration on the Campaign Against Poaching in Central Africa** (2013)
- **ECCAS Extreme Emergency Anti-Poaching Plan for Central Africa** (PEXULAB)

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Dakar Declaration on the Development of Sub-regional Wildlife Enforcement Collaboration

- 15-17 March 2016, Dakar, Senegal
- Notes the absence of a Wildlife Enforcement Network for West and Central African countries

Decisions:


- Develop corridors between protected areas
- Guarantee the integrity of protected areas
- Strengthen the communication and exchange of intelligence on wildlife crime trafficking networks
- Joint work towards the development of a West Africa Wildlife Enforcement Network

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Abuja Recommendations for the Development of a Coordinated Response to Wildlife Trafficking in West Africa

- 2-4 July 2018, Nigeria
- Recommendations:
 1. Highest level of priority under the law
 2. Harmonize existing wildlife crime laws and regulations
 3. Support the development of coordinated national and sub-regional responses (...) and adopt measures to address the priority recommendations identified
 4. Promote effective sub-regional cooperation and collaboration by supporting the development and adoption of a **West Africa Strategy** on Combating Wildlife Crime (WASCWC)
 5. **Establish a Network to Combat Wildlife Crime**
 6. Create sustainable funding mechanisms ensuring that the WASCWC can be implemented in the long-term, and to request financial and logistical support
- **Strategic areas of support and priority recommendations** to develop a plan to combat wildlife trafficking in West Africa






ANNEX 5 (cont.)

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FORESTS: Yaoundé Declaration





- 17 March 1999
- Establishment of **COMIFAC**: management and use of Central African forests
- **Sub-regional Action Plan** of COMIFAC member countries to strengthen the implementation of national wildlife laws 2012-2017 (PAPECALF)
- **Ministerial Declaration** on Africa Forest Law Enforcement and Governance, 13-16 October 2003

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Other instruments

- AU Convention on Preventing and Combating Corruption and Related Offences. Maputo, 11 July 2003
- ECOWAS Protocol Against Corruption. Dakar, December 2011
- Network of National Anti-Corruption Institutions in Western Africa (RINLCAO)



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Declarations:

- **London Conference on the Illegal Wildlife Trade**
12-13 February 2014
- **Kasane Conference on the Illegal Wildlife Trade**
25 March 2015
- **Hanoi Conference on Illegal Wildlife Trade**
17-18 November 2016



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Thank you!



ANNEX 6: PRESENTATION

Efforts by Mozambique in combating wildlife crimes



Republic of Mozambique

**Efforts by Mozambique in Combating
Wildlife Crimes**
Abidjan, 11 -12 September 2018

Presentation Structure

- 1. Mozambique's Legal Framework
- 2. Implementation and Coordination
- 3. Achievements
- 4. Challenges

1. Mozambique's Legal Framework

- Mozambique has an area of **801 590 km²**, with about **2700 km** of coastline, more than **30 National Borders** (Terrestrial, Marine and Air)
- Potential of biodiversity (natural resources of fauna and flora) to supply goods and services to the Mozambican society
- Concentrated in protected areas (national parks and reserves), area of about 18.57 million hectares (25% of the national territory)

- The **Republic of Mozambique's Constitution (2004)**: *all natural resources in the soil and the subsoil, in inland waters, in the territorial sea, on the continental shelf and in the exclusive economic zone belong to the State*
- Biodiversity Conservation Act – Law 14/2014 of June 20 2014, Amended by Law 05/2017 of 11 May 2017:
 - Regulation on Biodiversity Conservation Law – Decree 8/2017 of December 29;
 - Sporting Hunting Regulation - Decree 82/2017 of December 29;
 - CITES Regulation - Decree 34/2016 of August 24; and
 - Regulations on the Law on Forestry and Wildlife – Decree 12/2002 of June 6.

Continued

As a set of Legal Framework to combat the wildlife crimes:

- Anti-Corruption Act – Law 6/2004 of June 17
- Money Laundering Act – Law 14/2013 of August 12

2. Implementation & Enforcement Operations

The Inter-ministerial Task Force – CITES Regulations of Mozambique establish the so-called "**CITES Group**":

- **ANAC** (Law Enforcement and CITES Management Authority Personnel);
- Attorney General of the Republic of Mozambique;
- Customs (Ministry of Economy and Finance);
- Environmental Police (Ministry of Interior); and
- Ministries of Agriculture; Fishery; Industry and Commerce Transport and Communications; Culture and Tourism; and Defense.

Continued

- **Entry & Exit Points** – The CITES Regulations designated to conduct the requested controls on shipments of specimen of CITES-listed species were established.
- They are: International Airports of Mavalane (Maputo), Beira and Nacala, Pemba; Ports of Maputo, Beira, Nacala and Pemba; and Land Borders of Ressano Garcia, Machipanda, Cuchamano.
- **International Consortium on Combating Wildlife Crime (ICWC) – Implementation (August 2018)**

Training, Communication and Awareness Raising



Customs Officers Trained on Combating Wildlife Crimes

Border Police Officers Trained on Combating Wildlife Crimes





ANNEX 6 (cont.)



Police Officers Trained on Combating Wildlife Crimes

Continued

- **Political Level:** Provincial Governments and their members were included in awareness raising on CITES matters (combating wildlife crimes) as **Priority Agenda**

3. Achievements

Maputo International Port (April 12 2018)



3354.2 Kg of Ivory Seized



Abril de 2017 DNEI Aeroporto de Maputo Junho de 2017 Aeroporto de Maputo Março de 2017 Aeroporto de Maputo

MAPUTO (AIRPORT, MARKETS AND FAIRS)



Março de 2017 Mercado Central Abril de 2017 aeroporto de Maputo Julho de 2017 FEEMA

4. Challenges

- Fund raising for effective law enforcement;
- Technical Capacity Building;
- Establish and operationalize the Anti-CRIMINAL UNIT;
- Mutual Legal and Technical Assistance between Mozambique and other countries on combating wildlife crimes; and
- Intelligence and information sharing with other actors.





