



ADB



SYMPOSIUM ON COMBATING WILDLIFE CRIME

Securing Enforcement, Ensuring Justice,
and Upholding the Rule of Law

The Proceedings



Editors

Kala K. Mulqueeny

Francesse Joy J. Cordon



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CONTENTS

Foreword	v
Acknowledgments	vii
Abbreviations	ix
Executive Summary	1
HIGHLIGHTS Day 1: 10 March 2013	8
Opening Sessions	8
Opening and Welcome Remarks	8
Combating the Illegal Wildlife Trade (Video)	13
Plenary Session 1 Overview—Wildlife, Extinction, and Wildlife Crime	14
A. Wildlife Crime as Transnational Organized Crime	14
Discussion	18
B. Key Illicitly and Illegally Traded Species	19
Terrestrial Wildlife Trade	19
Marine Wildlife Trade	20
Discussion No. 1	23
Forest and Timber Trade	24
Discussion No. 2	26
C. Mapping Trafficking Routes for Illegal Activities	27
Discussion	30
D. Cooperation in Combating the Illegal Wildlife Trade	31
Discussion No. 1	36
Discussion No. 2	37
HIGHLIGHTS Day 2: 11 March 2013	39
PLENARY SESSION 2 Curbing the Demand for Illegal Wildlife and Wildlife Products	39
Discussion	45
PLENARY SESSION 3 National Policy and Legal Frameworks to Curb the Wildlife Trade	48
Discussion No. 1	51
Discussion No. 2	52
Discussion No. 3	57

 PLENARY SESSION 4	Wildlife Law Enforcement—Current Approaches	58
 Discussion No. 1		60
 Discussion No. 2		63
 Discussion No. 3		65
 PLENARY SESSION 5	Innovative Wildlife Law and Enforcement Tools and Strategies	66
 Discussion No. 1		69
 Discussion No. 2		73
 PLENARY SESSION 6	Wildlife Crime, Anti-Corruption, Integrity, and the Rule of Law	74
 Discussion		78
HIGHLIGHTS	Day 3: 12 March 2013	79
 Track 1	Interactive Discussion on Wildlife Law, Policy, and Governance	79
Topic 1	Wildlife Policies and Legal Frameworks—Legal Constraints to Enforcement	79
 Discussion		81
Topic 2	Sentencing, Penalties, and Securing Convictions for Wildlife Crime	83
 Discussion		87
Topic 3	Multimedia, Social Media, and Technology: Innovating for Wildlife	90
 Discussion No. 1		94
 Discussion No. 2		98
Topic 4	Judges, Prosecutors, and Law Enforcement Officers— Making Them Aware, Care, and Act	99
 Discussion		101
 Track 2	Technical Training on Special Investigative Techniques	103
 Wrap-Up and Closing Remarks		104
APPENDIXES		
1	Concept Note	106
2	Program Agenda	110
3	List of Resource Persons	124
4	List of Participants	127

FOREWORD

The Asian Development Bank (ADB)'s work on the illegal wildlife trade originated in the environmental law and enforcement component of the Office of the General Counsel's Law, Justice, and Development Program, which also initiated the Asian Judges Network on Environment. Under the network, chief justices and senior judiciaries recognized that the illegal wildlife trade and illegal forestry trade is a transnational organized crime issue and not just an environmental one. They urged those enforcing wildlife and forestry laws to recognize the problems of illegal transnational environmental crime, and to look for solutions. They also emphasized the need for the entire enforcement chain—the judiciary, prosecutors, police, customs, and other relevant government wildlife law enforcement agencies—to collaborate on measures to mitigate and ultimately end the illegal wildlife trade.

This recognition coincided with a request from the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) for assistance to improve legislation in ADB's developing member countries to ensure CITES compliance, and to partner with them and the Government of Thailand to support the 16th Conference of the Parties in Bangkok, Thailand, in March 2013. ADB supported this request, and together with the CITES Secretariat and other partners, convened the Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice, and Upholding the Rule of Law.

The symposium had two objectives: to attract high-level attention to the illegal wildlife trade and the various ecological, economic, social, and security challenges this crime creates to encourage further high-level action; and to explore innovative approaches and techniques to combat other serious crimes that could be applied to combat wildlife crime and uphold the rule of law.

The symposium led to a larger ADB technical assistance project on the illegal wildlife trade that is ongoing. This project furthers ADB's core mission because the illegal wildlife trade presents significant risks to sustainable livelihoods and development, which could worsen poverty and threaten inclusive growth. Wildlife crime has these wider effects because it destroys ecosystems, which give people benefits and services; takes direct revenue from state-managed natural resources and indirect revenue from taxes on those natural resources; stops local communities from obtaining sustainable livelihoods from biodiversity and natural resources; undermines law enforcement and the rule of law; involves corruption; and increases the risk of health epidemics and diseases as animals are transported across borders and through regions. These issues have severe and negative effects on the poor, denying them green and inclusive growth—issues that are at the core of ADB's mission.

These proceedings record the symposium and seek to provide a reference for chief justices, justices, attorneys general, law enforcement officers, representatives of international and nongovernment organizations, and civil society to further their fight against wildlife crime. We believe it provides a valuable source of knowledge and encourages further efforts to combat the illegal wildlife trade.

Christopher L. Stephens
General Counsel
Office of the General Counsel

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The Asian Development Bank (ADB) expresses its appreciation to the distinguished participants—senior justices, attorneys general, heads of police and customs, high-ranking law enforcement officers, and representatives from various intergovernmental and nongovernmental organizations and civil society—who took time out of their busy schedules to give wildlife crime the urgent high-level attention required; and the esteemed experts and partners at the International Consortium on Combating Wildlife Crime, who shared their knowledge and expertise on combating wildlife crime and other transnational organized crimes.

ADB greatly appreciates its partnership with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) led by Mr. John E. Scanlon, secretary general of the CITES Secretariat, with which it cohosted the Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice, and Upholding the Rule of Law.

Special thanks are in order for those who graciously agreed to chair or facilitate a session: Ms. Marie-Anne Birken, then deputy general counsel at the Office of the General Counsel of ADB and now the general counsel of the European Bank for Reconstruction and Development; Ms. Marceil Yeater, chief of the Legal Affairs and Trade Policy Unit of the CITES Secretariat; Dr. Ken B. Johm, manager of the Natural Resources and Environment Management Division of African Development Bank's (AfDB) Agriculture and Agro-Industry Department; Dr. Elizabeth L. Bennett, vice president for species conservation of the Wildlife Conservation Society; Mr. Eric Phu, marketing consultant and former vice chair of the Interactive and Direct Committee of the Association of Accredited Advertising Agencies of Hong Kong; Ms. Patricia Moore, international legal expert and former head of the International Union for Conservation of Nature's Regional Environmental Law Programme Asia Division and Ecosystems and Livelihoods Group Asia Division; Dr. Kala K. Mulqueeney, principal counsel at ADB Office of the General Counsel; Mr. Daniel Moell, environmental programme manager of the Compliance and Facilitation Directorate of the World Customs Organization; Ms. Ioana Botezatu, leader of the International Criminal Police Organization Environmental Crime Programme's Project PREDATOR; Mr. Pongdej Wanichkittikul, deputy secretary of the Supreme Court of Thailand; Mr. John T. Webb, retired assistant chief of the Environmental Crimes Section of the United States Department of Justice; Ms. Irum Ahsan, counsel at ADB Office of the General Counsel; Ms. Wendy Elliot, manager of the Species Programme and coleader of the Illegal Wildlife Trade Campaign of World Wildlife Fund International; Mr. Jim Wingard, cofounder and legal director of Legal Atlas and an international consultant of ADB; and Ms. Marilyne Pereira Goncalves, senior financial sector specialist at the Financial Market Integrity Unit of the World Bank.

From ADB, Mr. Bruce L. Davis, vice president for administration and corporate management, helped give the opening and welcome remarks, while Ms. Birken chaired a session and helped give a wrap-up and closing remarks. Dr. Mulqueeney convened and chaired the roundtable, and led an exceptional team from the Office of the General Counsel, which provided administrative and research support. The team comprised of Ms. Ahsan, Ms. Ma. Celeste Grace A. Sanial-Gois, Ms. Kristine Melanie M. Rada, and Ms. Rita Marie Mesina, all from the Law, Justice, and Development Program of the office, as well as Mr. Mark Alain V. Villocero.

Dr. Mulqueeney and Ms. Francesse Joy J. Cordon prepared and edited this publication.

ABBREVIATIONS

ADB	– Asian Development Bank
AJNE	– Asian Judges Network on Environment
ARREST	– Asia’s Regional Response to Endangered Species Trafficking
ASEAN	– Association of Southeast Asian Nations
ASEAN-WEN	– Association of Southeast Asian Nations Wildlife Enforcement Network
BLO	– Border Liaison Office
CBD	– Convention on Biological Diversity
CITES	– Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	– Conference of the Parties
EU	– European Union
ICCAT	– International Commission for the Conservation of Atlantic Tunas
ICCWC	– International Consortium on Combating Wildlife Crime
IFAW	– International Fund for Animal Welfare
INTERPOL	– International Criminal Police Organization
IUCN	– International Union for Conservation of Nature
IUU	– illegal, unreported and unregulated
LAGA	– The Last Great Ape Organization Cameroon
Lao PDR	– Lao People’s Democratic Republic
NEST	– national environmental security task force
NGO	– nongovernment organization

PRC	–	People’s Republic of China
RFMO	–	regional fisheries management organization
RhODIS®	–	Rhino DNA Index System
SMART	–	Spatial Monitoring and Reporting Tool
SPS	–	Save Philippine Seas
UN	–	United Nations
UNCAC	–	United Nations Convention against Corruption
UNEP	–	United Nations Environment Programme
UNODC	–	United Nations Office on Drugs and Crime
US	–	United States of America
USAID	–	United States Agency for International Development
VGL	–	Veterinary Genetics Laboratory
WCO	–	World Customs Organization
WCS	–	Wildlife Conservation Society
WEN	–	wildlife enforcement network
WPSI	–	Wildlife Protection Society of India
WWF	–	World Wildlife Fund

EXECUTIVE SUMMARY

The Asian Development Bank (ADB) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), together with other development partners, held the Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice, and Upholding the Rule of Law on 10–12 March 2013 at the Queen Sirikit National Convention Center, Bangkok, Thailand. The symposium was the first collaboration between the two institutions and was a side event of the 16th Conference of the Parties (CoP)—the largest CITES conference ever convened, with 2,300 registered participants, 350 media personnel, 161 agenda items, and 60 side events. The symposium was also part of ADB’s work on the illegal wildlife trade, which in turn is an integral component of its strategic approach to environmental sustainability and good governance—both of which are fundamental objectives set out in its long-term strategic framework, Strategy 2020.

Esteemed experts in the field of wildlife protection and wildlife anti-crime initiatives discussed the nature and extent of the illegal wildlife trade, critical wildlife issues, and effective methods of combating wildlife crime before chief justices, justices, attorneys general, and high-ranking law enforcers—police, customs, and other enforcement authorities—as well as representatives of various intergovernmental and nongovernmental organizations and civil society.

Mr. John E. Scanlon of the CITES Secretariat and Mr. Bruce L. Davis of ADB gave the opening and welcome remarks. Mr. Scanlon briefly discussed CITES and the core commitments made by the contracting parties when they signed the convention. He also identified (i) the convention’s compliance mechanisms; (ii) the covered species and the level of trade permitted, if at all, in these species; and (iii) the extent of the illegal wildlife trade. He then emphasized the need for legislators to consider wildlife crime as a serious crime and prescribe penalties commensurate to the nature of this crime, as well as the need for all members of the enforcement chain to collaborate in combating wildlife crime.

Mr. Davis enumerated the consequences of wildlife crime and stressed that ADB’s work on the illegal wildlife trade forms an integral part of its strategic approach to environmental sustainability and good governance, and ultimately also a part of its long-term strategic framework, Strategy 2020. Mr. Davis also highlighted the biodiversity conservation and sustainable livelihood projects supported by ADB and its environmental justice program, which it initiated at the request of several Asian judiciaries.

Dr. Kala K. Mulqueeny, principal counsel at the Office of the General Counsel of ADB, then played a video showing the extent of the illegal wildlife trade and the profits it generates for transnational organized crime syndicates perpetrating the crime. She then explained the objectives of this symposium—including convincing the participants to take wildlife crime seriously and commit to discussing wildlife crime issues with their countrymen and colleagues in the profession. Finally, she gave an overview of how the roundtable would proceed.

The symposium comprised six plenary sessions and two interactive discussions. Plenary Session 1, with the theme Overview—Wildlife, Extinction, and Wildlife Crime, was further divided into four sessions. In the first session, on the nature of wildlife crime as a transnational organized crime, Ms. Marie-Anne Birken of ADB served as chairperson. Dr. Simon N. Stuart of the International Union for Conservation of Nature (IUCN) discussed the IUCN's perspective on the overall state of the illegal wildlife trade, and encouraged participants to think of enforcement policies and the new challenges facing wildlife protection, bearing in mind the convention's achievements. Mr. Jorge Eduardo Rios of the United Nations Office on Drugs and Crime (UNODC) shared UNODC's position that wildlife and forest crime are transnational organized crimes involving organized crime syndicates that use highly dynamic and competitive marketing and trafficking strategies, sophisticated concealment and disguise techniques, the internet, and corruption. Dr. Carlos Drews of World Wildlife Fund (WWF) related how many relevant government ministries did not identify with illegal wildlife trade issues, urged government representatives to have the political will to transform wildlife crime into a high-risk crime, and suggested several means of doing so. Mr. Sean Willmore of the International Ranger Federation spoke of the plight of park rangers on the front line of biodiversity conservation, who are ill equipped, getting injured, and dying in the line of duty. He solicited support for their projects to uplift the lives of these park rangers. During question-and-answer time, the participants talked about how the internet facilitates wildlife crime, how much effort law enforcement agencies are exerting to combat wildlife crime, and how to improve anti-wildlife crime initiatives.

In the second session, on the key illicitly and illegally traded species, Ms. Marceil Yeater of the CITES Secretariat served as session chair. Dr. William Schaedla of TRAFFIC Southeast Asia focused on the primary species subjected to illegal wildlife trade, such as pangolins, slow lorises, tigers, pythons, tortoises, and freshwater turtles, and advised enforcers to target not just the poachers but also the middlemen, brokers, and masterminds. Mr. Glenn Sant of TRAFFIC explained the concept of illegal, unreported and unregulated (IUU) fishing and gave examples of TRAFFIC's regulated marine species and the problems encountered in the course of regulating these species. Dr. Fábio Hissa Vieira Hazin of the Brazilian delegation to the 16th CITES CoP talked about shark finning, the absence of an international trade regulation on manta rays, and the means to protect sharks and manta rays. Dr. Joseph Okori of WWF spoke of the wildlife criminal dynamics involving primary and secondary poachers, the Rhino DNA Index System (RhODIS®), a forensic technique used to identify rhino horns and link crime scenes to suspects and related cases, and other prosecution-driven techniques targeting the trade in rhino horns and ivory. During question-and-answer time, the participants discussed the right way of dealing with the blood ivory in Sri Lanka, the increase in the number of secondary poachers, and the initiatives to curb the demand for illegal wildlife products.

The second session also dealt with the forest and timber trade. Dr. Tint Lwin Thaung of RECOFTC—The Center for People and Forests described the scale of the forest and timber trade and the global, national, and local efforts to address illegal logging. He called on the region's judiciaries to (i) make the legal framework transparent, simple, and participatory; (ii) lead other coordinating agencies by example; (iii) keep abreast of changing conditions; and (iv) maintain independence and detach themselves from any badge of influence or bias. Mr. Julian Newman of the Environmental Investigation Agency introduced his organization, traced the main timber trade routes within Southeast Asia, and shared details of how the Government of Indonesia had launched a crackdown on those involved in the illegal logging of merbau timber after the agency disclosed its findings on the merbau timber trade. During question-and-answer time, Ms. Yeater stated how CITES member states can use the convention as an effective policy instrument by submitting proposals to the CITES CoP.

In the third session, on mapping trafficking routes for illegal activities, Dr. Ken B. Johm of the African Development Bank (AfDB) served as chairperson and expressed the AfDB's interest in supporting work against illegal wildlife trade. Mr. Steven Broad of TRAFFIC International spoke of mapping wildlife trading and using wildlife trade routes and various technological innovations like the Elephant Trade Information System and georeferencing to enhance interventions against the illegal wildlife trade. Dr. Scott Robertson of the Wildlife Conservation Society (WCS)—Viet Nam delivered their case study on the significant illegal trade route between the People's Republic of China and Viet Nam and the response of their respective government authorities. Lastly, Ms. Elisabeth McLellan of WWF described the level of elephant and rhino poaching and encouraged the participants to explore ways of making ivory and rhino horn socially uninteresting to reduce the demand for these products. During question-and-answer time, Mr. Wan Ziming of the National Inter-Agency CITES Enforcement Coordination Group and CITES Management Authority of China pointed out that money is not the only driver of tiger poaching. Many people kill tigers because of the threat they pose to humans and other animals. Mr. Broad emphasized that the fight against the illegal wildlife trade is a global concern.

In the fourth session, on cooperation in combating the illegal wildlife trade, Dr. Elizabeth L. Bennett of WCS framed the session based on the fact that wildlife crime is a transnational organized crime and highlighted the need for organizations and agencies to collaborate in addressing this crime, especially given the adverse impact of wildlife crime, outdated wildlife legislation, ill-equipped enforcement components, and the transnational and transcontinental aspects of the crime. Mr. Daniel Gauth of the United States (US) Department of State talked about the following tools available to every wildlife enforcement network (WEN) to combat wildlife crime: the International Consortium on Combating Wildlife Crime, the training and secure communication channels used by the International Criminal Police Organization (INTERPOL) and the World Customs Organization, and the anti-money laundering expertise of the World Bank. He also stated the benefits of having a network of WENs, the qualities such a global network should have, and the need to fight criminal networks with law enforcement networks.

In this same session, Justice Syed Mansoor Ali Shah of Pakistan discussed the creation of the Asian Judges Network on Environment and the role of judges in the fight against the illegal wildlife trade. Justice Yang Arif Tan Sri Abdull Hamid bin Embong of Malaysia narrated how Malaysian green court judges have increased their awareness of environmental and wildlife issues. Dr. Wanhua Yang of the United Nations Environment Programme discussed its role within the United Nations system. Mr. Giovanni Broussard of UNODC explained the Border Liaison Office mechanism as a means of stopping the shipment of contraband along the land borders of the countries forming part of the Greater Mekong Subregion. Ms. Ioana Botezatu of INTERPOL described their Project PREDATOR, which deals with Asian big cats, particularly wild tigers and snow leopards, and invited participants to organize national environmental security seminars and task forces. Finally, Mr. Ziming discussed Operation Cobra, which has led to hundreds of arrests and the seizure of up to 50 tons of endangered species and by-products, and suggested ways of improving international enforcement actions. During question-and-answer time, the participants examined the exclusion of wildlife from the traditional definition of "environment" and its implications.

In Plenary Session 2, with the theme Curbing the Demand for Illegal Wildlife and Wildlife Products, Mr. Eric Phu of the Association of Accredited Advertising Agencies of Hong Kong served as session chair and set the context for the discussion of various means of curbing demand. Mr. James Compton of TRAFFIC International discussed the drivers of demand for wildlife products, the need for parallel work

between demand reduction and supply reduction, and TRAFFIC's approach to changing consumption behavior. Ms. Anna R. Oposa of Save Philippine Seas introduced her organization as a civil society response to a major wildlife trafficking incident that grew into a nonprofit organization to address environmental violations using their two key strengths—communication and stakeholder mobilization. Mr. Shawn Heinrichs of WildAid related WildAid's wildlife conservation and anti-trafficking campaigns. Through generous donations, pro bono celebrity endorsements, and the support of the world's top advertising agencies, WildAid succeeded in forming huge production teams at less than cost to deliver world-class public service announcements to curb wildlife demand. Mr. Steve Galster of FREELAND Foundation for Human Rights and Wildlife, Asia's Regional Response to Endangered Species Trafficking (ARREST) Program, and WildAid profiled the typical wildlife consumer and described how the organizations conceived and continue to use the iTHINK campaign to influence a change in wildlife consumption behavior. Finally, the Venerable Mae-Chee Sansanee Sthirasuta of the Global Peace Initiative for Women enumerated ways by which the participants could end wildlife crime. During question-and-answer time, the participants explored the various methods of reducing demand for wildlife products.

In Plenary Session 3, with the theme National Policy and Legal Frameworks to Curb the Wildlife Trade, Ms. Patricia Moore served as chair and suggested enacting wildlife legislation in accordance with the guidelines set by the CITES CoP to ensure compliance with CITES and help governments enact clear and strong laws. Mr. John T. Webb of the US Department of Justice briefed the participants on how they prosecute wildlife traffickers in the US and how the Environmental Crimes Section of his department operates. Mr. Rios then discussed the key elements of the policy and legal framework for wildlife protection, loopholes in the law that wildlife traffickers were exploiting, and the Wildlife and Forest Crime Analytic Toolkit to address wildlife trafficking. Ms. Yeater explained the salient features of CITES, which imposes on parties minimum requirements for dealing with the illegal international wildlife trade, and the CITES National Legislation Project, which reviews national wildlife legislation and assists parties in enacting the required legislation. During question-and-answer time, Ms. Yeater further explained the CITES review process; noted the difficulty in policing borders, particularly in archipelagos like Indonesia and the Philippines; and emphasized that CITES requires parties to regard wildlife crime as a serious crime meriting at least 4 years' imprisonment.

In the same plenary session, the next set of speakers discussed the national wildlife legal and policy framework in their respective countries. Chief Justice Qazi Faez Isa of Pakistan related how judges could use loopholes in the law to better protect wildlife and how governments could make their citizens accept and obey wildlife laws by appealing to their religious sensibilities. Dr. Ananda Mohan Bhattarai of Nepal gave some suggestions on how the participants could improve their domestic wildlife legal and regulatory framework and exact compliance therewith. Dr. Kanjana Nitaya of the Ministry of Natural Resources and Environment of Thailand shared how the Department of National Parks, Wildlife and Plant Conservation has dealt with the illegal wildlife trade. Lastly, Mr. Madhawa Tennakoon of the Attorney General's Department of Sri Lanka identified two primary challenges to effective wildlife law enforcement: (i) Sri Lanka just emerged from a harsh legal regime and is undergoing a postwar rehabilitation and development period and (ii) the increase in tourism and human–elephant conflict. During the second question-and-answer time for this session, Mr. Webb described how the US directs inbound wildlife shipments to a limited number of customs ports of entry, where there are wildlife inspectors who can identify wildlife species and apply the pertinent laws.

In Plenary Session 4, with the theme Wildlife Law Enforcement—Current Approaches, Dr. Kala K. Mulqueeny of ADB served as session chair. Mr. Kesh Bahadur Shahi of the Central Investigation Bureau of Nepal explained how the bureau addresses wildlife crimes in collaboration with other government agencies, nongovernment organizations (NGOs), and international NGOs. Mr. Jesse Tai-Chiu Wong of Hong Kong Customs described the agency's antismuggling work and how it was able to successfully conduct a controlled delivery operation. Mr. Samantha Gunasekara of Sri Lanka Customs narrated how the Biodiversity, Cultural and National Heritage Protection Division was established, the unit's accomplishments in the course of dealing with cross-border shipments of wildlife products, and the challenges in the way of effective customs law enforcement. During question-and-answer time, Mr. Wong and Mr. Gunasekara identified the other tools they use in wildlife and customs law enforcement.

Thereafter, Justice Embong spoke of the development of environmental courts in Malaysia, while Justice Shah pointed out the gaps in Pakistan's wildlife legislation and made several proposals to improve the law and the overall enforcement system. Mr. Elema Halake of the Kenya Wildlife Service discussed the perspective of range states on wildlife issues, the mandate of the Kenya Wildlife Service, and Operation Cobra and the opportunities they found as a result. Lastly, Mr. Steve Galster elaborated on the ARREST Program and the challenges and successes they had encountered in enforcing wildlife laws in the region. During the final question-and-answer time of the fourth plenary session, Dr. Richard Emslie of the IUCN Species Survival Commission's African Rhino Specialist Group and the Southern African Development Community Rhino and Elephant Security Group/INTERPOL Environmental Crime Working Group suggested other methods to strengthen wildlife law enforcement, and Mr. Bryan Christy stressed that the kind of judges and prosecutors a country has determines whether criminals fear the legal system.

In Plenary Session 5, with the theme Innovative Wildlife Law and Enforcement Tools and Strategies, Mr. Daniel Moell of the World Customs Organization chaired the session and said that law enforcement officers should use all tools available to them. Ms. Marilyne Pereira Goncalves of the World Bank explained the financial crimes perspective on wildlife trafficking and various tools like the Financial Action Task Force and anti-money laundering regimes. Mr. Avinash Basker of the Wildlife Protection Society of India introduced his organization and walked the participants through the database system they developed to assist wildlife enforcement agencies and governments to combat wildlife crimes. Mr. Jim Wingard, cofounder and legal director of Legal Atlas and an international consultant of ADB, presented the ADB Asian Wildlife Atlas Pilot Project, an ADB-commissioned platform (based on the Legal Atlas) that was designed to compile, collate, and assess wildlife trade legislation. During question-and-answer time, the participants explored the enforcement economics of investing the minimum amount of resources to exert minimum enforcement effort with maximum deterrence.

A second set of speakers discussed innovative techniques that could be used in wildlife law enforcement. Mr. Chrisgel Ryan Ang Cruz of the Association of Southeast Asian Nations (ASEAN) Wildlife Enforcement Network (WEN) presented on (i) species identification sheets for frontline law enforcement officers and other relevant officers in border areas, checkpoints, airports, and seaports; (ii) training management packages for training law enforcers in ASEAN countries on enforcement, investigation, and awareness; (iii) training for judiciaries on wildlife trade regulation and species identification; (iv) wildlife forensic networking, capacity building for wildlife forensic scientists, and linking these scientists along the enforcement chain; and (v) special investigation group meetings. Dr. Robert Ogden of TRACE Wildlife Forensics Network Society for Wildlife Forensic Sciences updated the participants on the various wildlife

forensic science methods that are useful in investigations, such as species identification, DNA forensics, DNA profiling, and population assignment. Dr. Richard Emslie gave further information on RhODIS®, horn fingerprinting, the Global Environment Facility Project, footprint-lifting courses, scent-capturing devices, and several techniques for effective prosecution. During question-and-answer time, Mr. Cruz clarified the concept and development of their species identification sheets. Dr. Emslie and Dr. Ogden further explained the application of RhODIS®.

In Plenary Session 6, with the theme Wildlife Crime, Anti-Corruption, Integrity, and the Rule of Law, Ms. Ioana Botezatu served as session chair and framed the session by speaking of the close connection between wildlife crime and wildlife degradation on the one hand and corruption on the other. Dr. Shervin Majlessi of UNODC gave examples of the corruption-related challenges in wildlife crime, briefed the participants on the United Nations Convention against Corruption (UNCAC), and stated his recommendations based on an analysis of the link between CITES and UNCAC. Mr. Sombat Tuengwiwat of FREELAND compared and contrasted narcotics crimes and wildlife crimes in Thailand and discussed the two levels of corruption in Thailand. Lastly, Mr. Ofir Drori of The Last Great Ape Organization (LAGA) Cameroon—Anti-Corruption and Integrity and the Central Africa Wildlife Law Enforcement Network talked about how LAGA partnered with governments to fight corruption. During question-and-answer time, Mr. Drori clarified that wealth is also a cause of corruption, and that even the good and clean public officials are subject to corruption. Dr. Majlessi stressed the need for a more comprehensive national strategy with specific components dealing with corruption. Ms. Botezatu in turn highlighted how poverty and greed give rise to corruption, and how stakeholders can address corruption through strong political will, national anti-corruption systems, anti-corruption academies and law enforcement, interagency and international collaboration, and new, innovative partnerships.

During the last day of the symposium, the participants were divided into two groups. Track 1 comprised interactive discussions on wildlife law, policy, and governance and tackled four topics: (i) wildlife policies and legal frameworks, particularly the legal constraints on enforcement; (ii) sentencing, penalties, and securing convictions for wildlife crime; (iii) multimedia, social media, and technological innovations for wildlife protection; and (iv) campaigns to make judges, prosecutors, and law enforcement officers aware of, care about, and act on wildlife issues. Except for the third session, which followed the same format as the plenary sessions, panelists first shared their country and personal perspectives on these topics and answered a given set of guide questions for consideration in each session. Then, the participants formed subgroups to deliberate on their responses to these guide questions, while a rapporteur took down notes. Either the rapporteur or another designated group representative later reported on the group's responses before the bigger group.

Meanwhile, Track 2 involved closed-door technical training on special investigative techniques, primarily controlled delivery, information and intelligence management, anti-money laundering regimes, and asset recovery.

Ms. Birken and Mr. Scanlon formally closed the symposium. Ms. Birken summarized the discussions on the following complex wildlife issues: (i) the significance of wildlife crime; (ii) the wildlife species primarily affected and the impact of wildlife crime on these and many other wildlife species; (iii) the mapping of trade routes; (iv) international cooperation initiatives to combat wildlife crime; (v) the demand side of the wildlife trade; (vi) the national policy and legal frameworks involved; (vii) challenges

facing the effective enforcement of these policies and laws; and (viii) more detailed law, policy, and governance issues, as well as special investigative techniques, covered during the interactive sessions on the last day. She also stressed the serious, highly organized, and transnational nature of wildlife crime; the effects of wildlife crime; and the urgent need to strengthen collaboration at the global, regional, and national levels. Mr. Scanlon seconded Ms. Birken's remarks and expressed delight in seeing the participants' level of awareness increasing.

Ms. Birken and Mr. Scanlon conveyed their gratitude to the esteemed experts and their partners in the International Consortium on Combating Wildlife Crime, who shared their time, knowledge, and experience in these issues; the distinguished participants, for their time and their profound questions and comments and their active participation throughout the symposium; the Royal Thai Government for hosting the entire CoP and this symposium and providing this venue; and everyone who worked diligently to make the symposium a success. They also looked forward to a follow-up project to assist in the improvement of national wildlife legislation to comply with CITES requirements.

The participants left equipped with additional substantive and technical knowledge to effectively combat wildlife crime and two USB flash drives containing reference materials and tool kits to help them accomplish their goals of securing enforcement, ensuring justice, and upholding the rule of law.

HIGHLIGHTS

DAY 1: 10 MARCH 2013

■ OPENING SESSIONS

■ Opening and Welcome Remarks

Dr. Kala K. Mulqueeny, principal counsel at the Office of the General Counsel of the Asian Development Bank (ADB), served as the master of ceremonies. She said that ADB convened the Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice, and Upholding the Rule of Law, in partnership with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and a range of other development partners. She expressed pleasure at the number of people who attended the symposium and introduced Mr. John E. Scanlon and Mr. Bruce L. Davis.

Mr. John E. Scanlon, secretary general of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat, welcomed all the participants to the symposium. He acknowledged the valuable contributions of ADB and its representatives, Mr. Bruce L. Davis, vice president for administration and corporate management, and Dr. Mulqueeny. He also thanked the Government of Thailand for hosting the Conference of the Parties (CoP); all the chief justices, justices, attorneys general, and senior government officials in attendance; and the rest of the participants—the police, customs, other enforcement authorities, and friends from the intergovernmental and nongovernmental communities.

Describing this symposium as the first engagement of CITES with ADB, Mr. Scanlon, on behalf of the CITES Secretariat, acknowledged ADB's contributions and expressed desire for this symposium to serve as the start of a fruitful relationship between the two institutions. This symposium was also a side event of the 16th CoP—the largest CITES conference ever hosted, with 2,300 registered participants, 350 media personnel, 161 agenda items, and 60 side events. The number of participants confirmed the level of interest of the various member countries in CITES and its impact, despite the 40 years that had passed since the convention was drafted and signed.

Mr. Scanlon explained that CITES is an international convention that regulates international trade in wildlife, both plants and animals, terrestrial and marine. At the time the symposium was held, a total of 178 parties had become parties to the convention by accession, acceptance, approval, continuation, succession, or ratification.¹ At the core of this convention are the various commitments entered into by the contracting parties. These commitments cover (i) the establishment of one or more management authorities to grant permits or certificates on behalf of a state party; (ii) the establishment of one or more scientific authorities to advise the management authorities on whether the introduction of any species listed under Appendix II to the convention will be detrimental to the survival of that same species; and (iii) the adoption of other measures to enforce the convention. For instance, state parties must prohibit

¹ According to the CITES List of Contracting Parties, there are now 180 parties to the convention. Angola acceded to the convention on 2 October 2013, while Iraq acceded to it on 5 February 2014. www.cites.org/eng/disc/parties/chronolo.php

trade in violation of the convention, penalize such trade, and confiscate illegally traded plants and animals. The three elements of this symposium—securing enforcement, ensuring justice, and upholding the rule of law—go into that very core and the various resolutions and decisions adopted pursuant to the convention.

Parties to CITES must also establish their own process of reviewing the adequacy of their national legislation implementing the provisions of the convention. The CITES Secretariat would then assess whether such national legislation satisfies the requirements of the convention. For Mr. Scanlon, this review process is important considering that national legislation serves as the starting point for enforcing the convention. After that, the CITES Secretariat prepares a report on its findings regarding which parties have adequate legislation in place. In addition, the parties should examine their overall compliance with the convention and conduct a review of significant trade being done within their jurisdictions. If the trade appears excessive, then the science committees must review the trade and discuss with the parties how they are managing the trade.

Mr. Scanlon also mentioned that CITES contains compliance measures with respect to (i) annual reporting on the kinds of wildlife trade happening over a given 12-month period, (ii) wildlife legislation, and (iii) enforcement mechanisms. If the parties perceive any failure on the part of any state party to comply with CITES in any of these aspects, the convention gives them various means of compelling the delinquent party to comply. As a final resort, the CITES Standing Committee can recommend a full trade suspension with that delinquent state with respect to any CITES-listed species. Mr. Scanlon added that on the eve of this meeting of the CoP, the CITES Standing Committee recommended the imposition of a full trade suspension, covering all the 35,000 CITES-listed species, on Guinea as a consequence of its significant illegal trade in CITES-listed species and serious problems in implementing the convention.²

Mr. Scanlon clarified the common misconceptions of the scope of CITES. Many believe that CITES completely prohibits trade in any of the 35,000 CITES-listed species, and that these species are the most endangered species. However, this is not the case. Of these 35,000 species, only about 3%, or about 1,000 species, are listed under Appendix I, which enumerates the species that are already threatened with extinction and, hence, are generally excluded from all commercial trade. Rhinoceroses, tigers, and great apes are examples of these species. The other 97% are species that are not yet necessarily threatened with extinction, but CITES regulates trade in these species to ensure that they are not threatened with extinction, and that all trade in these species are legal, sustainable, and traceable. CITES regulation of trade in these species has allowed the repopulation of some species, including the Latin American vicuña, which was originally listed under Appendix I because only 6,000 existed at that time. Since the absolute prohibition on trade in vicuñas, that total number has grown to 380,000, thus prompting their reclassification under Appendix II, which allows regulated trade in this species. After regulated trade in

² During the 63rd meeting of the CITES Standing Committee in Bangkok, Thailand, last 2 March 2013, the committee recommended that all parties suspend trade in *Balearica pavonina* (black crowned crane). The committee also noted that Guinea had failed to perform the set of minimum actions to address the significant problems in Guinea's implementation of the convention. Thus, the committee recommended that parties suspend commercial trade in specimens of CITES-listed species with Guinea. See Summary Record (Draft) of the 63rd Meeting of the Standing Committee, available at www.cites.org/sites/default/files/eng/com/sc/63/E-SC63-SumRec.pdf; and CITES Notification to the Parties No. 2013/017 Concerning Guinea Recommendation to Suspend Trade, available at www.cites.org/eng/notif/2013/E-Notif-2013-017.pdf

vicuñas was allowed, certain communities in Peru established community facilities to shear the wool of vicuñas before releasing them back into the wild.

Mr. Scanlon then discussed the magnitude of the illegal wildlife trade involving Appendix I species, wherein trade is absolutely prohibited, and Appendix II species, wherein traders do not get the necessary trade permits or procure fraudulent permits. The illegal wildlife trade is estimated to be worth anywhere between \$5 billion and \$20 billion each year. Relevant data reveal a significant spike in the killing of African elephants and African rhinoceroses. In 2011 alone, about 25,000 African elephants were killed, and the 2012 figure could be worse. The poaching of African rhinoceroses, on the other hand, used to be under control. Between 2004 and 2007, only about 10–13 of these rhinoceroses were poached each year. But since then, the CITES Secretariat has seen the number of rhinoceroses poached each year escalate—from 83 in 2008, to 122 in 2009, and to 668 in 2012, in South Africa alone. This poaching trend is unsustainable; if it continues, the African rhinoceroses can be driven into extinction. The CITES Secretariat also discovered the involvement of organized crime, such as rebel militia, in some places, particularly in Central Africa.³ Frontline officers defending the wildlife in their country are thus being killed in the line of duty.

Mr. Scanlon urged legislators to enact laws treating wildlife crime as a serious crime and prescribing penalties commensurate to the nature of this crime, and emphasized that all the members of the enforcement chain must work together in combating wildlife crime—from the field inspector, who must have the necessary capacity to secure evidence, to the judge, who must decide the case and impose penalties. Notably, in South Africa, judges had been giving custodial sentences ranging from 12 years to 40 years to individuals involved in illegal trade in rhino horns.

To end, Mr. Scanlon said that the participants would be discussing in plenary sessions several generic topics regarding the nature of wildlife crime, the key illicitly and illegally traded species, and trafficking routes. They would also have technical sessions on the techniques being used to combat other crimes, such as controlled deliveries, in order to expose and prosecute the kingpins of the illicit wildlife trade, as well as on asset recovery mechanisms. He then thanked the CITES Secretariat's partners in the International Consortium on Combating Wildlife Crime (ICWC), including the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), the World Bank, and the World Customs Organization (WCO), who were all represented in the symposium and who would be supporting ADB in discussing technical aspects of enforcement efforts against the illegal wildlife trade during this symposium. He again thanked ADB for convening the individuals involved at the highest levels and those working in the field to tackle the illegal wildlife trade, the Government of Thailand, their partners in the ICWC, and everyone present for taking the time to attend this symposium and thereby show their interest in combating wildlife crime.

Mr. Bruce L. Davis, vice president for administration and corporate management at ADB, welcomed the chief justices and senior members of the Asian judiciaries, attorneys general, prosecutors, police, customs officials, and other distinguished guests and speakers to the symposium. On behalf of ADB, Mr. Davis expressed pleasure in working with the CITES Secretariat and other development partners

³ The UN Security Council has determined the involvement of the Lord's Resistance Army in the illegal ivory trade.

on this opportunity to (i) draw high-level attention to the illegal wildlife trade and the challenges the crime creates; (ii) share experiences on combating wildlife crime in Asia; and (iii) adopt the innovative techniques being used in other areas of criminal enforcement in combating the illegal wildlife trade. This was the first time that an event of this scale had been held at a CoP of an international environmental convention to specially address organized, syndicated, and transnational wildlife crime, which, coupled with illegal, unreported and unregulated (IUU) fishing, is valued at tens of billions of US dollars.

Mr. Davis talked about the impact of wildlife crime: widespread biodiversity destruction, billions of dollars in government revenues lost, communities prevented from obtaining sustainable livelihoods, and law enforcement and national security undermined. Wildlife crime also threatens human health, as the transportation of wildlife and their by-products spreads various communicable diseases. Hence, ADB considers its work in the illegal wildlife trade as an integral part of its strategic approach to environmental sustainability and good governance, and ultimately, of its long-term strategic framework, Strategy 2020.

Mr. Davis added that while biodiversity conservation and good environmental governance form part of ADB's key priorities in its environmental operations, both are also prime targets of ADB's Law, Justice, and Development Program. ADB considers biodiversity conservation and wildlife crime prevention as critical issues in securing law enforcement, ensuring justice, and upholding the rule of law and has programs to assist in this endeavor. First, several ADB programs promote country actions and transboundary cooperation to strengthen the management of large-scale cooperation at the regional level. Among these programs are the Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security; the Core Environment Program and Biodiversity Conservation Corridors Initiative in the Greater Mekong Subregion; and the Heart of Borneo Initiative. Through policy dialogue, legal reforms, knowledge sharing, and investments to improve the management and sustainable use of landscapes and seascapes, these programs aim to make biodiversity conservation a driver of economic development and social welfare.

Second, ADB supports investments in biodiversity conservation and sustainable livelihoods through projects such as the GMS Biodiversity Conservation Corridor Project and the Coral Reef Rehabilitation and Management Project. Moreover, ADB supports the work of chief justices and senior judiciaries in promoting environmental justice at the request of several Asian judiciaries, and has started working to an increasing extent with other members of the law enforcement chain.

Mr. Davis also told the participants that in 2009, the Supreme Court of Indonesia asked ADB to help it certify judges qualified to adjudicate environmental cases. ADB supported the program and began working with the Government of Indonesia on pilot projects, including an environmental enforcement program that integrates work among police, prosecutors, environmental agencies, and judges. In 2010, ADB assisted the Supreme Court of the Philippines in drafting and finalizing its Rules of Procedure for Environmental Cases, and in hosting the Asian Judges Symposium on Environmental Decision Making, the Rule of Law, and Environmental Justice (hereinafter, the "Asian Judges Symposium") in Manila. The largest Asian conference of its kind, the Asian Judges Symposium convened 110 judges, environmental ministry officials, and civil society representatives from countries throughout Asia as well as Australia, Brazil, and the United States (US) to discuss innovations in environmental jurisprudence and decision making, and led judges to call for the establishment of the Asian Judges Network on Environment (AJNE). At that symposium, Chief Justice Harifin Tumpa of the Supreme Court of Indonesia had the vision to recognize the judiciary's role in addressing the environmental challenges confronting Southeast Asia,

and invited chief justices from the region to meet in Jakarta to further discuss regional collaboration on environment.

In 2011, Indonesia hosted the inaugural Association of Southeast Asian Nations (ASEAN) Chief Justices' Roundtable on Environment. The Federal Court of Malaysia then hosted the Second ASEAN Chief Justices' Roundtable on Environment in 2012, and that same year, Chief Justice Tun Arifin bin Zakaria of the Federal Court of Malaysia issued a directive creating environmental criminal courts, institutionalizing the judges' environmental training program, and instructing the Malaysian judiciary to impose strong penalties on those guilty of committing wildlife crimes. The Supreme Administrative Court of Thailand, meanwhile, offered to host the Third ASEAN Chief Justices' Roundtable on Environment in 2013, and the Supreme People's Court of Viet Nam offered to host the fourth roundtable in 2014.

ADB has been supporting similar work with the South Asian Association for Regional Cooperation judiciaries. In March 2012, ADB partnered with the Supreme Court of Pakistan in hosting the South Asia Conference on Environmental Justice in Bhurban, Pakistan. Pakistan undertook concrete actions that led to the establishment of green courts and a call for a constitutional right to a healthy environment. In October 2012, ADB, together with the Secretariat of the Convention on Biodiversity and the International Union for Conservation of Nature (IUCN), also organized the Judicial Colloquium on Biodiversity in Hyderabad, India, to highlight the importance of biodiversity and the judiciary's role in law enforcement.

Mr. Davis recognized the difficulty involved in convening members of senior judiciaries, prosecutors, police, customs officials, and other law enforcement officials. As such, their presence at the symposium signified ADB's success in generating high-level awareness of wildlife crime and the means of combating it through this symposium. He also mentioned ADB's plan to provide follow-up technical assistance, based on the outcomes of this symposium, and assist CITES member countries in strengthening their wildlife law enforcement systems. Given the unique assembly of officials representing the entire enforcement chain, Mr. Davis urged them to speak up and contribute insights into the challenges associated with wildlife crime, and to propose feasible actions that could form part of a joint regional plan to address wildlife crime issues. ADB and other donors could then draw from this plan as they consider appropriate assistance to be rendered in addressing wildlife crime issues.

On behalf of ADB, Mr. Davis concluded by expressing a desire for a stronger partnership between ADB and the participants, and for a productive discussion, and new ideas for combating illegal wildlife crime. He thanked everyone again and welcomed them to the symposium.

Dr. Mulqueeney thanked Mr. Davis for delivering ADB's welcome remarks and for his invaluable support for the work done by the Office of the General Counsel's Law, Justice, and Development team. She then gave the participants an overview of the issues to be discussed during the symposium by playing a video highlighting critical wildlife issues.

■ Combating the Illegal Wildlife Trade (Video)

The video drew everyone's attention to the extent of the illegal wildlife trade, which earns billions of dollars for criminals, funds insurgencies and terrorism, destabilizes governments and economies, robs countries of their valuable natural resources, and causes tens of thousands of deaths each year. **Chief Justice Jakaria** of the Federal Court of Malaysia described wildlife crime as a "serious, transnational organized crime" that can threaten national security, while **Christopher Stephens**, ADB general counsel, described wildlife crime as a threat to sustainable economic development.

The video presented statistics on how lucrative the illegal wildlife trade is for the criminals involved. Trafficking in animals and animal parts alone generates \$8 billion–\$10 billion every year. This amount combined with the \$4.2 billion–\$9.5 billion every year from IUU fishing, and the \$7 billion yearly from the illegal timber trade, can produce benefits amounting to \$19.2 billion–\$26.5 billion yearly. **Dr. Robert D. Hormats**, undersecretary of state for economic growth, energy, and the environment of the US Department of State, confirmed the huge amount of money criminals make in the illegal wildlife trade. Poachers slaughter tens of thousands of elephants and millions of tropical fish and other marine species, including sharks, sea turtles, and manta rays, each year to satisfy the increasing global demand for wildlife and their by-products. In 2011 alone, these poachers slaughtered 40,000–60,000 pangolins. Rhino poaching in South Africa increased 5,000% from 2007 to 2012, and tens of thousands of humphead wrasse are illegally imported into the People's Republic of China (PRC) every year. At present, only 3,200 wild tigers remain.

The skyrocketing demand for wildlife products in Asia is making the continent a major consumption hub and hot spot for criminal wildlife trafficking. Elephant tusks and rhino horns are transported regularly from Africa into Asia, feeding an insatiable demand; and millions of sharks, including illegally sourced great white and whale sharks from both Asia and Latin America, find their way to Asian markets.

At this point, Dr. Mulqueeny stopped the video presentation, which highlighted the gravity of wildlife crime issues and the ineffectiveness of the various means being used to combat wildlife crime. She echoed the question asked in the video—do humans take wildlife crime seriously?—and explained that the organizers would like the participants to consider wildlife crime a serious problem and to commit to discussing wildlife crime issues with their countrymen and members of their profession. The symposium would first present a high-level perspective on wildlife crime issues—the nature of wildlife crime as a transnational organized crime, key species that are being illegally trafficked, and trafficking routes—and consider international cooperation in combating wildlife crime. The participants would examine the various means of curbing demand for wildlife and their by-products, relevant legal frameworks, legal loopholes, and enforcement mechanisms. On the third day of the symposium, the participants would be divided into two groups: one group would tackle wildlife policies and governance, while the other would join in technical sessions on intelligence, controlled deliveries, and anti-money laundering techniques.

■ PLENARY SESSION 1 Overview—Wildlife, Extinction, and Wildlife Crime

A. Wildlife Crime as Transnational Organized Crime

Ms. Marie-Anne Birken, then deputy general counsel at the Office of the General Counsel of the Asian Development Bank (ADB) and now the general counsel of the European Bank for Reconstruction and Development, served as session chairperson and introduced the first session speaker.

Dr. Simon N. Stuart, chair of the Species Survival Commission of the International Union for Conservation of Nature (IUCN), first thanked Dr. Mulqueeny of ADB for the invitation to speak at this symposium, and stated the reasons for optimism in the fight against the illegal wildlife trade.

Dr. Stuart presented the overall state of the illegal wildlife trade from the IUCN's perspective and its findings as contained in the IUCN Red List of Threatened Species, which covers 65,000 species, about 20,000 of which are threatened with extinction. The IUCN Red List classifies species into nine groups, ranging from "least concern" (lowest risk), all the way to "critically endangered," and finally to "extinct." By way of example, he showed statistics on annual rhino poaching in South Africa since 2000. While the species of white rhinoceroses is not yet considered threatened, it could be listed under the threatened category in a couple of years if the number poached every year continues to rise. He also showed the statistics on Indonesian frog legs exported from 1969 to 2000.

An IUCN map showed the areas where on-land and at-sea wildlife trade concentrations occur. Notably, the map featured East Asia and Southeast Asia as the main on-land and at-sea trade hubs where plants and animals are being trafficked for medicinal purposes.

Dr. Stuart next presented BirdLife's World Bird Database (2008), according to which 3,500 bird species are sold as pets, over 1,000 for food, and several hundred for sport. He also showed the IUCN Red List index trends on birds and explained that international trade in birds seems to be getting under control. While trade in other species is far worse, the tapered index trend on bird trade indicates success on the part of CITES management and others engaged in wildlife protection. However, in general, the population of mammals, birds, and amphibians used for food and medicine suffers a steeper decline. The Living Planet Index, which is another way of measuring trends in species population and wildlife trafficking, confirms the downward trend in the number of species used. Lastly, Dr. Stuart showed the effect of market price per kilogram of tuna or billfish and generation length, or the speed at which the species breed, on the threat of extinction to these fishes, and explained that the more slowly the fishes breed, the higher their prices go and the more threatened their species become.

In conclusion, Dr. Stuart said that CITES has had some success in combating the illicit wildlife trade, particularly in elephants, rhinoceroses, vicuñas, and crocodiles, although some major hurdles still stand in the way of the effective implementation of CITES. The participants should therefore consider enforcement policies and the new challenges facing wildlife protection in light of the successes CITES has achieved because available data generally suggest the possibility of successfully combating wildlife crime.

Mr. Jorge Eduardo Rios, coordinator of the Anti-Wildlife and Forest Crime Programme of the United Nations Office on Drugs and Crime (UNODC), thanked the organizers and the participants

for the opportunity to discuss UNODC's position on the relationship between transnational organized crime and the illegal wildlife trade, with a caveat on the accuracy and the freshness of the data that they had gathered.

Mr. Rios described “transnational organized crime” under the United Nations Convention against Transnational Organized Crime (UNTOC, or the Palermo Convention). The convention does not precisely define the term “transnational organized crime” nor does it enumerate the crimes to which the term could apply. This lack of definition allows for the broad application of the convention to new kinds of crime that constantly emerge as global, regional, and local conditions change. The convention, however, defines an “organized criminal group” as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.” Under the convention, a “serious crime” is an offense punishable by at least 4 years of incarceration. Accordingly, a “transnational organized crime” encompasses almost all profit-motivated serious criminal activities with international implications. This broad definition considers the global complexity of the issues involved and paves the way for international cooperation on the widest possible range of common concerns.

The UNODC views wildlife and forest crime as a transnational organized crime, no less serious than other transnational organized crimes like trafficking in heroin, cocaine, firearms, humans, and counterfeit consumer goods and medicines. The trade routes and the volume of traded wildlife and by-products reveal the highly sophisticated transboundary modus operandi of wildlife traffickers. This trade is driven by high demand from wealthy markets in Southeast Asia, among others. Products made from ivory and rhino horns are considered upscale commodities or status symbols, without the stigma associated with the consumption of drugs and other fruits of crime. The low risk of detection and conviction, light penalties consisting mostly of petty fines, the high revenues for traders, poverty, and the lack of alternative livelihoods for farmers and poachers drive the wildlife trade further.

Mr. Rios also identified the smugglers—persons of various nationalities, with specialized knowledge of the links in the trafficking chain. These smugglers make use of poachers, middlemen or facilitators, underground retailers, and complicit public officials at all levels of government. Poachers are for the most part merely occasional actors, who engage in poaching as a source of livelihood and derive minimum financial gains. Law enforcement efforts, however, are concentrated on the poachers rather than those in the higher echelons of organized crime syndicates that may be involved, using highly dynamic and competitive marketing and trafficking strategies, the internet, corruption, and sophisticated techniques for concealing and disguising their nefarious trade before customs officials and law enforcers.

Mr. Rios enumerated the following benefits of regarding wildlife and forest crime as a “serious crime”: (i) more severe penalties to act as deterrent; (ii) higher rate of convictions to motivate frontline law enforcers to investigate and pursue cases of wildlife and forest crime; (iii) more sophisticated investigative techniques, including electronic surveillance and telephone tapping; and (iv) increased international cooperation among law enforcement agencies and judiciaries. He repeated UNODC's view that the illegal wildlife trade is a serious transnational organized crime that has proliferated due to its low-risk yet highly lucrative nature. Wildlife trafficking threatens national security, economic growth, development, and human health. Thus, governments should have better and more appropriate legislation, trained and

equipped frontline law enforcers, and well-equipped prosecutors and judiciaries who understand case law and can adjudicate wildlife crime cases properly.

Ms. Birken asked the participants to focus on the syndicated nature of wildlife crime, and hence, on the need for states to deal with it in the same way they deal with drugs and human trafficking.

Dr. Carlos Drews, director of the Global Species Programme of World Wildlife Fund (WWF) International, described the symposium as the first of its kind to present the magnitude of wildlife crime.

Dr. Drews then presented the findings of a study they commissioned and published in *Fighting Illicit Wildlife Trafficking: A Consultation with Governments* (2012). Dalberg Global Development Advisors contacted more than 110 government and international organization representatives, exchanged over 450 correspondence items with potential interviewees, and conducted 22 in-depth interviews to analyze the scale and impact of illegal wildlife trafficking and explore solutions. The consultants also sought to examine how government agencies, such as ministries of justice, commerce, and internal affairs, see the illegal wildlife trade as an issue of concern. Most of the representatives from these target government ministries failed to reply, refused to participate, or simply referred the request for consultations on to the ministries of environment. The limited responses and unavailability of target ministries showed that these ministries did not identify with the issue of illicit wildlife trade. WWF's presentation of this report at the United Nations General Assembly in 2012 drew significant attention to the wildlife trade issue.

Dr. Drews also showed statistics on the profits generated through the illegal wildlife trade to exemplify the highly profitable yet low-risk nature of this crime. On 21 October 2012, law enforcers made what was then the largest ivory seizure in Hong Kong, China—at least 1,200 tusks worth about \$3.4 million. This volume suggests the possibility that the tusks were not sourced from a single site and may have been kept by organized networks in various sites, mainly in Central Africa, before being shipped in two separate containers through Kenya and Tanzania to Asia. A heavily armed band of foreign poachers also entered Cameroon and slaughtered about 400 elephants, prompting the President of the republic to dispatch an elite army to the site. The involvement of the Lord's Resistance Army and its 60,000–100,000 child soldiers in the illicit wildlife trade highlights the fact that wildlife crime is more than just about wildlife. Wildlife crime can fund regional conflicts, destabilize societies, lead to the death of countless humans, especially rangers, and facilitate other crimes. The criminal activities and conviction of Anson Wong, the “Lizard King,” also sheds light on the absence of principled enforcement and deterrence, which allows wildlife crime syndicates to thrive.

To come up with solutions to the wildlife crime problem, Dr. Drews called on government representatives to have the necessary political will to transform wildlife crime into a high-risk crime. More concretely, governments should (i) improve the rule of law and create effective deterrents by strengthening criminal investigation, prosecution, and sentencing; (ii) enact stronger laws treating illicit wildlife trafficking as a serious crime deserving of the same level of attention and gravity as other forms of transnational organized crime and punishable by at least 4 years of incarceration; (iii) deploy adequate resources for law enforcement, including resources for specialized investigative and forensic methods; (iv) improve cross-ministerial collaboration within governments; and (v) hold governments accountable for fulfilling, or failing to fulfill, their commitments.

In addition, governments should strive to remove the high-profit lure of wildlife crime by launching effective awareness-raising campaigns that take into consideration the fundamental factors affecting consumer behavior, curbing the demand for wildlife products, and strengthening law enforcement mechanisms to significantly increase the sourcing and distribution costs associated with illegal wildlife trade. Governments should also (i) commit to a zero-tolerance policy on corruption; (ii) amend laws, if necessary, to ensure that illicit wildlife trafficking is punishable by at least 4 years' imprisonment; (iii) equip judiciaries with better awareness, capacity, and resources to safeguard the effective conduct of illicit wildlife trafficking prosecutions to the fullest extent of the law and to apply the strongest penalties available; (iv) investigate wildlife crime suspects for their possible involvement in offenses unrelated to wildlife and seize their assets; (v) allocate more resources to combating wildlife crime, particularly to strengthening wildlife law enforcement, trade controls, monitoring, and customs detection and seizure; (vi) publicize illicit wildlife trafficking as a serious crime and showcase successful prosecutions with significant penalties meted out; and (vii) promote the establishment of, and active participation in, a national environmental security task force (NEST) or any similar multiagency cooperative.

Dr. Drews ended by inviting the participants to download a copy of *Fighting Illicit Wildlife Trafficking: A Consultation with Governments* from the WWF website.

Summarizing Dr. Drews's presentation, Ms. Birken reminded the participants of the need for government agencies, other than ministries of environment and law enforcers, to engage in efforts to combat wildlife crime, and thanked the judiciaries and other enforcement agencies for attending this symposium.

Mr. Sean Willmore, president of the International Ranger Federation, first thanked the participants for the opportunity to represent the park rangers at the front line of conservation. Then he related the stories and concerns of countless park rangers through pictures and anecdotes in an effort to inform policy makers, law enforcers, and concerned international organizations about the plight of park rangers in the context of biodiversity conservation. Most, if not all, park rangers risk their lives, often getting injured and even dying in the line of duty, without getting any medical assistance or compensation. They live in pitch tents in the wild, with two armed rangers staying awake at night to guard the camp from poachers. Often, they wake up in the middle of the night to see animals, apparently perceiving that they would be safer with the rangers than in the wild, approaching them for safety. Minor cuts suffered by these rangers can be deadly without the needed disinfectants, while those who survive fatal gunshots and wounds remain emotionally traumatized and unable to talk about their near-death encounters for fear that they might be induced to tears and shamed in front of their friends by recalling and describing these incidents.

Mr. Willmore also told the participants how many rangers in Cambodia have demonstrated exemplary integrity by refusing to take bribes from poachers, despite the fact that their meager salary of \$30 a month is nowhere near the basic cost of living of \$100 a month. Rangers do, however, face the disincentive of seeing the poachers they arrest get released from prison just a month or so after their detention, poaching again and firing at them with the same gun, and even hurling death threats at these rangers and their families. A strong law enforcement chain all the way from the rangers right through to the judicial system can eliminate this disincentive.

Mr. Willmore described the International Ranger Federation as a small nonprofit organization that strives to uplift the lives of these rangers. The federation has helped 550 children of fallen rangers return to school, created farm jobs and subsistence livelihoods for 90 widows, and given salary supplements to underpaid rangers so that they could feed their families. They also try to give prosthetics to maimed rangers. The federation and the rangers can benefit from training and equipment support, as well as salary supplements and ration packs. Support can also take the form of disinfectants for the rangers' wounds, \$5 mosquito nets to ensure that rangers do not get malaria or dengue fever, and farming implements to enable the widows and families of fallen rangers to make a living.

To end, Mr. Willmore invited the participants to watch a video summarizing his organization's work on www.thingreenline.org.au⁴ and repeated his plea for concrete support for those on the front line of this wildlife conservation endeavor.

Ms. Birken thanked Mr. Willmore for his presentation, and asked the participants to remember the images and human stories that Mr. Willmore shared with them as they further discuss wildlife crime issues.

■ Discussion

During question-and-answer time, **Mr. Malaka Rodrigo**, an environmental journalist from Sri Lanka, asked about the role of the internet in wildlife crime. Mr. Rios answered that the internet makes it convenient to sell wildlife products directly, although INTERPOL is working to stop internet-facilitated wildlife crimes.⁵ Dr. Drews added that the International Fund for Animal Welfare (IFAW) has been investigating and reporting on internet wildlife trade,⁶ and TRAFFIC had worked recently with the Government of the PRC and together, they managed to convince major online retailers in the PRC to eliminate endangered species from the suite of products they are trading.

Another participant asked Mr. Rios about his views on how organized crime syndicates use sophisticated concealment and disguise techniques to facilitate illicit wildlife trade and on how the International Consortium on Combating Wildlife Crime (ICWC) respond to these techniques. Mr. Rios answered that better cooperation among customs agencies is critical in combating wildlife crime. Wildlife traffickers take advantage of weak links in the enforcement chain, and customs agencies lack specific profiling techniques or specific units in ports that could readily detect CITES-regulated products. This brings into question effort exerted by law enforcement agencies to cooperate among themselves, and the opportunities they have to take advantage of controlled delivery techniques and mutual assistance among member states. Specific DNA experiments can improve law enforcement mechanisms. ICWC

⁴ The website also contains the video message of Dr. Jane Morris Goodall, a British primatologist, ethologist, anthropologist, and UN Messenger of Peace, in support of rangers and the Thin Green Line Foundation's work.

⁵ INTERPOL's Project Web, which deals with online wildlife crimes, benefits from IFAW's expertise and financial support. The project aims to present the law enforcement's overview and perspective on the drivers, scale, nature, and involved entities in the online illegal trade in ivory. INTERPOL and IFAW. 2013. *Project Web: An Investigation into the Ivory Trade Over the Internet Within the European Union*. www.interpol.int/en/C3%AF%C5%8B%E2%80%955/Media/Files/Crime-areas/Environmental-crime/Project-Web-An-investigation-into-the-ivory-trade-over-the-Internet-within-the-European-Union

⁶ IFAW's annual reports and other publications are available for download at www.ifaw.org/united-states/resource-centre

can leverage the various specialties of its member organizations without imposing a burden on member states, while frontline officers and intelligence officers can cooperate to detect the concealment and trafficking methods used by wildlife crime syndicates.

B. Key Illicitly and Illegally Traded Species

Ms. Marceil Yeater, chief of the Legal Affairs and Trade Policy Unit of the CITES Secretariat, served as session chair.

■ Terrestrial Wildlife Trade

Dr. William Schaedla, regional director of TRAFFIC Southeast Asia, thanked the organizers for inviting him to speak at this symposium. He then described wildlife crime as multifaceted. Terrestrial animals, for instance, serve as pets or draft animals, or are traded as fashion commodities, medicine, ornaments, or meat.

Dr. Schaedla then focused on particular species that are particularly subjected to illegal wildlife trade. First, pangolins, about eight remaining species of which are widely scattered around the old world tropics, are traded for use as traditional Asian medicine⁷ and as luxury meat. About 40,000 to 60,000 specimens of pangolins are traded in Asia every year. Between 2000 and 2007, at least 30,000 pangolins were seized across East Asia and Southeast Asia, and from 2007 to 2009, around 22,200 pangolins were slaughtered and processed by a single manufacturing plant in Sabah, where large volumes of these pangolins were seized. Many of these pangolins are extirpated from their habitats in northern parts of Southeast Asia and in Africa. They are then shipped—alive, frozen whole, or just their dried scales—to East Asia and Southeast Asia, particularly to the PRC; Hong Kong, China; and Thailand.

Second, slow lorises are traded as pets, meat, and medicine. These species are also part of traditional pharmacopeia, serving as tonics after childbirth and a cure for wounds and sexually transmitted diseases. The different purposes for which slow lorises are traded—whether as pets or for medicine—require different handling regimes and actors, and therefore a targeted enforcement approach. While the pet trade occurs in end markets in Japan and the US, the medicinal trade occurs within Southeast Asia and often within East Asia as well. Notably, these species are shipped either dried or manufactured into tonics.

Third, tigers, approximately 3,000 specimens of which remain in the wild, can involve complex trade chains sourced from various places in addition to protected areas, which may or may not have tigers. Syndicates usually consolidate these tigers within the Malay Peninsula and Sumatra, Indonesia, and ship them out in large volumes. TRAFFIC observes a number of ways to move these tigers, a number of players involved, and increased trade, as TRAFFIC speculates that certain traders are planning to establish farming facilities. Law enforcement operations have caught traders selling tiger skins, tiger wine with bones, and

⁷ Pangolin scales are considered indispensable in pharmacopeia.

bisected tigers, which TRAFFIC presumes to be worth more because consumers and those involved in the latter part of the trade chains can verify that they are actually dealing with tiger meat.

Fourth, pythons are an example of species wherein legal trade happens in conjunction with illegal trade. Pythons are usually traded as meat, leather, and medicine. According to the CITES Trade Database 2000 statistics, roughly 10 million skins, 240,000 kilograms of meat, and 180,000 live pythons were traded in Southeast Asia that year. Python skin is sourced from Indonesia, Malaysia, Singapore, and Viet Nam and shipped to large fashion houses in Europe, especially in Germany, Italy, and Spain, that then manufacture these skins into handbags, watchbands, and belts. Dr. Schaedler said that syndicates in Southeast Asia circumvent CITES trade restrictions moving pythons between neighborhoods and hiding them in captive breeding facilities.

Fourth, tortoises and freshwater turtles are publicly sold in physical stores and through websites such as Adpost.com. A parallel meat trade in these species also occurs through complicated and transposable trade arrangements.

Dr. Schaedler concluded that interdictions are often focused on the ends of the wildlife trade chains—the poaching end, visible markets, and transport modes—because these are areas where such efforts can have immediate impact. However, enforcers forget to link the components of the illegal wildlife trade chain; they should also target the middlemen, brokers, and masterminds, who are often able to recruit new players in the wildlife trade.

■ Marine Wildlife Trade

Mr. Glenn Sant, leader of the Fisheries Trade Programme of TRAFFIC, began by distinguishing the regulation of fisheries from that of terrestrial species in that (i) many acronyms used in the regulation of fisheries are confusing and (ii) identifying the state responsible for regulating trade in the high seas is difficult, if not impossible, to accomplish.

Mr. Sant then discussed the United Nations Food and Agriculture Organization's International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which enumerates the situations wherein IUU fishing occurs. Illegal fishing refers to fishing activities conducted by (i) national vessels that violate a particular state or entity's national regulations while fishing in the waters of that state or on the high seas, where such regulations apply; (ii) foreign flagged vessels, authorized to fish in the waters of another state or entity, that violate the conditions imposed by that state or entity; (iii) foreign flagged vessels that fish in the waters of another state without being authorized to do so; or (iv) vessel members of a regional fisheries management organization (RFMO) that fish on the high seas in contravention of measures adopted by the RFMO. Unreported fishing refers to fishing activities that are not reported or are misreported to the relevant national authority or RFMO. Finally, unregulated fishing refers to fishing activities (i) within the area of an RFMO that are conducted by vessels without nationality or flying the flag of a nonmember of that RFMO and in violation of that RFMO's conservation and management measures, or (ii) in an area without any applicable conservation or management measures, but where such activities contravene state responsibilities for conserving living marine resources under international law.

Mr. Sant also enumerated the types of marine species being fished and internationally traded: sea cucumbers, sharks, various fishes, and marine turtles. He then cited examples of TRAFFIC's regulated marine species and the problems encountered in the course of regulating these species. First, with respect to the Patagonian toothfish, a species in Antarctic waters under the management of the Convention for the Conservation of Antarctic Marine Living Resources, TRAFFIC discovered in 2001 that (i) 50% of the Patagonian toothfish trade is derived from IUU fishing, which undermines the conservation measures adopted by the members of that commission; and (ii) the actual volume of trading is four times the amount estimated by the convention. In understanding illegal trade, Mr Sant pointed out, it is crucial to have the ability to discern the codes used by the organization preparing the reports and to have accurate reporting mechanisms in place. It is also important for CITES parties to recognize that some trade routes are harder to control than others, such as in the case of trade in humphead wrasses.

For Mr. Sant, that TRAFFIC obtained different figures on how much IUU fishing was really worth only proves that enforcement and reporting mechanisms are inaccurate because illegal fisheries trade is not yet visible; TRAFFIC still needs to find out where the marine species are being sourced and how big the trade really is. He ended by identifying the efforts used to reduce IUU fishing. For instance, the European Union (EU) and the US impose regulations restricting the access of illegally sourced products into their markets. The United Nations Food and Agriculture Organization's Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing limits product access at ports and defines the responsibilities of port states either as reexport points or as final landing states, while INTERPOL has launched Project Scale to combat fisheries crime.

Dr. Fábio Hissa Vieira Hazin, a member of the Brazilian delegation to the 16th CITES Conference of the Parties (CoP) and former chair of the International Commission for the Conservation of Atlantic Tunas (ICCAT), focused on sharks and manta rays, especially on shark finning and the absence of international trade regulation on manta rays.

Dr. Hazin explained that shark finning involves removing a shark's fins and throwing the body back into the sea. Like the disposal of rhinoceroses and elephants after poachers get their horns and tusks, shark finning decimates precious shark species, which have very low reproductive rates and high vulnerability. For instance, an entire shark must be killed to get enough fins to prepare a single bowl of shark fin soup, which is said to have an aphrodisiac effect. This practice has prompted several RFMOs and countries worldwide to condemn and prohibit shark finning.

At present, about 70 states and 10 RFMOs have introduced regulations banning shark finning. However, these regulations are difficult to enforce because fins landed make up only about 5% of the shark carcasses that are thrown back into the sea. The manner by which the fins are cut off and stored, the set of fins used, and the shark species used all affect this proportion and complicate enforcement. This complication has compelled several states to mandate the landing of sharks with their fins attached to remove any uncertainties in the weight proportion and kind of fins or even the shark species involved. This mandate is necessary because without it fishers could just dry the fins at sea and therefore easily hide the fins in their vessel, making law enforcement difficult upon landing. Some states like French Polynesia and Palau have completely banned shark fishing, while Ecuador has banned the export of shark fins.

To illustrate what RFMOs have been doing to protect sharks, Dr. Hazin shared ICCAT's efforts in this endeavor. Since 2009, ICCAT has prohibited the onboard retention, transshipment, landing, storage, sale, or offering for sale of any part or whole carcass of bigeye threshers, oceanic whitetips, hammerheads, and silky sharks. ICCAT has exempted developing coastal states from this prohibition with respect to hammerheads and silky sharks provided that these sharks are used only for local consumption and do not enter the international trade. Moreover, ICCAT requires the submission of data on the catch of these species as a precondition for the catching of any ICCAT-controlled species. For Dr. Hazin, the international community appears to be moving in the right direction. The inclusion of oceanic whitetips and hammerheads in Appendix II of CITES can help ensure that ICCAT's and any other RFMO's management measures can be properly enforced. Such inclusion can improve the availability of data on trade and on catches worldwide and enhance sustainable fisheries management, especially since most shark fins are exported to Hong Kong, China and associated markets. This approach makes monitoring easier because it will concentrate the shark fin trade in a few markets.

To end, Dr. Hazin shared that fishers treat manta rays in the same way they treat sharks—they catch manta rays only to remove their valuable gill plates, which retail for up to \$680 per kilogram, giving them the incentive to poach in protected marine areas and waters of countries that protect manta rays. The absence of regulation on manta rays makes enforcement difficult and expensive. The inclusion of manta rays under Appendix II of CITES has therefore become even more crucial to improve trade data gathering and ensuring the proper management and conservation of this species, which also has extremely low reproductivity.

Dr. Joseph Okori, leader of the African Rhino Programme of World Wildlife Fund (WWF) International, expressed gratitude for the opportunity to speak on the wildlife criminal dynamics—especially the Rhino DNA Index System (RhODIS®), a forensic technique used to identify rhino horns and link crime scenes to suspects and related cases—and to discuss prosecution-driven investigations in the context of the market in rhino horns and ivory in Afri.

The global market demand for rhino horns and ivory is satisfied by two markets: (i) the legal market, offering legal rhino horn trophies and one-off sales; and (ii) the illegal market, served by primary poachers, who have been poaching rhinoceroses for years, and secondary poachers, who poach rhinoceroses for extra income. The interplay between the two kinds of poachers determines the supply of rhino horns and ivory. Further, in Africa, there are two kinds of local markets: (i) established markets, which use international routes; and (ii) domesticated or transit markets, which depend strongly on demand and where secondary poachers trade the illegal wildlife they poach. Eventually, these transit markets become established markets, and the more markets there are in Africa, the more openings there are for supplying the illegal trade. It is therefore important to understand the drivers and the mechanisms that turn secondary poachers into dedicated poachers and to consider the role of heads of state and the military in facilitating this increase in poachers.

To respond to this growing trade in rhino horns and ivory, WWF has developed prosecution-driven investigation techniques, wherein prosecutors work hand-in-hand with investigators. These techniques use investigative strategies and tools, like RhODIS®, to understand the different levels of poaching and trafficking chains, understand and expose criminal networks, and ensure the successful prosecution of those involved in wildlife crimes. Prosecution-driven investigation techniques (i) consider the crime

scene and chain of evidence, (ii) create awareness of the seriousness of wildlife crime, (iii) recognize the nature and form of threat as transnational, and (iv) look at the ecological and economic impact of the crime on society and the enabling conditions allowing wildlife crime to thrive. Expert witnesses, which include the Global Environment Facility, INTERPOL, the Southern African Development Community Rare and Endangered Species Trust, CITES, and the Lusaka Agreement Task Force, support this system in order to strengthen sentencing mechanisms. The use of these techniques in South Africa led to the arrest of 267 poachers in 2012 alone. But the number of these arrests and the punishments imposed might not mean much if the kingpins of the wildlife trafficking chain remain free and the final consumers still demand these products.

To end, Dr. Okori thanked the participants for their time and wished that he had made a contribution to the fight against the illegal wildlife trade through his presentation.

At this juncture, Ms. Yeater opened the floor to questions.

■ Discussion No. 1

Justice Rohini Marasinghe, then judge at the Court of Appeal of Sri Lanka and now judge of the Supreme Court of Sri Lanka, recounted a customs seizure of a sizeable number of ivory tusks, which they have termed “blood ivory,” in Sri Lanka in 2012, and asked the panelists how best the Government of Sri Lanka could dispose of these tusks—by giving them to a temple, by using them as ornaments, by displaying them in a museum for education, by destroying them publicly to discourage the further procurement of tusks, or by sending the tusks to Kenya to be subjected to RhODIS® and used in the prosecution of kingpins responsible for transporting the blood ivory.

In response, Dr. Schaedla suggested making an inventory of the tusks, and then destroying them, lest they pose a temptation to wildlife criminals. For Dr. Okori, prosecution-driven investigations strengthen mutual legal assistance between countries, wherein seizures in one country could be brought to a laboratory to identify the origin of the wildlife products, link the seizure to the criminals involved, and bring them to justice. In this case, the origin of the tusks is irrelevant; what matters is traceability. Regardless of the seizures made, there should be strong collaboration between INTERPOL, CITES, and the relevant authorities to ensure deterrence. Dr. Schaedla added that if Sri Lanka becomes a transshipment country, then its government should try to collaborate with the end destination country in order to gain access to and interdict the people driving the trade.

Ms. Elisabeth McLellan, manager of the Global Species Programme of World Wildlife Fund International, shared how highly respected Buddhist leaders had made comments and commitments against the illegal ivory trade and poaching of elephants for their tusks during an event in a Buddhist temple in the center of Bangkok just the previous day. Several of these leaders committed to no longer using or displaying ivory in temples in Thailand and called on other Buddhist leaders in Thailand to do the same. Ms. McLellan said that she would also encourage the Government of Sri Lanka not to turn over the tusks to the temple; it would be wonderful to have the Buddhist leaders in Thailand call on other Buddhist leaders in the world not to use or display ivory in their temples. Thereafter, **Bonaventure Ebuyi**, director of the Lusaka Agreement Task Force in Nairobi, Kenya, congratulated Sri Lanka Customs for having made

a significant seizure of ivory in Sri Lanka and suggested disposing of the tusks in accordance with the provisions of CITES on disposing such contraband, especially when it comes to rhino horn trophies and tusks. He similarly urged the Government of Sri Lanka not to give the contraband to the temples, but instead to use it as evidence and prosecute the people arrested in connection with the contraband. On behalf of their task force, Mr. Ebayi offered to work with the CITES Secretariat and INTERPOL and explore what else could be done with the contraband.

Mr. Ofir Drori, founder and director of The Last Great Ape Organization (LAGA) Cameroon—Anti-Corruption and Integrity and founder-director of the Central Africa Wildlife Law Enforcement Network, said that the analysis and work of these organizations have shown that poaching activities are not independent at all or coincidental. Syndicates are organizing and coordinating these kinds of activities, and the actual level of development of the criminal syndicate involved determines the level of poaching. Dr. Okori agreed with Mr. Drori that poaching is becoming highly syndicated. In fact, he said continuous recruitment has made secondary poachers out of people who never thought they would be involved in this crime. South Africa continually faces a huge number of people coming in from Mozambique to find a rhinoceros and sell it to the syndicates or some operatives, regardless of how many who get arrested or killed. It is also important to understand the factors, aside from money, that drive them to engage in this crime.

Chief Justice Qazi Faez Isa of the Balochistan High Court in Pakistan asked about initiatives being taken to reduce the demand for illegal wildlife products. Dr. Schaedla said that it would be very difficult to control consumer behavior through legislation because trade in CITES-listed species beyond what the convention allows is already illegal. To curb demand, one must address culture, attitude, and other factors affecting consumption, and apply a targeted approach depending on the wildlife or commodity being illegally traded and the intended market and consumers. Mr. Sant added that reducing demand also depends on the country and the kinds of products it has access to. The United Nations Food and Agriculture Organization's *Technical Guidelines for Responsible Fish Trade* advises states to ensure responsible trade in fish and fishery products and to obtain only legally caught wildlife.

Ms. Yeater thanked Dr. Schaedla, Mr. Sant, Dr. Hazin, and Dr. Okori for their contributions, and invited the next two speakers to come up on stage and discuss the forest and timber trade.

■ Forest and Timber Trade

Dr. Tint Lwin Thaug, executive director at RECOFTC—The Center for People and Forests, thanked the chairperson and the participants for the opportunity to share his experiences and the research done by a student in the PRC on the rosewood trade occurring along the border between the PRC and Myanmar.

Dr. Thaug first talked about the scale of the forest and timber trade—50%–90% of the volume of forestry in key tropical producer countries is traded and 15%–30% of that volume is illegal. The global illegal timber trade is worth \$30 billion–\$100 billion, or 10%–30% of the entire global timber trade. Countless people are involved in this trade, and the use of motorbikes to carry timber from forests to the markets has become commonplace.

A number of efforts at the global, national, and local levels have been made to address illegal logging. Countries have adopted legal frameworks, such as the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan and the US Lacey Act, and certification programs to promote the use of legal timber coming from sustainable forest management. International organizations have also collaborated to form the Forest Stewardship Council, Responsible Asia Forestry and Trade, and the ICCWC to control the illegal trade in timber and other wildlife species.