ANNEX 7: PRESENTATION

Building capacity to tackle wildlife crimes

BUILDING CAPACITY TO TACKLE WILDLIFE CRIME

- Strong legal basis
- Community
 - Enforcement
 - Investigation
 - Prosecution
 - Judiciary
 - Training

Strong legal basis

IMPACTING LEGISLATIVE OUTCOMES

- Conservation Law Amendments, 2016 (Mozambique)
 - The role of the Mozambique Parliamentary Forum on Conservation.
"As part of the caucus endeavor, important legislation was passed in a bipartisan consensus".

IMPACTING LEGISLATIVE OUTCOMES

Conservation Law Amendments, 2016 – (Law nr. 5 – May 11, 2017):

- **CRIMINALIZES** – all activities related to poaching and trafficking on species listed in CITES Appendixes I & II
- Up to 16 years imprisonment & heavy fines

Community

- KHETHA: Protecting Wildlife, Benefiting Communities - Combating Wildlife Crime in South Africa and Mozambique.

1. Approaches to address the illegal trade in wildlife span the enforcement continuum, from **prevention** and **apprehension** to **prosecution** and **adjudication**.
2. Combating illegal wildlife trade requires a holistic approach that combines stronger law enforcement, including crime prevention, with improved wildlife management.
3. Collaboration with communities is widely recognized as being critical to preventing poaching.

STRENGTHENING CRIMINAL JUSTICE SYSTEM

- Criminal Investigation
 - Prosecution
 - Judiciary
 - Training

Prosecutors' Network

1. The Network aims to support the operative work of wildlife crime prosecutors.
2. Foster knowledge of environmental law among prosecutors.
3. Engage and support synergies between public leaderships, private sector, environmentalists and other development partners for capacity building.
4. Work with local communities to develop tourism potential based on nature and maximize the economic benefits of tourism.
5. Improve awareness on biodiversity conservation in Mozambique, with the ultimate objective of promoting sustainable development.

Developed in partnership with key-actors domestically, regionally and internationally

MLA & MoU:

- ICCF Group (Mozambique Country Director)
 - WWF Mozambique
 - RSA
 - TANZANIA
- VIETNAME
- CHINA

Training

The Judicial Training Centre (JTC) is working with judicial and prosecution authorities in Mozambique to promote curriculum in order to improve law enforcement.

The (JTC) aims to produce:

- Guidance on prosecution standards;
- Mutual Legal Assistance;
- Identification evidence;
- Criminal sentencing; and
- Statutory language for wildlife crime offenses.



ANNEX 8: PRESENTATION

Natural resource management and the role of local communities - focus on forests and tree species

La gestion durable des ressources naturelles combat et prévient la récolte et le commerce illicite des espèces sauvages et de produits forestiers

SYMPOSIUM SUR LE RENFORCEMENT DES CADRES JURIDIQUES POUR COMBATTRE LA CRIMINALITE LIEE AUX ESPECES SAUVAGES EN AFRIQUE CENTRALE ET OCCIDENTALE

Abidjan, Côte d'Ivoire, 11-12 September 2018

Barbara TAVORA JAINCHILL, UNFF Secretariat, UNDESA

#UNForests | www.un.org/esa/forests | unff@un.org

Who we are: UNDESA and UNFFS

- UN Department of Economic and Social Affairs (UNDESA)
 - Development pillar of the UN Secretariat
 - Promotes and supports sustainable development for all (2030 Agenda for Sustainable Development, 17 SDGs and Addis Ababa Action Agenda)
- UN Forum on Forests Secretariat (UNFFS) – a DESA division
 - Subordinated to UNDESA
 - Part of the International Arrangement on Forests
 - UN Forest Instrument, UN Strategic Plan for Forests (2017-2030)
 - International Year of Forests, 2011, International Day of Forests, March 21

A Global Plan of Action for Forests

- The UN Strategic Plan for Forests provides a reference for forest-related work within the UN system and among partners
- Key features:
 - A shared global vision and mission for forests
 - 6 Global Forest Goals and 26 targets, universal and voluntary, to be achieved by 2030
 - Voluntary national contributions (VNCs)
 - UN system-wide contributions

A Shared UN Vision & Mission for Forests

Vision- *The world in which all types of forests and trees outside forests are sustainably managed, contribute to sustainable development and provide economic, social, environmental and cultural benefits for present and future generations*

Mission- *Promote SFM and the contribution of forests and trees outside forests to the 2030 Agenda, including by strengthening cooperation, coordination, coherence, synergies and political commitment and action at all levels*

Key Partners and Stakeholders

Why we are here – making the links

- UN Forest Instrument
- VI. International cooperation and means of implementation
- 7. To achieve the purpose of the present instrument, Member States should: (...)
 - (h) Enhance (...) cooperation to address illicit international trafficking in forest products through the promotion of forest law enforcement and good governance at all levels;
 - (i) Strengthen, through (...) cooperation, the capacity of countries to combat effectively illicit international trafficking in forest products, and;
 - (j) Strengthen the capacity of countries to address forest-related illegal practices, including wildlife poaching (...);

Why we are here (2)

- United Nations Strategic Plan for Forests
- Global Forest Goal 1: Reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation and enhance the contribution of forests to climate change
 - Indicative thematic areas for action include: Wildlife protection and management
- Global Forest Goal 5: Promote sustainable governance frameworks to implement sustainable forest management, including through the UN forest instrument, and enhance the contribution of forests to the 2030 Agenda for Sustainable Development
 - Indicative thematic areas for action include: Forest law enforcement, governance and trade and Illegal logging and associated trade

What we bring to the table

A sustainable and holistic perspective on the management of natural resources





ANNEX 8 (cont.)

 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 9: PRESENTATION

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



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

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

What is CITES ?