Despite these efforts, Dr. Thaung identified several bottleneck issues that hamper fast and effective combat against the illegal timber trade: (i) human behavior, such as the apathy displayed by a major manufacturer of rosewood furniture, which professed not to care about the sustainability of his rosewood supply; (ii) corruption, both as a consequence of greed and as a means of survival; (iii) lack of alternative livelihoods for those forced to engage in this trade; (iv) lack of enforcement capacity, information, and technologies, which RECOFTC has been providing; and (v) weak coordination among the agencies concerned. The rich and powerful can do more by exercising corporate social responsibility and changing their consumption behavior. The poor, on the other hand, must be given alternatives and incentives not to resort to illegal logging and timber trading. Change should start at the individual level, and proceed to the organization, sector, and network levels and the enabling environment.

To end, Dr. Thaung showed Transparency International's corruption index in the ASEAN region that indicates that the ASEAN countries, except for Singapore, are struggling with corruption. He further asked the judiciaries to (i) make the legal framework transparent, simple, and participatory; (ii) lead the other coordinating agencies by example; (iii) keep abreast of changing conditions; and (iv) maintain independence and distance themselves from influence or bias.

Mr. Julian Newman, campaign director of the Environmental Investigation Agency, introduced the agency as a nongovernment organization (NGO) based in the United Kingdom that tries to investigate and expose wildlife and environmental crimes, including illegal logging.

Mr. Newman said illegal logging occurs whenever timber is harvested, transported, bought, or sold in violation of national laws. One of the biggest environmental crimes in the world, illegal logging contributes to deforestation, climate change, flooding, ecological damage, biodiversity loss, and loss of precious resources. It is run by vicious criminals who would heavily beat and torture anyone trying to investigate or expose them.

Currently, no international law prohibits illegal logging or regulates timber trade. While CITES is in place, it covers only certain species, and national laws and regulations on logging and timber trade can often be conflicting. The PRC and Viet Nam ban or severely restrict logging, while Indonesia and the Lao People's Democratic Republic (Lao PDR) ban the export of round logs and timber. The US Lacey Act and the EU Timber Regulation prohibit the import of illegally sourced timber and products made from stolen timber. Countries should ultimately end the reaping of financial gains from the illegal logging and timber trade.

Mr. Newman showed a map from the UNODC Transnational Organized Crime Threats Assessment in 2010, and explained the main timber trade routes within Southeast Asia. Timber is sourced from

Indonesia, the Lao PDR, Myanmar, and the Russian Far East and brought to processing facilities in the PRC and Viet Nam before being sold in markets in Europe, Japan, and the US, among others.

Commonly traded wood species commonly traded include the merbau, with 300,000 cubic meters of merbau logs being illegally shipped out of Papua, Indonesia, every month, and Thailand rosewood. The Environmental Investigation Agency notes the strong involvement in the merbau trade of political and military corruption in Papua, Singapore flagged vessels transporting these logs, and Singapore banks facilitating trade via credit and falsified documents indicating the source of the merbau as Malaysia rather than Indonesia. Mr. Newman added that in 2005, after the agency released its findings on the merbau timber trade, the Government of Indonesia launched a crackdown against those involved in illegal logging. The operation was successful and the number of remaining merbau trees doubled in a few months. By intervening and improving its law enforcement system, Indonesia saved about 15 million hectares of forest that would have otherwise been cut down. Thailand rosewood is also an endangered species and up for listing under Appendix II of CITES. However, a significant volume of rosewood timber, which is sourced from Cambodia, Lao PDR, Thailand, and Viet Nam, is still being transported through various modes—motorbikes carrying rosewood slabs, oil tankers, suitcases, and shipping containers.

In conclusion, Newman urged the listing of more species under CITES, enforcement of consumption control measures in the US and Europe including closing their markets to illegal timber, respect for each country's national laws and reciprocal arrangements, and higher forest crime penalties.

■ Discussion No. 2

During question-and-answer time, **Mr. Wan Ziming**, coordinator of the National Inter-Agency CITES Enforcement Coordination Group and director of the Law Enforcement and Training Division of the CITES Management Authority of China hosted by the State Forestry Administration, emphasized the seriousness of the PRC's fight against the illegal wildlife trade. The PRC also considers illegal logging an important domestic issue.

Mr. Madhawa Tennakoon, senior state counsel in the Attorney General's Department of Sri Lanka, asked about how CITES controls trade in agarwood because the Government of Sri Lanka is facing an increasing number of players involved in the illegal sourcing of agarwood from Sri Lanka.

Dr. Thaung clarified that rosewood timber is highly valuable and demanded by many income classes in the PRC, which are often deluded into buying 10% rosewood-mixed furniture. Moreover, while illegal logging is a domestic issue, illegal trade is not; it is, in fact, a transnational organized crime, which can be suppressed through common understanding and collaboration between source countries and end-user countries. He expressed concern that before rosewood species could be listed under CITES, there might no longer be any available rosewood.

Mr. Newman said that since agarwood is already listed under Appendix II of CITES, then any trade in agarwood should be a CITES issue.

Mr. Md. Atiqul Islam, additional deputy inspector general of the Bangladesh Police, asked if CITES can ban the trade in ornamental trophies. Ms. Yeater responded that CITES member states are entitled to submit proposals to the CITES CoP, and therefore make the convention work as an effective policy instrument.

C. Mapping Trafficking Routes for Illegal Activities

Dr. Ken B. Johm, manager of the Natural Resources and Environment Management Division of the African Development Bank's Agriculture and Agro-Industry Department, welcomed back all the participants from the coffee break.

Mr. Steven Broad, executive director of TRAFFIC International, talked about mapping wildlife trading and improving interventions in the illegal wildlife trade by analyzing trade route.

Mr. Broad explained that wildlife trade occurs through common trade routes and vectors at local and international levels, passing through hubs like road and rail networks, seaports, airports, and border crossings and involving shipping companies, airlines, couriers, and the entire banking system. Enforcers should follow the money trail and analyze the sources and markets of wildlife in order to better understand trade routes. Wildlife source countries and regions are plagued by weak governance, which renders wildlife vulnerable to illicit trade, while fisheries sources exhibit no clear governance at all, complicating efforts to map the wildlife trade and target intervention efforts.

TRAFFIC uses the Elephant Trade Information System, which features data on over 18,000 illicit ivory trade interventions across the world since 1989, to investigate the ivory trade. Using a series of proxy indicators for enforcement and reporting efforts, TRAFFIC uncovered the growth in the ivory trade, involving an increasing number of organized criminal elements. Data on large-scale ivory seizures show that unregulated domestic ivory markets also drive the illegal trade in ivory. The Elephant Trade Information System analysis reveals which countries are most implicated in the illicit ivory trade in terms of trade flows from source countries to transit points to end markets, and are therefore either priority countries or secondary countries of concern for stronger CITES implementation and increased international wildlife policy making and enforcement.

Mr. Broad also presented TRAFFIC's analysis of seizures of tiger parts, skins, and bones from 2000 to 2012. TRAFFIC has been collaborating with countries that provide information that could serve as a basis for georeferencing wildlife trade information. TRAFFIC identified India as having the biggest recorded seizures of tiger parts because that country has also been adopting a large number of enforcement measures. India is thus able to arrest the trade before the tiger parts are exported. However, TRAFFIC was still able to seize tiger parts in the PRC, Indonesia, Thailand, and Viet Nam. TRAFFIC conducted georeferencing and obtained detailed location information on all the seizures. Applying statistical analysis, TRAFFIC learned how best to allocate law enforcement resources and targeted the following hot spots for the tiger trade: Delhi, around the Corbett National Park, Central India, the Calcutta–Sunderbans area, and Western Ghats.

In conclusion, Mr. Broad suggested examining wildlife trade mapping as an aid in understanding wildlife crime in terms of sources and markets, trade routes, points of vulnerability, and places where TRAFFIC has a stronger chance of enforcement intervention. TRAFFIC could encourage the inspection of shipping containers during transfer from one ship to another at a particular port, as well as at air transport hubs. All these wildlife trade data could allow TRAFFIC and enforcement agencies to better analyze wildlife crime, target enforcement efforts, and focus action and resources.

Dr. Scott Robertson, country representative of Wildlife Conservation Society (WCS)—Viet Nam, thanked ADB and the CITES Secretariat for organizing this symposium before presenting WCS's case study on the significant illegal trafficking route of wildlife and other goods between the PRC and Viet Nam.

As background, Dr. Robertson explained that WCS began studying Quảng Ninh and associated transit points, given estimates that (i) about 63% of all recorded cross-border trade happens between Viet Nam and Guangxi, and (ii) about 95% of all wildlife traded to the PRC passes through Ha Long and Mong Cai. Quảng Ninh also has more than 60 river and seaports, one international border crossing between Viet Nam and the PRC, and the ADB-financed Ha Long–Mong Cai expressway traversed by about 500 container trucks every day. WCS's collaboration with the CITES Management Authority of Viet Nam and the General Department of Viet Nam Customs in compiling and analyzing customs declarations and CITES permits confirmed the significance of Mong Cai as a smuggling point between Viet Nam and the PRC for (i) wild-caught endangered reptile specimens coming from other Southeast Asian countries passing through Viet Nam border gates, Mong Cai, and finally into the PRC; (ii) ivory, with 18,500 kilograms reportedly seized between 2009 and 2011; (iii) frozen tigers; (iv) pangolins, more than 20 tons in weight, coming from Indonesia seized in 2008 in Haiphong en route to Mong Cai and the PRC; and (v) rhino horns, with 14 pieces seized in Dong Xing in January 2013 alone.

WCS mapped out Mong Cai, its borders, and the different transit points through which goods pass and identified three major wildlife trade routes: (i) smuggling points, (ii) customs clearance points, and (iii) the Bac Luan International Border Gate. WCS also profiled criminal brokers, who coordinate the illegal movement of wildlife, humans, drugs, and other goods across borders to be professional, organized, cooperative with one another, and innovative. To get government agencies involved and politically motivated to take action, it performed statistical analysis by considering the number of vehicles trading goods at these three different points as the proxy figure. In the process, it discovered that nearly 34,000 vehicles pass through these transit points, 2% of which pass through the Bac Luan crossing, 22% through customs clearance points, and 76% through smuggling points.

In addition, WCS estimated the number of shipments occurring at these various points on an average day and realized that everybody in the city knows these points. Second, the busiest times for shipments actually happen during office working hours. Third, while border officials get paid huge sums of money in “unofficial crossing fees,” the states involved lose customs fees and fines. Lastly, crackdowns on smuggling routes also have no impact on the illegal wildlife trade happening through Mong Cai. In fact, the number of vehicles passing through the transit points was greater than average.

WCS released its findings to the relevant authorities in the PRC and Viet Nam. In response, the customs agency of Guangxi, PRC, launched a longer period of crackdown along the border and constructed new walls and border army stations along the Ka Long river, while the Prime Minister's Office

of Viet Nam instructed agencies to monitor and report this issue, followed by the enactment of a law further restricting transshipments through Viet Nam. However, WCS noted that the response of both governments' responses proved insufficient. Smuggling continues at levels similar to what WCS found the previous year.

Dr. Robertson concluded his presentation by urging the governments concerned to launch a sustained campaign to prevent the corruption of border officials and to mitigate the threat of trade facilitation measures by strengthening and implementing the Greater Mekong Subregion Cross-Border Transport Agreement.

Ms. Elisabeth McLellan, manager of the Global Species Programme of World Wildlife Fund (WWF) International, focused on the trade in ivory and rhino horns. She noted that many African countries have been losing a significant number of elephants to poaching. According to a WCS report, approximately 62% of African forest elephants were poached in 2002–2011, leaving the local population of elephants in extreme danger of extinction. Ivory is mostly sourced from Central Africa and transported to Asia, especially to the PRC, where a large amount of illegally sourced ivory ends up getting mixed with legally sourced ivory from the last off-sale authorized by CITES, and in Thailand, which is one of the largest unregulated ivory markets in the world. In both markets, ivory is largely demanded as a status symbol—either as jewelry or as ornaments.

Ms. McLellan also reported figures based on Elephant Trade Information System analysis. The volume of ivory reported seized has increased steadily, with seizures in 2011 being reported as the worst on record at the time the symposium was held. The level of illegal killing of elephants also increased from 2002 to 2011. That East Africa is no longer just a transit point, but also a source country for ivory, is cause for concern: poachers have started operations in previously secure sites in Africa. She also observed that customs officials are focused only on the entry of goods into their countries, when people try to avoid paying customs duties, and fail to inspect goods being moved out of their jurisdiction.

The number of rhinoceroses poached every year has increased by over 5,000%. Poachers killed 13 rhinoceroses in South Africa in 2007, and 668 in 2012, and a total of about 745 across Africa. From 2009 to 2012, about 4,200 horns were reported taken. Ms. McLellan said that this figure might not sound like much compared with the 40,000–60,000 pangolins being slaughtered. But when taken in conjunction with the 23,000 remaining rhinoceroses in Africa, the loss of 4,000 rhinoceroses in a span of 3–4 years does have a significant impact on the existence of the rhino species.

Ms. McLellan also said that South Africa, which holds over 80% of Africa's and over 70% of the world's rhinoceroses, has suffered from extreme poaching. Viet Nam, and increasingly the PRC, meanwhile serve as end markets. While South Africa is strengthening its protection of rhinoceroses, Mozambique appears to be increasingly losing its rhinoceroses and providing a channel for poached rhinos out of Africa. Like ivory, rhino horn is seen as a status symbol, particularly for its medicinal purposes, ranging from traditional uses like fever reduction to new uses like cures for terminal diseases and hangovers. She concluded by calling on the participants to find ways to make ivory and rhino horn socially uninteresting and therefore reduce the demand for these products.

At this juncture, Dr. Johm expressed the African Development Bank's interest in supporting work against the illicit wildlife trade. He mentioned that at its annual meeting in 2013, the African Development Bank would be hosting a side event with WWF and other partners on the issue of the illegal wildlife trade. He also welcomed the support of ADB on the issue of reducing demand from Asian countries and said that African Development Bank itself would put in money to help its member states strengthen their wildlife law enforcement mechanisms. He then opened the floor to questions and comments.

■ Discussion

During question-and-answer time, Mr. Ziming apologized for the fact that the PRC is one of the major end markets for these endangered wildlife species. However, he told the participants that thousands of other species being illegally traded do not go into the PRC, but to other parts of the world. He also expressed doubts on the accuracy of the number of tiger parts reportedly seized because of possible double counting of these parts in the course of trading. Moreover, growing human populations, shrinking tiger habitats, increasing human conflict, and the illegal trade in tiger parts all contribute to the poaching of tigers. But Mr. Ziming shared the observation of his friends from India's Wildlife Crime Control Bureau that many tiger poachers sell tiger skins at only \$5–\$10 each. This means that these poachers do not expect to earn much from killing tigers; what drives them to kill tigers is the threat these tigers pose to humans and the other animals. Finally, Mr. Ziming said that while the PRC does make attempts to seize tusks and rhino horns, these commodities should be intercepted at transit points before they reach the PRC.

Justice Marasinghe, adding to her recounting of the blood ivory seized in Sri Lanka, noted that after investigating the tusks, the country's law enforcers discovered that the normal route to Dubai was via Singapore and Thailand. Had the consignment been seized in Singapore or Thailand, the blood ivory would have been immediately destroyed, so the criminals chose to course their shipments through Sri Lanka. They should now be aware, she pointed out, that they should not use Sri Lanka as a transit point.

Mr. Jaya Gobi Narayanan, senior assistant director I at the Royal Malaysian Customs, agreed with Mr. Ziming that had the governments and law enforcers in Africa taken control of their borders, they would have saved many more wildlife species. But he expressed the view that governments should always defer to the management and scientific authorities, who should ultimately decide on matters affecting each species. He also shared Malaysia's observation on the increasing use of air routes to transport ivory.

Dr. Johm explained that this seminar could serve as a forum for much information sharing and for the clarification of misunderstandings or misrepresentations. He invited Mr. Broad to answer some of the questions. Mr. Broad clarified that the whole point of this session was to understand how mapping trafficking routes could allow states and concerned organizations to better understand wildlife trade, and to direct enforcement efforts on the basis of the seizure information gathered. For instance, the large number of seizures of tiger parts reported in India only meant that the government was exerting more enforcement effort.

Mr. Broad also pointed out that African countries are not sitting idly by and relying on the rest of the world to take action. In fact, hundreds of rangers in Africa lose their lives every year fighting poachers and

those engaged in the illegal wildlife trade. But much more could be done globally, especially in enhancing the capacity of countries to regulate wildlife trade and in intercepting contraband along transport chains and in end markets. Many countries with better enforcement resources or in a better position to intervene more effectively have not lived up to their potential. Lastly, Mr. Broad stressed that the fight against the illegal wildlife trade is not just Asia's or Africa's fight; it is a global concern.

D. Cooperation in Combating the Illegal Wildlife Trade

Dr. Elizabeth L. Bennett, vice president for species conservation of the Wildlife Conservation Society, thanked all the participants for their active participation and acknowledged the presence of the distinguished members of this session's panel. She framed the session in the context of earlier discussions, both during the 16th meeting of the CoP and the earlier presentations in this symposium, on how wildlife crime is a transnational organized crime. Given the illegal transborder shipments of rhino horns, ivory, timber, pangolins and other wildlife species, and by-products, and the devastation caused by wildlife crime on wildlife populations, no one organization or agency can address this crime. Even within each country, numerous agencies and laws are needed to combat the domestic operations of a single wildlife syndicate. Worse, many wildlife laws were written before wildlife crime became a major issue, and are therefore ineffective deterrents. Legislatures should enact new laws on commerce, finance, and health, and more agencies, such as the police, customs, and especially the judiciary, need to be actively engaged in the fight against wildlife crime. The transnational and transcontinental aspects of the crime entail more complex scenarios and implications, which can be successfully tackled only through international coordination and cooperation.

Mr. Daniel Gaush, international relations officer at the Bureau of Oceans and International Environmental and Scientific Affairs, Office of Ecology and Conservation of the US Department of State, started his presentation by recounting the meeting hosted by the CITES Secretariat and ICCWC on 5 March 2013. That first global meeting convened wildlife authorities, law enforcement officers, and prosecutors, who shared their to enable them to share their experiences and the challenges they face in wildlife law enforcement, and explored ways of enhancing cooperation and communication among the wildlife enforcement networks (WENs).

Mr. Gaush then discussed the various tools used by WENs to combat wildlife crime. These tools include the ICCWC, the training and secure communication channels used by INTERPOL and WCO, and the anti-money laundering expertise of the World Bank. Even the trust built among WEN leaders can improve communication and coordination.

Many WEN representatives agree on the need to develop links among WENs or to create a network of networks, which will use existing cooperative arrangements like the ICCWC. They do not want to reinvent the wheel or create any new organization that diverts financial resources away from important enforcement initiatives themselves. Such a global network of WENs can help in six ways: (i) by providing opportunities for WEN representatives to meet and share best wildlife enforcement practices; (ii) by providing opportunities for multiregional operations or investigations; (iii) by developing specialized training and curricula for sharing among relevant organizations; (iv) by avoiding duplication of effort; (v) by identifying regions where new WENs could be established to support emerging WENs; and

(vi) by increasing collaboration within existing international forums like INTERPOL, WCO, UNODC, and the UN Crime Commission through relationships and trust built among international organizations.

Mr. Gaush further shared with the participants what the US has learned in fighting the illegal drug trade, which could be applied in fighting the illegal wildlife trade: you must fight criminal networks with the help of law enforcement networks. One lesson the US has learned is that the best intelligence information in the world is useless unless it is shared with those who could effectively use it. However, the failure to successfully prosecute and convict the criminals and their kingpins would render wildlife enforcement efforts futile.

To end, Mr. Gaush suggested that a global network of wildlife enforcement networks should be (i) informal, to avoid being trapped in bureaucracy; (ii) flexible, to respond to emerging threats and tactics; (iii) rapid, to get information and resources to the right place and the right time; (iv) results oriented; and (v) stakeholder driven. No one country or region can stop wildlife crime; all countries and regions must use all the tools at their disposal and work together to end the threat posed by wildlife crime to wildlife and humans.

Justice Syed Mansoor Ali Shah, judge of the Lahore High Court in Pakistan, discussed the Asian Judges Network on Environment (AJNE) and the role of judges in the fight against the illegal wildlife trade. He said that ADB's Strategy 2020 recognized the environment as a core operational area and, together with good governance and capacity building, as a driver of change. The implementation of this strategy led ADB to organize in 2010 the Asian Judges Symposium, the largest gathering of judges since the 2002 Global Judges Symposium on Sustainable Development and the Role of Law in Johannesburg, South Africa. The 2010 Asian Judges Symposium, in turn, led to the formation of AJNE, the inaugural ASEAN Chief Justices' Roundtable on Environment in 2011, and the South Asia Conference on Environmental Justice in 2012.

For Justice Shah, the South Asia Conference on Environmental Justice prompted the establishment of (i) the Committee for Enhancement of Environmental Justice, comprising a judge of the Supreme Court, who heads the committee, and four or five judges of the High Court, responsible for laying down policies on environmental matters; (ii) green benches, not only at the level of the Supreme Court, but also at the level of the high courts and the district courts; and (iii) consensus among South Asian judiciaries to sign a memorandum of understanding for coordination and collaboration in enhancing environmental justice in the region.

Justice Shah also noted that AJNE made judges realize that environmental justice traverses national jurisdictions and provides judges the opportunity to form a regional and/or global judicial alliance to face environmental challenges. He concluded by stating his ideas on how the network could be improved. First, AJNE has to broaden the definition of the term "environment" to include wildlife. Second, regional and international conferences on wildlife issues should involve frontline judges who have directly tried and decided environmental and wildlife cases. Third, judges should be able to communicate with one another such that whenever a judge comes across a case that he has no idea how to try or adjudicate, he can simply confer, via chat or phone call, with a judge in another country who has dealt with a similar case. Justice Shah suggested the "e-law" model, with AJNE serving as coordinator. Fourth, AJNE should have an online "green bench book" containing all the latest case law and legislative developments in the region

and a standardized database of jurisprudence in the region to better understand environmental issues and develop a judicial strategy to address these issues. Ultimately, there should be a connection between environmental judges and what is really happening at the district level.

Justice Yang Arif Tan Sri Abdull Hamid bin Embong, justice of the Federal Court of Malaysia, first thanked ADB for having invited him to speak at this symposium and expressed his newfound awareness of wildlife issues, including the number of enforcement officers killed while trying to stop the illegal wildlife trade. Before the symposium, he would only tell the prosecutor to prove his case, while sticking to the cold facts. He did not care how difficult it was to investigate a case or to enforce the law; and for him, this should not be the case. He agreed with Justice Shah that frontline green court judges should get involved in wildlife conferences.

Justice Embong then discussed how Malaysian green court judges first became aware of environmental issues—starting with the first Asian Judges Symposium in Manila on 28–29 July 2010, followed by the inaugural ASEAN Chief Justices’ Roundtable on Environment in Jakarta on 5–7 December 2011, the first forum at which ASEAN chief justices sat together and discussed common environmental challenges. He also recalled that both Chief Justice Zakaria and he were first exposed to environmental matters during the Asian Judges Symposium. Malaysian judges at the time were completely unaware of environmental matters. Thus, barely 2 months after the first ASEAN Chief Justices’ Roundtable on Environment (at the start of the Malaysian legal year in January 2012), Chief Justice Zakaria announced that Malaysia would establish its own environmental courts and that finally took place 9 months later. Malaysia now has 50 dedicated green court judges and magistrates. In December 2012, the Federal Court of Malaysia hosted the Second ASEAN Chief Justices’ Roundtable on Environment in Melaka, Malaysia.

Justice Embong ended his presentation on a positive note. He confidently spoke of more meetings and discussions at the ASEAN level with the succeeding ASEAN Chief Justices’ Roundtables to be held in Thailand in 2013 and in Viet Nam in 2014. Again, he thanked ADB for the invitation to attend this symposium.

Dr. Wanhua Yang, legal officer of the Division of Environmental Law and Conventions of the United Nations Environment Programme’s (UNEP) Regional Office for Asia and the Pacific, first thanked the session chairperson, ADB, CITES, and ICCWC for organizing this symposium and for the honor of speaking on UNEP’s behalf.

Dr. Yang then spoke of UNEP’s role within the United Nations (UN) system as the designated authority on environmental matters and its role in the development and implementation of international and national environmental laws and in capacity building on compliance and enforcement. To promote the judiciary’s vital role in safeguarding environmental justice, UNEP convened the 2002 Global Judges Symposium in Johannesburg, South Africa, with more than 120 judges from around the world. In 2012, UNEP partnered with a range of regional and global organizations, including the World Bank, ADB, INTERPOL, and the CITES Secretariat to convene the World Congress on Justice, Governance and Law for Environmental Sustainability in Rio de Janeiro, Brazil. This time, UNEP gathered together more than 250 of the world’s most important stakeholder groups in the legal and enforcement communities—chief justices, senior judges, chief prosecutors, attorneys general, auditors general, and other senior enforcement officials—to deliberate on the means of improving environmental compliance. The World Congress

affirmed the indispensability of laws in attaining sustainable development and a greener economy and adopted a set of guidelines to advance justice, governance, and the law for environmental sustainability.

Lastly, at its first universal governing council concluded in February 2013, UNEP was tasked to lead the UN system and support the governments in promoting and developing the environmental rule of law on the premise that (i) violations of environmental laws undermine sustainable development and (ii) the rule of law plays an essential role in reducing such violations. As a follow-up to the World Congress, UNEP plans to work with the entire law and law enforcement community in improving the effectiveness of the environmental rule of law and ensuring compliance by integrating environmental crimes, such as wildlife crime, with justice, governance, and the law for environmental sustainability at all levels.

Dr. Yang then informed the participants that UNEP appointed the International Advisory Council for the Advancement of Justice, Governance and Law for Enforcement Sustainability to promote the continuing engagement of judges, prosecutors, auditors, inspectors, investigators, police, and regulatory officials. UNEP will also continue collaborating with international organizations including INTERPOL (particularly the INTERPOL Environmental Crime Programme) by building the capacity of enforcement personnel and contributing its resources. UNEP will also work with the WCO on the Green Customs Initiative. Similarly, UNEP will continue helping secretariats of various conventions like CITES, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Montreal Protocol on Substances that Deplete the Ozone Layer in combating environmental noncompliance, and will assist the United Nations Interregional Crime and Justice Research Institute in developing tools and fighting environmental crime. At the national level, UNEP has been engaging with and supporting governments in dealing with environmental crimes and violations by strengthening national environmental legislation and by building the capacity of judiciaries and enforcement partners through technical assistance and compliance assistance projects. Finally, at the regional level, UNEP has been assisting governments in developing countries to comply with the Montreal Protocol on Substances that Deplete the Ozone Layer through its Ozone Action Programme, as well as in helping the UNODC and other enforcement networks in Asia and the Pacific combat illegal transboundary trade in waste and hazardous chemicals.

Dr. Yang concluded by extending UNEP's invitation to partner with organizations with excellent projects in the field of environmental governance.

Mr. Giovanni Broussard, program officer of the Partnership Against Transnational Crime through Regional Organized Law Enforcement (PATROL) of the United Nations Office on Drugs and Crime (UNODC), delivered his presentation on the Border Liaison Office (BLO) mechanism started by the six countries of the Greater Mekong Subregion—Cambodia, the PRC, the Lao PDR, Myanmar, Thailand, and Viet Nam—as a means of stopping the shipment of contraband along the land borders of these countries.

To help the participants better understand the BLO concept, Mr. Broussard explained the peculiar situation of people working at these borders, across which every kind of contraband passes. These people live far away from the equipment and training that abound in the capital and the support of national authorities. They are also faced with the formidable task of stopping every kind of contraband—not just wildlife, but also human beings, drugs, and weapons—from crossing borders.

UNODC considers wildlife crime a very serious transnational organized crime and trains law enforcers to detect wildlife species in the same way they detect drugs, as well as fraudulent documents for smuggled migrants and victims of human trafficking. Before the BLO mechanism was implemented, any of the various law enforcement agencies stationed at border could intercept a shipment of contraband, seize the contraband, and arrest those involved in the shipment. The intercepting agency would have to relay the information relating to the seizure to the competent authority in the country where the enforcement took place. If there was a need to cooperate with the country where the shipment was headed, then the information would also have to be relayed to the competent authority in the destination country. Therefore, the latter competent authority would have to communicate relevant information to the competent authority in the source country. This information relay would usually take several weeks to complete.

With the BLO mechanism now in place, law enforcement agencies stationed at a border can communicate more informally and foster more functional interagency cooperation. Each country traversed by a particular border must appoint one person as part of the BLO, which meets once or twice a week, or once every 2 weeks, to exchange information, formally or informally, on the contraband going through the checkpoint. Through the BLO, countries sharing a common border enjoy real-time information exchange through an informal communication system and stronger cooperation among their law enforcement agencies stationed at the border.

To end, Mr. Broussard shared an example of how the BLO can facilitate wildlife seizures to promote the implementation of BLO mechanisms in other parts of the world.

Dr. Bennett thanked Mr. Broussard for his presentation and encouraged the participants to confer with Mr. Broussard regarding BLOs over dinner that evening.

Ms. Ioana Botezatu, leader of the International Criminal Police Organization (INTERPOL) Environmental Crime Programme's Project PREDATOR, began by linking her presentation to the discussion initiated by Justice Shah and Justice Embong regarding the judiciary's role in fighting wildlife crime. Recounting INTERPOL's presentation before the European Parliament at a seminar on wildlife crime, Ms. Botezatu suggested calling wildlife crime "wildlife genocide." She also reminded the participants of the need to consider wildlife crime a threat not just to environmental security, but also to national security.

Ms. Botezatu then discussed INTERPOL's Project PREDATOR, which focuses on Asian big cats, particularly wild tigers and snow leopards. Project PREDATOR is the first structured program of the INTERPOL Environmental Crime Programme, which is a young structure itself and which involves a high-level political agenda, on-the-ground activities, and multidisciplinary exercises. The program categorizes its activities according to the four processes involved in its intelligence-led enforcement approach: (i) capacity processes, which involve training and dissemination of best practices on enhanced performance in member countries; (ii) intelligence processes, including enhancing, analyzing, and transmitting intelligence to member countries; (iii) operational processes, such as coordinating joint operations; and (iv) advocacy processes, which entail communicating successes and creating new partnerships for cooperation and funding, among others. In other words, the INTERPOL Environmental Crime Programme first analyzes how resources can be best deployed given the information gathered, before launching enforcement operations.

Ms. Botezatu also told the participants that in December 2012, INTERPOL partnered with the South Asia WEN and TRAFFIC in organizing information and intelligence management training in Nepal. INTERPOL is now exploring the possibility of organizing a similar seminar in Southeast Asia.

Ms. Botezatu went on to talk about the importance of a multidisciplinary approach to wildlife enforcement. She encouraged the formation of a national environmental security task force (NEST) composed of members of the police, customs, and environmental and other specialized agencies; prosecutors; NGOs; and intergovernmental organizations like INTERPOL and WCO. Ideally, the task forces should include a senior criminal investigator, a criminal analyst—tactical, strategic, or operational—training officers, financial specialists, forensic experts, DNA analysts, and related experts. She also recommended that these task forces be based in INTERPOL national central bureaus, which house facilities for international communication.

Ms. Botezatu concluded by urging the participants to organize national environmental security seminars as a means of establishing a NEST. She offered to share documents on how to prepare for such seminars, as well as her and her colleagues' assistance on any concerns that the participants might have.

■ Discussion No. 1

Dr. Bennett noted the slight difference in topic between the last speaker's presentation and the other presentations in the session. She then opened the floor to any burning questions and comments that the participants might want to raise or share.

Dr. Koh Kheng-Lian, director of the Asia-Pacific Centre for Environmental Law, agreed with Ms. Botezatu's suggestion to regard wildlife crime as wildlife genocide. She said that transnational organized crimes are not classified as international crimes, resulting in jurisdictional conflicts. The trend to equate certain transnational organized crimes with genocide and war crimes could lead to their classification as international crimes and eventually resolve existing jurisdictional conflicts. Ms. Botezatu replied that with the support of partners like the US Agency for International Development (USAID) and Environment Canada, INTERPOL has been trying to raise the profile of transnational organized crimes to the highest possible level in the government agenda.

Mr. Narayanan, senior assistant director I at Royal Malaysian Customs, recognized the importance of having a BLO and a NEST in place, but wanted to know how governments could establish BLOs with a NEST already in place. In reply, Mr. Broussard said that the BLO is not just a concept, but an actual mechanism already in place.⁸ For the past 12 years, the BLO has been based on the fight against drugs, with all the law enforcement agencies along the border meeting regularly on the premises of one of these agencies—police, customs, immigration, or border army—depending on the arrangement entered into by the countries concerned.

⁸ The first BLO began operations at the Mengla, PRC–Ban Boten, Lao PDR border in 2000. UNODC. *Border Liaison Offices in Southeast Asia 1999–2009: Ten Years of Fighting Transnational Organized Crime*. www.unodc.org/documents/southeastasiaandpacific/2010/07/blo-cambodia/Border_Book_final_6mar09.pdf

Mr. Wan Ziming, coordinator of the National Inter-Agency CITES Enforcement Coordination Group and director of the Law Enforcement and Training Division of the CITES Management Authority of China hosted by the State Forestry Administration, thanked Dr. Bennett and the organizers for the opportunity to discuss Operation Cobra.

AASEAN and the PRC proposed Operation Cobra in 2012 to fulfill the commitments made by the Asia-Pacific Economic Cooperation leaders during the East Asia Summit earlier that year. The ASEAN Wildlife Enforcement Network (ASEAN-WEN), the PRC, the Lusaka Agreement Task Force, South Africa, and the US organized this operation with the support of organizations like INTERPOL, WCO, and CITES, as well as countries like Thailand. It took the organizers 3 months to formulate a global operational plan and national action plans, invite countries to participate in the operation, appoint national coordinators, and form the international coordinating team. Formed with the financial and logistical assistance of FREELAND Foundation for Human Rights and Wildlife, this international team facilitated cooperation and coordination at the regional and international levels, as well as information exchange. The team also coordinated follow-up operations.

Operation Cobra led to hundreds of arrests and the seizure of up to 50 tons of endangered species and by-products. The international community recognized the operation as country driven and witnessed the concerted action of law enforcement agencies in transit and end countries against wildlife crime. Operation Cobra was also the first international effort focused on sharing investigation information in real time as an indispensable component of successful transnational enforcement.

According to Mr. Ziming, the enforcement actions should continue yearly. All relevant partners should take part in planning enforcement measures, and all parties at the ministry, national, subregional, and international levels should coordinate the actions. He also noted the exceptional enforcement actions and interagency coordination exhibited by countries like the PRC, India, Kenya, Nepal, and Singapore. He further suggested that all the participating countries (i) properly allocate human, technical, and financial resources; (ii) provide information on seizures made to the organizers and countries; (iii) coordinate enforcement actions; (iv) keep their records confidential; (v) make better use of modern enforcement techniques and technologies, especially controlled delivery and sniffer dogs; (vi) conduct more follow-up investigations; and (vii) strive to wipe out the transnational wildlife syndicates.

■ Discussion No. 2

During question-and-answer time, **Judge Evangeline Castillo-Marigomen**, judge of an environmental court in the Philippines, shared that she saw the list of environmental laws in the Philippines for the first time only when she was newly appointed judge of an environmental court, because those laws were not taught in law school. She suggested that the global initiative to address environmental challenges begin with the children; in other words, they should start building awareness among the youth. For his part, Justice Shah said that even if law school curricula included environmental law, that subject would still not include wildlife law; that is why the term “environment” should be broadened to cover wildlife.

Dato’ Zulkifli bin Abu Bakar, director of the Maritime Investigations Department of the Malaysian Maritime Enforcement Agency, noted that wildlife crime was not among the topics for discussion during

the ASEAN Senior Officials Meeting on Transnational Crimes. He recommended that ADB request the ASEAN Secretariat to address that omission.

Dr. Mulqueeny found the recommendation interesting. But, she said that since ASEAN is a country-led organization, the ASEAN member countries themselves should propose the inclusion of wildlife crime to the relevant authority. Once ASEAN agreed, ADB and other donor institutions could look at different ways of supporting that inclusion.

Mr. Broussard recalled that Thailand twice proposed the inclusion of wildlife crime as a priority at the ASEAN Senior Officials Meeting on Transnational Crimes, but the proposal was rejected because no consensus was reached on the proposal.

Mr. Md. Atiqul Islam expressed concern over Justice Embong's dissatisfaction with simply sticking to the hard facts of the case and judging on the basis of evidence presented. According to Mr. Islam, courts should judge based only on the evidence presented. But in the forestry sector, only the forester could identify the perpetrator so his team would find it difficult to establish its case. He therefore asked Justice Embong if foresters could request special consideration from the judiciary in wildlife cases. Justice Embong offered to address his concerns in private.

Dr. Bennett thanked all the participants for an excellent session. She found the level of participation displayed by everyone encouraging. When she first engaged in wildlife conservation, she said, wildlife issues were seen as peripheral concerns, but now wildlife issues are entering mainstream consciousness. She also thanked the speakers, ADB, the CITES Secretariat, and all the participants for attending the symposium.

HIGHLIGHTS

DAY 2: 11 MARCH 2013

■ PLENARY SESSION 2 **Curbing the Demand for Illegal Wildlife and Wildlife Products**

Mr. Eric Phu, marketing consultant and former vice chair of the Interactive and Direct Committee of the Association of Accredited Advertising Agencies of Hong Kong, first thanked CITES and ADB for organizing this symposium and for inviting him to attend this event. He told the participants that while the excellent presentations and active discussions the previous day focused on the supply side of the illegal wildlife trade, this session would cover the demand side, with the panel of speakers identifying the various means of curbing demand—from multimedia and social media to religion, economics, and behavioral changes. He then introduced the first speaker for this session.

Mr. James Compton, senior director for Asia-Pacific at TRAFFIC International, greeted the participants and recapped parts of the previous day's discussions. He confirmed the escalation of poaching and the illegal wildlife trade and reported that by mid-2012, the illegal trade in rhino horns had increased by 5,000% since 2007.

Mr. Compton identified the following drivers of demand for wildlife products: (i) the high-profit, low-risk nature of wildlife crime; (ii) the increase in the purchasing power of people, particularly in Asia; (iii) conspicuous consumption by the nouveau riche and the commodification of wildlife products with many commodities that serve as status symbols; (iv) Asian traditions that use wildlife and wildlife products as medicines, crafts, and luxury items; and (v) the amplification of this baseline demand by trends, fashion, and folklore, such as the widespread belief that rhino horn can cure cancer.

Given these demand drivers, Mr. Compton invited the participants to look at previous successes in combating wildlife trade, such as the decline in the volume of ivory imported by Japan from 1979 to 1988. In the 1990s, Japan's economy was at its peak, as characterized by its huge purchasing power and rich ivory trade. But Japanese demand for ivory waned as a result of the strong strategic partnerships among the government, industry, media, opinion makers, and other influential people in society. Japan's success in curbing demand for illegal wildlife products sets an example for newly emerging Asian economies.

Mr. Compton added, should be done in parallel with supply reduction by increasing the efficiency and effectiveness of law enforcement—comprising the judiciary, prosecutors, and members of the attorney general's department—to nip the illegal wildlife trade at the source; demand reduction cannot be effective without the other. He also said that TRAFFIC's partnership with World Wildlife Fund and its government partners in Asia, among others, hinges on a five-point strategy for changing consumer behavior: (i) identifying the behaviors that need to be changed; (ii) looking at the research necessary to segment or disaggregate the audience; (iii) modeling different types of behavior that can promote positive change; (iv) developing a marketing framework; and finally, (v) developing and implementing a campaign that can be refined and adapted based on successes and feedback. TRAFFIC has worked on the Global

Tiger Recovery Program to formulate a strategy for dealing with tiger products. With the Rhino Working Group of CITES, TRAFFIC has targeted the PRC and Viet Nam as the markets with the strongest demand for rhino horn, for this behavior-changing approach.

TRAFFIC realizes that its efforts must be sustained over time, and that its previous attempts to curb demand were too short term and without enough effort to monitor what could be changed and what should be done. Thus, TRAFFIC decided to prioritize behavior change in three consumer groups—(i) the government, (ii) the private sector, and (iii) the youth, or those under the age of 35—through digital media or social networking. To illustrate how TRAFFIC has been engaging with government leadership, Compton explained how TRAFFIC has partnered with the National Inter-Agency CITES Enforcement Coordination Group to curb demand for illegal wildlife products. TRAFFIC has also begun working with (i) the China Wildlife Conservation Association, an NGO closely connected with the State Forestry Administration of the PRC; (ii) China Radio International, to reach Chinese communities in Africa; (iii) the traditional Chinese medicine sector; (iv) the National Tourism Administration of the PRC; and (v) various members of the private sector. TRAFFIC applies a research-driven approach to its planning, strategy, and execution initiatives against the illegal wildlife trade.

In the private sector, TRAFFIC has engaged with 15 leading e-commerce companies operating in the PRC to persuade them to adopt a zero-tolerance approach to illegal wildlife products on their websites in order to reduce online supply and demand. This approach has resulted in a decline in the number of new advertisements for illegal wildlife products since June 2012, when the zero-tolerance policy was announced. A similar campaign with nine other large e-commerce companies was set to bear fruit in April 2013.⁹ TRAFFIC also had the opportunity to collaborate with Buddhist leaders in Thailand, who could use their influence to spread the message that using products made of ivory is not part of any Buddhist tradition.

To conclude, Mr. Compton explained the guiding principles that TRAFFIC follows in its demand reduction campaign. First, it looks at the sectors of influence: the government, the private sector, and the general public. Second, it uses different modes of communication, especially digital media and social networking, and engages with influential people to recommend a behavior change to the general public. Third, TRAFFIC strategies hinges on the marketing statistic that 61% of consumers in the PRC are more likely to follow the recommendations of family members and friends than recommendations in other forms or from other sources of recommendations. For TRAFFIC, conversations among family members and friends can change perceptions, behavior, and social norms within these sectors. Ultimately, TRAFFIC's role as an NGO combating illegal wildlife trade is to plant the seeds of change and to form partnerships that can effect the needed change in consumer behavior in relation to wildlife products.

Ms. Anna R. Oposa, cofounder and chief mermaid of Save Philippine Seas (SPS), introduced SPS as a response to a major wildlife trafficking incident called the “Rape of the Philippine Seas,” which

⁹ According to WWF and TRAFFIC reports, a total of 24 leading PRC-based e-commerce companies had already committed to a zero-tolerance policy on the sale of illegal wildlife products through their websites. See WWF/TRAFFIC. 2014. *Big Wins in the War Against Wildlife Crime: WWF/TRAFFIC Wildlife Trade Campaign Report Summary 2012–2013*. http://d2ouvy59p0dg6k.cloudfront.net/downloads/wildlife_crime_big_wins_lr.pdf, p. 13.

was headlined in the *Philippine Daily Inquirer* in May 2011.¹⁰ Concerned individuals convened online through Skype and decided to launch an online movement, which was at first supposed to be only a website—SavePhilippineSeas.tumblr.com—but eventually grew into a nonprofit organization, formed by Filipinos and foreigners in the Philippines with increasing awareness of similar cases and the desire to address these cases.

Over time, people have apprised the group of environmental violations and SPS has used its two key strengths, communication and stakeholder mobilization, to solve environmental issues and release captured wildlife back into the wild. In one case, SPS worked with the Protected Areas and Wildlife Bureau of the Department of Environment and Natural Resources to release back into the wild a hawksbill turtle that had been kept as a pet in a man's bathtub for 2 years. In another, SPS investigated a report on turtles being held in a zoo without the necessary permits, and secured their release back into the wild with the help of social media and the Protected Areas and Wildlife Bureau. SPS also encourages people to report directly to the authorities any online sale of illegal wildlife products or any other environmental violation, and also collaborates with mainstream media in producing documentaries and TV shows to reach more people who might not have access to the internet.

Noting that environmental laws can be confusing, Ms. Oposa showed the participants an infographics campaign SPS would be launching on the role of local government units, the Bureau of Customs, and the Protected Areas and Wildlife Bureau in enforcing environmental laws, along with illustrations of the species covered and the contact information of these offices. She also presented an article on the SPS website listing the restaurants that serve shark fin soup and urging their supporters to boycott these establishments on the premise that if the buying of illegal wildlife products stops, the killing can, too. SPS has joined the Shark Stanley campaign and invited celebrities to endorse the campaign, and every time SPS uploads pictures of Filipinos with cartoon images of sharks and manta rays, the organization explains the importance of the species in order to localize and contextualize the importance of marine conservation.

Ms. Oposa added that SPS has realized that it cannot keep telling the public not to do things in violation of environmental laws, without offering alternatives. She showed the participants a two-part online article titled “*Better than Shells!*” which provided information on preferred commodities to buy instead of seashells and other marine life; these commodities were also locally produced, so they meant supporting the local economy. The commodities included a beach towel that could repel sand, and personal care products made of organic materials that could be used on the beach without having an adverse impact on marine life.

Ms. Oposa suggested that people should be encouraged to interact properly with marine wildlife. SPS launched the “Be a Good Seacitizen” campaign and produced and distributed materials to conservation facilities, dive shops, and resorts to help teach people the proper ways of doing so. Similarly, SPS has been

¹⁰ The article featured the poaching off the coast of Cotabato of 21,169 pieces of “sea fan” black corals, 196 kilograms of “sea whip” black corals, 161 endangered turtles, and about 7,300 seashells. P.C. Tubeza. 2011. Coral reefs twice size of Manila destroyed. *Philippine Daily Inquirer*. 25 May. <http://newsinfo.inquirer.net/8892/coral-reefs-twice-size-of-manila-destroyed>

teaching children how to relate with marine wildlife by organizing art contests, art workshops, and mural painting activities so that they learn early to understand, love, and protect marine wildlife.

In closing, Ms. Oposa said that SPS has been an effective organization, as shown by its ability to expose a foreign company's involvement in large-scale extraction of marine resources in Senate hearing in 2011. The company later accused Ms. Oposa of making false accusations. For Ms. Oposa, social media, when used to complement direct work with the public, can be a powerful tool for social change.

Mr. Shawn Heinrichs, director of WildAid, first stated that as long as there is demand for wildlife products, and as long as people are looking for and are willing to pay for these products, wildlife animals will continue to decrease in number and will be more valuable to the illegal wildlife trade.

In 2012, WildAid convened people from around the world to discuss marine wildlife law enforcement issues and to share ideas and best practices for effectively dealing with illegal wildlife traders and poachers. The discussions revealed that the amount of money being spent on the illegal extraction of natural resources was about 10,000 times more than the money being spent on environmental protection and conservation. Thus, Mr. Heinrichs realized that law enforcers and those concerned with protecting the environment should work smarter. One of the ways to be smarter than the illegal wildlife traffickers is to leverage the power of media and social norms. Changing people's behavior, particularly of those in consuming markets, has become WildAid's primary focus.

Mr. Heinrichs played a video to explain what WildAid does to protect wildlife and combat the illegal wildlife trade. The video showed how biodiversity around the world had drastically decreased by 2012. Up to 73 million sharks were being decimated each year for their fins, and 35,000 elephants every year for their ivory. The world's wild tiger population had decreased from 100,000 in 1900 to only 3,200 in 2012, while 90% of the world's rhinos had been slaughtered over the past 40 years. These and many other animals were being poached primarily for profit. In the video, **Peter Knights**, founder of WildAid, estimated the illegal trade in wildlife at \$10 billion to \$20 billion every year, next only to trafficking in firearms, drugs, and people in terms of profitability.

Despite the passage of new laws and the issuance of new wildlife regulations, these animals continue to die at an alarming pace. To arrest this rapid decline in biodiversity, WildAid, the only organization in the world that primarily aims to end the demand for wildlife products, focuses on Asia, where such demand is highest, and resorts to high-end marketing techniques to effectively discourage people from buying products made from endangered species. While WildAid operates on a low budget, it has become the leading environmental communicator in Asia, thanks to generous donations, pro bono celebrity endorsements by over 100 widely acclaimed names from around the world—including Oscar-winning actors, Olympic athletes and sports icons, politicians, musicians, and film stars, such as Jackie Chan, Leonardo DiCaprio, Harrison Ford, Yao Ming, and Vincent Zhao—and the support of the world's top advertising agencies. Thus, WildAid has successfully assembled huge production teams at less than cost to deliver public service announcements or advertisements with the quality of the world's best television ads. Its shark campaign, which was launched sometime around the Beijing Olympics, stuck in the minds of 55% of audience members, 82% of whom said that they had either reduced their consumption of shark fin soup or stopped eating it completely. With pro bono media support, WildAid delivers its message "When the buying stops, the killing can too" to approximately 1 billion people every week.

At the end of the video, Mr. Knights explained that strong public will and political will are absolutely necessary to enact laws on wildlife protection and to strictly enforce those laws. WildAid strives to make the concept of wildlife conservation aspirational and exciting for the global masses, and urges everyone to join the organization in ending the illegal wildlife trade.

Mr. Heinrichs said that as a result of WildAid's shark fin campaign, the PRC banned the use of shark fin in state banquets in 2012, and sales of shark fin traders dropped by 50%. These traders blamed environmental groups, whose "voices were too loud."

In addition, Mr. Heinrichs said that the slogan "When the buying stops, the killing can too" has built momentum over the years in the PRC, where wildlife traffickers complain that this green ideology has been hurting their business. WildAid aims to assemble the key influencers in society—politicians, sports stars, movie stars, musicians, etc.—who affect the public's buying decisions, and convince them to discourage the public from consuming endangered wildlife products. This change in consumption behavior can then drive legal reform and law enforcement reform, and ultimately make the consumption of wildlife and wildlife products socially unacceptable. To illustrate, Mr. Heinrichs played a public service announcement featuring several celebrities talking about how they had discovered that up to 70 million sharks are killed each year to make shark fin soup and had subsequently rejected the shark fin soup they were being served.

Mr. Heinrich's discussions with the traders revealed that the announcement was hurting their business, such that those on the front lines of illegal wildlife trafficking could no longer cover their fuel costs. As of 2012, according to WildAid (citing reports from shark fin traders), demand for shark fin had gone down by 50% and prices by at least 40%. In Guangzhou and in Indonesia, shark fin prices declined by at least 50%, while in Kaosiung, Taipei, China, prices went down by as much as 60%–80%. Mr. Heinrichs emphasized that now is the time to redouble efforts to reduce the demand for shark fin, among other wildlife products. However, WildAid faces the problem of inadequate funding for its demand reduction efforts.

In closing, Mr. Heinrichs mentioned (i) WildAid's collaboration with former US National Basketball Association star Yao Ming on an ivory campaign, which aims to end the poaching of elephants and other endangered species and the death of humans associated with such poaching; (ii) the need for all institutions concerned to curb the demand for elephants for their ivory, for sharks for their fins, and for rhinos for their horns; and (iii) the need to use available resources. The question now is whether those concerned would support these efforts and focus on demand reduction coupled with adequate enforcement, or spread their resources.

Mr. Steve Galster, founder and executive director of FREELAND Foundation for Human Rights and Wildlife, chief of party of Asia's Regional Response to Endangered Species Trafficking (ARREST) Program, and director of field operations of WildAid, first introduced his organization. FREELAND is an international NGO based in Bangkok, Thailand. With funding from USAID, FREELAND has established ARREST, a coalition of Asia-based NGOs, government organizations, and corporations. ARREST has a law enforcement support program and a demand reduction working group.

The demand reduction working group of ARREST conducted a brainstorming session in Bangkok, Thailand. In this session, conservationists from the International Fund for Animal Welfare (IFAW) and Education for Nature—Viet Nam, former poachers and wildlife traffickers, experts from the advertising

and media industry including marketers from J. Walter Thompson, health experts, journalists, and representatives of government agencies identified strategies for curbing the demand for wildlife and wildlife products. The former poachers and wildlife traffickers openly voiced their opinions about whether the strategies suggested could be effective, or whether poachers and traffickers could easily find a way around these strategies. At the end of the session, the participants profiled the typical wildlife consumer: urban male, between 25 and 45 years old (although a few are as old as 65 years), with money to spare, who buys ivory, rhino horns, tiger bones, bear gallbladders, pangolins, or other wildlife and wildlife products primarily to court favor or to show off. They also discovered that while a number of wildlife trafficking campaigns have been launched in the past, these were short-lived because of insufficient resources and government endorsement or support. On certain occasions, the messages delivered were based only on the opinion of one or a few leaders.

Working on these findings, the brainstorming session participants came up with iTHINK, a wildlife conservation network that encourages free exchange of opinions about what wild animals, plants, and places mean to them, and why there is a need to end the illegal trade in wildlife and the unsustainable consumption of endangered species. The participants also realized that the consumption behaviors of hard-core buyers cannot be changed, despite advertisements geared specifically for them. Thus, the participants thought of enlisting the support of opinion leaders to draw and sustain the people's interest in combating wildlife trafficking and eventually build social pressure around the consumers in order to take away the prestige associated with purchasing wildlife products.

To illustrate how FREELAND and its collaborators implement iTHINK, Mr. Galster played a video being shown on the Metropolitan Rapid Transit and on the Bangkok Mass Transit System at airports, and elsewhere of several opinion leaders expressing their spontaneous thoughts after being shown pictures of wildlife poached to produce various commodities. First, **Police Lieutenant General Pongpat Chayapun**, commissioner of the Central Investigation Bureau of the Royal Thai Police, found wildlife issues complicated, interconnected, multifaceted, and affected by greed and corruption. Public officials need to be honest and knowledgeable to address wildlife crime. A strong and ethical system should govern the conduct of public officials to prevent wildlife syndicates from succeeding. **Kristie A. Kenney**, US ambassador to Thailand, said that humans have only one planet, and this planet is filled with amazing and beautiful things. **Damrong Pidet**, former director general of the Department of National Parks, Wildlife and Plant Conservation, asked why people would hunt if no one was buying wildlife. **Police Major General Norasak Hemnithi**, commander of Thailand's Natural Resources and Environmental Crime Suppression Division, said that wildlife, nature, and humans should live in harmony. **Karuna Buakamsri**, a news anchor, could not understand why some beliefs are too difficult to change and why some people find torturing and killing wildlife acceptable. **Kitti Singhapat**, another news anchor, opined that humans, as well as animals, have one life and are all equal, and so humans should not think less of wildlife. **Areeya Chumsai**, a model and actress, urged the audience to stop buying wildlife in order to end poaching. **Veronica Pedrosa**, a renowned Asian journalist, conveyed her belief that life, in its various forms, is slowly being extinguished. **Lieutenant Colonel Wanchana Sawasdee**, deputy spokesperson of the Royal Thai Army, said that wildlife lives in harmony with the forest, but not with humans. The iTHINK campaign also has an online segment.

Mr. Galster concluded that iTHINK aims to have everyone respond to wildlife issues by producing their own commercials through their smartphones, and uploading these commercials online. The

inexpensive iTHINK platform is linked to FREELAND's other partners, including IFAW and WildAid. iTHINK also provides a wealth of information to inspire the public to respond to wildlife issues.

The Venerable Mae-Chee Sansanee Sthirasuta, a Theravada Buddhist nun and cochair of the Global Peace Initiative for Women, thanked the speakers and said that the participants had pure hearts, and that the atmosphere in the room was very sacred. She described her homeland as a place where people grew up in the midst of nature in the middle of Bangkok, Thailand. Similar to a little drop of cold water in the burning atmosphere, she stated, how a being comes into this world is irrelevant for everyone—humans and wildlife are one.

The Ven. M. Sthirasuta expressed hope that the participants would have children who could end the violence in this world, and that everyone would work together to vanquish violence. The participants could also teach future generations to have pure hearts and believe that if they end the killing, they can become real human beings and not just victims. From what she could see as she traveled around the world, she went on, children are growing up in a very peaceful way. Everyone can touch his or her own heart by practicing peaceful breathing, so that peace accompanies each breath and envelops the world in a very peaceful way, and that same breath can affect the peaceful state of the world.

She also said that killing begins in people's minds. Hence, to change murderous behavior, one must calm one's heart beats through peaceful breathing. Everyone should teach children how to meditate and to think peaceful thoughts, and to forgive. To stop the killing, one must learn to forgive. She then urged the participants to reach out to those seated next to them and hold hands. She asked them to envision their hearts as a precious, tiny baby, breathe normally, and return to being a real human being. Two persons holding hands are no longer just who they are; they become two human beings with pure hearts and a calm state of mind. She ended by thanking the participants for trying to move the world toward a peaceful path and asking them to continue to do so.

Mr. Phu thanked the Ven. M. Sthirasuta for her very spiritual and uplifting presentation, and opened the floor to questions.

■ Discussion

During question-and-answer time, **Ms. Grace Ge Gabriel**, Asia regional director of IFAW, noted that her organization and WildAid had similarly focused their demand reduction initiatives in the PRC for the past 15 years. She said that the demand for wildlife products in the PRC could be curbed, but only if there are clear laws and these are firmly enforced. She related several stories of successful demand reduction efforts. An IFAW project surveyed the buyers of ivory in the PRC and discovered that 70% of the Chinese community had no idea that one had to kill elephants to get their ivory. They always thought that ivory is made of *xiangya* (elephant's teeth), which elephants would naturally shed. Therefore, IFAW launched a campaign to explain to people where ivory comes from, and in the process, exposed the illegal wildlife trade through the media. She invited interested participants to check the IFAW.org website and download its report on the ivory trade titled *Making a Killing*. She also reported that IFAW's work with Chinese internet companies since 2005 has resulted in the banning of sales of not just ivory but also

tiger bones, rhino horns, and shark fins from their websites. Lastly, Ms. Gabriel stressed that wildlife demand reduction must be done in conjunction with supply reduction.

Mr. Phu agreed with Ms. Gabriel, and recalled Mr. Compton's statement that concerned organizations should work to reduce both demand and supply.

Justice Drangpon Sangay Khandu, acting chief justice of the High Court of Bhutan, expressed confusion about the purpose of this symposium. From his understanding, many of the participants eat meat, and are consequently, without even realizing it, demanding the slaughter of animals for food. He thus suggested another slogan, "When the demand stops, the killing can too," implying that people should stop demanding meat altogether. However, this ideology could lead to a decline in tourism. Justice Khandu added that Bhutan is a Buddhist country, and thus discourages the killing of animals. While the people in Bhutan eat meat, they do not eat slaughtered meat. Instead, they eat only the meat from animals that die of old age or other causes other than slaughter by humans for meat.

Mr. Phu thanked Justice Khandu for sharing his insights into the slaughter of animals for food. He then asked if anyone from the panel of speakers would like to address Justice Khandu's comment, and urged those who wished to commit themselves to vegetarian principles to do so.

Mr. Samantha Gunasekara, deputy director of customs of the Biodiversity, Cultural and National Heritage Protection Division of Sri Lanka Customs, requested Mr. Compton to clarify whether the statistics he had presented on the demand for ivory in Japan were for legally obtained ivory. Mr. Compton responded that the demand for ivory had peaked before CITES banned international commercial trade in African elephant ivory in 1989. Many initiatives were undertaken to curb that demand, and these efforts were amplified by the international trade ban in 1989. Consequently, the trade in ivory before the 1989 ban could be considered legal trade, which thereafter became illegal. To curb the demand for ivory in Japan, TRAFFIC and World Wildlife Fund (WWF) Japan, in the 1980s, looked at the relevant legal framework, the opinions of buyers, and the status of products made from ivory, which were regarded as luxury goods, and devised means of influencing these demand drivers. TRAFFIC and WWF Japan then implemented these initiatives in conjunction with their efforts to influence the change in international trade legislation in 1989.

Dr. Mulqueeny commented on Justice Khandu's observation about the public's indirect demand for the slaughter of animals for meat. As a vegetarian herself, personally, she fully endorsed the recommendation that everyone should move toward a vegetarian lifestyle. However, she clarified that ADB did not organize this symposium to encourage a vegetarian lifestyle and that the symposium, in fact, aimed to specifically combat the illegal trade in endangered species that was reducing the number of endangered species. She asked Mr. Heinrichs to let the participants know where the efforts of ADB and other concerned institutions were still failing short and what more they could do to reduce the demand for wildlife products. She also requested the Ven. M. Sthirasuta to suggest ways of addressing the wildlife trade that is occurring in the name of religion, and dealing with those who traded in ivory for religious purposes.

In response, Mr. Heinrichs explained his framework for looking at the issue of wildlife consumption. Three factors influence the general public's attitude toward wildlife consumption. First is ignorance, which is perhaps the most common problem of all. Most people simply do not know that illegal wildlife trade is occurring. For instance, some people do not know that an elephant's tusk is not part of its set of teeth, while others perceive shark fin as fish wing. In many cases, people do not know that they are consuming endangered wildlife. Another factor is apathy. The people who know about the illegal wildlife trafficking problem refuse to deal with the problem themselves. They believe that someone else will address the issue. However, these people should be told that they are part of the solution; otherwise, they would be part of the problem. Lastly, greed drives the kingpins of the illegal wildlife trade and those who are profiting from this trade. This is where stronger laws with harsher penalties and effective law enforcement mechanisms are needed. But ultimately, stakeholders should first address the ignorance by implementing demand reduction programs, which require money, time, persistence, and coalitions of governments, NGOs, and communities. They should also collaborate to make it socially unacceptable to take animals out of the wild and use them for ornamental or other purposes. Concerned organizations should continue to advance the fight against illegal wildlife trade lest they begin to falter.

Mr. Galster agreed with Mr. Compton's statement that combating illegal wildlife trafficking is a lifelong pursuit and that concerned organizations should never give up. But, for Mr. Galster, this fight could be hastened through campaigns that are cheaper and people driven, or those created with smartphones or other convenient and readily available electronic devices. The iTHINK campaign, for one, encourages members of the public to create their own commercials expressing their opinions on the illegal wildlife trade issue. Mr. Galster expected to see a downward trend in the trafficking of certain endangered species within the next 3 years.

Mr. Phu thanked Mr. Compton and Mr. Galster for responding to Dr. Mulqueeny's first question. He then invited the Ven. M. Sthirasuta to respond to the second question. She clarified that sacredness comes from a pure mind, contrary to the common misperception that if an object is expensive, it must be sacred. Spiritual leaders belonging to various religions already teach their members to stop killing.

Mr. Phu thanked the Ven. M. Sthirasuta for answering Dr. Mulqueeny's second question and allowed one last question addressed to the panel. A member of India Customs asked if any initiatives were being undertaken to curb the demand for rhino horns in India. Mr. Galster and Mr. Phu said that all of the international organizations represented in this session—TRAFFIC, WildAid, and FREELAND—are working to reduce the demand for ivory, including ivory from Indian rhinos.

Before the session ended, Justice Marasinghe clarified that they would not give the blood ivory they seized to the Buddhist temples. The Government of Sri Lanka would either destroy the ivory or return it to Kenya. Mr. Phu then requested the participants to thank the panelists for their excellent presentations and called for a break.

■ PLENARY SESSION 3 National Policy and Legal Frameworks to Curb the Wildlife Trade

Ms. Patricia Moore, international legal expert and former head of the International Union for Conservation of Nature's (IUCN) Regional Environmental Law Programme Asia Division and Ecosystems and Livelihoods Group Asia Division, recalled that during the first session that morning, the participants heard about how governments need good laws, but many countries have confusing wildlife laws and weak penalties. Ms. Moore said that this need not be the case because the CITES CoP gave clear instructions on what member countries should have in their legislation to comply with CITES. She then asked the participants to consider the problems resulting from weak penalties and loopholes in national wildlife laws that traffickers could exploit, and to think of ways of strengthening national legislation.

Mr. John T. Webb, retired assistant chief of the Environmental Crimes Section of the US Department of Justice, gave an overview of how wildlife traffickers are prosecuted in the US. He wanted the participants to realize that the process of strengthening a country's wildlife prosecution system takes time and reminded them that law enforcement entails not just guidance but also punishment and deterrence.

Mr. Webb then walked the participants through the development of the Environmental Crimes Section of the US Department of Justice, which considers the prosecution of international wildlife traffickers a very serious matter. In 1978, then US President James Earl "Jimmy" Carter, Jr., an avid supporter of CITES (also known as the Washington Convention) noted the growing trade in CITES-protected species and the sophistication of the traffickers. President Carter therefore directed the US Department of Justice to create within the department a special unit to prosecute illegal wildlife trade cases. The unit was called the Wildlife and Marine Resources Section and later renamed the Environmental Crimes Section. About 40 prosecutors are engaged in the international prosecution of wildlife trafficking criminals, while another 100 federal prosecutors handle a part-time or full-time load of wildlife cases.

To ensure the effective enforcement of CITES, the US government itself complies with CITES and punishes its citizens who violate the convention. However, a CITES violation in the US is penalized only as a misdemeanor, which may merit imprisonment of 1 year or a fine of \$100,000. The US government also recognizes the complexity of wildlife laws and other environmental statutes, so it directs the prosecution of wildlife cases based on white-collar crime. To ensure that wildlife cases and other environmental crimes are treated seriously and are worthy of the time of the investigator, the prosecutor, and the court, the US Department of Justice focuses its time and resources on developing expertise not only in investigating wildlife cases but also in presenting them in court.

The US Department of Justice also uses the full array of US criminal justice statutes. For instance, in prosecuting wildlife importers, instead of simply applying the pertinent wildlife statute, which carries only a 1-year imprisonment sentence, the department applies the Langley Statute, among others, to impose stiffer penalties. The Langley Statute penalizes the importation of merchandise in violation of another law with 20 years' imprisonment. The department also uses the anti-money laundering statute to seize the proceeds of an illegal activity.

To end, Mr. Webb said that the Environmental Crimes Section of the US law enforcement system follows a set of sentencing guidelines or sentencing criteria to determine which cases to prosecute based

on how it expects the courts to decide these cases. The unit does not stop at forfeiting the fruits and instrumentalities of the crime; it also prosecutes wildlife traffickers. The national police are working with full police powers to effectively apprehend environmental offenders. Prosecutors, on the other hand, look at the full range of impossible penalties in white-collar crime to allow prosecutors, investigators, and judges to better understand these crimes and appreciate the need to penalize the people involved in these crimes.

Ms. Moore thanked Mr. Webb for his presentation and highlighted his observation about the weak penalties provided by US wildlife statutes and the complexity of environmental laws. She noted that prosecutors and law enforcement agencies can resort to other laws in prosecuting those engaged in wildlife crime. She then introduced the next speaker.

Mr. Jorge Eduardo Rios, coordinator of the Anti-Wildlife and Forest Crime Programme of the United Nations Office on Drugs and Crime (UNODC), greeted the session chair and the delegates. He then spoke about the key elements of the policy and legal framework for wildlife protection, the loopholes in the law that wildlife traffickers were exploiting and the toolkit the UNODC has developed to address wildlife trafficking.

Mr. Rios pointed out that violations of wildlife and forest statutes and regulations can give rise to administrative, civil, and/or criminal liability. While some states rely more on criminal sanctions, there are others that rely on administrative or civil sanctions. Over the past 40 years since CITES was ratified, an extensive body of treaties, agreements, and declarations aimed at protecting the environment and wildlife has emerged. These international instruments include the (i) CITES, which is the principal international instrument controlling and regulating international trade in protected species and suppressing illegal transactions involving wildlife; (ii) the United Nations Convention against Transnational Organized Crime; and (iii) the United Nations Convention against Corruption, which provides for the criminalization, investigation, and prosecution of the different aspects of wildlife and forest offenses that are linked to organized crime or corruption. Many countries have also entered into bilateral or regional agreements, mutual administrative or judicial assistance agreements, and memorandums of understanding governing general enforcement issues that could apply to combating transnational wildlife and forest crime. Examples of such bilateral or regional agreements are (i) the 2002 memorandum of understanding between the Government of Indonesia and the United Kingdom on mutual cooperation in reducing and eventually eliminating illegal logging and the international trade in illegal logs, timber, and wood products; and (ii) the European Parliament's timber regulations.

Mr. Rios also identified loopholes in these legal instruments. There are significant discrepancies in the national wildlife, forestry, criminal, and related laws of many countries. Although CITES requires its member countries to enact laws criminalizing the trade in protected species, many members have yet to enact legislation precisely to implement the convention. These members choose to rely on general wildlife and forest laws, as well as customs and foreign trade legislation to regulate the trade in CITES-listed species. However, oftentimes, these laws fail to fully conform with CITES requirements, especially in cases where the laws were passed long before the convention was drafted. The absence of national legislation implementing CITES undermines the effectiveness of the convention. Many criminal laws also fail to criminalize attempts to commit illegal wildlife trade or involvement in this trade and to consider corruption and money laundering in the wildlife and forestry sectors.

For Mr. Rios, the aforementioned loopholes necessitate reforms in the legal and regulatory regimes of many countries to allow their law enforcement agencies to effectively combat wildlife and forest crimes. These needed reforms include (i) creating a clear definition of what illegal activities are classified as wildlife and forest crimes, (ii) dealing with corruption and any improper allocation of concessions, (iii) establishing strong deterrents to these offenses, and (iv) specifying the relevant control and enforcement powers at every stage in the commodity chain.

Mr. Rios noted the lack of a comprehensive international norm addressing wildlife and forest offenses, which compels enforcers to rely on domestic laws to ascertain the nature, scope, and consequences of wildlife and forest offenses. The lack of comprehensive wildlife and forest laws at the national level also makes it difficult to combat illegal wildlife trade at the international level. Several domestic wildlife and forest laws that focus on administrative matters influence the pattern of criminal activity in the wildlife and forestry sectors, and wildlife crime syndicates quickly find and exploit loopholes and identify points for corruption and coercion.

To address these loopholes, Mr. Rios related that the ICCWC has prepared the Wildlife and Forest Crime Analytic Toolkit, the first of what the consortium expects to be a set of tools to help member countries in policy and legislative development, technical assistance delivery, and alignment of donor support and commitment. The toolkit equips member states with the technical know-how to undertake a national analysis of the main issues related to wildlife and forest offenses, and with knowledge of the strengths and weaknesses of preventive and criminal justice responses. It also helps governments identify needed technical assistance and capacity building, and design suitable projects and work plans. The toolkit is divided into five parts: (i) legislation, (ii) enforcement, (iii) judiciary and prosecution, (iv) drivers and prevention, and (v) data and analysis. Each part is structured such that it can be read independently or with the other parts.

Mr. Rios said in conclusion that the Wildlife and Forest Crime Analytic Toolkit is designed to help users analyze (i) the capacity of national wildlife and forest management institutions, law enforcement agencies, and the judiciary in investigating, prosecuting, and adjudicating cases of wildlife and forest offenses; (ii) the procedures, capacity, and level of transparency in wildlife and forest law enforcement regarding detection, deterrence, and data collection and analysis; (iii) the various actors in the wildlife and forest offense chain, and the drivers of wildlife and forest offenses, as well as any gap in the current response mechanism to these offenses; (iv) the availability of legal frameworks to counter wildlife and forest offenses; (v) the effectiveness of national law enforcement, national order control standards, and cross-border collaboration; and (vi) interagency cooperation and hindrances to effective counterresponse. The consortium planned to implement the toolkit in Bangladesh and Peru at the end of April 2013 and to collaborate with the governments transparently in order to come up with a confidential report, which would allow the stakeholders to devise a work plan based on the results of the implementation. He added that the toolkit would be updated based on the results of its implementation, and invited the participants to download a copy from the UNODC website.

■ Discussion No. 1

Ms. Moore thanked Mr. Rios for his contribution and allowed the participants to ask the first couple of speakers two or three questions each.

Judge Castillo-Marigomen asked the panelists how she could get a copy of CITES. Ms. Moore answered that she could download a copy of the text of the convention and all its appendixes from the CITES website. Then, **Wendy Elliott**, manager of the Global Species Programme of World Wildlife Fund International, expressed support for the resolute words on the need for deterrence and strong measures to be implemented by the judiciary, and asked how international conferences beyond CITES could advance the development of the needed deterrents and prosecutions. Noticing Ms. Yeater's arrival and the limited time she had to speak at this symposium, given that her presence was also required in the CITES CoP, Ms. Moore requested Ms. Elliott to hold onto her question and allow Ms. Yeater to proceed with her presentation.

Ms. Marceil Yeater, chief of the Legal Affairs and Trade Policy Unit of the CITES Secretariat, greeted the participants and discussed the salient features of CITES and the CITES National Legislation Project.

Ms. Yeater identified the key provisions of CITES, which she noted was not a self-executing convention. The convention imposes minimum requirements for dealing with illegal international wildlife trade. Articles III to VII of the convention regulate, and prescribe conditions for the various aspects of, trade in the species listed under Appendix I, Appendix II, and Appendix III of CITES, and provide the procedure for the granting of permits, certificates, and exemptions. Article VIII requires members to adopt certain measures to prohibit and penalize trade in violation of the convention and to provide for confiscation of specimens that are caught being illegally traded. Article IX requires each member to designate a management authority and a scientific authority and lays down the needed policy–science interface.

Ms. Yeater then described the CITES National Legislation Project as involving two parts: one is the analysis of national laws vis-à-vis CITES requirements, and the other is assistance to parties to enable them to enact the required legislation. The CITES Standing Committee can recommend suspension of commercial trade in CITES-listed species with any party that has inadequate law or has inadequately complied with CITES requirements, until that party has shown compliance. At the same time Ms. Yeater was speaking, the CoP was discussing what the Standing Committee could later recommend if by 2015, there were still parties who had not yet enacted adequate legislation, even though they had been members of the convention for at least 5 years.

The CoP adopted and implemented Resolution Conf. 8.4 (Rev. CoP15) on National Laws for Implementation of the Convention, under which the CITES Secretariat should identify state parties whose domestic measures fail to confer on them four elements or types of authority: the authority to designate at least one management authority and one scientific authority, prohibit wildlife trade in violation of the convention, penalize such illegal trade, and provide for confiscation of specimens illegally traded or possessed. An analysis of the national laws based on Resolution Conf. 8.4 results in the classification of each member's national wildlife legislation under any of three categories: (i) Category 1, if the legislation is generally believed to be compliant with CITES; (ii) Category 2, if the legislation is generally believed to have at least one, but not all, of the four required elements; or (iii) Category 3, if the

legislation is generally believed to be noncompliant with any of the four elements. CITES has already categorized many of the countries in Southeast Asia. But it is still recategorizing many others.

Ms. Yeater said that the CITES Secretariat has developed a legal package containing a model law on international wildlife trade, a checklist for reviewing CITES legislation, a questionnaire for policy drafters, a format for reviewing legislation, a sample CITES legislation plan for achieving Category 1, and wildlife trade policy and reviews tools. She said she would like the CITES Secretariat to provide each of the participants a USB flash drive containing this legal package. She also mentioned the possibility of providing sample legislation from other countries and a book on CITES titled *The Evolution of CITES*. The secretariat, she added, also reviews and comments on draft national legislation. But the review process can take some time because the secretariat needs to conduct this process with the member states to ensure that all four elements are in place. The secretariat also conducts missions, when there is money available to do so, as well as regional and national workshops. It requests support from various organizations, such as the World Bank and ADB, to increase the assistance it can provide to member countries.

To conclude, Ms. Yeater informed the participants that the CITES Secretariat encourages the establishment of a national multidisciplinary team with representatives from the law enforcement sector so that legislators could take their concerns into consideration and ensure that the laws they enact are enforceable. She finally thanked Ms. Moore and the others who had assisted in the drafting of national wildlife laws.

■ Discussion No. 2

Ms. Moore thanked Ms. Yeater for her presentation and requested that participants raise their questions for Ms. Yeater before she had to return to the CoP.

A judge from Pakistan mentioned that the country enacted a national wildlife law in 2012 and asked (i) whether the CITES Secretariat performs any supervisory role and reviews national legislation to find out if a member missed any of the requirements of the convention, and (ii) how the management authority should work with the judge who is hearing and deciding an illegal wildlife case. The judge asked the second question after noticing an apparent gap in Pakistani law, which provides that the management authority should handle the confiscated specimens while the judge adjudicates the case, and he was wondering if the law was compliant with CITES. He also asked if CITES could come up with an Appendix IV to address the demand side of the illegal wildlife trade.

Dr. Mulqueeny asked Ms. Yeater (i) whether the model law was designed to meet the CITES requirements or if it actually goes further than these requirements, (ii) who conducted the peer review of the model law, and (iii) how to explain why some commentators perceive that some countries should be in a category other than where they have been placed.

In response to the Pakistani judge's questions, Ms. Yeater explained that the CITES Secretariat is required to (i) assess a country's national legislation to see whether it satisfies the four requirements of CITES; (ii) identify the category under which a member's wildlife legislation should be placed; and

(iii) determine whether a member country has complied with CITES, or whether some additional law should be enacted. She said that legislation could clarify how the management authority and the judge should work with each other. Customs officers had conveyed to the CITES Secretariat their desire to be authorized to help implement CITES; without authorization, they could not assist in the implementation of the treaty and national legislation. The management authority would also need data on the actual trade and anything else happening at the border—data that it could supposedly get from customs. The link with judges was something that national legislation should have, but had not always, addressed.

Ms. Yeater also said that the original treaty included an Appendix IV, which was a copy of an export document and which had been replaced by a resolution on permits and certificates and a sample permit for all types of CITES-regulated trade. Australia, the EU, and the US had enacted import legislation to strengthen their control over imports and ensure that imported commodities were not illegally sourced. But many countries still faced the problem of failing to distinguish between the import requirements governing Appendix I– vis-à-vis Appendix II-listed species and having consumers who were unable to distinguish between legal, sustainable, traceable trade and illegally sourced, unsustainable, untraceable specimens.

In response to Dr. Mulqueeny's third question, Ms. Yeater said that there were commentators who look at national wildlife laws themselves and make their own conclusions as to the adequacy of these laws. Often, the commentators apparently criticized the coverage of a particular species. But these commentators forget that the treaty only regulates international trade in wildlife species. It does not provide for the domestic management of any species, although it can be used to help countries do that.

Ms. Moore noted a participant's observations. First, there are some international borders, like those surrounded by Buddhists, that are very difficult to police, leaving the goods that cross these borders untraceable and potential subjects of laundering, in the absence of any particular legislation dealing with domestic trade. Second, problems with effectively enforcing criminal statutes might require countries to enact domestic trade laws that mirror CITES provisions. Ms. Yeater responded that CITES does regulate domestic trade if it affects international trade. In fact, the 16th CoP had been discussing the regulation of domestic ivory trade to ensure that domestic ivory trade markets were being properly regulated, and hence were not spilling into illegal international trade. But the parties also recognized the geographic situation of certain members like Indonesia and the Philippines, which are archipelagos, and consequently face difficulties in handling international borders. These member countries were therefore given exemptions. Mirroring CITES provisions, the law could provide that all domestic wildlife trade should likewise be legal, sustainable, and traceable.