- Legally binding for Parties
- Not self-executive but implemented through national legislation
- Environment and trade agreement
- >37 000 species (whole, parts and derivatives)



Three conditions

Legal

Legal Acquisition Finding – a confirmation that the specimens have been obtained in accordance with national laws

+


Sustainable

A non-detriment finding (NDF) – a scientifically based confirmation that the trade will not be detrimental to the species in the wild, taking into account the role of the species in the ecosystem

+

Traceable

The export/import permit or the certificate of re-export – the formal authorization to trade



Right or wrong?





- CITES addresses all issues related to conservation of wild fauna and flora
- CITES prohibits all trade in species of wild fauna and flora
- CITES regulates international and domestic trade
- The CITES Appendices constitutes the list of the world's endangered species
- CITES imposes trade restrictions on developing countries





Definition of illegal trade

- All trade (or possession) in violation of the provisions of the Convention CITES of specimens that are included in App. I, II or III of the Convention
- For instance:
 - Without a permit (where one is required by the Convention)
 - With a permit (issued in violation of the provisions of the Convention)
 - With a false or invalid permit (expired, species wrongly identified etc.)
- Parties have to take measures to implement and enforce the Convention

Key Convention provisions

- The Convention contain 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

National I Legislation to combat illegal trade

- Resolution Conf. 8.4 (Rev. CoP15)
- CITES requires national legislation to include the following.
 - Designate at least one Management Authority and one Scientific Authority
 - Prohibit trade in specimens in violation of the Convention
 - Penalize such trade; **and**
 - Confiscate specimens illegally traded or possessed




National Legislation Project (2)

Based on analysis and in 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

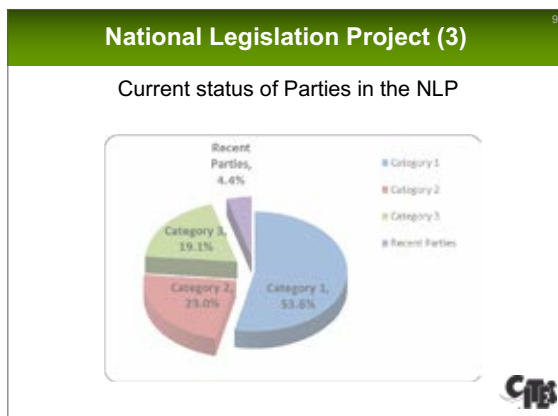
Category 2: legislation that is believed generally not to meet all requirements for the implementation of CITES

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





ANNEX 9 (cont.)



NLP (4)

Category 1	Category 2	Category 3
Cameroon (CM)	Benin (BJ)	Angola (AO)
Guinea-Bissau (GW)	Burkina Faso (BF)	Cabo Verde
Madagascar (MG)	Burundi (BI)	Comoros (KM)
Democratic Republic of Congo (CD)	Chad (TD)	Côte d'Ivoire (CI)
	Congo (CG)	Niger (NE)
	Gabon (GA)	Central African Republic (CF)
	Guinea (GN)	
	Mali (ML)	
	Mozambique (MZ)	
	Togo (TG)	

- ### Res. 8.4 and related guidance
- Each of the four minimum requirements comprises components
 - Each of these requirements comprises components that are **essential** (Convention) and **strongly recommended** (Resolutions)
 - Essential (Convention, NLP)
 - Strongly recommended (Resolutions, Decisions)
 - Not obligatory (Best practice)

- ### 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.)

- ### I. CITES Authorities (2)
- Strongly recommended**
(Res. 10.3, Res. 11.3, model law)
- The Scientific Authorities should be **independent** of the Management Authority(ies)
 - 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.)

- ### 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) taking into account all annotations used in the Appendices
 - 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)

- ### II. Prohibition of trade violating CITES (2)
- Essential (Continued)**
- General clause prohibiting** any trade in CITES specimens in violation of the Convention (e.g. without a valid permit or certificate), as a catch-all provision
 - Conditions and procedures** for the granting of permits and certificates required for trading in CITES specimens should be clearly set out in the legislation to ensure that such trade is **legal, sustainable and traceable**
 - The **welfare of live animals** in trade should be taken into account in the legislation
 - The legislation should include the **exemptions and special procedures** set out in the Convention Article VII

- ### II. Prohibition of trade violating CITES (3)
- Recommended**
(Res. 12.3, Res. 10.21, Res. 9.6, Res. 9.7)
- The legislation should include a **standardized permit/certificate form**
 - The **Live Animal Regulations and the Perishable Cargo Regulations of the International Air Transport Association (IATA)** and the CITES Guidelines for the non-air transport of live wild animals should be taken into account
 - 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




ANNEX 9 (cont.)

III. Penalization of illegal trade ¹⁷

Essential
(Conv. Art. VIII)

- A clear definition of the **prohibited actions/activities** should be included in the legislation, for example:
 - 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.



III. Penalization of illegal trade (2) ¹⁸

Recommended
Resolution Conf. 11.3 (Rev. CoP17)

- The ministries and agencies** mandated to enforce the Convention should be clearly designated in the legislation and should have the necessary powers and authorities to carry out their functions
- Cross-references to any offences and penalties** related to CITES that are provided in Customs, general crime, environmental or other legislation
- A maximum penalty of at least **4 years of imprisonment** for CITES-related offences involving **organized crime** or trafficking in endangered species



III. Penalization of illegal trade (3) ¹⁹

Best practice

- The **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?
- The legislation should **provide offences and penalties** for attempted violations, aiding and abetting, corporate and corporate officer liability, recidivism, obstruction of justice, false statement, tampering, fraud?




IV. Authorization to confiscate ²⁰

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



- The legislation should authorize the confiscation of not only specimens but also **vehicles, vessels, containers, equipment**, etc. used in the commission of a CITES-related offence
- The legislation should **specify which authorities** may confiscate, the extent of their confiscation powers, the procedures that must be followed, and the **final disposal** of confiscated specimens
- The **costs of storage or destruction** etc. of confiscated species should be charged to the offender



IV. Authorization to confiscate (2) ²¹


Best Practice

- Confiscation of specimens of CITES-listed species involved in an infraction should be **compulsory**.
- The application of this precautionary measure is not subordinated to the identification of the infractor and the penal liability of the accused.