Ms. Lye Lin Heng, associate professor and deputy director at the Asia-Pacific Centre for Environmental Law, said that Singapore was compelled to join CITES, and made a fundamental mistake in its first wildlife legislation—it penalized offenses on a per-species basis, and not on a per-specimen basis, regardless of the number of specimens subjected to illegal wildlife trade. But with ASEAN-WEN's support, Singapore has amended its wildlife law, which now provides for a stronger penalty for wildlife offenses, but with a ceiling. Ms. Lye asked why there should be a ceiling on the penalty for wildlife offenses. She also asked if it was permissible to have just one government entity performing the functions of both the management authority and the scientific authority, and if the CITES model law provides for farming of wildlife species.

In response to Ms. Lye's questions, Ms. Yeater stated that CITES appears to focus on specimens taken from the wild. The model law does cover the registration of captive breeding operations and artificial propagation of wildlife species, both of which are considered just a few of the special procedures in CITES. While the convention is less concerned with these operations, it sees to the proper regulation of these operations so that they do not become "laundering facilities" for wildlife specimens. Commenting on Singapore's history concerning CITES, Ms. Yeater added that the original national wildlife legislation did not cover Appendix III, as Singapore did not think the appendix was that important. The CITES Secretariat therefore needed to stress repeatedly that members should cover all types of trade, all appendices, and all types of specimens. Otherwise, they would be considered noncompliant with the treaty. Ms. Yeater also said that there was nothing wrong with having just one government agency performing the functions of both the management authority and the scientific authority, as long as separate units within that agency perform these functions. Lastly, according to Ms. Yeater, the maximum penalty imposed by a judge for wildlife crime depends on the legal practice in that judge's country. For CITES, what is crucial is that wildlife crime should be considered a serious crime meriting at least 4 years' imprisonment and getting better political and law enforcement attention.

Chief Justice Qazi Faez Isa, chief justice of the Balochistan High Court in Pakistan, informed the participants that in 2012, Pakistan enacted the Pakistan Trade Control of Wild Fauna and Flora Act to implement CITES. This law establishes a regime for issuing permits for import, export, and reexport, and provides for penalties of 1 to 2 years' imprisonment and fines of PRs500,000 to PRs1,000,000 (approximately \$5,000 to \$10,000). Pakistan is a federation of four provinces, each having provincial laws and dealing separately with wildlife. Balochistan, Chief Justice Qazi's province, enacted the Balochistan Wildlife Protection Act (1974), which he noted provides for very minimal penalties—up to 2 years' imprisonment and/or a fine of PRs500 to PRs1,000 (approximately \$5 to \$10). The Balochistan Sea Fisheries Ordinance (1971) establishes the requirements for the issuance of licenses and the penalties—a minimum of 1 year's imprisonment and/or fine of PRs100,000 (approximately \$1,000) up to a maximum of 3 years' imprisonment and/or fine of PRs600,000 (approximately \$6,000).

For Chief Justice Qazi, loopholes in the law can be exploited not only by criminals and their lawyers, but by judges as well, and he cited two cases as examples. In the first case, a man was charged with illegal possession and transportation of 190 cranes, a CITES-listed species. Since the law penalizes on a per-species basis, the accused pleaded guilty and was meted the minimum fine of PRs10,000 (approximately \$100). However, since the law requires the surrender of the seized goods to the state, the man appealed to the High Court of Balochistan claiming that he could no longer surrender the cranes, which had meanwhile perished. Thus, Chief Justice Qazi referred to another provision of the law, which said that if any captured animal dies in captivity, then the guilty person should pay "a fine which may extend to five hundred rupees," multiplied the fine of PRs500 (approximately \$5) by the number of specimens that died, and thus fined him PRs95,000 (or about \$950).

In another case, a man was charged with, and pleaded guilty to, using a prohibited net called *gujja* to fish. The lower court imposed a minimum fine and ordered the seizure of his *gujja*. He appealed to the High Court of Balochistan, arguing that his *gujja* should not be seized as he was using it to earn a living, and it should be returned to him. Chief Justice Qazi noted that the law was silent as to what to do with the seized item and ordered its destruction. The net could not be auctioned because it would then be used for illegal fishing.

Chief Justice Qazi then commented on the moral and ethical dimensions of wildlife laws, and how these could be used to gain universal acceptance of the wildlife laws. Governments should strive to explain to the people why they should follow the law, and one way of doing this is to appeal to their religious sensibility. The Quran, for instance, says that man is the *khalifah-fil-ard*, or vicegerent, on Earth and trustee of all creatures, so it prohibits the killing of animals. Further the Quran relates stories of how Allah rewards people who show kindness to animals. Similarly, Buddhist literature prohibits killing, while the Bible speaks of the beauty of nature. He ended by citing Seyyed Hossein Nasr in *The Spiritual and Religious Dimensions of the Environmental Crisis*: “It requires a very radical transformation in our consciousness, and this means not discovering a completely new state of consciousness, but returning to the state of consciousness which traditional humanity always had. It means to rediscover the traditional way of looking at the world of nature as a sacred presence.”

Ms. Moore thanked Chief Justice Qazi for showing the participants how judges can address gaps in the law, and introduced the next resource person.

Dr. Ananda Mohan Bhattarai, judge in the Court of Appeal of Nepal, expressed his belief that using the law alone is insufficient in combating wildlife crime, gave an overview of the Nepali law, and proposed steps that the participants could take to improve their domestic wildlife legal and regulatory framework and exact compliance.

Judge Bhattarai said that Nepal has four laws covering wildlife issues: the National Parks and Wildlife Conservation Act, 2029 (1973); the Forest Act (1992); the Export and Import (Control) Act, 2013 (1957); and the Customs Act, 2019 (1962). The National Parks and Wildlife Conservation Act prohibits the killing of 26 mammals, 9 birds, and 3 reptile species, most of which are listed under Appendix I of CITES, and provides a maximum punishment for wildlife criminal activities of 15 years’ imprisonment, a fine of about \$200, and confiscation of the wildlife product.

Judge Bhattarai then identified the loopholes in Nepal’s domestic legislation and CITES. First, Nepal does not yet have a national law implementing CITES, so judges in Nepal cannot apply the convention in deciding wildlife cases. Second, while CITES regulates international trade in certain wildlife species, governments should find ways to allow their citizens to use wildlife as a source of livelihood. He opined that simply punishing people for violating the CITES regulation without providing them with alternative sources of livelihood would not solve anything. Third, some member states lack the infrastructure to effectively enforce the convention. Nepal, for one, does not have DNA testing facilities to ascertain whether the specimen seized belongs to a particular CITES-listed species. Moreover, the people who are usually arrested and imprisoned for violating wildlife laws have no alternative source of livelihood. The kingpins of wildlife crime syndicates pressure them into committing such violations. Judge Bhattarai said that if governments could provide these people with alternatives and improve their living conditions, then they would no longer commit wildlife crimes.

To conclude, Judge Bhattarai stated that CITES should be read together with the Convention on Biological Diversity (CBD). While CITES prescribes conditions for granting permits and certificates to engage in international trade in wildlife, the CBD speaks of conservation of biological diversity and encourages the sustainable use of genetic resources. Governments should empower the people to have sustainable livelihoods and advance the rule of law. Overemphasizing the use of sanctions diminishes people’s faith in rule of law institutions, and disrupts good governance.

Dr. Kanjana Nitaya, senior officer at the Wildlife Conservation Bureau of the Department of National Parks, Wildlife and Plant Conservation of the Ministry of Natural Resources and Environment of Thailand, welcomed the participants to Thailand and wished everyone an enjoyable stay.

Dr. Nitaya reminded the participants that while trade used to happen in order to satisfy people's needs, some trade now occurs simply because of greed. The proper balance should be sought in curbing the demand and supply for illegal wildlife products. The Department of National Parks, Wildlife and Plant Conservation has provided communities that depend heavily on the use of natural resources with alternative sources of livelihood. The department also strictly and continuously patrols protected areas in an attempt to stop poaching. However, these protected areas are too big for the department to monitor by itself and Thailand shares borders with Cambodia, the Lao PDR, Malaysia, and Myanmar. Thailand must collaborate with these neighboring countries and with other ASEAN countries to advance the fight against wildlife crimes. Bilateral projects should also be explored to help strengthen regional collaboration.

To implement CITES, Thailand enacted the Wildlife Animal Reservation and Protection Act, B.E. 2535 (1992), in addition to the Plant Act, B.E. 2535 (1992) and the Customs Act, B.E. 2469 (1926). In August 2006, it also established the Thailand WEN, forming part of ASEAN-WEN and comprising 22 agencies collaborating to stop illegal wildlife trade. In addition, Thailand also has 155 various checkpoints¹¹ managed by the Department of National Parks, Wildlife and Plant Conservation; the Department of Agriculture; the Department of Fisheries; the Royal Thai Customs; and the Natural Resources and Environmental Crime Suppression Division. The Management Authority of Thailand has also entered into memorandums of agreement with the scientific authority, customs, police, and private sector bodies.

Dr. Nitaya concluded that it is always possible to strengthen the illegal wildlife trade law to make it conform with the country's culture and heritage. But Thailand still needs to engage in substantial capacity building and international cooperation to ensure the success of its efforts to combat the illegal wildlife trade.

Mr. Madhawa Tennakoon, senior state counsel at the Attorney General's Department of Sri Lanka, greeted the participants and gave them an overview of Sri Lanka's legal and policy framework for wildlife. He began by describing Sri Lanka's geography, which makes it a biodiversity hot spot: an island in the Indian Ocean with an area of approximately 65,610 square kilometers and a population of at least 20 million; 22% forest cover; 501 protected areas; and endemism of 16% fauna and 23% flowering plants.

Sri Lanka has over 30 wildlife and environmental statutes. It is also a member of several related international conventions, including CITES, the CBD, the Convention on Wetlands of International Importance or the Ramsar Convention, and the United Nations Framework Convention on Climate Change, as well as regional conventions.

¹¹ As Dr. Nitaya indicated in her PowerPoint presentation, Thailand has 36 wildlife checkpoints, 22 aquatic species checkpoints, 31 plant quarantine checkpoints, and 66 customs checkpoints, for a total of 155 checkpoints.

Introduced in 1937, the Fauna and Flora Protection Ordinance is Sri Lanka's fundamental wildlife legislation. It aims to protect, conserve, and preserve fauna and flora and prevent the commercial exploitation of such species. This ordinance was amended for the eighth time in 2009 to also provide for the protection and conservation of fauna and flora habitats and the conservation of biodiversity in Sri Lanka. This amendment further provides for (i) protected areas, including national reserves belonging to the state, sanctuaries, or managed elephant reserves; (ii) protected species; (iii) the import and export of regulated animals; (iv) special protection of elephants; (v) the preservation of the rights of indigenous people based on their customs, usage, and traditional practices; (vi) public interest litigation; (vii) the classification of four offenses as non-bailable, demonstrating the serious character of wildlife crime; (viii) statutory authorization of wildlife officials to enter and search a place without needing a search warrant from a court of law; (ix) the registration of elephant ownership, pregnancies, births, miscarriages, stillbirths, and deaths within 7 days thereof; (x) the presumption that all elephants that have not been registered have been taken from the wild and are public property; (xi) the conduct of a required environmental impact assessment before changing protected area boundaries; and (xii) the introduction of managed elephant reserves and marine national parks.

Finally, Mr. Tennakoon identified two primary challenges confronting effective wildlife law enforcement in Sri Lanka. First, the country has just emerged from a ruthless legal regime and is undergoing postwar rehabilitation and development. Second, there has been an increase in tourism and human–elephant conflict. In 2012 alone, 66 people died from elephant attacks, while 252 elephants died because of human attacks and mistakes.

Discussion No. 3

During question-and-answer time, Ms. Moore asked Mr. Rios to answer the pending question on how international conferences could establish the required deterrents to, and prosecution of, wildlife offenses. Mr. Rios noted that despite efforts to raise awareness of wildlife and forest crime as a transnational organized crime, this notion is not readily accepted. He said that the April 2013 meeting of the Commission on Crime Prevention and Criminal Justice, a UNODC governing body, with high levels of ministries of justice on environmental crimes, should build the necessary awareness of the nature of wildlife and forest crime. The executive director of UNODC would also be presenting before the UN Security Council the importance of addressing wildlife and forest crime as a transnational organized crime that threatens national security and economic development.

Judge Nazmun Ara Sultana, a judge of the Appellate Division of the Supreme Court of Bangladesh, suggested that this type of symposium should educate judges, prosecutors, concerned government agencies, and the common people on the seriousness of wildlife crimes.

A participant pointed out that despite having legislation in place, customs officers stationed at borders lack the expertise to detect CITES-listed species subjected to illegal trade. He referred to a training package on cash couriers, available from UNODC, for training supervisors and trainers, who can then train others. He suggested having a similar package for wildlife trade, and Ms. Moore agreed. Mr. Webb added that the US directs wildlife shipments going into the US to a limited number of customs ports of entry, where there are wildlife inspectors or specialized inspectors with detailed training in wildlife species and

the applicable laws. Every time customs officers detect a wildlife shipment, they call the wildlife inspector who can identify the species and review the CITES documentation. Mr. Rios suggested that states look at the Green Customs Initiative¹² and the UNODC–WCO Container Control Programme,¹³ and consider including special modules and special port units in their training packages.

■ PLENARY SESSION 4 Wildlife Law Enforcement—Current Approaches

Dr. Kala K. Mulqueeny, principal counsel at the Office of the General Counsel of the Asian Development Bank (ADB), welcomed everyone to Plenary Session 4 on the current approaches to wildlife law enforcement. She said that the purpose of this session was to get into the details of wildlife law. The speakers in this session would discuss what has been done and what else can be done in wildlife law enforcement.

Mr. Kesh Bahadur Shahi, director (deputy inspector general) at the Central Investigation Bureau of Nepal, greeted everyone and thanked ADB for allowing him to present on behalf of his organization. He shared that he had read in the *Asian Herald Tribune* that morning that the EU had banned the manufacture of cosmetics using endangered animal.

Mr. Shahi related that in 1973, Nepal had enacted the National Parks and Wildlife Conservation Act, 2029 (1973), which provided for the establishment of protected areas totaling 34,185.62 square kilometers, or 23.23% of the country's total area. He explained that the Central Investigation Bureau is a specialized unit conducting investigations in collaboration with other government agencies like the Department of National Parks and Wildlife Conservation, the Wildlife Crime Control Bureau, the Department of Forests, customs, NGOs, and international NGOs like World Wildlife Fund. The bureau conducts wildlife crime investigations, looks into wildlife trade and criminal linkages, conducts operations, and recommends the prosecution of those caught committing wildlife crimes. Mr. Shahi finally reported that in the 2½ years since it was established, the bureau has seized various wildlife products like pangolin scales, rhino horns, tiger skins and bones, and Tibetan antelopes.

Dr. Mulqueeny thanked Mr. Shahi for his interesting presentation and invited the next speaker to come to the podium. Meanwhile, she asked Mr. Shahi to share with the participants the investigation techniques used by the Central Investigation Bureau.

¹² According to its website, “[t]he Green Customs Initiative is an unprecedented partnership of international organisations cooperating to prevent the illegal trade in environmentally-sensitive commodities and facilitation of the legal trade in these.” The initiative aims “to enhance the capacity of customs and other relevant enforcement personnel to monitor and facilitate the legal trade and to detect and prevent illegal trade in environmentally-sensitive commodities covered by the relevant conventions and multilateral environmental agreements.” See Green Customs. About Green Customs. www.greencustoms.org/background

¹³ The UNODC–WCO Container Control Programme was developed jointly by UNODC and WCO to help governments “to create sustainable enforcement structures in selected sea ports in order to minimize the risk of shipping containers being exploited for illicit drug trafficking, transnational organized crime and other forms of black market activity.” See UNODC. The UNODC–WCO Container Control Programme (CCP). www.unodc.org/unodc/en/drug-trafficking/horizontal-initiatives.html

Mr. Jesse Tai-Chiu Wong, divisional commander at the Intelligence Coordination Division of Hong Kong Customs, greeted everyone and said he was honored to have the opportunity to present on the antismuggling work of the agency, which struggles to balance its responsibilities of facilitating legitimate trade and preventing smuggling.

Mr. Wong shared that Hong Kong, China is one of the busiest ports in the world and a logistics center in Southeast Asia, with a huge volume of cargo and passengers regularly passing through the port as a result of the rapid economic growth of the PRC. At the time of the symposium, customs officers could inspect less than 1% of all incoming cargo and detect only one out of ten illegal wildlife shipments.

Hong Kong, China's fundamental wildlife law is the Protection of Endangered Species of Animals and Plants Ordinance, Chapter 586 of the Laws of Hong Kong, China, which criminalizes the import, export, possession, and control of any listed species without the necessary license and imposes a penalty of a maximum of 1 year's imprisonment and a fine of HK\$100,000 (approximately \$12,000), which Mr. Wong said is not a very high price to pay for smuggling endangered species. Thus, the government charges these smugglers with other offenses like organized crime and money laundering.

Showing a bar graph of detected endangered species cases in Hong Kong, China, Mr. Wong noted that these cases are increasing. He then talked about several cases detected by customs. First, in November 2011, Hong Kong Customs detected a 20-foot container with 33 rhino horns, 758 ivory chopsticks, and 127 ivory bracelets, covered with plastic scrap and shipped from South Africa. Second, in June and August 2012, in coordination with the Marine Police, customs detected a speedboat smuggling cases of pangolin scales weighing a total of 208 kilograms, and 633 kilograms of frozen pangolins. Third, in September 2012, thanks to a tip from Guangdong Customs, Hong Kong Customs detected and detained two 20-foot containers of smuggled ivory weighing 3.81 tons—the largest seizure then in Hong Kong, China—covered with plastic scrap and beans and coming from Tanzania and Kenya. Fourth, in November 2012, they seized 569 pieces of ivory tusks, declared as sunflower seeds and originating from Tanzania and passing through the United Arab Emirates. Hong Kong Customs observed that the tusks were much smaller than those in the previous one and concluded that poachers were going after younger elephants. Finally, on 27 February 2013, customs seized a container of red sandalwood, weighing 16,700 kilograms and declared as onions.

Mr. Wong traced the trafficking route of the ivory, which showed that all the ivory came from Africa. Noting that the price of ivory in the underground market had doubled in the past year, he deduced that the supply of ivory must be limited. However, while this implied that the enforcement efforts of Hong Kong Customs were succeeding, it also meant that the huge profit margin would incentivize criminals to continue smuggling ivory and other endangered wildlife products.

To end, Mr. Wong talked about a successful controlled delivery operation. On 15 January 2013, Hong Kong Customs detected an express parcel sent from Cameroon containing 10.6 kilograms of pangolin scales. At the destination warehouse, they arrested the warehouse keeper and seized another parcel containing 7.3 kilograms of pangolin scales with similar packaging.

Dr. Mulqueeny thanked Mr. Wong and asked him to elaborate on controlled delivery, and on how Hong Kong Customs conducts such operations, for the benefit of those in the audience who were not

yet familiar with the concept. Mr. Wong explained that when Hong Kong Customs detects a shipment of endangered species crossing the border, it uses nonintrusive equipment like an x-ray to confirm the parcel's contents. Once it is confirmed that the parcel contains contraband, customs does not seize the goods immediately to avoid alerting the recipient. Instead, it conducts surveillance to identify and arrest the final recipient of the parcel and the kingpins of the syndicate, and discover other similar cases.

Mr. Samantha Gunasekara, deputy director of customs of the Biodiversity, Cultural and National Heritage Protection Division of Sri Lanka Customs, spoke about the successes and challenges of CITES enforcement in Sri Lanka. He first said that the Government of Sri Lanka established the Biodiversity Protection Unit as an informal group known as the Biodiversity Protection Task Force in 1994. In 1999, the task force was expanded and formally instituted as the Biodiversity, Cultural and Natural Heritage Protection Division, operating under a more structured legal framework. The division had, at the time of the symposium, garnered 20 national awards, including the first-ever Presidential Environmental Award.

Mr. Gunasekara told the participants that wildlife law enforcement in Sri Lanka is governed by the customs ordinance and several related laws at the national level, as well as international conventions and agreements. The Biodiversity, Cultural and National Heritage Protection Division, in particular, is charged with preventing, detecting, investigating, penalizing, and disposing of any cross-border shipment of illegal wildlife products. In the course of fulfilling its mandate, this division has been able to assist in (i) developing customs laws and internal regulations of concerned departments and ministries; (ii) enforcing customs and related laws; (iii) building capacity; (iv) gathering data (which also benefits other line departments and ministries); (v) publishing its research and generating awareness of environmental and other issues; and (vi) facilitating proper international trade by guiding importers and exporters on how to engage in lawful trade.

Mr. Gunasekara then identified the following challenges of effective customs law enforcement: (i) the rich biodiversity of Sri Lanka and its geographic location as a center of wildlife trafficking routes by sea and air that make it a source and transit country for illegal wildlife trade; (ii) lack of human resources and sufficient training; (iii) lack of infrastructure; (iv) lack of public awareness of environmental issues; and (v) gaps in its legal framework, including CITES regulations. He thus suggested barcoding wildlife species and using high-technology equipment to facilitate the identification of species, increase information exchange, build capacity, and reduce unnecessary documentation.

Mr. Gunasekara ended his presentation by showing the participants pictures of customs seizures of wildlife products, including elephant tusks declared as plastic waste, pangolin scales, sea horses, Sri Lankan agar wood, bird eggs, and some medicinal plants.

Discussion No. 1

At this juncture, Dr. Mulqueeny opened the floor to two quick questions. Judge Castillo-Marigomen asked Mr. Wong what Hong Kong Customs does with seized tusks and rhino horns. Mr. Wong answered that customs stores most of the seized items in government storehouses, but also sends some pieces to universities for academic research and to Kenya for DNA examination. Mr. Gunasekara added that Sri Lanka Customs still holds onto its seized tusks.

Ms. Rinzin Pemo, assistant collector at Bhutan Customs in charge of Paro International Airport, said that she understands the vital role of every country's customs department in facilitating international trade while ensuring proper and effective law enforcement, and asked Mr. Wong three questions. First, if a country is used as a transit country, how should the information be shared among the exporting country, the transit country, and the end-user country? Second, what techniques does Hong Kong Customs use, aside from risk management and profiling, to detect illegal trade in endangered species? Third, how does Hong Kong Customs share information with other government agencies like the police?

In response, Mr. Wong said that Hong Kong Customs regularly shares information on suspected syndicates, containers used, consignment details, etc., with the customs units of other countries, such as the PRC, Kenya, Tanzania, and the UK. Hong Kong Customs also uses human intelligence or informers. Mr. Gunasekara added that Sri Lanka Customs uses intelligence, profiling, and information exchange with other countries and concerned organizations and institutions like universities and the media.

Justice Yang Arif Tan Sri Abdull Hamid bin Embong, justice of the Federal Court of Malaysia, greeted the participants and began talking about the establishment of environmental courts in Malaysia in September 2012, after Chief Justice Zakaria of the Federal Court of Malaysia attended the inaugural ASEAN Chief Justices' Roundtable on Environment in December 2011. Chief Justice Zakaria also designated 53 magistrates and 42 session court judges as green court judges charged with exercising jurisdiction over cases concerning 38 principal acts and 17 subsidiary laws on the environment, including the International Trade in Endangered Species Act, Act No. 686 (2008), which implements CITES. Then, in October 2012, Chief Justice Zakaria issued the Chief Registrar Practice Direction No. 3 of 2012, which requires green court judges to dispose of environmental cases within 6 months of their registration.

Justice Embong also presented statistics on environmental cases filed in court. Prosecutors filed only 27 cases, or barely 1% of 3,813 cases reported, in 2009; 55 cases, or barely 2% of 3,274 cases reported, in 2010; 60 cases, or about 12% of 475 cases reported, in 2011; and 29 cases, or about 10% of 295 cases reported, in 2012. As for cases involving the International Trade in Endangered Species Act, he said that from 2011 to 2013, there were 67 cases reported, mainly for smuggling of Asian paradise birds, tortoises, and pangolins, which led to 7 prosecutions, 6 warnings, and 33 pending investigations; the remaining 21 resulted in no further action. Justice Embong concluded that prosecutors and authorized law enforcers were not filing too many environmental cases, despite the enactment of many environmental laws, because of problems in investigation and prosecution arising from the quantum of evidence required to overcome the presumption of innocence of the accused, and issues related to the admissibility of evidence. The need for improvement is evident in one case wherein a carcass suspected to be that of a deer was found in the possession of the accused, but since no expert witness was called to prove that the carcass was indeed that of a deer, the accused was acquitted.

Justice Embong also observed that many green court judges know very little about environmental laws. The Federal Court of Malaysia held a seminar on green courts with the support of ADB and Dr. Mulqueeney, who came to Malaysia to help train the judges and make them aware of environmental offenses.

To end, Justice Embong cited two main wildlife laws in Malaysia, the Wildlife Conservation Act (2010) and the International Trade in Endangered Species Act (2008), which, for him, provide for adequate penalties for violations. He also thanked ADB and the CITES Secretariat for giving Malaysian judges the opportunity to learn more about wildlife crimes and related issues.

Justice Syed Mansoor Ali Shah, judge of the Lahore High Court in Pakistan, shared his insights into how the design of the law itself could affect enforcement and identified the areas in Pakistan's national wildlife legislation that he believed were seriously flawed. That Pakistan ratified CITES in 1976 and enacted the national law only in 2010 shows a large time lag.

For Justice Shah, what he believes to be a vague link between the customs and management authority and the courts constitutes one loophole. The law is silent about how the management authority should operate, and completely leaves out customs. But if customs should be the frontline enforcers, then customs law should be enforced, and this means that the special customs court should hear and decide cases. Moreover, while CITES provides that confiscated wildlife specimens should be brought to the management authority, and criminal jurisprudence requires the judge to take control of the seized item until the case is decided, the law does not provide for what the management authority should do with the specimens while the case is being heard. Similarly, the law says nothing about the length of time the judge has to decide the case, and what the appellate procedure is.

Justice Shah also noticed a gap between the country's precolonial wildlife law and CITES. Before a wildlife specimen reaches any port in Pakistan and is exported from the country, the wildlife legal regime, with its own judges, who have no knowledge of wildlife issues and much weaker penalties, applies. But the moment the specimen reaches the port, the CITES legal regime governs. He suggested imposing slightly more innovative penalties, such as blacklisting companies engaged in the illegal wildlife trade, as well as their affiliates; looking into their accounts; and freezing their assets.

Recalling Justice Embong's presentation on green courts, Justice Shah noted that these courts fail to consider CITES and suggested that members should have one consolidated environment law, which incorporates and implements CITES, and one kind of specialized courts hearing and deciding environmental cases. Having this system in place would also help governments, donor agencies, and other stakeholders concentrate resources to build the capacity of judges sitting in these courts. But the precise duties of these judges should be clarified.

To end, Justice Shah opined that the public, and not just law enforcers, should be able to file complaints invoking CITES provisions, and that a whistle-blowing policy should be in place. He added that the CITES secretary general should collate information, not just on the import, export, and reexport licenses issued, but also on the CITES violations, the kinds of penalties imposed, the wildlife species involved, and what happened to the subject specimens after the discovery of the violation.

Dr. Mulqueeny thanked Justice Shah for sharing his insights. She highlighted Justice Embong's speech on the impact of not having any cases filed in court: if no cases are filed before judges, then they cannot do anything and they cannot complete the enforcement process. Similarly, she noted Justice Shah's recommendation to have the right legal framework, without any loopholes and incorporating CITES and wildlife issues, in place. This framework is necessary to initiate enforcement and govern the detection of CITES violations, as well as the apprehension and prosecution of those involved in wildlife crimes. Dr. Mulqueeny then allowed Ms. Lye to ask a question.

■ Discussion No. 2

Ms. Lye, on behalf of the Asia-Pacific Centre for Environmental Law, thanked ADB for supporting two 1-month intensive capacity building courses in environmental law, which the center sponsored in 1997 and 1998 for environmental law teachers from about 15 countries in Asia and the Pacific. The courses eventually led to the production of two volumes of material on environmental law in Southeast Asia. Ms. Lye also acknowledged the contribution of Justice Shah, a prominent attendee at those courses, and expressed the wish that the courses could resume, with ADB's sponsorship.

Judge Bhattarai asked Justice Shah whether the national laws of countries in South Asia were headed in different directions and whether he saw a need for a regional review and reconciliation of these national laws. He also asked Justice Embong what he had in mind for training programs for judges, and sought Dr. Mulqueeny's opinion about how ADB can help in training law enforcement agencies and judiciaries. Dr. Mulqueeny deferred the extensive response to the latter two questions until that evening's discussion and the next day's breakout sessions. Justice Shah, in response to the first question, said that he had not yet seen the other national laws. While referring to himself as an advocate of regional legislation, he said that the legal system at the national level should first be clarified.

Mr. Elema Halake, head of Kenya's Wildlife Investigations Department of Kenya Wildlife Service, acknowledged the presence of the distinguished judges and delegates, especially their colleagues from the Lusaka Agreement Task Force and the head of their delegation, at the symposium. He then gave the participants background information about how range states, particularly Kenya, perceive wildlife issues. Kenya Wildlife Service is a state corporation established under the Wildlife (Conservation and Management) Act, CAP 376, of the Laws of Kenya. It is mandated to conserve and manage wildlife in Kenya and enforce all related laws and regulations. He then showed a map of Kenya's wildlife conservation areas.

Mr. Halake explained that Kenya and other African countries, especially those in Sub-Saharan Africa, focus on preventing and combating crimes involving natural resources because their economies are primarily dependent on natural resources and wildlife-driven tourism. These countries view crimes involving natural resources not only as a cause of environmental degradation but, more importantly, as a threat to their national economies and the local communities' source of livelihood. Wildlife contributes to 70% of Kenya's tourism-based products, and 10% of its national economy, and helps create jobs and business opportunities. Wildlife is also Kenya's national heritage, a source of national pride, and that is why it strives to fulfill its national and international obligations to protect biodiversity. Most of Kenya's water towers, as well as its hydro and geothermal power sources, are in protected areas, which at the same time provide ecosystem and social services and ingredients for preparing raw medicinal and cosmetic products.

Mr. Halake also described environmental crimes as organized; transnational; highly profitable; with low detection and conviction rates; and facilitated in some cases by corruption, poverty, and instability. He then showed pictures depicting wildlife crime scenarios in Africa, the distribution of elephants across the continent, the wildlife trafficking route for ivory and rhino horns and the various forms in which these are trafficked, and statistics on international ivory seizures shipped from Kenya. Given its long, porous border with unstable neighbors, Kenya faces security threats from the influx of small arms and refugees from unstable countries and from the high demand for wildlife products. It is also a key link between East African countries and the rest of the world, especially Asia. To combat wildlife crimes, Kenya uses various techniques, such as sniffer dogs, intelligence, and investigation.

In conclusion, Mr. Halake discussed Operation Cobra and the opportunities it created to: (i) promote interagency collaboration at the local, regional, and international levels; (ii) sustain high confidence and trust among law enforcement agencies; (iii) share intelligence swiftly between source and consumer countries; (iv) build capacity through joint operations planning and review meetings; (v) exchange best practices and experiences on operations; (vi) profile wildlife crime as a transnational organized crime and creating awareness of wildlife crimes, such as through media releases on the results of operations; (vii) provide an avenue for raising support for coordinated wildlife enforcement actions; (viii) foster a sense of commitment and accountability in participating countries in terms of prosecutions, resources, etc.; and (ix) standardize operations by laying down standard operating procedures and guidelines.

Mr. Steve Galster, founder and executive director of FREELAND Foundation for Human Rights and Wildlife, chief of party of Asia's Regional Response to Endangered Species Trafficking (ARREST) Program, and director of field operations of WildAid, discussed the ARREST Program, a wildlife conservation support program in Asia, and the challenges and successes they had encountered in enforcing wildlife laws in the region.

To start off, Mr. Galster mentioned an article on a wildlife crime syndicate featured in the *New York Times' International Herald Tribune* that week. The syndicate, headed by a certain Vichay Kaesawang, uses a Lao PDR-registered trading company called Xaysavang Export-Import Trading Co. as a front for illegal wildlife trafficking. This syndicate sources various wildlife and wildlife products from countries in Africa and Asia.

Wildlife crime syndicates, Mr. Galster observed, resort to fraudulent business practices and exploit loopholes in the law. For instance, these syndicates take advantage of CITES provisions allowing rhino hunting by hiring crooked professional hunters using the names of prostitutes to hunt rhinos in game ranches, and having the prostitutes sign the certificates to make it appear that they themselves had done the hunting. Moreover, instead of paying for the hunts, these syndicates just take the horns off the rhinos, pay \$6,500 per kilogram of rhino horn, and sell the rhino horns to clients in Viet Nam at \$65,000 per kilogram.

Mr. Galster then explained that the ARREST Program, which is sponsored by USAID, is a law enforcement program that supports ASEAN countries, the ASEAN Secretariat, and other countries in Asia. In 2005, ARREST helped in establishing ASEAN-WEN. Each member country of WEN has its own task force and focal points. The ARREST Program, comprising different agencies with their own thematic or geographic areas of expertise—like the US government, international organizations, and NGOs—helps task forces at their request. With the participation of former law enforcement officers and other law enforcement advisers, ARREST also conducts PROtected-area Operational and Tactical Enforcement Conservation Training (PROTECT)¹⁴ and other investigation courses for rangers and other wildlife

¹⁴ PROTECT is a comprehensive program intended to equip rangers, team leaders, and managers of protected areas with the necessary knowledge and skills to effectively perform antipoaching activities. Specifically, the program teaches rangers how to conduct long-range remote counter-poaching patrol operations and to collect data in the field; team leaders how to plan, implement, and lead these patrol operations; and enforcement managers how to plan, manage, and lead protection and enforcement in protected areas. The program also trains riverine, coastal, and marine protected area staff in tactical and operational patrol methods in protected marine areas, and educates staff and villagers in alternative revenue programs. ARREST. www.globaltigerinitiative.org/download/AMC2/Day2/ARREST_Presentation_Bhutan.pdf

enforcement officers. It also organizes joint training programs, which bring together investigators from around the world, and designs and launches joint enforcement operations like Operation Cobra. ARREST also works with governments to raise public awareness of wildlife issues and engages high-level officials from various law enforcement agencies to obtain support for the public awareness campaigns.

Before ending his presentation, Mr. Galster reverted to the subject of Vichay Kaesawang. After tracking the syndicate for 8 years, Mr. Galster and his team discovered that the syndicate had established and registered breeding facilities and zoos, where they laundered wildlife specimens, and had obtained permits to breed and sell various wildlife species within and across the Mekong River border. The syndicate also traded in lion bones, buying lions at \$1,000 per body in South Africa and selling them for 10 times that amount in Viet Nam. But with international cooperation, the Government of Thailand was able to apprehend smugglers at the airport, while the Government of Kenya seized ivory and rhino horns. In late 2012, Kaesawang's deputy, Thai citizen Chumlong Lemongthai, was sentenced to 40 years' imprisonment for rhino horn trafficking. But the syndicate remained active; in fact, on 6 January 2013, a female deputy of Kaesawang, rushed to the airport from Mozambique after a cohort was arrested for smuggling rhino horn so that she could bribe corrupt officers into letting the rhino horn go through. The Thai police force investigating the case meanwhile arrested corrupt police officers who had helped in the smuggling of wildlife products.

■ Discussion No. 3

During question-and-answer time, **Dr. Richard Emslie**, scientific officer of the International Union for Conservation of Nature (IUCN) Species Survival Commission's African Rhino Specialist Group and member of the Southern African Development Community Rhino and Elephant Security Group/INTERPOL Environmental Crime Working Group, told the participants that South Africa had amended its legislation in April 2012 to deal with the pseudo-hunting dilemma by mandating the presence of law enforcement officials at every hunt and requiring the hunter to produce certain documents. Consequently, the number of hunting permit applications from wildlife traffickers in Viet Nam diminished from over 100 permits a year to zero as of the date of this symposium. In addition, South Africa has been working with importing countries, like the Czech Republic, to ensure that no proxy hunting occurs.

Mr. Rodrigo asked Mr. Halake how the Kenya Wildlife Service would deal with the ivory seized in Sri Lanka. Mr. Halake answered that the service had begun investigating the seizure and might require that the contraband or samples thereof be brought to its office for appropriate action. Mr. Halake said that the action required from the Government of Sri Lanka would be determined after the investigation.

Ms. Lye informed the participants that the IUCN Academy of Environmental Law was established in 2003 to help build the capacity of law professors in environmental law. She believed the academy would be happy to organize a training program for judges with the support of ADB.

Mr. Bryan Christy, investigative journalist, contributing writer, and director of the Special Investigations Unit of *National Geographic*, said that his experience in investigating wildlife crimes has shown him that judges and prosecutors have the most important role in wildlife law enforcement. While many countries have good laws, the kind of judges and prosecutors that a country has determines whether

criminals fear the legal system. He noted that the turning point in the US wildlife prosecution system was the creation of the Environmental Crimes Section and the Wildlife and Marine Resources Section of the US Department of Justice, as well as prosecutors, in the late 1970s. He reminded the prosecutors and judges participating in the symposium of their critical role and expressed interest in hearing more about Malaysia's green courts. Lastly, he asked Justice Embong if the creation of such courts was a development that could spread to ASEAN countries and whether there were green prosecutors in any other country.

Justice Embong responded that as far as he knows, green courts were set up in other countries like Indonesia, Pakistan, and the Philippines, before they were established in Malaysia. Justice Shahi added that Pakistan also has green courts and green benches, but these do not look into CITES issues. Dr. Mulqueeny added that ADB has been working through the Asian Judges Network on Environment (AJNE) framework involving chief justices and judges throughout Southeast Asia and South Asia to develop these judges' expertise in deciding environmental cases. Within the ASEAN region, ADB has organized workshops focusing on the wildlife trade and the ASEAN Chief Justices' Roundtables on Environment. ASEAN-WEN has also helped train judges in wildlife issues. ADB has been receiving feedback from judges that the bank also needs to help build the capacity of the rest of the enforcement chain. Dr. Mulqueeny also said that the presence of attorneys general and prosecutors at the symposium was a strong indication of the interest of other parts of the enforcement chain in wildlife issues. Thereafter, Dr. Mulqueeny closed the session.

■ **PLENARY SESSION 5** Innovative Wildlife Law and Enforcement Tools and Strategies

Mr. Daniel Moell, environmental programme manager of the Compliance and Facilitation Directorate of the World Customs Organization (WCO), chaired this session. He stated that law enforcement officers should make use of all tools available to them, in the same way that criminals do. Whether law enforcers actually do so is doubtful, he said. He then introduced the first speaker.

Ms. Marilyne Pereira Goncalves, senior financial sector specialist at the Financial Market Integrity Unit of the World Bank, greeted everyone and described the mandate of her department. She said that the Financial Market Integrity Unit helps client countries develop and implement strong anti-money laundering regimes to ensure that financial systems are not used to recycle dirty money into the legitimate economy. This effort is part of the financial stability agenda of the World Bank.

From the financial crimes perspective, there are three key points to remember when dealing with wildlife trafficking. First, wildlife trafficking is a crime for profit. Therefore, to combat wildlife trafficking effectively and efficiently, law enforcers should deprive those engaged in this criminal activity of the illicit gains associated with this crime. Second, wildlife trafficking, together with other environmental crimes, is a serious transnational crime against which the law enforcement community must mobilize a wide range of tools, such as mutual legal assistance and anti-money laundering regimes, to facilitate information exchange. Third, wildlife law enforcement agencies should adopt a holistic approach, look beyond poaching and what goes on in the forests and other wildlife species habitats, examine the entire value chain of wildlife trafficking operations, and then identify government structures that are involved at each step of the process and get them to work together.

For Ms. Goncalves, the characteristics of wildlife trafficking are not specific to this crime but are present in all forms of criminal activities, including trafficking in drugs and humans. Taking into account the challenges that governments face in dealing with these crimes, the international community has developed tools and mechanisms like the Financial Action Task Force and anti-money laundering regimes to tackle the characteristics of wildlife trafficking and address the financial dimension of wildlife trafficking. By following the money trail, law enforcers can track the masterminds behind illegal logging and wildlife trafficking operations and fight corruption.

Anti-money laundering regimes rely on the private sector, financial institutions, and certain nonfinancial business enterprises and professions. These regimes associate three core functions with money. First, money can provide information about criminal activities. Anti-money laundering laws require banks and other financial institutions to conduct “customer due diligence measures,” surveying their customers and filing reports on suspicious transactions with financial intelligence units every time customers engage in banking transactions that do not fit their profile. Governments can also target specific sectors where crime is committed so they can mobilize anti-money laundering tools against environmental crimes by ensuring the financial transactions of those involved in the wildlife trade are closely monitored by financial institutions.

Second, money provides intelligence. After a bank files a suspicious transaction report, the financial intelligence unit determines if the money came from a legitimate source. The intelligence unit can verify this information by checking with government agencies and if it cannot find the source of the money, then the unit can build a case and pass it onto the public prosecutor. At the same time, law enforcement agencies can use anti-money laundering regimes not only to run after poachers as they try to recycle the money into the legitimate economy but also to pursue the financial backers and anyone else involved in disguising the illicit origin of the money.

Lastly, money provides evidence of criminal activity. Anti-money laundering laws authorize governments to impose enhanced due diligence measures against high-risk, politically exposed individuals.

Ms. Goncalves added that a report published by the World Bank titled *Justice for Forests: Improving Criminal Justice Efforts to Combat Illegal Logging* can be used to improve governments’ criminal justice response against environmental crimes. While the focus of the report is on illegal logging, the findings and recommendations it contains also apply to wildlife trafficking and other environmental crimes. The report primarily recommends the use of criminal justice as a tool against environmental crimes in general. Once policy makers have decided to use the criminal justice system, they should develop a criminal justice strategy that adopts the follow-the-money approach, which targets the masterminds behind illegal logging operations and corrupt officials, instead of focusing on poachers and people involved because of poverty.

To conclude, Ms. Goncalves said that to mobilize the entire anti-money laundering regime against environmental crimes, governments and other concerned stakeholders should treat environmental crimes as serious offenses and penalize them as such. Since environmental crimes are within the scope of anti-money laundering laws, law enforcers should collaborate with the financial intelligence unit and financial regulators to better understand the financial flows related to wildlife trafficking. In addition, wildlife law enforcers should be trained to use the follow-the-money approach. Governments should reach out to

the Financial Action Task Force and regional anti-money laundering bodies to build political momentum and enhance regional and international cooperation. They should also foster domestic cooperation, enlist the support of the private sector and civil society, and mobilize international cooperation.

Mr. Avinash Basker, legal consultant of the Wildlife Protection Society of India (WPSI), greeted the participants and introduced WPSI as an organization founded in 1994 by Belinda Wright, a filmmaker and photographer. Ms. Wright had observed that awareness alone could not combat the illegal wildlife trade; India's tiger population was declining. She therefore established WPSI to assist wildlife enforcement agencies and governments in their fight against wildlife crimes.

After starting to gather data about wildlife crimes in 1994, WPSI, according to Mr. Basker, found itself in need of a place to store its wildlife files and decided to use Microsoft Access. Over time, it was able to build a database of over 23,000 records of incidents of wildlife crime related to approximately 441 protected species of Indian wildlife, as well as incidents of animal mortality and information about wildlife criminals. WPSI would collect information from its field officers, enforcement officers, government agencies, national NGOs, and the media, and would launch campaigns to gather information from government agencies. Mr. Basker then showed the participants various slides of WPSI's data entry fields.

In 1995 and 1998, WPSI entered into memorandums of understanding with the state governments of West Bengal and Maharashtra, under which WPSI was tasked to analyze crimes in these states. After obtaining a considerable amount of information through these memorandums, WPSI discovered that its database system could not accommodate the new information. Hence, it developed a Visual Basic platform, and transferred all the old records to the new system. To analyze data, WPSI's database system itself contains a built-in data analysis tool, which allows users to type in queries to be answered by the system. To illustrate the system's more advanced analysis capability, Mr. Basker displayed the names of members of two traditional tiger poaching gangs in India—one operated in Haryana, while the other in Katni—who had been arrested in different states in India.

WPSI uses the data to analyze trends, determine the modus operandi of poachers, identify and protect hot spots of wildlife crime, and recognize repeat offenders and interstate criminal gangs. The organization then uses the resulting information to understand wildlife crimes better and shares its analysis and findings with various enforcement agencies and governments to help them improve wildlife law enforcement. WPSI also provides real-time assistance to four enforcement agencies, disseminates statistics to generate public awareness and contribute to the development of public policies, and assists in the preparation of CITES annual reports.

Mr. Jim Wingard, cofounder and legal director of Legal Atlas and an international consultant of ADB, presented the ADB Asian Wildlife Atlas Pilot Project, an ADB-commissioned platform (based on Legal Atlas), that was designed to compile, collate, and assess wildlife trade legislation. At the time of the symposium, this platform could only examine the laws of countries in Asia, but it was intended to be a global platform.

Mr. Wingard added that the platform helps one understand that each law has a physical footprint, that is, that it applies to a given country. Thus, two of the best tools for presenting the law are (i) a geographic information system, which would enable users to link the law directly to the geography and resources it

governs, and help explain which law regulates which particular subject; and (ii) a timeline showing when any given law was enacted or amended in relation to a significant event. Moreover, the platform treats laws as data and places them in a database, so that users can understand how laws work, where they work and don't, and what they provide. It can handle any legal topic, associate all laws with a particular topic, and describe the legal regime surrounding that topic. The laws, in turn, are displayed in HTML and PDF format, both in English and in the official language of the country concerned. Each law also comes with an overview of what the law is about and what it provides in relation to a specific topic.

To end, Mr. Wingard discussed how the platform contextualizes laws. The tool compiles events related to a given law and/or enforcement issue and labels them with red flags. It also identifies morally laudable cases or countries with exemplary legislation on any given topic that other countries could copy.

■ Discussion No. 1

At this juncture, Mr. Moell opened the floor to questions.

Mr. Ashok Kumar, deputy director of India Customs, asked Ms. Goncalves how the World Bank has used anti-money laundering tools to combat wildlife crime, considering that wildlife traffickers often do not use the services of financial institutions. Ms. Goncalves said that there have been no studies yet on how the proceeds of wildlife crime are being laundered into the legitimate economy, and whether wildlife trafficking is financed through the financial system or through alternative systems. But this lack of clarity is the main reason why the World Bank, through Ms. Goncalves, agreed to speak at this symposium—to engage the environmental community in requesting the anti-money laundering community to help shed light on the illicit financial flows related to environmental crimes, and study the mechanisms syndicates use to finance environmental crimes and recycle the proceeds into the legitimate economy. For instance, the Asia/Pacific Group on Money Laundering has begun checking how the proceeds of illegal logging are being recycled into the economy.

Mr. Nik Sekhran, head of the United Nations Development Programme (UNDP) Biodiversity Programme and principal technical adviser of the UNDP–Global Environment Facility (GEF) Ecosystems and Biodiversity Programme of the Environment and Energy Group of UNDP's Bureau for Development Policy, said that UNDP has been leading attempts to establish the financial needs of countries to meet the Aichi biodiversity conservation targets (set at the 10th CoP meeting in Aichi Prefecture, Nagoya, Japan, in October 2010). In the process, UNDP has had to conduct public expenditure reviews, needs assessments, revenue options assessments, and the like, and convince ministries of finance that this endeavor is worth investing in. Mr. Sekhran asked the participants to prepare to answer a question that ministries of finance could raise: that is, what is the minimum investment needed to exert minimum enforcement effort with the maximum deterrence? Considering this, enforcement economics would require governments and the environmental community to plan how best to combine and arrange the various tools available to enforce wildlife laws.

Mr. Md. Atiqul Islam noted how useful WPSI's database could be, and asked Mr. Basker to give statistics on environmental cases. Mr. Basker replied that WPSI recognizes the need to improve its analysis of environmental crimes. But the reporting of case proceedings has not been uniform throughout India.

Courts have digitized publicly available case records in some places but not in others. One would have to hire a lawyer in each area to track what happens in a certain case, and this endeavor is just too costly.

Mr. Chrisgel Ryan Ang Cruz, assistant senior officer of the Program Coordination Unit of the ASEAN Wildlife Enforcement Network (ASEAN-WEN), greeted the participants and passed around species identification sheets, which were developed by ASEAN-WEN for frontline law enforcement officers and other relevant officers in border areas, checkpoints, airports, and seaports.

In 2007, ASEAN-WEN conducted a task force development workshop, at which representatives from the member countries identified a need to train their frontline law enforcement officers, including customs, police, and other airport authorities and officers stationed at border areas, checkpoints, airports, and seaports, in basic species identification, to build capacity. ASEAN-WEN therefore began developing species identification sheets with the support of FREELAND, TRAFFIC Southeast Asia, and USAID. The latest set was developed with the additional support of the ASEAN Centre for Biodiversity, Japan's Ministry of Environment under the East Asia and Southeast Asia Biodiversity Information Initiative, and TRAFFIC Southeast Asia.

Mr. Cruz pointed out that these species identification sheets contain (i) information about various species, the CITES and the IUCN Red List, and the CITES management and scientific authorities in each country; (ii) a guide in verifying CITES permits; (iii) measurements and a glossary; and (iv) data on common smuggling and detection techniques in certain restricted versions. These sheets were localized for the 10 ASEAN member states; they reflected the species the members found most relevant and provided information about their respective CITES management and scientific authorities. To select the species that would be featured in these sheets, ASEAN-WEN laid down five criteria. The species should (i) be involved in the Southeast Asia wildlife trade, (ii) be of conservation concern, (iii) be protected by national legislation or CITES, (iv) be similar to protected species found in trade within the region, and/or (v) have the potential to become invasive if introduced. He then explained that the sheets come in different languages as he showed various examples of the species identification sheets.

According to Mr. Cruz, ASEAN-WEN provides other tools and strategies for protecting wildlife and fighting the illegal wildlife trade. For instance, the organization has developed training management packages for training law enforcers in ASEAN countries on enforcement, investigation, and awareness. The organization also helps train judiciaries on wildlife trade regulation and species identification. Supported by TRACE Wildlife Forensics Network and the US Fish and Wildlife Service under the ARREST Program, ASEAN-WEN has undertaken projects in wildlife forensic networking, building the capacity of wildlife forensic scientists and linking these scientists along the enforcement chain. ASEAN-WEN also conducts special investigation group meetings, where investigators from participating countries conceived of Operation Cobra. Mr. Cruz concluded by showing the participants the WildScan mobile application for species identification and response, developed by ASEAN-WEN, FREELAND, and USAID. The application, he said, would be discussed further the next day during one of the breakout sessions.

Dr. Robert Steven Ogden, programme director of TRACE Wildlife Forensics Network Society for Wildlife Forensic Sciences, greeted the participants and thanked ADB for inviting him to speak at this symposium on wildlife forensics. He said that wildlife law enforcement can be complicated by the need to demonstrate that a crime had been committed and establish who committed it.

Dr. Ogden invited the participants to recall Justice Embong's presentation about the inability of law enforcers to prosecute a suspect for illegal possession of the carcass of a deer because they could not present an expert witness to prove that the carcass was indeed that of a deer. Dr. Ogden stressed the importance in wildlife law enforcement of the ability to identify species and biological materials, possibly derived from different plants and animals. To identify the species involved and assist in prosecutions, wildlife forensic scientists suggest scientific techniques like DNA forensics, the most developed analysis technique that TRACE uses and perhaps the method most often used globally. To address the problem of captive breeding centers being used to launder specimens taken from the wild, Dr. Ogden suggested using DNA profiling to verify claims that specimens were bred in the captive breeding centers. Regarding population assignment or the determination of a specimen's population of origin, the technology is still in its infancy but is gradually developing. Finally, DNA forensics can be used to perform individual profiling or to identify the species source of a wildlife product, such as a horn, as well as to match trace evidence and build a crime scenario.

Explaining the term "forensic science," Dr. Ogden said that "forensic" relates to the use of data to generate legal evidence in support of prosecutions. It also refers to the process of obtaining this data in the laboratory and the application of controls over the production of evidence. He clarified the difference between research and forensics are two different concepts. Academic research can serve as a basis for wildlife forensic work because such research leads to laboratory tests. But doing academic research in a forensic way requires the laboratory test to be validated and implemented under quality assurance processes. The laboratory to be used for forensic purposes therefore cannot be just a university research laboratory; it has to be a quality assurance facility. Moreover, forensic scientists need to establish chains of custody, security, and controls over how the test is carried out and how the data are interpreted. Forensic science is not confined to the laboratory. Scientists and components of the enforcement chain should interact and understand the entire process, from collecting evidence securely to presenting evidence in court.

Dr. Ogden also discussed standards relating to laboratory testing, and noted that these standards can be difficult and expensive to implement, especially in smaller wildlife forensic labs, and that accreditation bodies often lack the expertise to accredit forensic investigators and laboratory technicians. He also told the participants that the Scientific Working Group for Wildlife Forensic Sciences was established in 2011 and now serves as the relevant accreditation body for wildlife forensic science. In February 2013, the working group published its first standards and guidelines on wildlife forensic science—the benchmark for wildlife forensic science testing. He then urged the members of the judiciary and police enforcers to find out whether a laboratory uses these techniques and conforms to these standards before using the laboratory to conduct case-related testing.

Wildlife DNA forensics is developing globally. Governments have begun establishing wildlife forensic laboratories, which are coordinating among themselves and forming networks. The ASEAN Wildlife Forensics Network, for instance, was established in collaboration with ASEAN-WEN, TRACE, and TRAFFIC and funded by the UK Darwin Initiative. At the time of the symposium, the network had already brought together over 50 laboratories from around the world. Moreover, training sessions in DNA forensics and proper validation procedures are being conducted worldwide, while seminars and conferences are linking scientists with one another and with the enforcement community. Wildlife forensic methodologies are advancing, and DNA sequencing for species identification is fully developed,

but several other things are still needed to perform individual identification, geographic identification, and parentage analysis. The forensic community has also begun doing casework. Wildlife forensic techniques are powerful tools supporting law enforcement.

In conclusion, Dr. Ogden said that the forensic science community is enhancing methods and tools to satisfy the needs of wildlife law enforcement. Research is not the same as forensic science or forensic procedures; otherwise, the forensic science community would lose its credibility in the field of wildlife law enforcement. Finally, the community needs more resources to develop new techniques for new species to allow its members to network, train, and coordinate among themselves.

Dr. Richard Emslie, scientific officer of the IUCN Species Survival Commission's African Rhino Specialist Group and member of the Southern African Development Community Rhino and Elephant Security Group/INTERPOL Environmental Crime Working Group, delivered a presentation on RhODIS® on behalf of Dr. Cindy Harper, head of the Veterinary Genetics Laboratory (VGL) at the University of Pretoria.

RhODIS® is a database of African rhinoceros DNA profiles taken from a forensic data set of poaching cases and seizures, as well as a routine data set of stockpiles, live rhinos, and hunting trophies. The VGL analyzes the nuclear DNA of these samples to match rhino horns to source rhinos, and can even identify whether the rhino is black or white, male or female. This method of analysis (i) assists in law enforcement and investigations, (ii) identifies trade routes, (iii) controls stockpiles of horns and hunting trophies, (iv) guides in metapopulation management, and (v) distinguishes between legal and illegal horn trade. Through RhODIS®, scientists can help law enforcers compare rhino horn pieces and determine the actual number, kind, and sex of rhinos poached and argue for the imposition of stronger penalties.

Dr. Emslie emphasized the importance of DNA analysis in producing evidence that can prove cases against wildlife traffickers. In this regard, the Environmental Management Inspectorate's police investigators, field rangers, veterinarians, and prosecutors all receive training in sample collection protocols to ensure that they maintain the chain of custody and that the evidence gathered is admissible in court. So far, 199 have participated in certification courses. The VGL has also developed and distributed over 5,000 forensic kits for collecting samples. There are three different versions of these kits, for forensic, routine, and stockpile purposes. Ultimately, the VGL seeks to obtain as many DNA profiles from as many live African rhinos, stockpiles, and trophies as possible.

The IUCN World Conservation Congress in Jeju, the Southern African Development Community Rhino and Elephant Security Group, and the INTERPOL Environmental Crime Working Group all support RhODIS® and aim to have a worldwide network of laboratories capable of performing RhODIS® analysis using the same methodology to obtain comparable data and allow periodic quality control checking of these laboratories. From 2010 up to the time this symposium was held, the VGL had received 15,991 samples accounting for 6,496 individual rhinos. RhODIS® had become part of several South African investigations and one Kenyan investigation into rhino poaching and trade. Legislation in South Africa had been amended to mandate the use of RhODIS® every time an animal was transported, including the appearance of animal products and by-products on trophies. Three Kenyans had been trained to perform RhODIS® analysis so that they could establish a second RhODIS® lab in Kenya. A paper on RhODIS® methodologies had been submitted for peer review and concerned scientists and other stakeholders

had begun working toward getting ISO accreditation, with the first audit scheduled for early April 2013. Dr. Emslie then shared newspaper articles on how RhODIS® has been used to prosecute wildlife poachers and punish them with stronger penalties—anywhere from 5 to 29 years' imprisonment.

To end, Dr. Emslie talked about the horn fingerprinting studies (analyses of rhino horn chemistry) initiated by the IUCN Species Survival Commission's African Rhino Specialist Group and based on the following premises: (i) creatures are defined by what they eat; (ii) different plants have different photosynthetic pathways; and (iii) different areas have different geologies, soils, and climates. This project had been passed to the South African Police Service forensic lab. He also discussed other tools being used to combat wildlife trafficking, such as (i) the improvements in ballistics for wildlife cases, under a Global Environment Facility project; (ii) a footprint lifting courses for law enforcers and investigators; (iii) scent capture devices; and (iv) various techniques for effective prosecution, including the use of specialist prosecutors, crime scene training programs, multiple laws for charging offenders, asset forfeiture, the gathering and presentation of incriminating evidence to aggravate offenses, and the filing of civil cases for damages.

■ Discussion No. 2

During question-and-answer time, **Dr. Samuel K. Wasser**, director of the Center for Conservation Biology of the University of Washington, reported that their laboratory had developed DNA forensic tools designed to trace ivory to its source elephant, and had shared these methods with INTERPOL and the Lusaka Agreement Task Force. Dr. Wasser stressed the importance of identifying the source of illegal ivory. With the new methods, the source could be tracked to within about 265 kilometers from the origin, allowing more focused enforcement efforts and more efficient use of law enforcement funds to stop the killing at its source. Dr. Ogden said that this capability figures into the enforcement economics argument. Being smarter about targeting enforcement resources with various techniques already available could mean being more economical in combating wildlife crime. Dr. Emslie commented that all populations had developed through translocation, with animals constantly moving, and he added that these forensic techniques do not apply to white rhino and other species that originate from a very small population. For such species, source determination should be through genetics.

Mr. Narayanan said that on 1 March 2013, Royal Malaysian Customs had introduced CITES Appendix I, Appendix II, and Appendix III into the customs prohibition laws. He asked how customs officers should be trained to identify species listed in these appendixes. He wanted to know specifically whether species identification sheets had been prepared for any particular country, and how border control officers could identify species involved in legal trade. In response, Mr. Cruz repeated that ASEAN-WEN's species identification sheets were developed based on consultations with the CITES management authorities, and that species selection was based on five criteria. He also said that various species not necessarily falling under any of the CITES appendixes were also included in the species identification sheets. Ultimately, the species were those identified and targeted by the CITES management authorities when they developed these sheets. On the subject of training, Mr. Cruz said that the CITES Management Authority of Malaysia, through its task force, conducts training for relevant enforcement authorities in addition to the training management packages created by the ASEAN-WEN.

Mr. Ritwick Dutta, cofounder of the Legal Initiative for Forest and Environment, asked whether any effort had been made to link areas in India or any other country where poaching had been happening to habitat destruction. He noted that infrastructure development had displaced communities, destroyed habitats, rendered animals susceptible to poaching, and, in fact, facilitated poaching. Mr. Basker said that WPSI had not yet done such study. But he agreed that Mr. Dutta's theory was plausible. There could be high rates of poaching in areas where major development projects were happening.

Dr. Mulqueeny asked Dr. Emslie how important RhODIS® was and how distinct from other techniques, and if it could be applied to other species. She also asked Dr. Emslie and Dr. Ogden to explain in more detail the applicability of forensic science and RhODIS® to Asia and the Pacific, and Dr. Ogden to state what was happening or what should be happening in this region in this regard. Dr. Emslie said that RhODIS® was being used only for black and white rhinos, but its use could be expanded to include Asian rhino specimens or it could work with a parallel system developed for Asian rhinos that could work with RhODIS®. Dr. Ogden explained that RhODIS® is no different from other profiling systems since it also uses standard DNA profiling methods for tigers, birds, prey, and humans. But RhODIS® uses species-specific markers for DNA profiling. A tiger DNA database, focusing on captive tigers through Southeast Asia, would enable law enforcers to trace seizures to possible captive sources and to address the laundering of specimens taken from the wild through legal captive breeding facilities.

Mr. Webb asked if any of the facilitators could see any opportunity for forensic science to produce an identifier for the subspecies of wildlife specimens so that they could be used to expand decimated populations. Dr. Ogden said that TRACE was developing that kind of system. New techniques using different kinds of markers would allow forensic scientists to identify the subspecies ancestry of individual specimens, but he noted that animals from mixed species in the US could not be used to increase wildlife populations because that would not be best practice from a genetic management standpoint. Dr. Emslie commented that decimated rhino populations could regrow from rhinos in captivity.

Mr. Moell thanked the speakers and the audience for their interesting comments and questions, and remarked on the usefulness of the various tools discussed to judges, prosecutors, investigators, and frontline officers. Dr. Mulqueeny thanked Mr. Moell for his excellent chairing of the session, and invited the chair and panel for the next session to come up on stage. She mentioned that in the CITES plenary session, three shark species had been added to Appendix II.

■ PLENARY SESSION 6 Wildlife Crime, Anti-Corruption, Integrity, and the Rule of Law

Ms. Ioana Botezatu, leader of the International Criminal Police Organization (INTERPOL) Environmental Crime Programme's Project PREDATOR, welcomed all the participants to the last session for the day. She said that this session would look specifically at various anti-corruption measures that would enable frontline enforcement agencies and other legal stakeholders to address threats to the integrity of the wildlife law enforcement system and to uphold the rule of law. Wildlife crime and wildlife degradation, she pointed out, are intimately linked to corruption. Two INTERPOL initiatives in this regard are: (i) international asset recovery, in collaboration with the World Bank, to assist law enforcement agencies in returning stolen public funds to victim countries; and (ii) the Integrity in Sport program, which deals with corruption in sports, match fixing, and irregular betting.

Dr. Shervin Majlessi, regional anti-corruption advisor of the United Nations Office on Drugs and Crime (UNODC) Regional Office for Southeast Asia and the Pacific, underscored the connection between corruption and wildlife crime and the challenges in this area; discussed the connection between the United Nations Convention against Corruption (UNCAC), CITES, and wildlife crime; and made some recommendations.

Dr. Majlessi identified the corruption-related challenges in wildlife crime. These challenges can happen (i) before wildlife criminal operations, such as in the issuance of permits, certificates, and quotas; (ii) during operations, such as in controlling activities; or (iii) after operations, such as in the issuance of permits and licenses for exports and the commodification of wildlife products. Simultaneously, wildlife criminal syndicates can bribe officials to gain preferential treatment, and public officers can extort money from these criminals in exchange for providing legal cover for their wildlife trafficking operations, rendering decisions favoring certain groups over others, or ignoring smuggling. There can also be low-level or petty corruption, wherein law enforcers ignore or even facilitate wildlife criminal activities, as well as high-level or grand corruption, wherein policy makers or legislators issue policies supporting criminal activities.

In the international arena, UNCAC has been providing opportunities for dealing with corruption broadly, and with environmental crimes in particular, since the convention came into force in 2005. UNCAC lays down measures aimed at preventing corruption. It criminalizes certain acts including embezzlement and misappropriation of public funds, trading in influence, abuse of functions, illicit enrichment, bribery, money laundering, concealment, and obstruction of justice. In addition, the convention (i) advances law enforcement and international cooperation; (ii) establishes legal mechanisms for asset recovery; (iii) requires members to adopt anti-corruption measures in the form of laws, policies and strategies, and institutions; (iv) engages nongovernmental actors, the private sector, and civil society organizations; (v) calls for cooperation and coordination; (vi) removes safe havens and closes loopholes associated with corruption; and (vii) urges the imposition of appropriate sanctions.

Dr. Majlessi then presented his recommendations based on an analysis of the connection between CITES and UNCAC. First, governments and nongovernment actors should come up with anti-corruption strategies and consider wildlife crimes in developing and implementing these strategies. Second, stakeholders should adopt preventive measures by promoting transparency and conducting corruption vulnerability assessments to identify and close loopholes. Third, member countries should engage nongovernment actors—the media, the private sector, and civil society—in the fight against corruption. Fourth, members should strengthen their law enforcement systems through the use of special techniques, such as those that trace the money and bribery of foreign officials. Finally, Dr. Majlessi encouraged international cooperation and the conduct of joint investigations to combat corruption in wildlife crimes.

Ms. Botezatu thanked Dr. Majlessi and emphasized the significance of UNCAC, particularly in engaging the private sector, given this sector's desire to thrive in a healthy business environment with plentiful resources.

Mr. Sombat Tuengwiwat, retired police lieutenant colonel and FREELAND Foundation for Human Rights and Wildlife law enforcement advisor to the Thailand National Counter Corruption Subcommittee,

described the situation in Thailand before the launch of Operation Cobra. Only three police officers were charged with wildlife trafficking. Since Operation Cobra was launched in January 2013, law enforcers no longer stopped at arresting ordinary people, but proceeded to investigate all those who might have a connection with a case.

Mr. Tuengwiat then compared and contrasted narcotics crimes and wildlife crimes in Thailand. While both crimes can be committed without being reported by the victim to the police, are highly profitable, and involve violence, they differ in many ways. First of all, penalties for committing narcotics crimes are very high, whereas penalties for committing wildlife crimes are very low. Second, law enforcers can prosecute narcotics syndicates using the anti-money laundering and conspiracy laws, but not wildlife syndicates. Third, police officers who successfully solve narcotics crimes are often promoted, while those working on wildlife crimes rarely, if ever, are.

Then, Mr. Tuengwiat discussed how corruption cases are handled in Thailand.¹⁵ The National Anti-Corruption Commission conducts the initial investigation of high-level public officers (those ranked higher than Level 8), while the Public Sector Anti-Corruption Commission investigates noncommissioned public officers (those ranked Level 8 or below).¹⁶ If either commission finds grounds for pursuing disciplinary action against an accused public officer, then the commission forwards its investigation file to the government agency employing the public officer. In addition, if either commission finds grounds for charging the officer with a criminal offense, then it forwards its investigation file to the Office of the Attorney General for further criminal prosecution. Mr. Tuengwiat concluded that with the Anti-Money Laundering Act, B.E. 2542 (1999), as amended by the Anti-Money Laundering Act (No. 4), B.E. 2556 (2013), taking effect on 2 February 2013, law enforcers can now seize the proceeds of the crime from suspects in wildlife criminal cases.

Ms. Botezatu thanked Mr. Tuengwiat, and pointed out that international enforcement operations such as Operation Cobra, Operation Prey, and Operation Cage were multidisciplinary, multiagency exercises that could destroy any organized crime syndicate in a country.

¹⁵ In 1975, the Government of Thailand enacted its first Counter Corruption Act and established the Office of the Commission of Counter Corruption (OCCC) to deal with corruption in the public sector. But due to limited jurisdiction and powers, the OCCC failed to be an effective anti-corruption mechanism. The Thailand Constitution was then revised in 1997 to provide the needed checks and balances in the exercise of state powers and promote integrity and transparency in the public sector. In 1999, the government passed the Organic Act on Counter Corruption, B.E. 2542 (1999), and appointed the National Counter Corruption Commission as an independent agency. On 15 July 2008, the National Counter Corruption Commission passed Resolution 40/2551 changing its name to the National Anti-Corruption Commission, among other measures. See Office of the National Anti-Corruption Commission. 2009. Historical Perspective. www.nacc.go.th/ewt_news.php?nid=938

¹⁶ The National Anti-Corruption Commission conducts the initial investigation of corruption cases against persons holding political positions—the Prime Minister, ministers, members of the Senate, members of the House of Representatives, and high-ranking officers “accused of being unusually wealthy, committing an offense of abuse of power and authority according to the Penal Code, or committing an offense of dishonesty in office or corruption according to other laws.” On the other hand, the Office of Public Sector Anti-Corruption Commission handles corruption cases involving lower-ranking government officials. See P. Srisanit. *Effective Measures for Combating Corruption*. www.unafei.or.jp/english/pdf/PDF_GG5_Seminar/GG5_Thailand1.pdf, p. 232.

Mr. Ofir Drori, founder and director of The Last Great Ape Organization (LAGA) Cameroon and founder-director of the Central Africa Wildlife Law Enforcement Network, expressed appreciation for the opportunity to speak and briefly introduced the two organizations he was heading. LAGA deals with corruption, while the Central Africa Wildlife Law Enforcement Network comprises wildlife law enforcement agencies in six countries.

Mr. Drori noted that many speakers had identified corruption as a problem in combating wildlife crime without specifying ways of dealing with corruption, and he presumed that this was because governments needed more imaginative solutions. For Mr. Drori, there are many ways of dealing with corruption. He shared with the participants a case study on how LAGA, an NGO, partnered with governments to fight corruption. LAGA first thought of ways of measuring the performance of law enforcement agencies in order to improve its performance. Workshops, seminars, training, seizures, and arrests were considered possible indicators for performance measurement. However, workshops, seminars, and training were merely activities, seizures did not necessarily affect wildlife syndicate operations, and while many offenders were arrested, they were immediately released. LAGA therefore chose to use the number of major traffickers prosecuted and imprisoned as the needed indicator. It discovered that although all countries in West and Central Africa, as well as other countries, had sufficient wildlife legislation in place, none of them were prosecuting wildlife crimes because of corruption.

LAGA discussed its findings with the Government of Cameroon, which agreed to allow the NGO to be involved in law enforcement operations and investigations and in the fight against corruption. LAGA and the Government of Cameroon have joined forces to ensure good governance throughout the law enforcement system. LAGA's undercover investigators infiltrate wildlife criminal syndicates, identify the biggest traffickers, collect evidence, and arrest criminals in the act of committing crime, and its conviction rate is 100%. In the process, LAGA has uncovered corruption; it has encountered bribery attempts in 80% of its arrest operations in the country and in other countries where it operates. LAGA also renders legal assistance by following up cases in court on the government's behalf and ensuring that private lawyer advocates prosecute wildlife cases. It reports to the media the successful prosecution of cases against wildlife traffickers and their imprisonment. This LAGA model has been replicated in the other countries where LAGA operates and in other crime sectors like child trafficking and human rights violations.

To conclude, Mr. Drori encouraged the participants to find their own performance indicators to start with, and suggested starting their search with the imprisonment of big traffickers. He also suggested integrating the fight against corruption into law enforcement strategies, being open to unusual partnerships with NGOs and other concerned stakeholders, and fighting corruption actively and expelling it from every country's governance system.

Ms. Botezatu thanked Mr. Drori for his presentation and highlighted the importance of partnerships as described in the last presentation. NGOs, civil society, media, and other institutions all play important roles in the governance system. She then opened the floor to comments and questions.

Discussion

During question-and-answer time, **Dr. Thaung** reminded the participants of his presentation the day before, where he had identified corruption as a bottleneck in addressing illegal wildlife trade. He thanked the speakers for their enlightening presentations. But he also noticed that very little information had been said about how countries, especially in the developing world, should prepare for the fight against corruption. He asked the panel to think of ways of identifying and addressing the fundamental causes of corruption. In response, Mr. Drori said that certain myths or misconceptions about corruption need to be cleared up. One is that poverty is the cause of corruption, because wealth can also cause corruption, and hence poverty. Another myth is that one can vanquish corruption by simply removing corrupt individuals from public office. Even good and clean public officials are subject to corruption.

Dr. Majlessi added that corruption destroys the rule of law and can render anti-corruption measures ineffective. There should be a more comprehensive national strategy with specific components in place for dealing with corruption. These components include strong political will to fight corruption; resources; and the instruments, laws, and institutions that deal with corruption issues. Countries should also have civil service systems that give law enforcers and other public officers a dignified life, so that they are not tempted to accept bribes. Governments should strengthen the integrity of the judiciary and the rest of the law enforcement chain, and implement multipronged strategies that deal with prevention, law enforcement, and advocacy; engage various actors; and promote transparency. Mr. Tuengwiwat noted the extravagant lifestyles flaunted by corrupt officers who believe that they are too smart to get caught.

Mr. Dasho Phuntsho Wangdi, attorney general of Bhutan, expressed sadness at seeing wild animals being killed, especially considering that Bhutan is a Buddhist country. Buddhism teaches interconnectedness: life is a circle and all living beings are connected, so eating a wild animal is just like eating another member of the family. For Mr. Wangdi, enacting and enforcing laws should be the last remedy. He said that the first thing that needs to be done is to have a change of core values and a change of heart and to make everyone understand why it is wrong to kill and use or eat wildlife. He then thanked all the presenters for their in-depth research on wildlife issues. Ms. Botezatu responded by recommending the use of the 3-A Strategy when talking about feelings and personal choices—being aware of the problem, acknowledging the problem, and adjusting to solve the problem.

Mr. Drori found Mr. Wangdi's message inspiring, but reminded the participants that the symposium was being held to also strengthen wildlife law enforcement. The people that LAGA prosecuted and were imprisoned for their wildlife crimes were hard-core criminals—drug dealers and arms traffickers—and not people who could be easily talked into changing their core values. Everyone should take part in actively fighting corruption. Dr. Majlessi affirmed that Mr. Wangdi's words were inspiring, but said that the reality is that raising awareness and advocating anti-corruption and wildlife crime measures alone will not end corruption and wildlife crimes. He recommended implementing preventive measures that reduce the opportunities for corruption, like education campaigns and increased transparency and oversight in government processes.

Ms. Botezatu closed the session by emphasizing that poverty and pure greed spark corruption, but that stakeholders can fight corruption through strong political will, national anti-corruption systems, anti-corruption academies and law enforcement, collaboration, and new, innovative partnerships. She then thanked the speakers and all the participants.

HIGHLIGHTS

DAY 3: 12 MARCH 2013

On the third day of the symposium, the participants themselves selected which of two groups they wanted to join. The Track 1 Group engaged in interactive discussions on wildlife law, policy, and governance, while the Track 2 Group received technical training in special investigative techniques.

■ **TRACK 1** Interactive Discussion on Wildlife Law, Policy, and Governance

The Track 1 Group took part in four breakout sessions on wildlife law, policy, and governance. Panelists first gave their comments on the specified topic in order to guide the participants in answering the issues or questions for consideration in each session. The participants split into subgroups to discuss the questions, given their own country's perspective and under the guidance of the panelists and resource persons. Each subgroup had to designate a rapporteur to take down notes, and a representative, who could also be the rapporteur, to present their responses to the bigger group.

○ **TOPIC 1** Wildlife Policies and Legal Frameworks— Legal Constraints to Enforcement

Ms. Patricia Moore, international legal expert, former head of the International Union for Conservation of Nature's Regional Environmental Law Programme Asia Division and Ecosystems and Livelihoods Group Asia Division, welcomed everyone to the first session of Track 1. She informed the participants about the session dynamics. Eminent speakers would first say something about the guide questions in the context of their own countries and their own national legislation, and then the participants would form smaller groups to deliberate on these questions.

There were two guide questions for this first session. First, what challenges in wildlife (flora and fauna) law enforcement affect the nature, content, and drafting of the laws themselves? And second, what are some of the legal loopholes that prevent effective wildlife law enforcement?

Ms. Moore then introduced the speakers for the session.

Mr. Asis G. Perez, director of the Bureau of Fisheries and Aquatic Resources of the Philippine Department of Agriculture, began by noting that most of the countries represented in the symposium have constitutional provisions relating to wildlife. The Philippine Constitution, for instance, provides that wildlife and all other natural resources are owned by the state, which has enacted sufficient wildlife legislation. There is a general consensus among lawyers in the Philippines that, while there are areas for improvement in the country's wildlife legislation, there are not enough loopholes in the law to prevent anyone from enforcing it.

Mr. A. Perez then shared three main obstacles to effective wildlife enforcement in the Philippines. First, the government finds it difficult to communicate the law properly to all its citizens, given that there are almost 100 million Filipinos and about 86 different dialects in the Philippines. Philippine laws are written in English and not all Filipinos have English as their primary language. Second, each government agency charged with enforcing the rule of law has a different jurisdiction. Some agencies enforce the law at the national level, while others enforce the law at the regional and local levels. Third, Mr. A. Perez said that he found it hard to draft the implementing rules and regulations of the wildlife law. If these rules should be drafted for each species, how many species should be covered or what should the condition of the species be at the time they are taken from the wild or are in the possession of the government authorities? He also told the participants that under Philippine law, taking and possessing in violation of the law are two distinct crimes, and whether the crime, or its object, was discovered in the market, in transit, or elsewhere could complicate the drafting of the implementing rules and regulations.

Ms. Moore stated that while some governments already have sufficient wildlife legislation and now require only the means to enforce the law, there are also countries that still need wildlife law reform.

Chief Justice Qazi Faez Isa, chief justice of the Balochistan High Court in Pakistan, identified problems in Pakistan's wildlife legislation. First, the law always fixes the penalty for violations. For Chief Justice Qazi, the fine should be set by subordinate legislation, and should thus be equivalent to the amount prescribed by the government. Second, the law does not distinguish between wildlife hunters. Chief Justice Qazi opined that the law should distinguish between a recreational hunter and a professional hunter, with the latter meriting harsher penalties for the illegal taking of wildlife. Third, he noted that Pakistan's legal system is punishment oriented, and suggested looking at creative penalties like community work orders and probation in lieu of imprisonment for those who, for lack of education, did not know that they were committing wildlife crime.

Chief Justice Qazi also confirmed his statement from the previous day that creative judges could take advantage of legal loopholes to better adjudicate wildlife cases. But this option presumes that first-level environmental judges are aware of the relevant laws. For this reason, he said, there was a need to sensitize these judges to wildlife issues and make them aware that wildlife crime is a serious offense, even though the legislature may have enacted laws that provide minimal impossible prison sentences.