Developing legislation

- Parties' experience in the development of strengthened CITES implementing legislation has shown the importance of
 - simultaneous preparation** of enabling and implementing legislation
 - provision for the timely incorporation of **periodic amendments** to the CITES Appendices
 - addressing **illegal possession** as well as illegal trade
 - ensuring policy coherence** in relation to national wildlife trade policy, other biodiversity-related conventions to which a State is party, natural resource management, the criminal justice system and development policy




Support ²³

- www.cites.org
- NLP web page: <https://cites.org/legislation>
- Model law and check list
- CITES virtual college: www.cites.unia.es
- Sofie.flensburg@cites.org




Discussion : ²⁴

- What are your experiences with the current legislation? Do you have examples/cases where the legislation was insufficient to meet the objective of combatting illegal trade? Why?
- Do you have examples where the legislation was effective? What was the result?





ANNEX 9 (cont.)

3. What are some of the obstacles to strengthen the legislation?
4. What are the effective strategies to overcome these obstacles?
5. How to ensure the effective collaboration of all concerned agencies (border patrols, customs, judiciary, police forces etc.) ?
6. How can Parties strengthen their cross-border collaboration?





ANNEX 10: PRESENTATION

Harmonizing the legal provisions related to wildlife crimes

UNODC
United Nations Office on Drugs and Crime

COMBATING WILDLIFE CRIMES
UNITED NATIONS OFFICE ON DRUGS AND CRIME

Harmonizing the legal provisions related to wildlife crimes

Minimum provisions of criminalization?

Abidjan, 12 Sep 2018



UNODC
United Nations Office on Drugs and Crime

COMBATING WILDLIFE CRIMES
UNITED NATIONS OFFICE ON DRUGS AND CRIME

Main laws and regulations

Question	Answer	Total	Asia Pacific	South & East Africa	Centr West Africa
If yes, what are the main laws and regulations your country uses for this purpose?	Wildlife/game/hunting law/regulations	83%	82%	85%	81%
	Specialized CITES law/regulations	70%	64%	62%	81%
	Forest law/regulations	90%	91%	85%	94%
	Import/export laws/regulations	73%	55%	77%	81%
	Biodiversity law/regulations	63%	36%	62%	81%
	Penal Code	65%	36%	54%	94%
	Protected species law/regulations	68%	27%	77%	88%
	Customs Law	60%	36%	54%	81%
	Protected areas law/regulations	70%	36%	85%	81%
	Special laws – e.g., anti-money laundering, anti-corruption	65%	36%	69%	81%
Other (explain)	18%	18%	8%	25%	



UNODC
United Nations Office on Drugs and Crime

COMBATING WILDLIFE CRIMES
UNITED NATIONS OFFICE ON DRUGS AND CRIME

UN Convention on Transnational Organized Crime

- UNODC
United Nations Office on Drugs and Crime
- COMBATING WILDLIFE CRIMES
UNITED NATIONS OFFICE ON DRUGS AND CRIME
- ### 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

- UNODC
United Nations Office on Drugs and Crime
- COMBATING WILDLIFE CRIMES
UNITED NATIONS OFFICE ON DRUGS AND CRIME
- ### 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

- UNODC
United Nations Office on Drugs and Crime
- COMBATING WILDLIFE CRIMES
UNITED NATIONS OFFICE ON DRUGS AND CRIME
- ### 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 and administrative – with proportionate and dissuasive sanctions
 - **Effective Prosecution, Adjudication and Sanctions**
 - Including longer statute of limitations



ANNEX 10 (cont.)

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)

Controlled deliveries

Article 20: Special investigative techniques

1. If permitted by the basic principles of its domestic legal system, each State Party shall, within its capabilities and under the conditions prescribed by its domestic law, take the necessary measures to allow for the appropriate use 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, for its enforcement authorities in so much as 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 actions to combat the offences covered by this Convention. Each State Party shall, in particular, where effective measures:

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral agreements or arrangements or agreements or arrangements through which, according to terms, in the absence of such agreements or arrangements between the States Parties concerned, the Parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Wherever appropriate, States Parties shall enter into or agree to such arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

Finding common standards in wildlife crimes

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

Defining the crime

Is killing an elephant illegal in your country?

It depends on many factors like:

- The place
- The protection status of the species
- The time
- The authority of the actor
- Others?

Act: what constitutes a crime?

Question	Answer	Asia Pacific	South & East Africa	Cent& West Africa
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	82%	92%	94%
	3. Illegal possession	91%	85%	94%
	4. Illegal transport	100%	100%	94%
	5. Illegal trade (import, export, and re-export)	82%	77%	81%
	6. Illegal transit	91%	77%	81%
	7. Illegal sale and purchase, including through the internet	64%	77%	63%
	8. Illegal processing	73%	69%	44%
	9. Attempt to commit all (or some) of the above	0%	0%	6%
	10. None of the above			

Means: which aggravating circumstances?

Question	Answer	Total	Asia Pacific	South& East Africa	Central & West Africa
Does your country's legal framework provide for increased penalties under certain conditions?	1. Yes	95%	92%	92%	100%
	2. No	5%	8%	8%	0%
If yes, under which conditions?	3. The crime involves organized crime	48%	27%	62%	50%
	4. The crime is committed by an organized group	45%	51%	62%	75%
	5. The crime involves a firearm	32%	40%	68%	88%
	6. The crime resulted in death or injury	30%	40%	68%	88%
	7. The crime is committed by a repeat offender	18%	44%	77%	88%
	8. The crime involves a CITES Appendix I species	40%	41%	54%	75%
	9. Other (please specify):	10%	27%	33%	33%

Consistent approach to species

- Only domestic species
- Domestic species + some alien species
- All CITES Species
- All illegally harvested wildlife (Lacey Act)*

**It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce:*

(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;

Consistent approach to species

Question	Answer	Asia Pacific	South & East Africa	Cent& West Africa
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	91%	85%	81%
	2. All species listed in CITES Appendices I, II, and III	82%	92%	81%
	3. Other species (please specify)	18%	8%	19%
	4. None of the above	0%	8%	0%



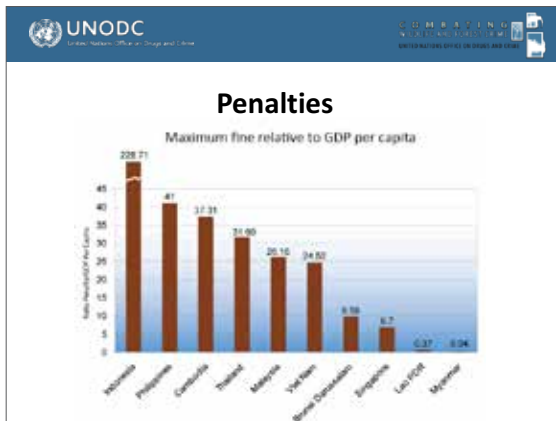
ANNEX 10 (cont.)

Penalties

Question	Answer	Asia Pacific	South & East Africa	Cent& West Africa
What are the penalties for illegal trade in protected wildlife and forest products?	1. Do you use a minimum prison term?	36%	85%	93%
	2. If so, how many months (average of results)?	11	44	2
	3. Do you use a maximum prison term?	100%	85%	87%
	4. If so, how many years? (average of results)	8	13	5
	5. How much is the minimum monetary fine? (Average in USD)	634	1,519	86
	6. How much is the maximum monetary fine? (Average in USD)	182,675	98,525	14,066
	7. Confiscation	82%	85%	92%
	8. Other (explain)	27%	31%	13%

Penalties

AMS	Min Imprisonment	Max. Imprisonment	Min sanction	Max Sanction
Angola	3 months	3 years		
Cambodia	1 month	10 years	250\$	62,500\$
Kenya	5 years	Life imprisonment	9,600\$	192,700\$
Myanmar		7 years	7\$	37\$
Tanzania	5 years	30 years	Twice the value	10 times the value
Singapore		2 years		363,200\$
South Africa		10 years		765,300\$ Or 3 times commercial value
Thailand		4 years		1,142\$



Sentencing

Question	Answer	Asia Pacific	South & East Africa	Cent& West Africa
Does your country have prosecuting and/or sentencing guidelines for cases of illegal trade in protected wildlife and forest products?	1. Yes	55%	69%	75%
	2. No	45%	23%	25%
	3. Other (please explain)	0%	15%	0%

Question	Answer	Total	Asia Pacific	Southern & East Africa	Central & West Africa
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.)	93%	100%	85%	94%
	2. First or repeat offence	78%	73%	92%	69%
	3. Purpose of the offence (commercial or not)	68%	73%	77%	56%
	4. Knowledge that the activity is illegal (mens rea)	45%	27%	54%	50%
	5. Role in the illegal activity (lead or supportive)	58%	64%	62%	50%
	6. Type of species that are smuggled or otherwise illegally traded (e.g. highly protected, listed in CITES Appendix I)	88%	73%	92%	94%
	7. Quantity of specimens that are smuggled or otherwise illegally traded	68%	45%	69%	81%
	8. Market value of specimens that are smuggled or otherwise illegally traded	60%	45%	54%	75%
	9. The damage generated	63%	55%	54%	75%
	10. Aggravating circumstances (corruption, organized group, etc.)	73%	45%	77%	88%
	11. Other	n/a	n/a	n/a	19%

Cooperation and investigations

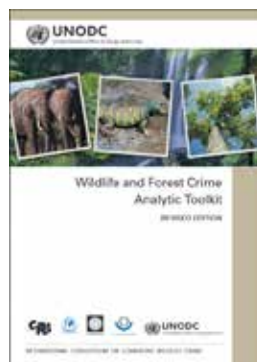
Question	Answer	Asia Pacific	South & East Africa	Cent& West Africa
For serious wildlife/forest crimes, i.e. those punishable by 4 years of imprisonment or more, does your country's legal framework allow any of the following?	1. Anti-money laundering investigations	64%	85%	50%
	2. Controlled delivery	9%	69%	31%
	3. Mutual legal assistance	73%	77%	75%
	4. Extradition	36%	85%	50%
	5. Criminal liability for legal persons	45%	62%	44%
	6. Wiretapping	9%	46%	38%
	7. Informants	45%	69%	56%
	8. Undercover operations	36%	54%	44%
	9. Witness or whistleblower protection	55%	69%	44%

- ### Challenges to find standards
- Definitions of criminal behaviours
 - Approach to species schedules
 - Penalties
 - Sentencing