To end, Chief Justice Qazi agreed with what Justice Shah said the previous day about how humans tend to ignore what happens to other species and how they should be treated, fed, and transported. Judges are largely uninformed about how they should respond to this situation. They should be guided as to how best to care for the wildlife involved in a particular case, such as through practice directives, because even with the best of intentions but without such knowledge, judges could render an order detrimental to the welfare of the specimens involved.

Ms. Moore thanked both speakers for getting the participants started toward answering the guide questions. She urged the participants to also consider answering the questions that Chief Justice Qazi raised during his presentation, or those that occurred to the participants themselves as they were listening to the two speakers. She then reminded the subgroups to select their rapporteur and representative to present their responses to the guide questions.

The participants discussed among themselves the challenges in wildlife legislation and wildlife enforcement. Thereafter, their designated representatives presented the results of each subgroup's discussions.

■ Discussion

Dr. Koh Kheng-Lian, director of the Asia-Pacific Centre for Environmental Law, said that her subgroup consisted of a delegate from Bangladesh and representatives from three ASEAN countries, namely, the Philippines, Singapore, and Viet Nam. She presented the comments of the ASEAN delegates, while the representative from Bangladesh delivered the South Asian perspective. She highlighted the loopholes in the procedural rules of many ASEAN countries, especially with respect to the number of fauna and flora species, expert evidence to identify the particular species seized and their origin, and the rules that would apply if only parts, instead of whole specimens, are seized. She pinpointed the transnational jurisdictional issues that must be resolved in cases where specimens are taken from one country and processed in or shipped to another country. She also questioned the applicability or usefulness of the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, given that not all ASEAN countries had adopted this instrument, and whether wildlife issues should form part of the ASEAN Senior Officials Meeting on Transnational Crime as part of the transnational challenges facing the region. The representative from Bangladesh related that the country's Wildlife (Protection and Safety) Act (2012) provides adequate punishment for wildlife crimes, but poverty drives many to commit wildlife crimes. Lack of awareness and the reluctance of witnesses to come forward serve as obstacles to the prosecution of offenders. Corruption also facilitates wildlife crimes.

Ms. Moore thanked Dr. Koh's group and expressed appreciation for the fact that Bangladesh has a new law with strong penalties.

Justice Syed Mansoor Ali Shah, judge of the Lahore High Court in Pakistan, described his group as diverse, comprising representatives from India, Malaysia, Nepal, and Pakistan. He said that the group started their discussion by thinking about the real focus of CITES and came up with four recommendations. First, before enacting new national wildlife legislation, the officials concerned must have a certain level of understanding of the biodiversity of their country or region and scientific data on the relevant links between wildlife species and governments' ecological sensitivities. Second, countries should then consider mirroring CITES in their national wildlife law, which should also cover domestic wildlife protection and wildlife products. Third, countries need to devote time and resources to training judges, prosecutors, foresters, and other components of the wildlife enforcement chain; consolidate their wildlife law with their environmental law and other legislation; and integrate specialized judges to deal with wildlife and other environmental issues collectively. Lastly, countries should also allow community participation in wildlife-related matters. He concluded by urging the participants to seriously think about how they would craft their wildlife law to capture all sensitivities involved and thus arrive at a more effective law, with more people aware of the law, and more enforcers and other stakeholders trained to deal with these issues.

Ms. Moore thanked Justice Shah's group and noted how the group had raised several procedural issues and deliberated on content and the process of drafting a new law.

Mr. Irawan Asaad, a conservation officer at the Directorate of Areas Conservation and Protected Forest Management under the Directorate General of Forest Protection and Nature Conservation of Indonesia's Ministry of Forestry, spoke on behalf of his group, comprising 10 members from Bhutan, India, Indonesia, Myanmar, Spain, Thailand, and the US. The group identified lack of legal awareness on wildlife matters as a fundamental challenge. Many Asians are superstitious and feel the need to possess wildlife; many enforcement officers, on the other hand, do not value wildlife. Due process in Bhutan also takes too long. Indonesia has too many laws—forest, environmental, and customs—that overlap with one another, are outdated, and provide weak penalties. Many Asian countries share borders with other Asian countries, so having memorandums of understanding in place to govern transborder wildlife shipments would be ideal. Mr. Asaad ended his report by talking about India's wildlife bureau, which operates under a special act and collaborates with police and customs, and expressing a desire to hear more about Indonesia's green courts.

Judge Evangeline Castillo-Marigomen, judge of an environmental court in the Philippines, said that her group was composed of a member from Pakistan, another from the US, and eight from the Philippines, so they concentrated on Philippine issues. Judge Castillo-Marigomen agreed with Mr. A. Perez's observation that there are already many relevant laws in the Philippines. The only pressing problem, she said, is the budget constraints, which could be addressed by Congress. She also recognized the benefit of convening participants from different jurisdictions because that allowed them to share best practices, like the strategic lawsuit against public participation and the writ of *kalikasan*, which are examples of environmental case-specific remedies and reliefs.

Noting that three groups had already identified procedure as a challenge in wildlife law and enforcement, Ms. Moore invited the participants to take a look at the special Rules of Procedure for Environmental Cases issued by the Supreme Court of the Philippines.

Lastly, Mr. Steve Galster, founder and executive director of FREELAND Foundation for Human Rights and Wildlife, chief of party of Asia's Regional Response to Endangered Species Trafficking (ARREST) Program, and director of field operations of WildAid, said that his group was composed primarily of delegates from the Lao PDR, Malaysia, and Nepal. According to the representatives from Malaysia, that country already has adequate legislation and is in fact a CITES Category 1 country, but it faces enforcement challenges and difficulty securing convictions because field officers still need training in building cases that can stand in court. They cannot expect judges to build cases because that would create a conflict of interest. The representatives from the Lao PDR, a new CITES member, saw the need for the national law to be more fully developed to be compliant with CITES, for CITES authorities in the Lao PDR to ensure that the provincial forestry agencies are updated on CITES, and for the central CITES authority to sensitize all other agencies to CITES. The Nepal delegates noted the need to update and harmonize their laws to protect all CITES-listed species and establish specialized forensics laboratories to support prosecutions.

Mr. Galster shared the group's discussion about captive breeding, controlled deliveries, investigation, and capacity building. The Malaysian delegates pointed out that after Anson Wong was convicted, the government also revoked his license to engage in captive breeding. Meanwhile, the group members were confused as to whether controlled deliveries could be used under their laws to detect and prosecute wildlife crime. Mr. Galster opined that all the members agreed that they needed more investigation training

for field officers to improve the conviction rate. He then stressed that ASEAN-WEN has a position for each ASEAN country's task force or prosecutors. However, he said, prosecutors did not seem to have been successfully encouraged to join that forum.

○ TOPIC 2 Sentencing, Penalties, and Securing Convictions for Wildlife Crime

Mr. John T. Webb, retired assistant chief of the Environmental Crimes Section of the US Department of Justice, chaired the second session of Track 1 on sentencing, penalties, and securing convictions for wildlife crime. He said that this session would follow the same dynamics as the first session, and recognized the incredible assembly of distinguished participants, especially the esteemed judges and prosecutors, attending this symposium.

Mr. Webb then discussed the three guide questions for this session. First, what are the existing penalties for wildlife crime, and how adequate are these in deterring further crime? Second, what must prosecutors and judges do to improve wildlife law enforcement and conviction and ensure that adequate penalties are imposed? Finally, how are anti-corruption, anti-money laundering, and integrity measures being promoted in the wildlife enforcement regime, and how should they be promoted? To further direct the participants in answering these questions, he asked them to consider whether they have standardized criteria for rendering judgments that establish precedence or whether the sentences handed out depend on the statute or the judge deciding the case.

Then, Mr. Webb turned the floor over to the first speaker.

Justice Yang Arif Tan Sri Abdull Hamid bin Embong, justice of the Federal Court of Malaysia, again thanked CITES and ADB for organizing this symposium. Repeating his statement the previous day on the number of environmental laws in Malaysia—38 principal acts and 17 subsidiary laws—he said that perhaps the country has too many laws and too many enforcement agencies. Even enforcement officers, investigators, prosecutors, and judges are confused and everyone needs training in these laws. This confusion and low awareness of environmental laws among investigators and prosecutors leads to the limited filing of environmental cases in court. Justice Embong identified a shortage of investigators and prosecutors and lack of technical expertise were among the problems at the investigation and prosecution levels. A certain level of understanding of the law and technical proficiency in gathering evidence, building a case, and presenting evidence is crucial in prosecuting any criminal. The process of making an arrest and gathering evidence, on the other hand, has to do with investigation and is a completely different story from securing a conviction. The laws are already there and it is now up to governments to ensure that there are sufficient investigators and prosecutors to file cases against offenders and secure convictions.

Looking at Malaysia's wildlife legislation, Justice Embong found the prescribed penalties sufficient. He related that Anson Wong was first charged with illegally exporting boa constrictors before the sessions court, which fined him RM190,000 (or about \$58,660). The public prosecutor appealed the decision to the high court, which increased the penalty to 5 years' imprisonment—the maximum penalty under the law. Wong appealed to the Court of Appeal, which just by examining the cold hard facts of the case and of the charge, ruled that since the charge was only for exporting snakes without a permit, the 5-year sentence was too harsh for a first-time offender. The Court of Appeal thus reduced the penalty to 17.5 months.

Comparing the judges of the high court, who ruled on the basis of their prior knowledge of Anson Wong's criminal activities, with the Court of Appeal judges, who ruled on the basis of the cold hard facts of the case, Justice Embong concluded that judges should be more aware of the cases they handle and should therefore be educated on wildlife issues.¹⁷

Mr. Webb thanked Justice Embong and informed the participants that Anson Wong was first prosecuted in the US for illegal trafficking in endangered species and was sentenced to almost 6 years' imprisonment as a result of an undercover investigation conducted by the US Fish and Wildlife Service.

Justice Jose P. Perez, associate justice of the Supreme Court of the Philippines, discussed the law implementing CITES in the Philippines, i.e., Republic Act 9147, or the Wildlife Resources Conservation and Protection Act, which criminalizes, among others, (i) trading in wildlife; (ii) collecting, hunting, or possessing wildlife; and (iii) transporting wildlife. The law also provides fines and penalties for committing any illegal act as defined under the law. For instance, for trading in wildlife, the law provides penalties ranging from 10 days' imprisonment or a fine of ₱200 (approximately \$4), up to 4 years' imprisonment or a fine of ₱300,000 (approximately \$6,693), or both, depending on the classification of the species involved.

Justice Perez also shared that on 13 September 1991, the Department of Environment and Natural Resources, one of the Philippine government agencies entrusted with environmental law enforcement, issued Administrative Order No. 48, establishing a national list of rare, endangered, threatened, vulnerable, indeterminate, and insufficiently known species of wild birds, mammals, and reptiles in the Philippines. This regulation specifically incorporates CITES Appendixes I, II, and III in the national list and prohibits trading in any of the listed species, subject to certain exceptions.

In conclusion, Justice Perez said that the Supreme Court of the Philippines had promulgated the Rules of Procedure for Environmental Cases, A.M. No. 09-6-8-SC, to govern procedures in civil, criminal, and special civil actions concerning the conservation, development, preservation, protection, and utilization of the environment and natural resources. These rules adopt several environmental principles and provide innovative remedies such as strategic lawsuits against public participation. Justice Perez added that the law designates the Department of Environment and Natural Resources Protected Areas and Wildlife Bureau and the Bureau of Fisheries and Aquatic Resources of the Department of Agriculture as the management authorities for terrestrial and aquatic resources, respectively.¹⁸

¹⁷ Specifically, the charge against Anson Wong was for exporting 95 boa constrictors without a permit. He pleaded guilty and the Sepang Sessions Court sentenced him to 6 months' imprisonment and imposed a RM190,000 (or about \$58,660) fine. The prosecution appealed for a heavier sentence, prompting the high court to impose a 5-year imprisonment sentence. However, the appellate court set aside the RM190,000 fine, saying that it was beyond the sessions court's jurisdiction, and imposed a maximum fine of RM10,000 (or about \$3,087). Wong appealed to the Court of Appeal, which affirmed the high court's decision to set aside the RM190,000 fine, but reduced the prison sentence to 17 months and 15 days on the grounds that the high court had erroneously considered facts outside the charge in imposing a harsher penalty. See The Star Online. 2013. Wildlife trader Anson Wong freed after court reduces jail term. 25 May. www.thestar.com.my/news/nation/2012/02/22/wildlife-trader-anson-wong-freed-after-court-reduces-jail-term.aspx

¹⁸ However, with respect to species within the province of Palawan, Republic Act No. 9147 vests the implementation of CITES in the Palawan Council for Sustainable Development pursuant to Republic Act No. 7611, or the Strategic Environmental Plan for Palawan Act.

Ms. Bimba Jayasinghe Tillekeratne, president's counsel and additional solicitor general in the Attorney General's Department of Sri Lanka, greeted everyone and thanked CITES and ADB for giving the Sri Lankan delegation a chance to speak at this symposium. She then explained Sri Lanka's existing laws on wildlife crime: (i) the Fauna and Flora Protection (Amendment) Act, No. 22 of 2009, and (ii) the Customs Ordinance.

The amendment to the Fauna and Flora Protection Ordinance increased the penalties for committing wildlife offenses,¹⁹ and criminalized the discharge of any poison, waste material, garbage, or any other pollutant on any land or water coursing through any national reserve, among others. The ordinance also has a special section on the protection of elephants in the context of Sri Lanka's traditional practice of rearing elephants. To own, possess, or use an elephant, one must first register and obtain a license to do so from the director general of wildlife conservation or any duly authorized wildlife officer. Otherwise, that person shall, on conviction, be liable to fines and imprisonment.

Ms. Tillekeratne also said that since many people know Sri Lanka to be a biodiversity hot spot, an increasing number of foreigners are coming to Sri Lanka on the pretext that their visit is for a scientific purpose, when in fact the visit is for the purpose of extracting Sri Lanka's valuable resources. She then narrated how a foreign couple was arrested and convicted for illegally collecting endangered endemic orchids and other exotic flora without a permit.²⁰ The Government of Sri Lanka was forced to allow the couple to stay in the country, as it took the necessary steps to bring them to justice.

To end, Ms. Tillekeratne stated that the Fauna and Flora Protection (Amendment) Act includes listings of protected plants, mammals, reptiles, birds, fish, and invertebrates, as well as listings of species that are not protected. According to her, most of the species protected under CITES are also protected under Sri Lankan legislation, and the Government of Sri Lanka has taken steps to protect and regulate wildlife species.

Mr. Webb thanked Ms. Tillekeratne and noted that the panelists' presentations seemed to indicate that the courts often have inadequate information about the offender's previous offenses and the significance of the crime under litigation. He therefore asked the participants to discuss what factors and pieces of evidence their courts would consider so that they could get the maximum benefits from the convictions they secure. This is to ensure that the law enforcement system does not only punish the offender for his wrongdoing, but that it also establishes deterrence—a message to the public to think twice about committing crimes. The US, for instance, has established a reputation for imposing harsh penalties for wildlife crimes.

¹⁹ Under the Fauna and Flora Protection (Amendment) Act, No. 22 of 2009, the imposable penalties for committing wildlife offenses range from SLRs5,000 (or about \$38) to a maximum of SLRs500,000 (or about \$3,838), depending on the nature of the offense committed..

²⁰ In November 2012, a Sri Lankan court found Marfin Stanislav and Smirnova Irina Olegovna, a Russian couple, guilty of illegally collecting 345 exotic plants representing 32 endangered species of orchids and other exotic flora, obstructing a wildlife official, and attacking a cameraman. The court fined them SLRs1.19 million (or about \$9,134) for illegally possessing the plants, SLRs20,000 (or about \$154) for obstructing a wildlife official by biting his hand and resisting arrest, and another SLRs20,000 for damaging his camera outside the court house. See Naharnet Newsdesk. 2012. Sri Lanka Fines Russian Couple for Holding Exotic Orchids. *Naharnet*. 23 November. www.naharnet.com/stories/en/61979

Ms. Mukti Narayan Pradhan, then attorney general of Nepal, noted that while the participants came from different sectors, they had just one objective: to enforce the rule of law to conserve and protect wildlife. He emphasized that all components of the law enforcement system are crucial in ensuring wildlife preservation and protection.

Mr. Pradhan then talked about Nepal's judicial system. He observed that although many people feel the need to preserve and protect wildlife, they are prevented from doing so by an inadequate judicial system. He also found their judicial system ineffective because forestry officials themselves investigate and decide wildlife cases. In other words, the same institution investigates and gives the verdict. After stating the impossible penalties for killing wildlife or possessing wildlife or wildlife products in Nepal, he concluded that the rule of law should not be confined to a theoretical notion; instead, stakeholders should commit themselves to wildlife preservation and protection for the future of the world.

Mr. Webb thanked Mr. Pradhan and commented on the importance of having stakeholders discuss the rule of law from an anti-corruption perspective.

Ms. Helge Elisabeth Zeitler, legal officer at the International Environmental Agreements and Processes Unit of the Environmental Crime Division of the European Commission, greeted everyone and presented a policy perspective on wildlife issues and discussed the situation in the EU. The EU has a single market, which allows the free circulation of goods as soon as they cross the external borders of the EU, thus creating a huge challenge for law enforcement. The EU also has a common definition of wildlife crime. However, members of the EU are themselves responsible for law enforcement, and, hence, enforce the same rules in different ways, given their different criminal law systems. At the EU level, members are only required to impose effective, proportionate, and dissuasive sanctions. They can then decide how they can comply with this requirement.

Ms. Zeitler also said that many argue for harmonizing the sanctions at the EU level, given their common market and common customs unit to ensure that there are neither loopholes nor safe havens for committing wildlife crimes. But harmonizing these sanctions would require ensuring these integrate well into, and are coherent with, each member's national system, and that, overall, the criminal law systems across the EU are consistent. At present, what is crucial for the members is that they have a maximum sanction for committing wildlife offenses of more than 1 year, which is the threshold for many judicial cooperation instruments among the member states.

For Ms. Zeitler, it is important that members use various accessory penalties, including confiscation or forfeiture of the proceeds of the crime, and a combination of criminal and administrative sanctions. At present, however, there is a vicious cycle of having very few wildlife cases filed in court, which justifies having few prosecutors handling these cases, which leads to having only a few judges with experience in adjudicating these cases. This vicious cycle causes many to think that wildlife crime is not a serious matter and happens only rarely. Consequently, the EU invests in training for all levels of law enforcement and encourages networking among prosecutors and judges, like the European Union Forum of Judges for the Environment, and the European Network of Prosecutors for the Environment.

Ms. Zeitler concluded that member states with specialized prosecutors and/or judges are much more active in enforcing wildlife laws and produce more successful prosecutions. For instance, some members

have specialized traveling prosecutors, who could be deployed to courts in rural areas to handle additional cases and bring additional expertise to these areas in the process. Finally, she identified the need to bring together at the policy level the communities involved in advancing the betterment of the environment and in fighting organized crime.

Mr. Webb thanked Ms. Zeitler and remarked on the importance of specialized prosecution units in obtaining more adequate sentences and of judges meeting regularly to deliberate on environmental issues. He then asked the participants to form groups and answer the three guide questions for this session, and in addition consider whether their countries allow alternative penalties, or the filing of white-collar or economic crimes in lieu of wildlife crimes. He also advised the participants to explore aspects they need to improve, and ways of presenting the evidence in the courtroom to enable judges to hand out the desired kinds of sentences.

■ Discussion

After the participants finished with their breakout group discussions, **Dr. Ananda Mohan Bhattarai**, judge in the Court of Appeal of Nepal, began by describing his group as consisting of delegates from India, Malaysia, Nepal, and the US. He then summarized his group's discussions.

On the adequacy of their countries' existing penalties for committing wildlife crime, Judge Bhattarai noted that their group comprised members from different countries with different sets of laws that prescribe different sets of punishments. The maximum punishment for committing wildlife crime for India is imprisonment of 7 years, for Malaysia, 5 years, and for Nepal, 15 years. Nepal's wildlife legislation was enacted in 1972—before the signing of CITES—and has not been reviewed since, so its provisions do not correspond with the CITES provisions. He also said that all the members of his group believe in the rule of law, which must be just and reasonable with respect to both wildlife and humans. Offenders should get a fair trial, which ensures the observance of the constitutional postulate of presumption of innocence.

He added that sentencing guidelines that consider whether the accused is a first-time offender or a recidivist, and perhaps a kingpin, should be in place, to ensure consistency of penalties. Overemphasizing the severity of punishment may lead to low conviction rates because judges might not be predisposed to impose a very harsh punishment. Instead, governments should think more about closing loopholes in the investigation process.

As to what prosecutors and judges should do to improve enforcement and conviction and to guarantee the adequacy of penalties imposed, Judge Bhattarai reported that the members examined the lack of facilities and scientific tools to facilitate investigations. He said that since frontline officers need to conclusively identify a seized item as belonging to a protected wildlife species and prove that a claimed fake wildlife product is a genuine product, each country must have the basic minimum facilities to investigate wildlife crime in order to speed up investigations. This requirement is amplified by the need to also abide by the principle of presumption of innocence and satisfy the standard of establishing guilt beyond a reasonable doubt in criminal cases. Hence, countries must help one another set up DNA laboratories and other forensic facilities, and enter into mutual legal assistance treaties with neighboring countries.

As to how anti-corruption, anti-money laundering, and integrity measures can be promoted in the wildlife enforcement regime, Judge Bhattarai said that his group believed that their countries had sufficient laws on corruption and money laundering, but how these relate to wildlife crime was another matter. One group member suggested analyzing the syndicates' modus operandi. For instance, they realized that Anson Wong was very meticulous with his paperwork and saw to it that his papers made his transactions seem clean. The group also explored the possibility of checking whether any person had engaged in wildlife trafficking in any neighborhood and finding out any possible connection between that person and the state authorities.

Mr. Webb thanked Judge Bhattarai for communicating his group's responses and suggested that the participants look into the US sentencing guidelines available on the United States Sentencing Commission website, and study if and how governments can penalize corporations that are involved in wildlife crimes. He also advised them to examine cases of cross-border crimes, where pieces of evidence can be found in other countries.

The second group consisted of delegates from Bangladesh, Singapore, and Viet Nam. Their representative, an officer from the Supreme Court of Bangladesh, first stated that Bangladesh's current wildlife legislation, i.e., the Wildlife (Protection and Safety) Act (2012), which amended Bangladesh Wild Life (Preservation) Order (1973), or the President's Order No. 23 of 1973, provided adequate penalties for committing wildlife crimes. He then gave examples of the penalties that could be imposed on first-time offenders and on recidivists.

Second, the representative voiced his group's proposal to have a prosecutor assigned to supervise the investigations conducted to ensure that offenders could not find any loopholes that would secure their acquittal. Further, prosecutors should get proper training in the existing laws and produce witnesses on time; otherwise, they would be made accountable for any negligence. Judges, on the other hand, should adjudicate wildlife cases in such a way as to guarantee that wildlife criminals are punished on the basis of the evidence presented in court. Other stakeholders, including investigating agencies, frontline officials, customs officials, immigration officials, and border security guards and other law enforcers, should also be vigilant in discovering and monitoring wildlife crimes.

Lastly, the representative opined that Bangladesh's Anti-Corruption Commission Act (2004) and Money Laundering Prevention Act (2012) should be strengthened to offer sufficient protection to wildlife resources.

Ms. Anitha Shenoy, an advocate on record of the Supreme Court of India, expressed gratitude to CITES and ADB for inviting her to attend this symposium, which she found to be an enriching experience. Her group comprised delegates from Bhutan, India, Indonesia, Myanmar, and Thailand.

On the first question, Ms. Shenoy stated that these countries have imposable penalties for wildlife crimes ranging from 3 years to 7 years for first-time offenders and a higher penalty range for subsequent offenders, along with corresponding fines. She found it interesting that Bhutan imposes fines based on the market value of the wildlife product hunted or sought to be illegally exported or imported, without any fixed range set by law. Their governments could also forfeit ill-gotten wealth amassed from wildlife crimes. To supplement these penalties, their governments had instituted reward systems to incentivize

informants and other people contributing to the detection of wildlife crimes. Bhutan gives incentives equal to the market value of the wildlife product sought to be exported, while India gives a percentage of the fine collected.

Ms. Shenoy also told the participants that the Indonesian member of her group suggested raising the category of wildlife crime to that of an extraordinary crime like terrorism to merit higher prison sentences and higher fines. Moreover, the Government of Bhutan would prefer to compensate people who suffer losses due to wildlife attacks rather than allow them to kill the wildlife species that caused their losses.

Finally, Ms. Shenoy noted that all the countries represented in her group have their own anti-corruption laws. The Thai delegate suggested that governments should attach social stigma to corruption by publicizing discovered corrupt practices.

Mr. Webb thanked Ms. Shenoy for her presentation and urged the participants to consider who could prosecute corruption cases—could it be the same person who prosecutes wildlife cases? He then requested the next presenters to focus on topics that had not yet been discussed by the earlier groups.

Ms. Josefina De Leon, officer-in-charge and division chief of the Wildlife Resources Division of the Philippine Department of Environment and Natural Resources Protected Areas and Wildlife Bureau, enumerated various Philippine laws on wildlife and habitat preservation, namely (i) Republic Act No. 7586, or the National Integrated Protected Areas System Act of 1992; (ii) Republic Act No. 8485, or the Animal Welfare Act of 1998; (iii) Republic Act No. 8550, or the Philippine Fisheries Code of 1998; (iv) Republic Act No. 9072, or the National Caves and Cave Resources Management and Protection Act; and (v) Republic Act No. 9147, or the Wildlife Conservation and Protection Act. All of these laws provide penalties for violation of prohibited acts.

Ms. De Leon, however, noted that the imposable penalties under the aforementioned laws primarily depend on the nature of the illegal act committed, and fail to consider the number of specimens affected by such act. Moreover, Philippine courts have the discretion to impose either the minimum or the maximum penalty. These aspects compel public prosecutors to have a thorough understanding of the magnitude of the crimes committed so that they can establish the basis for the court's imposition of the highest penalties possible.

Ms. De Leon also said that the prosecutors and judges in the Philippines undergo training in wildlife and other environmental laws, such as those conducted by the Philippine Judicial Academy, with funding provided by the US Department of the Interior. Lastly, to address corruption issues, the Government of the Philippines has adopted an incentive system and instead of crime detection, has expressed its preference for crime prevention, through education campaigns and high visibility of enforcement officers. The government gives various forms of reward to well-performing enforcers, such as the present administration's performance-based bonus system.

In conclusion, Ms. De Leon identified the need for a resource valuation mechanism to enable enforcers to appraise the value of wildlife specimens. She also referred to their program for encouraging poachers to take part in wildlife protection by becoming a part of the government warden system.

Ms. Lye Lin Heng, associate professor and deputy director at the Asia-Pacific Centre for Environmental Law, described her group as comprising delegates from the Lao PDR, Malaysia, and Nepal. She stressed that judges should be aware of the severity of wildlife crimes, and should therefore not follow the general sentencing guidelines. She described a scenario wherein the general sentencing guidelines do not impose the maximum penalties under the law on first-time offenders, although they may have committed a wildlife crime, in addition to the crime under litigation. For Ms. Lye, the judge hearing the case should not think twice about imposing the most severe sentence to dissuade others from engaging in these nefarious activities.

Ms. Lye also raised the argument of the group's Nepalese member: poverty drives many to commit wildlife crimes, so instead of spending all their resources on strengthening their enforcement mechanisms, governments should involve villagers in protecting wildlife and the environment and in enforcing relevant legislation. She also mentioned the point made by her Lao PDR group member: in countries like the Lao PDR, where wildlife consumption is part of the culture, governments should educate the people about whether they really benefit from consuming wildlife.

Mr. Webb then thanked all the panelists for sharing their thoughts on the topic for this session and everyone who joined the breakout groups for their presentations. He encouraged the participants to ask themselves several questions arising from this session's discussions. First, what should the courts hear from the prosecution in order to fashion the sentence? In other words, what should they hear about the background of the accused or of the wildlife trade involved in the charge? For Mr. Webb, the more the judges hear about the accused's profile and the extent of the wildlife trade involved, the more likely it is for the prosecution to get the desired sentence. Second, where can those interested in learning more about wildlife crimes get the necessary training? Lastly, Mr. Webb asked the participants to consider presenting the possible cases against wildlife criminals so that courts can render the kinds of sentences that are most preferred by investigators and prosecutors and that judges can be comfortable imposing.

TOPIC 3 Multimedia, Social Media, and Technology: Innovating for Wildlife

Mr. Jim Wingard, cofounder and legal director of Legal Atlas and an international consultant of ADB, facilitated this session on the role of multimedia, social media, and technological innovations in educating people on wildlife issues to make them aware, care, and act on wildlife crime as well as to improve enforcement efforts. He informed everyone that three panelists would first be giving their 10-minute presentations. The participants would then be allowed to give comments and ask questions of the panelists. Afterwards, another set of panelists would be giving their own presentations and entertaining questions from the audience. He then called on the first speaker.

Mr. Eric Phu, marketing consultant and former vice chair of the Interactive and Direct Committee of the Association of Accredited Advertising Agencies of Hong Kong, shared with the participants the six lessons he learned over the last 10 years of working on various projects and using social media and technology to control demand for certain products.

To start, Mr. Phu described the world on the basis of advertisements and the media. In the past, one would have to spend a great deal of money to buy media time and hire expensive agencies to promote

a product through advertising. But, over time and with technological advances, anyone can now publish advertisements. Anyone can produce films and upload them to YouTube. Anyone can write articles and publish them online. Consequently, consumers and communities now possess more power to pass messages to others.

Mr. Phu then shared the following six lessons. First, the concept of “social media” is social first and media second. Many tend to focus more on the media side and forget that the social media are fundamentally social. Since 2009, social media have become a huge topic for everyone owing to the countless people involved and content circulating through such media which rely on word of mouth and people’s trust in the recommendations of their family and friends. The social media are essentially word of mouth amplified by technology. He then illustrated how NGOs can make use of social media by sharing how Charity Water enables people to contribute by simply entering their birthdate and asking their friends to donate.

Mr. Phu also presented a diagram showing how social media can be used by social media practitioners. First, these practitioners must understand consumers by listening to consumer insights and measuring their behavior and then devise a plan or strategy for communicating their message, based on consumer responses. Practitioners should then engage consumers through tactical and long-term campaigns, measure results, and use these results to adjust their strategy as needed.

The second lesson is that plans come before tools. Many companies invest a lot of money in a social media platform to gather followers without any idea what to do with these followers. Mr. Phu explained that in marketing, advertisers use a “consumer funnel,” which applies different tools at different stages of attracting and influencing consumers, to plan their campaigns. In other words, different advertising methods should be used to deal with consumers who are in the various stages of product knowledge and loyalty—awareness, consideration, conversion, loyalty, and advocacy or word of mouth.

Mr. Phu noted that many wildlife conservation activities concentrate on generating awareness of the problem. But awareness might not be the issue, so there is a need to get to the next step, which is consideration, and thus get people to consider the problem relevant. Then, wildlife conservation organizations must get people to convert and adopt the correct behavior, such as no longer buying wildlife products, and then influence these people to believe strongly in the correct consumption behavior and recommend that behavior to others.

The third lesson is that “data is god.” Mr. Phu quoted Ronald Coase, professor emeritus of economics at the University of Chicago Law School, who said “If you torture the data long enough, it will confess.” Good content is necessary to get people interested in what is said, and therefore to multiply the impact of environmental campaigns. Mr. Phu urged the participants to look at the huge amount of existing data that they were probably not tapping into. There are also many tools online that can aggregate information from social media to know the people’s opinions on conservation. He then shared several online tools for listening to the chatter in social media circles with varying degrees of strength, weakness, and ability. For instance, participants can use Facebook to find out who visits their page, as well as the demographics and location of their followers, to alter their campaigns accordingly.

The fourth lesson is to leverage the wisdom of the crowds. There is a huge amount of wisdom available from the millions of people online who are willing to contribute time, energy, and effort to provide information. Clay Shirky, a technologist, wrote a book on this phenomenon, which he calls “cognitive surplus.” Wikipedia is a great example. Over 100 million hours have been spent so far creating Wikipedia, which has over 200,000 pages in 100 languages. However, these figures might not sound too impressive when compared with the 2 billion hours every year spent watching television. To illustrate, Mr. Phu said that Greenpeace created a website where the public can select an image that an oil company would typically use in its advertising strategy and create mock advertisements scoffing at oil companies and the industry as a whole. Organizations can also use platforms like Kickstarter to generate funds for their projects, One Billion Minds to gather like-minded individuals to contribute to their projects, and paper.li to create online newspapers for free.

The fifth lesson is that innovation does not always involve technology. Innovation can also be a new way of looking at a given problem. By way of example, Mr. Phu narrated how KitKat created special packages including KitKat postcards to complement the chocolate bars and to be sold not at supermarkets but in post offices. As a result, KitKat stood out in the Japanese candy and chocolate market, transformed 40,000 post offices in Japan into KitKat sales outlets, and completely changed the way candy is sold.

The last lesson is to share everything. Mr. Phu quoted Charles Leadbeater, a journalist, author, and political advisor, who said, “In the past you were what you owned. Now you are what you share,” to explain that people are measured no longer by what they have but by what they share. He then showed various websites for sharing stories and information. These websites include YouTube Show & Tell, where people can provide information about themselves; Our Mobile Planet, which presents statistics on many countries involving mobile behavior, usage, etc.; and *Contagious* magazine, which has a free annual issue showcasing the best technology campaigns. Mr. Phu then thanked everyone for their attention and offered to answer any questions.

Mr. Wingard thanked Mr. Phu and noted how interesting it must be to find out the number of participants from the judicial sector that are involved in social media.

Mr. Bryan Christy, investigative journalist, contributing writer, and director of the Special Investigations Unit of *National Geographic*, first gave background information on the infamous wildlife trafficker Anson Wong. In the mid-1990s, the US did a number of undercover operations and discovered one foreigner’s name repeatedly coming up. This foreigner was Anson Wong, a wildlife crime kingpin based in Malaysia and illegally trading in CITES-listed species such as snow leopards, rhinoceroses, and elephants all over the world.

According to Mr. Christy, the US launched a series of undercover operations called Operation Chameleon mainly to apprehend Anson Wong. Wong owned a private zoo, which he used as front for smuggling reptiles and other wildlife species, especially those already critically endangered. He was proud of the extent of his operations and considered himself invincible. However, Operation Chameleon was successful and was one of the most successful operations in US history. After 5 years of undercover work, Wong was caught and arrested in Mexico, where he thought he was about to set up a bear bile smuggling operation with an American and a Canadian. He was then extradited to the US and imprisoned for 71 months and fined \$60,000. Although his conviction was a major success from a US perspective, it

had no real impact whatsoever because while Wong was in prison, his wife continued to run his business. After he was released, the Government of Penang, Malaysia gave him money to establish a tiger park.

Mr. Christy told the participants that he was working on a book eventually titled *The Lizard King*, around the time Anson Wong was released. That book narrated the operations of an American wildlife trafficking syndicate, which happened to partner with Wong. Mr. Christy shared that he was able to uncover the syndicate's transactions by taking a job at the syndicate's office sweeping floors, feeding rats to snakes, and unpacking wildlife shipments from Wong. Through this disguise, Mr. Christy realized that Anson Wong was back in business. He then tracked down Wong's carriers across the US, met his suppliers in Indonesia and elsewhere, and put together a documentary for *National Geographic* called "The Kingpin."

In relating Anson Wong's illegal wildlife transactions, *National Geographic* and Mr. Christy presented his story as a crime story, bereft of any drama. Their objective presentation evoked a response from Malaysian society. Showing pictures, Mr. Christy said that Malaysian NGOs held a press conference where they discussed *The Lizard King* and newspaper articles featuring Wong. Mr. Christy also mentioned that although governments in many countries with wildlife trafficking problems suppressed press exposure, especially of any possible government involvement in the trafficking, several members of the Malaysian Parliament lobbied for new wildlife legislation, and secured the passage of the Wildlife Conservation Act (2010). During the summer of 2010, Anson Wong confessed in a news article that he got greedy. But after a few weeks, he was arrested with a suitcase of boa constrictors and sentenced to prison.

Because of the public outcry, the Wildlife Department of Malaysia lost its authority to issue special permits allowing privileged people to possess critically endangered wildlife. Further, officers of the Wildlife Department are now to be rotated every 3 years. The Government of Malaysia also revoked Wong's licenses, and seized the wildlife he possessed. Thus, if Wong were to be caught again under Malaysian law, he would again go to jail. For Mr. Christy, these results prove the power of storytelling. He told the participants that he was also working on an ivory story. He also identified a kingpin, tracked him down, and in the course of investigation, discovered that there was something worth sharing with the world. He then concluded with video revealing the intimate connection between religions and ivory use.

The video showed the results of Mr. Christy's more than 2-year investigation into the illegal ivory trade, tracing the trade route of elephant tusks from Africa to Asia. He discovered the significant role of religion in driving the ivory trade. Mr. Christy heard and saw that ivory was being smuggled from Africa to the Philippines, where sculptors would carve ivory into Catholic images and smuggle them out to the rest of the world. These Catholic images made of ivory could be found in many Catholic churches around the world. Many Buddhists were also engaged in this practice. On a visit to the PRC, Mr. Christy saw devout Buddhists carving Buddhist images made of ivory. He then realized that if people could be made to discard the notion that ivory serves a religious purpose, they might be persuaded to stop buying ivory and the illegal trade might be reduced.

But Mr. Christy also found a disconnect between religious beliefs and the ivory trade. For instance, he noted the elephant monk in Thailand who made the jump from talking about ivory as a craft to how to get it out of Africa. For Mr. Christy, Americans would probably have difficulty understanding the extent of the ivory trade and its consequences. People were losing their lives because of this trade, and religion was a major driver. An opportunity lies in delving deeper into value systems in order to make a difference.

Mr. Wingard thanked Mr. Christy for his stories and linked them to the first presentation on how social media can spread messages and stories. He then called on the next speaker to discuss the challenges he faced as a journalist.

Mr. Malaka Rodrigo, an environmental journalist from Sri Lanka, began by confirming that social media is a great tool for journalists. Social media spaces like Facebook provide much content for news articles. But many people still do not use the social media. These people include policy makers and others working at the grassroots level. As such, conventional media and journalists continue to play a key role in getting messages across, especially to these people.

Since Sri Lanka is a biodiversity hot spot, there are many wildlife stories to tell. Showing clips of the news articles he had written, Mr. Rodrigo emphasized the importance of not just reporting wildlife crimes but also encouraging the public to protect wildlife. His articles dealt with the use of prohibited laila nets and other illegal fishing methods resulting in the death of more than 40 dolphins, the export of less charismatic species like freshwater crabs, the slaughter of elephants with explosives aimed at other animals, and a haul of 359 African elephant tusks. Journalists are important in getting messages across. More importantly, many species are endangered, and fast action is needed to save them from being victims of wildlife crime. Thus, it is up to law enforcement officers and other stakeholders to find different means to publicize this information.