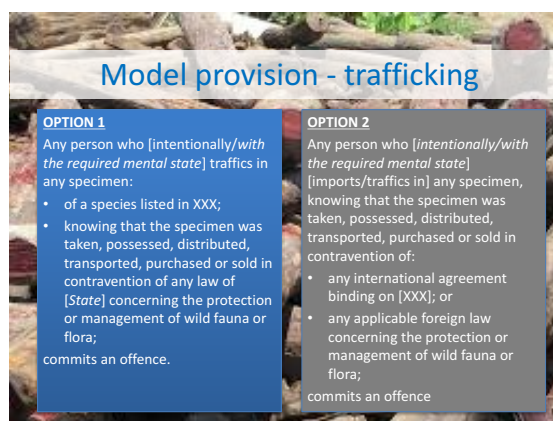
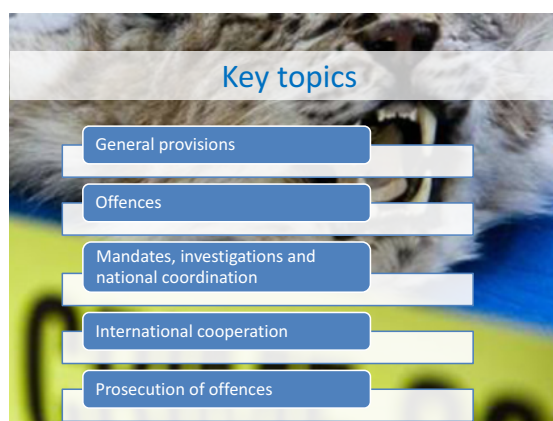
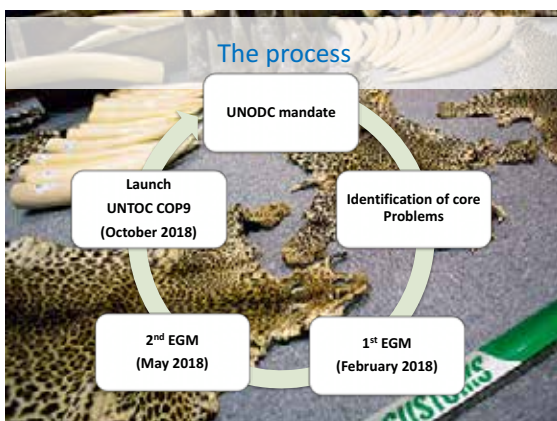


ANNEX 11: PRESENTATION

Guide on drafting legislation to combat wildlife crime

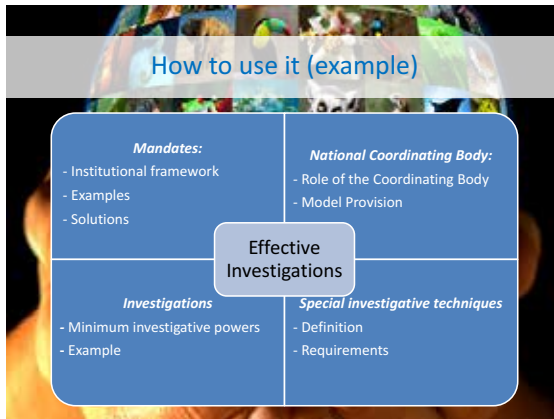


Result:
"Development of a series of model legal provisions to help countries strengthen national legal frameworks against wildlife and forest crime."





ANNEX 11 (cont.)

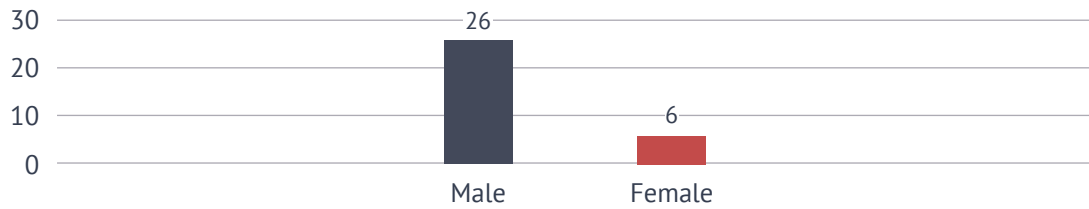




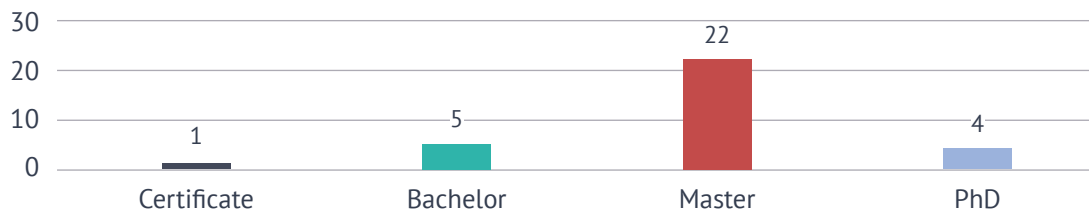
ANNEX 12: SURVEY OF THE SYMPOSIUM

Strengthening Legal Frameworks to Combat Wildlife Crime in Central and West Africa
Combined Results for the French and English Survey Templates

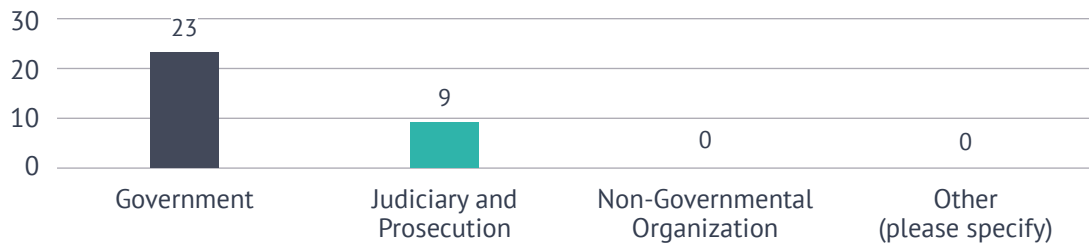
1. Gender



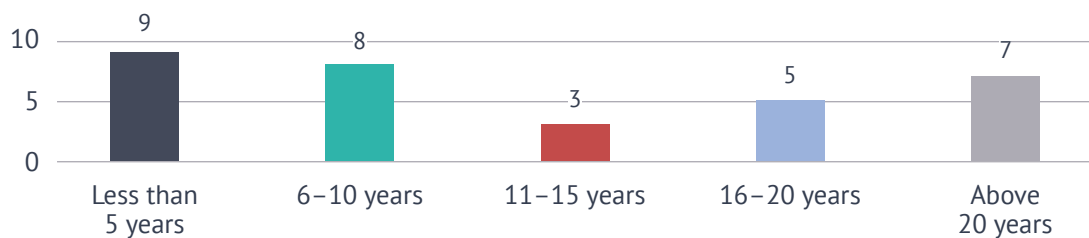
2. Level of Education



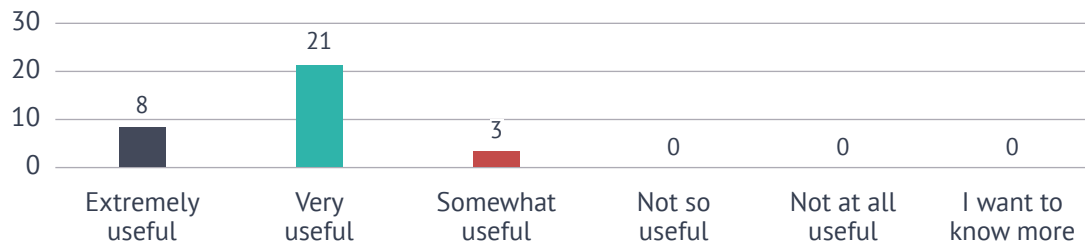
3. I work for:



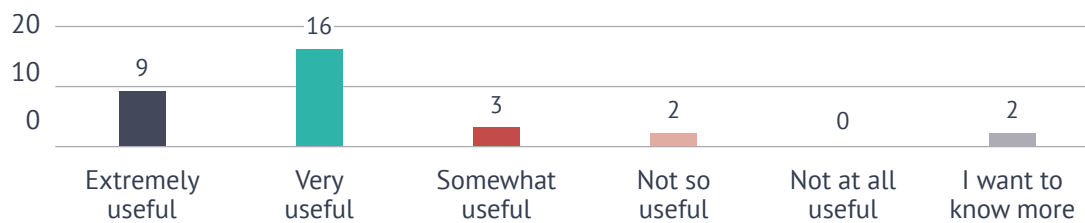
4. Years in position



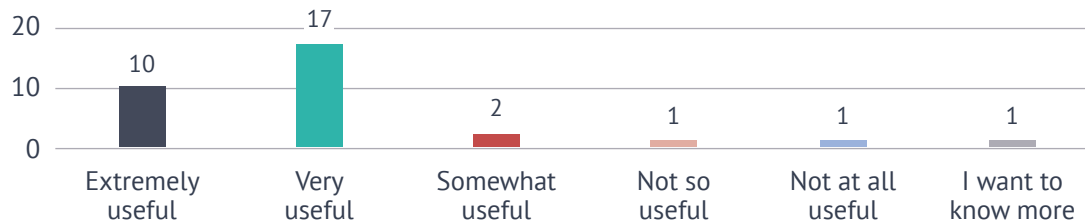
5. Please rate the usefulness of the session on - current status of and gaps in regulating legal trade and combating illegal trade in wildlife and forest products - to your work:



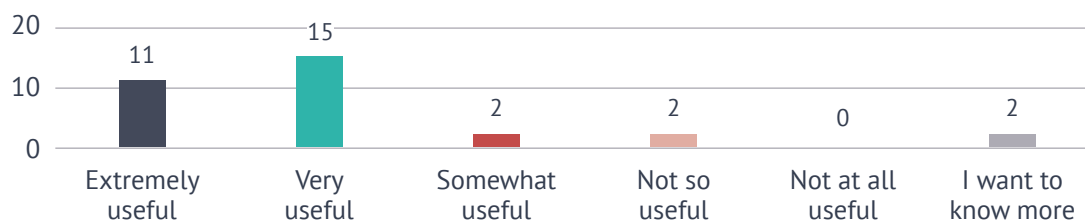
6. Please rate the usefulness of the session on - UNODC guide on drafting legislation for wildlife crime - to your work:



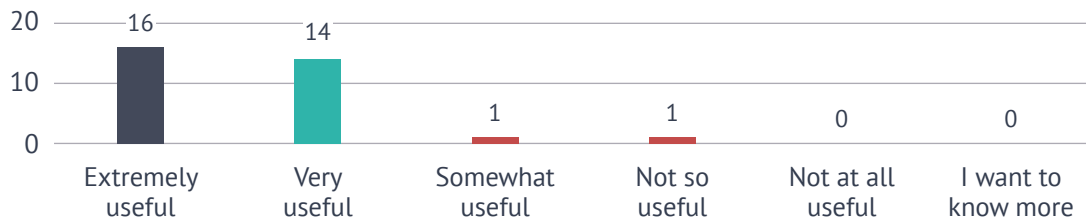
7. Please rate the usefulness of the session on - legal dimensions of strategies on combating illegal exploitation and illegal trade in wild fauna and flora in Africa- to your work:



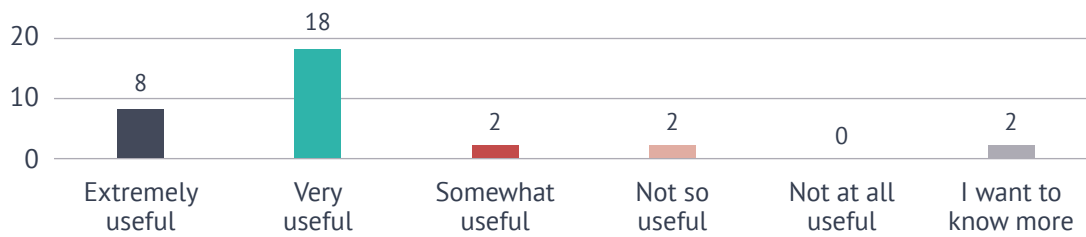
8. Please rate the usefulness of the session on - natural resource management and trade regulation- to your work:



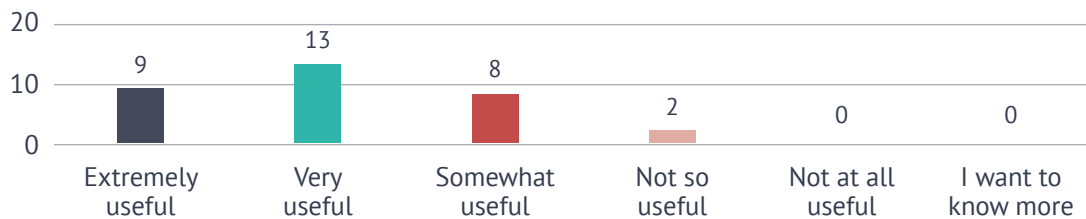
9. Please rate the usefulness of the session on - CITES minimum requirements for national legislation - to your work:



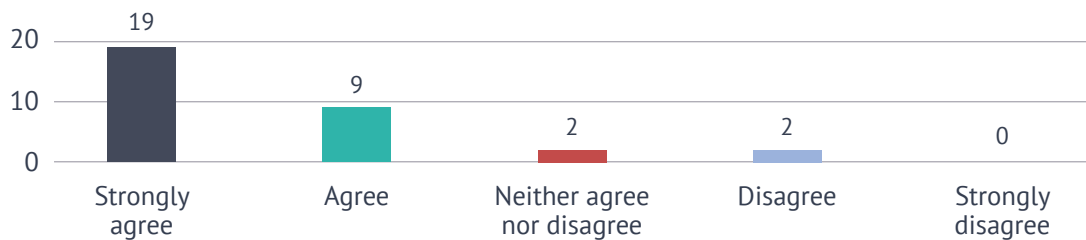
10. Please rate the usefulness of the session on - Minimum provisions of criminalization - to your work:



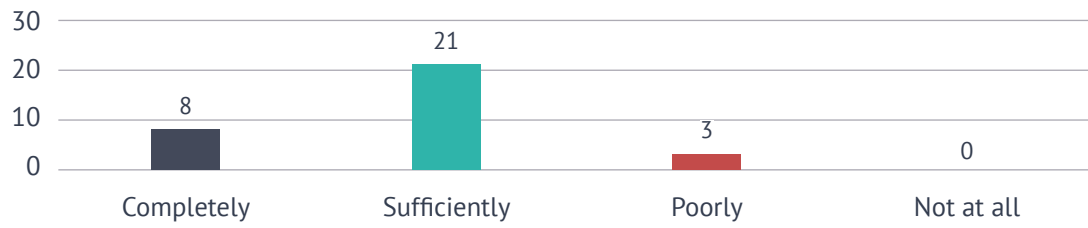
11. Please rate the usefulness of the session on - Penalties, sanctions and regional standards and co-ordination mechanisms - to your work:



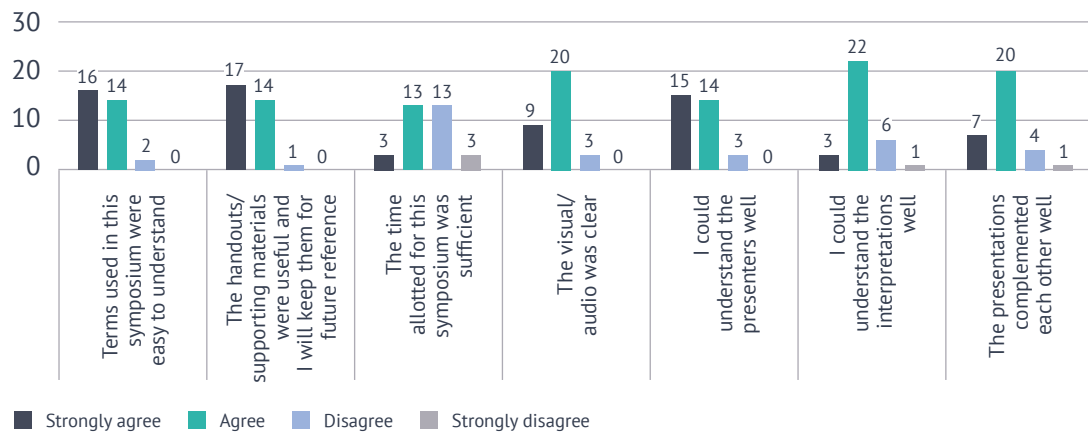
12. The background materials used in this symposium were useful and I'll keep them for future reference:



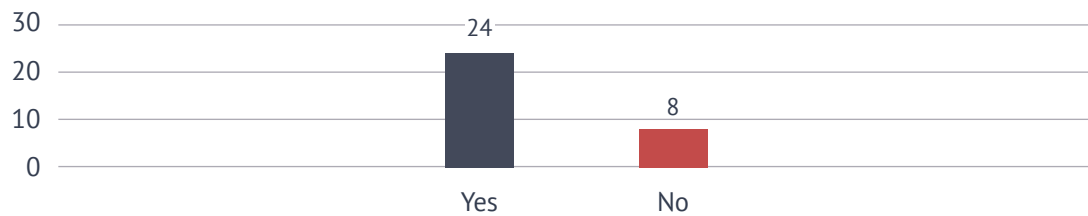
13. To what extent did this symposium meet your expectations?



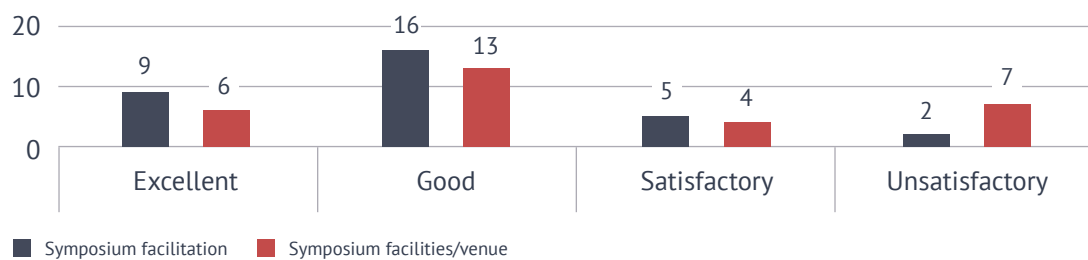
14. Please indicate your level of agreement with the following statements:



15. Would you need more support/information on the covered topics?



16. Please rate the overall quality of the following:



17. Based on your experience at this symposium, how likely are you to attend future symposiums organized by the UN Environment?