Mr. Rodrigo then explained the many challenges he faces in reporting wildlife crimes. First, many countries do not give the same importance to wildlife crime as they do to the trafficking of narcotics, so journalists must try to communicate the importance of this crime whenever they write articles on wildlife crime. Second, many policy makers either do not know the wildlife issues or do not take them seriously. Third, the media often focus only on charismatic species like elephants and leopards and ignore the smaller but possibly more threatened or critically endangered species like freshwater fish and crab species and amphibians. Fourth, there are also ethical considerations, including what to do with seized wildlife products and how to report on wildlife crimes effectively without publishing brutal pictures, as media ethics prevents the publication of images depicting brutality. Fifth, journalists should be careful not to send the wrong message. For instance, reporting the value of wildlife species and products can encourage more people to trade in these products. Sixth, weak penalties for committing wildlife crime fail to deter wildlife trafficking. Lastly, getting officials and other stakeholders to give comments and finding source materials can also be difficult.

To end, Mr. Rodrigo invited those working in media to join forces in ensuring that the time is up, not for wildlife species but for those committing wildlife crime.

■ Discussion No. 1

During question-and-answer time, **Dr. William Schaedla**, regional director of TRAFFIC Southeast Asia, recalled that Mr. Christy had mentioned at an INTERPOL meeting in Bangkok how J. Edgar Hoover had gained traction for the Federal Bureau of Investigation by calling public attention to villains. Dr. Schaedla suggested applying this same strategy to wildlife issues in particular and having governments draw the public's attention to infamous wildlife traffickers like Anson Wong. However, he expressed apprehension

that discussing wildlife issues with national governments might offend public officials and incur civil, criminal, or administrative liability. He then asked the panelists how social media and public forums could be used to place emphasis on wildlife issues without offending the sensibilities of government officials.

Mr. Christy confirmed that people have a sympathy ceiling when it comes to storytelling. In discussing wildlife crimes, storytellers usually want to show a dead or dying animal, but that is the last thing the public wants. Hence, there is a need to shift the focus from the victim to the villain, since people seem to have an unlimited interest in crime stories. Once people identify the criminals, they then start talking about them. Moreover, NGOs must not tackle wildlife issues by themselves. Law enforcers, prosecutors, and judges must also be involved. NGOs cannot take on too much work and try to be crime fighters and lobbyists at the same time. Social media, which allow people to tell stories and gain traction for their stories, provide the solution.

Mr. Asis Perez commented on how powerful Mr. Christy's video was, particularly for a Catholic like him. By watching the video, he learned that the demand for ivory is also driven by religious beliefs, both Catholic and Buddhist. He asked Mr. Christy if he had ever considered sending the video to the pope and suggested that he do so. Surely the pope could help curb the demand for ivory by making an announcement about its unnecessary use in religious artifacts.

Dr. Mulqueeny asked the panelists to share their insights into how people's hearts and minds could be changed and how they could become more concerned about wildlife. She had asked the Ven. M. Sthirasuta the same question the previous day. In response, Mr. Christy said that religion is only one driver of ivory demand globally, and perhaps of 95% of ivory trade in the Philippines. He added that "in China, the interesting thing is most people are buying for investment or wealth or status purposes." The carvings they buy feature mythological, spiritual, and religious motifs. However, the core principles of various religions argue in favor of protecting elephants and the rangers in the field, who die trying to safeguard the elephants, and of stopping ivory consumption also because of the death of poachers. Therefore, it is possible to tap into the hierarchy in many religions to convince those at the top to encourage their believers to stop buying wildlife products.

Mr. Wingard then ended the first half of the session and invited the next speaker to take the floor.

Mr. Marcos Silva, chief of the Knowledge Management and Outreach Services Unit at the CITES Secretariat, described CITES-regulated wildlife trade as a multibillion-dollar business covered by almost a million certificates annually. These certificates allow the CITES Secretariat to ascertain whether a particular trade is legal and sustainable or not.

Mr. Silva stated that CITES is one of the few multilateral environmental agreements that generate primary data to help policy makers come up with more effective wildlife trade decisions. However, data are just 0s and 1s and devoid of any purpose without the models and the analysis of these data. Different models using the same data set can give very different results, creating confusion as to which results to believe in. CITES is not just a conservation convention but a trade convention as well. The average trade transaction in CITES-listed species entails 30 persons, 40 different documents, and 200 data elements, about 15% of which are retyped 30 times. This documentation process results in much wasted time and money, and provides opportunities for using fraudulent permits, reporting, and data.

Currently, many CITES parties are ready to move toward paperless, fully electronic CITES permit systems. The challenge lies in harmonizing electronic permit systems with international standards and norms, particularly the WCO Data Model—the de facto technical standard regulating cross-border trade between two or more countries—and the United Nations Centre for Trade Facilitation and Electronic Business standards. These e-permit systems look at all the components of the business chain, from the exporter to the recipient, in automating the wildlife trade. The CITES e-permitting working group comprises several countries, including Asian countries like Japan, the Philippines, Thailand, Viet Nam, and the United Arab Emirates. CITES e-permitting standards have been published in the new CITES E-Permitting Toolkit to guide parties in developing their electronic permitting systems. CITES agreed with WCO on the need to integrate CITES standards into the de facto data model regulating this trade.

Mr. Silva also informed the participants that ASEAN member states signed the Agreement to Establish and Implement the ASEAN Single Window, which obliges ASEAN countries to make their documentation requirements electronic and to establish a single window to facilitate trade. As a result, traders would no longer have to enter pertinent data 200 times or go through 50 different people, thus reducing the opportunity for fraud and improving enforcement and traceability.

Mr. Silva also shared other biodiversity e-trade developments, such as the joint project of the management and customs authorities of France and Switzerland to make their CITES business process fully electronic, and the joint project of the United Nations Environment Programme–World Conservation Monitoring Centre, France and Switzerland, to make their trade process fully electronic. The CITES Secretariat is also working with the Organización del Tratado de Cooperación Amazónica, comprising eight mega-diverse countries and possibly the richest biodiversity basin in the world, to establish a CITES e-permitting system adopting international standards to ensure wildlife trade is legal, sustainable, and traceable.

For Mr. Silva, e-permitting creates opportunities for business processes to be optimized. Each country must consider how it exports species and have an analyst look at the export process to realize the opportunities for making trade easier. The CITES Secretariat is exploring ways to help parties fulfill their primary obligation under CITES on national reporting and enable them to register trade data from e-permits into the CITES Trade Database upon issuance and receipt of the e-permit. He concluded by summarizing the benefits of using CITES e-permits: (i) easier reporting on trade transactions; (ii) more up-to-date data that are properly analyzed to allow informed decision making; (iii) decreased rate of error; (iv) traceability and authentication of trade data; (v) reduced opportunities for fraud; (vi) CITES-related documentation like a checklist of scientific and common names of species linked to a gene bank; and (vii) many opportunities for other exciting products.

Dr. Anak Pattanavibool, director of Wildlife Conservation Society (WCS)–Thailand, talked about the Spatial Monitoring and Reporting Tool (SMART) used by park rangers in the Western Forest Complex along the Thailand–Myanmar border. The Western Forest Complex covers 18,000 square kilometers of land for endangered species. In the middle of this area is the world heritage site Thungyai–Huai Kha Khaeng Wildlife Sanctuaries, encompassing 6,400 square kilometers.

In 2010, the Government of Thailand arrested Nai sae Tao, a tiger poacher, through the combined use of camera-trapping technology and the efforts of on-site park rangers. At that time, the only evidence

that the government had were the pictures in the suspect's cell phone. He immediately told the police that he shot the tiger in Myanmar and not in Thailand to avoid the application of Thai law. However, WCS presented evidence on the strike pattern he used to get him convicted and sentenced to serve 5 years in prison. Dr. Pattanavibool also recounted that the Government of Thailand invested a lot of money in 2013 to protect national parks and wildlife sanctuaries and remunerate the park rangers.

Dr. Pattanavibool then narrated how five wildlife conservation organizations, including WCS, collaborated with the CITES Illegal Killing of Elephants Programme to develop SMART using the pilot Management Information System (MIST) data collection system. Although they trained park rangers to gather data and write the information on data forms, the rangers frequently returned with bad data, thus prompting CITES and others to (i) redesign the data form to make it easier to fill out, and (ii) restructure the MIST process at the site level. On-site database managers were trained and assigned to each location to generate monthly reports. Patrol leaders, superintendents, assistant superintendents, and other officers would also convene monthly to discuss what they discovered the previous month on the basis of maps, tables, and photographs.

Through SMART, law enforcement officers would no longer need to use AppView. They would also be able to use patrol maps to check patrol coverage and intensity, poaching distribution and intensity, and the distribution abundance of target species in an area, and to view the photographs taken by park rangers on site. Policy makers and law enforcement officers can now use these data for informed decision making.

Dr. Pattanavibool ended by advising the participants that regardless of the technology used, the most important objective is to protect wildlife in the area. To do so, governments should put in enough people to sufficiently cover a protected area. For instance, 286 personnel, including 190 park rangers, safeguard the Thungyai-Huai Kha Khaeng Wildlife Sanctuaries. Over the years, WCS has protected wildlife in Thailand in collaboration with the Department of National Parks, Wildlife and Plant Conservation; World Wildlife Fund; and other organizations.

Mr. Seamas McCaffrey, campaign coordinator of Fin Free Thailand and then communications consultant for FREELAND Foundation for Human Rights and Wildlife, shared that one project of the ARREST Program was the WildScan Application project—a pilot smartphone application designed to assist frontline law enforcement officers in identifying and responding to illegal wildlife trade. He also introduced **Mr. Mike Darnell**, director of Vimi.co Ltd., their technology partner in this endeavor.

Considering the scale and impact of the illegal wildlife trade, law enforcement officers are faced with several challenges. First, they need to familiarize themselves with hundreds of protected species and their derivatives and the legal framework governing wildlife and international wildlife trade, on top of everything else they need to know. Second, their offices need to be mobile to allow them to swiftly respond to wildlife crime. Lastly, they need to share information efficiently up and down their chain of command. Thus, as requested by these law enforcement officers, FREELAND developed a smartphone application enabling officers to share information efficiently. Mr. McCaffrey then turned the floor over to Mr. Darnell.

Mr. Darnell highlighted several points made by the previous speakers, like Mr. Silva's statement that 15% of all 200 data elements are retyped 30 times, and Dr. Pattanavibool's reference to a core amount of law enforcers needed to be on site. He then drew attention to the revolution since 2007 in the size

of computers, which now fit into people's pockets, and how businesses and NGOs have started taking advantage of this capability to allow their employees and members to better perform their jobs. He said that WildScan is an endangered species identification response mechanism designed to enable law enforcers to use their smartphones to work more efficiently in two ways. First, the application equips these officers with the necessary knowledge to identify protected species and respond effectively to wildlife crime. Second, WildScan facilitates information sharing and documentation of wildlife trafficking by allowing those on the front lines to input trafficking data instantly.

Mr. McCaffrey added that the data captured by WildScan could be linked to other key wildlife databases like the ASEAN-WEN Major Wildlife Crime Actions Record and the Elephant Trade Information System. Since FREELAND operates in the field, training so many customs, police officers, and forest rangers each year, it can immediately equip these officers with this tool. He also pointed out that although hard copy species identification guides have been in use for a long time, frontline officers do not always have them at hand. A convenient tool like WildScan is exactly what the enforcers want, and it would help them secure biodiversity and the rule of law. As an auxiliary objective, FREELAND also wants citizens to know what products they should not buy and how to report suspected violations safely through existing hotlines. He then displayed screenshots of WildScan to highlight its content and capabilities in species identification and instantaneous reporting.

FREELAND wanted to manage the application initially, with the long-term goal of turning over its administration to the WEN coordination units. FREELAND could also integrate WildScan with the broader ARREST Program by conducting training, enabling law enforcement officers to network with their counterparts across borders and contact the nearest veterinarians and wildlife specialists as needed using geolocation technology, and facilitating reporting and data gathering to build an ever more comprehensive database to propel investigations. FREELAND also envisions an increase in transparency and deterrence of corruption as more officers use this application and report centrally, not just to their immediate supervisors. The expanded database can also help governments and NGOs understand better the dynamics of the illegal wildlife trade and direct law enforcement resources to combat it.

To conclude, Mr. McCaffrey stated that FREELAND expects enforcers to be able to use their phones to take a photograph of a seized animal and automatically obtain information on the species and the applicable national and international laws. Over time, the technology to make this scenario possible will become available. FREELAND would like to improve WildScan by providing automated image and sound matching features to enhance the identification process, crowdsourcing through online communities and elsewhere for help in difficult identification cases, and expanding its use to South Asia and other regions.

Discussion No. 2

During question-and-answer time, Mr. Webb asked Mr. Silva if the CITES e-permitting system has an automatic means of flagging fraudulent permits to law enforcement officers. Mr. Silva answered that flags are raised only at the national level; such flags could be raised at the CITES level only after an appropriate resolution is passed. Mr. Silva also said that the CITES Secretariat has a means of automatically determining whether a wildlife specimen is captive bred or taken from the wild by conducting a statistical analysis of the trade database at the end of every CITES CoP. This analysis

allows the secretariat to identify outliers in trade in certain species and ask member countries to justify the presence of outliers; failure to do so may result in the imposition of trade restrictions or even a trade suspension.

Mr. Webb lauded FREELAND and Vimi.co Ltd. for developing a user-friendly smartphone application to assist wildlife crime investigators in identifying wildlife species.

○ **TOPIC 4** Judges, Prosecutors, and Law Enforcement Officers— Making Them Aware, Care, and Act

Ms. Irum Ahsan, counsel at the Office of the General Counsel of the Asian Development Bank (ADB), welcomed the participants and facilitated this session.

There were four guide questions for this session. First, to what extent are judges, prosecutors, and law enforcement officers aware of the issues of wildlife crime and the illegal wildlife crisis? Second, what can be done to make them know about the issues and act appropriately in accordance with their professional enforcement roles? Third, what can and will they do, personally and as institutional representatives, to contribute to combating wildlife crime? And lastly, what should donor agencies focus on to help these components of the law enforcement chain?

Justice Jose P. Perez, associate justice of the Supreme Court of the Philippines, answered the first question by stating that more than being aware, people should be sensitized to why there are laws on wildlife and should enforce the law not because of a desire for their country to be compliant with CITES but because of a sincere desire to serve the community, the country, and humanity. He added that justices and judges in the Philippines are trained by the Philippine Judicial Academy, which is attached to the Supreme Court of the Philippines.

Justice Perez also related, in response to the question of what donor agencies should be focusing on to help judges, prosecutors, and law enforcement officers, the story told by an agent of the Philippine National Bureau of Investigation about his having apprehended a farmer for illegal possession of two sacks of frogs. The farmer did not know that capturing and possessing frogs had been outlawed, especially since frog legs had been a delicacy in the area for a long time. As such, governments should first make the people more aware of the law, courtroom processes, and what happens if they are called by the police, investigated, or indicted.

Lastly, Justice Perez spoke about the finger-pointing that occurs among the judge, prosecutors, and the police whenever a criminal case is dismissed. To remedy the situation, the Philippine Drug Enforcement Agency convened judges, prosecutors, and police officers to discuss where the issue lay. He concluded that anyone with the passion shown by one of the participants the previous day—caring for animals in the same way he cared for his parents, brothers, and sisters—could make significant contributions.

Ms. Ahsan thanked Justice Perez and confirmed that combating wildlife crime is everyone's responsibility; finger-pointing is not a solution and passion in this endeavor is essential for success.

Chief Justice Qazi Faez Isa, chief justice of the Balochistan High Court in Pakistan, agreed with Justice Perez that people should consider the rationale for the law in dealing with wildlife issues and that passion is needed to secure convictions with significant penalties.

In addition, Chief Justice Qazi said that while judges, prosecutors, and law enforcement officers are generally unaware of wildlife crime issues, they can be trained through various conferences, such as this symposium, at the local, provincial, national, regional, and international levels. The value of these conferences can grow exponentially if the attendees take back what they learned to their home countries and share it with their colleagues, and if the focus species are made relevant to a given country. Chief Justice Qazi also suggested sending the message out in a creative way to attract the public's interest and getting judges and prosecutors passionately interested in fighting wildlife crime. He then talked about how he and other judges had organized a seminar on wildlife in Pakistan and then compiled all the contributions in a booklet for the components of the law enforcement chain to use.

Chief Justice Qazi explained that each province in Pakistan has a judicial academy and that he serves as chair of the Balochistan Judicial Academy. However, environmental and wildlife laws are not among the subjects taught at the academy. Under the memorandum of understanding, which the Balochistan Judicial Academy entered into with the local chapter of World Wildlife Fund (WWF), new batches of judges would go to Lahore, where WWF has a local office, to learn about and become sensitized to environmental and wildlife issues. Lastly, Chief Justice Qazi proposed that donor agencies collate the materials presented at this symposium in a disc or any other form he and his delegation could show locally, study themselves, and share with their colleagues to ensure continuity in learning.

Ms. Ahsan thanked Chief Justice Qazi for sharing his thoughts. She expressed appreciation for the chief justice's honesty in admitting that judges and prosecutors had limited awareness of wildlife crimes. She agreed with Justice Perez and Chief Justice Qazi's mutual sentiment that appealing to people's sensitivities is good environmental advocacy.

Mr. Bhishmadev Chakraborty, deputy attorney general at the Office of the Attorney General of Bangladesh, first thanked CITES and ADB for the opportunity to attend and speak at this symposium. He then discussed the wildlife legislation in Bangladesh, starting with the Bangladesh Wild Life (Preservation) Order (1973) until its repeal by the Wildlife (Conservation and Security) Act (2012), which he described as compliant with the requirements of CITES and other international treaties and standards. Although the new law provides stronger penalties for killing wildlife animals, there is still a need for prompt, effective, and even-handed law enforcement and administration of justice in wildlife cases.

Mr. Chakraborty noted that wildlife crime is not yet considered a serious crime in Bangladesh, so offenders are able to secure acquittal or insignificant penalties. Success in the fight against wildlife crime, he said, needs an integrated, national approach involving good governance, effective law enforcement, and competent and sensitized forest officers, prosecutors, and judges. Awareness is not an issue; what is needed is to make law enforcement officers prioritize the effective enforcement of wildlife laws. Regular seminars could help develop an attitude of concern for these issues. More funds and logistical support are also required to protect wildlife.

Finally, Mr. Chakraborty recognized the existence of groups interested in environmental and wildlife issues. Donor agencies should focus on these groups, generate awareness and concern among the public, and provide logistical support.

Ms. Ahsan thanked Mr. Chakraborty and highlighted the significance of prioritizing wildlife concerns to preserve wildlife.

■ Discussion

After the participants finished discussing their responses to the guide questions for this session, Ms. Momena Khatun, deputy secretary at the Ministry of Environment and Forests of Bangladesh, presented the results of the first breakout group's discussions.

Ms. Khatun first greeted the participants on behalf of the Bangladeshi delegation and told the participants that Bangladesh amended its Constitution in 2012. The new constitution contains a section that treats biodiversity conservation and environmental preservation as a citizen's right or a public right of the Bangladeshi people.

In response to the guide questions, Ms. Khatun said that their judges, prosecutors, and law enforcement officers were insufficiently aware of wildlife crime issues and the illegal wildlife crisis. Development partners should therefore extend support, while law enforcement agencies should be adequately aware of these issues. She also said that combating wildlife crime is the responsibility not just of a single agency but of several agencies, which should work together. Investigators, however, need logistical and technical support and additional know-how, while prosecutors require more knowledge, capacity, and resources. Judges, on the other hand, need a well-codified legal framework and effective training.

To conclude, Ms. Khatun told the participants that she would endeavor to make the general public and concerned authorities aware of wildlife crime issues and expected support from donor agencies in this regard. Donor agencies have been very helpful in raising awareness, but, she said, they must also provide logistical and technical support and conduct training, among others. For her, the separation of the judicial and administrative branches of government in Bangladesh had freed civil society and the media from political influence and underlined the critical role of civil society in paving the way for a brighter future for the country.

Ms. Ahsan thanked Ms. Khatun for her presentation and expressed delight at hearing that Bangladesh had recently amended its Constitution to recognize the people's right to biodiversity as a fundamental right. She then requested a representative from the second group to share their views.

The rapporteur for the second group said that his group comprised delegates from Bhutan, Indonesia, Myanmar, the Philippines, and Thailand. His group discussed the minimal awareness of wildlife crime among judges and prosecutors, and thus the need of conferences like this symposium to share best practices in wildlife law enforcement. The members acknowledged that they could not yet contribute to combating wildlife crime, but they were confident that they would apply whatever they learned as soon as they returned to their respective countries.

The rapporteur added that from the Philippine perspective, prosecutors should be equipped with copies of the relevant laws and related materials. For the Indonesian member, forest officials are frontline law enforcers who play a critical role in securing convictions. The Thai member related that administrative court judges could contact forest rangers and schedule site visits to learn about the on-the-ground enforcement situation and confirmed the need for seminars to share ideas and best practices all over the world. The Bhutanese delegate also said that this kind of conference was needed, and so was proper coordination between investigators, prosecutors, and judges.

To conclude, the rapporteur urged donor agencies to organize a study tour for judges so they could see for themselves what was happening on the ground and understand better the challenges faced by investigators. The lessons to be learned from this study tour could improve law enforcement and secure better convictions of wildlife offenders.

Ms. Ahsan thanked the rapporteur from the second group and explained that this kind of symposium is aimed not only at building the capacity and raising the awareness of stakeholders, but also at providing a forum for sharing knowledge and best practices across the world. She agreed with him that judges need to go on study tours to see what was happening at the grassroots level. She then invited the third group's representative to relate their discussions.

After telling everyone that the group consisted of delegates from Pakistan, the Philippines, and the US, Mr. Wingard went over some of his group's discussion points. First, the group explored the source of the field personnel's commitment to combat wildlife trafficking and thought that this degree of commitment must have been formed at a young age. He also mentioned that good lawyers are often good storytellers, and good storytelling comes from the heart and shows the lawyer's conviction. Good storytelling leads to success, as a lawyer is able to capture the imagination of the jury or the judge.

Since it would take years to mold a citizenry with a strong commitment to environmental causes, Mr. Wingard said, the next best option would be to teach the current crop of judges, attorneys, and law students to spread the wildlife story effectively. Writers and journalists could help lawyers understand the key issues and bring out the needed level of commitment. Study tours would also help them appreciate grassroots developments.

Likewise, Mr. Wingard noted that data inaccessibility was an impediment to a better understanding of the wildlife story. He also mentioned the power of data. Judges must have quick access to the necessary data. He concluded by emphasizing the importance of having a constitutional basis for recognizing the right to life of both animals and humans, and their right to live in a healthy environment. According to the Constitution of the Philippines, for example, animals are not just resources but are, in fact, part of the ecology and their right to life is part of human beings' right to life. Filing a test case²¹ to assess the validity of this argument could demonstrate another form of commitment within the legal profession.

²¹ A "test case" is a lawsuit filed to test the legality of a law, legal principle, or legal argument and ultimately establish a precedent for similar cases in the future.

Ms. Ahsan thanked Mr. Wingard for sharing his group's thoughts with the rest of the participants. She cited the importance of all forms of environmental rights for sustainable development, and the need for people from different fields to collaborate in securing the necessary information about the law, sciences, and human beings, as well as on-the-ground realities, and thus create and present good stories before the courts and the media and raise awareness at all levels of community.

At this point, Chief Justice Qazi quoted Khalil Gibran, who said, "Trees are poems the earth writes upon the sky." Then, Ms. Ahsan thanked all the panelists and participants for their contributions, and requested everyone to reconvene in a few minutes for the wrap-up and closing remarks.

■ TRACK 2 Technical Training on Special Investigative Techniques

The Track 2 Group comprised government officials, primarily law enforcement officers—customs, police, and other relevant government agencies—but prosecutors and judges were also welcome to attend. Representatives from the ICCWC member organizations facilitated the technical training sessions.

The first topic was controlled deliveries. **Mr. Daniel Moell**, environmental programme manager of the Compliance and Facilitation Directorate of the World Customs Organization, served as facilitator, while **Mr. Jesse Tai-Chiu Wong**, divisional commander at the Intelligence Coordination Division of Hong Kong Customs, described successful operations using controlled delivery techniques in dealing with customs offenses to inspire the participants to apply these techniques in combating wildlife crime.

Ms. Ioana Botezatu, leader of the International Criminal Police Organization (INTERPOL) Environmental Crime Programme's Project PREDATOR, served as the next facilitator. **Ms. Ayako Tsuyada**, senior operational support analyst of the Environmental Security Sub-Directorate of INTERPOL, and **Ms. Tiina Kitunen**, then consultant to INTERPOL, delivered the presentations on how to use international information management to complement law enforcement at strategic, tactical, and operational levels. International intelligence exchange could pose security risks to law enforcement agencies, but proper management could help mitigate these risks and improve global efforts to deal with wildlife crime.

Finally, **Ms. Marilyne Pereira Goncalves**, senior financial sector specialist at the Financial Market Integrity Unit of the World Bank, and **Mr. Thomas R. Hansen**, consultant for the anti-money laundering and counter-financing of terrorism programs of the International Monetary Fund, World Bank, and UNODC, spoke about anti-money laundering frameworks as well as anti-money laundering and asset recovery tools or "follow the money" tools to strengthen the law enforcement response to wildlife trafficking.

No further details were recorded to maintain the confidentiality of these sessions.

■ WRAP-UP AND CLOSING REMARKS

Ms. Marie-Anne Birken, then deputy general counsel at the Office of the General Counsel of the Asian Development Bank (ADB) and now the general counsel of the European Bank for Reconstruction and Development, and Mr. John E. Scanlon, secretary general of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat, wrapped up the symposium and gave the closing remarks.

Ms. Birken summarized the discussions over the previous 2½ days on the many complex issues surrounding wildlife crime: (i) the significance of wildlife crime; (ii) its impact on species; (iii) the mapping of trade routes; (iv) international cooperation initiatives to combat wildlife crime; (v) the demand side of the wildlife trade; (vi) the national policy and legal frameworks involved; (vii) challenges facing the effective enforcement of these policies and laws; and (viii) the more detailed law, policy, and governance issues, as well as special investigative techniques, covered during the interactive sessions on the last day. She thanked everyone for their insightful questions, comments, and active participation, which enriched the discussions.

Ms. Birken concluded the symposium with three takeaway messages. First, illegal wildlife trade is a serious, highly organized, and transnational crime, which calls for appropriate measures to counter it. The estimated monetary value of international wildlife trafficking ranks fourth after trafficking in narcotics, humans, and counterfeit products. There appears to be a consensus that more recognition should be given to the magnitude and the complexity of wildlife crime to ensure that it receives a higher priority on the agenda of all development stakeholders.

Second, wildlife crime not only affects the environment through the loss of biodiversity and extinction of species but also compromises national security and hinders socioeconomic development. It also poses health risks through the resulting transmission of diseases. It endangers the lives of rangers, other law enforcement officers, and their families and communities.

Third, Ms. Birken highlighted the urgent need to strengthen collaboration at the global, regional, and national levels. Combating wildlife crime calls for a systematic approach and coordinated efforts from international organizations, government agencies, and civil society, given their critical roles in securing enforcement, in addition to stronger national and international enforcement mechanisms.

The attendance of about 200 participants from countries all over Asia, Africa, and Latin America, as well as Australia, Canada, and the US, and representing the judiciary, attorneys general, prosecutors, police officers, customs officials, and other frontline enforcement agencies and civil society, shows promise for greater collaboration and coordination. Ms. Birken confirmed ADB's commitment to helping its developing member countries build their law enforcement capacity to protect wildlife and suppress wildlife crime. Citing the opening remarks of ADB Vice President Bruce L. Davis, the results of this symposium, and the requests received from ADB's developing member countries, Ms. Birken said that, as a follow up to this symposium, ADB would support improvements in national wildlife legislation under a technical assistance project. The intent was not only to comply with CITES requirements but also to continue ADB's work with the AJNE and the judiciaries in Southeast and South Asia on strengthening environmental justice in these regions. Under the technical assistance project, ADB would also explore collaboration with prosecutors and other components of the enforcement chain. Ms. Birken added that

ADB would publish the proceedings of this symposium and prepare a chairperson's summary setting out proposals for strengthening collaboration among the participants.

Ms. Birken expressed gratitude to the many people who worked hard to make this symposium a success. She especially thanked Mr. John E. Scanlon and the entire CITES Secretariat staff for their support, assistance, and cooperation in organizing the symposium; Ms. Wendy Elliot, Ms. Elisabeth McLellan, and the rest of the World Wildlife Fund team; Mr. Steve Galster, Mr. Bryan Gonzales, and representatives from FREELAND, the ARREST Program, and ASEAN-WEN; Mr. James Compton, Dr. William Schaedla, and the entire TRAFFIC team; Mr. Shawn Heinrichs and Ms. Mary O'Malley from WildAid; and ADB's partners from the IUCN, the Program on Forests, the Wildlife Conservation Society, and the other member organizations of ICCWC. She also thanked her team from ADB, who worked diligently to organize this event, including Dr. Kala K. Mulqueeny, Ms. Irum Ahsan, Ms. Ma. Celeste Grace A. Saniel-Gois, Mr. Mark Alain V. Villocero, Ms. Kristine Melanie M. Rada, and Ms. Rita Marie Mesina.

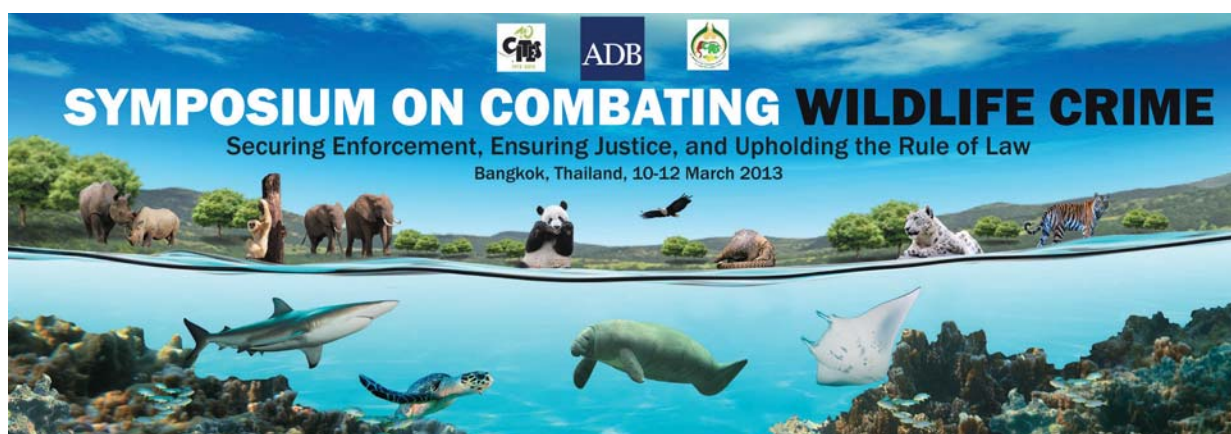
She concluded by recognizing again the presence of the eminent speakers, who shared their time and experience, and the distinguished participants for their presence and their contribution to the discussions. She said she hoped the symposium had informed and inspired them to sustain the fight against wildlife crimes. She also looked forward to continuing the conversations started in this symposium and to partner with these same experts and participants in the future.

Mr. Scanlon thanked and lauded Ms. Birken for her comprehensive closing remarks. He appreciated the possibility of having a follow-up to this symposium, and he singled out for mention the participants' level of awareness, which, he said, increased through the substantive discussions and the more technical sessions on special investigation, controlled delivery, and anti-money laundering techniques. For Mr. Scanlon, this follow-up would ultimately spell the difference. He also found Ms. Birken's reference to legislation critical in acknowledging wildlife crime as a serious crime, empowering judges to impose penalties that reflect the serious nature of the crime, and supporting the prosecutors and law enforcement officers in taking the necessary action. As Mr. Scanlon noted, about 50% of CITES parties have yet to pass laws compliant with the convention.

Mr. Scanlon agreed with what Ms. Birken said in her closing remarks and expressed gratitude to ADB for helping CITES organize this symposium and proposing follow-up action, and especially to ADB Vice President Bruce L. Davis, Ms. Marie-Anne Birken, Dr. Kala K. Mulqueeny, and the rest of the ADB team for their contributions. He also thanked the CITES partners, comprising the ICCWC, INTERPOL, UNODC, WCO, and the World Bank, for participating in this event and for taking the lead in the more technical sessions. He recognized the generosity of the Government of Thailand in hosting the entire CoP and this symposium and providing the convention center for the weekend, and the contributions of all his staff. Finally, he expressed gratitude to all the participants—chief justices, justices, attorneys general, and senior officials representing the police, customs, and other enforcement authorities—for taking the time to attend the symposium and for participating actively in the discussions, thereby showing their interest in addressing wildlife issues and their commitment to addressing those issues.

Finally, Mr. Scanlon gave everyone two USB flash drives—the CITES 48th anniversary USB flash drive containing the legal package Ms. Yeater mentioned earlier (i.e., wildlife legislation and policy documents), and another one containing the iQuick toolkit and the Wildlife and Forest Crime Analytic Toolkit.

APPENDIX 1



Concept Note

Side Event to the 16th Meeting of the CITES Conference of the Parties

10–12 March 2013

Queen Sirikit National Convention Center, Bangkok, Thailand

Objectives: The Symposium on Combating Wildlife Crime: Securing Enforcement, Ensuring Justice, and Upholding the Rule of Law, has three overarching goals:

- to attract high-level attention to the illegal wildlife trade, the significance of wildlife crime, and the wide range of ecological, economic, social, and security challenges it creates, from the senior judiciary, senior prosecutors, police, key decision makers, and other participants in the law enforcement chain, in order to compel further high-level action;
- to explore innovative approaches and techniques used to combat serious crime in other fields—both basic and sophisticated—that could be applied to combat illegal wildlife trade and uphold the rule of law; and
- to develop and produce a proposed regional action plan on concrete measures to shape wildlife policy and utilize innovative strategies to combat illegal wildlife trade in Asia and to be used as an input to help define further donor support.

Background: Illegal wildlife trade is a growing global phenomenon that has serious ecological, economic, security, and social costs. It often involves highly organized transnational organized crime groups who exploit species of wild fauna and flora at unsustainable levels. This has a devastating impact on existing biodiversity and ecosystem services, prevents communities from sustainable development and livelihoods, and poses serious threats to health. Further, the main drivers of wildlife trade often involve wide-scale syndicated criminal groups operating on cross-border transactions. Evidence also suggests that profits are often used to finance other illicit activities and are, in some cases, used to fund militant groups and support terrorism. Illegal wildlife trade undermines the rule of law and could threaten national security.

To effectively combat wildlife crime, the entire law enforcement chain—the judiciary, prosecutors, police, customs, and other relevant government wildlife law enforcement agencies—must collaborate to mitigate and put an end to the illegal wildlife trade. High-level decision makers such as the senior judiciary and ministers of the environment should treat wildlife crime as a serious criminal offense, which should be supported by targeted capacity building interventions among enforcement authorities to ensure that they have the required investigative skills and knowledge of the different specialized investigative techniques that can be deployed to combat wildlife crime.

The symposium is the most recent event in the increasing collaboration efforts among the judiciary and law enforcement authorities in Asia on the environment. In July 2010, more than 110 judges and representatives from across Asia and the Pacific, as well as developed countries and legal stakeholders, convened at the first Asian Judges Symposium on Environmental Decision Making, the Rule of Law, and Environmental Governance. The symposium resulted in the establishment of the Asian Judges Network on Environment, a network available to the judiciary and legal stakeholders to share experiences on common legal challenges in addressing environmental issues. This led to initiatives on the subregional level, which included the hosting of ASEAN Chief Justices' Roundtables on the Environment in Jakarta, Indonesia (December 2011) and Melaka, Malaysia (December 2012), with similar events scheduled to take place in Thailand (2013) and Viet Nam (2014). It also led to the hosting of the South Asia Conference on Environmental Justice in Bhurban, Pakistan (March 2012). These high-level judicial roundtables continued to highlight the unique role of the judiciary in environmental protection; included discussions on the illegal trade in wildlife, including illegal forestry and fisheries; and provided the opportunity to address environmental and legal challenges more specific to the relevant subregions. In October 2012, under the auspices of the 11th Conference of the Parties on the Convention on Biodiversity, judges likewise convened in the Judicial Colloquium on Biodiversity in Hyderabad, India to highlight the role of the judiciary and law enforcement authorities in specific biodiversity issues.

This symposium will provide a further opportunity for the judiciary and law enforcement authorities to meet within the margins of the 16th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It will provide detailed information on the illegal wildlife trade and will highlight the need for increased cooperation among the different government agencies mandated to combat illegal wildlife trade. It also builds on the work being conducted by the International Consortium on Combating Wildlife Crime (ICWC) to bring coordinated support to the national wildlife law enforcement agencies and to the subregional and regional networks to ensure that perpetrators of transnational organized wildlife and forestry crimes face a formidable and coordinated law enforcement response.

Participants: The participants of the symposium will comprise chief justices and/or their designated representative(s) from the highest courts of Asia, and members of the law enforcement community directly dealing with illegal wildlife trade issues, such as high-level wildlife or natural resource enforcement officers, attorneys general and prosecutors, customs officials, police officers, and other persons involved in frontline enforcement. In addition, a limited number of resource persons or facilitators from the ICWC partner agencies, who are experts in specific fields related to illegal wildlife trade enforcement and technical experts on criminal investigation, will be in attendance. These experts will participate in framing some issues for discussion at the plenary and breakout sessions.

Approach: The convenors seek to lead the 2½-day symposium into highly interactive plenary discussions on the value of wildlife, the varied negative impacts of illegal wildlife trade, species-specific trade issues, the role of legal stakeholders in the wildlife crisis, and the necessary requirements for effective wildlife policy and law enforcement in Asia. The plenary sessions will cover the following topics:

- Session 1: Overview Session: Wildlife, Extinction, and Wildlife Crime
 - A. Wildlife Crime as Transnational Organized Crime
 - B. Key Illicitly and Illegally Traded Species
 - C. Mapping Trafficking Routes for Illegal Activities
 - D. Cooperation for Combating the Illegal Wildlife Trade
- Session 2: Curbing the Demand for Illegal Wildlife and Wildlife Products
- Session 3: Wildlife Crime, Anti-Corruption, Integrity, and the Rule of Law
- Session 4: National Wildlife Policy and Legal Environmental Frameworks
- Session 5: Challenges and Successes in Wildlife Enforcement
- Session 6: Innovative Wildlife Enforcement Tools and Strategies

With these overview issues established at plenary, participants will then participate in two sets of breakout groups: (1) to explore their peer group roles and (2) to discuss the applicability of innovative technical strategies used in the criminal investigation of specific wildlife crime cases. Key strategies include techniques in anti-money laundering and asset recovery, forensics, intelligence, and covert investigation techniques.

At the closing plenary session, the breakout groups will be asked to report on their respective key findings. Based on their overall learning, participants will then consider the development of a regional wildlife action plan that will contain concrete and specific commitments to strengthen wildlife policy and law enforcement, including the adoption of applicable technical strategies to combat wildlife crime.

Partners:

- ICCWC partners—the CITES Secretariat, International Criminal Police Organization, the United Nations Office on Drugs and Crime, the World Bank, and the World Customs Organization—will provide resource and technical experts for the technical sessions on innovative strategies in combating wildlife crime.
- United Nations Environment Programme and United Nations Food and Agricultural Organization Development Law Service will provide key support in identifying wildlife resources for biodiversity and legal issues.
- Wildlife enforcement networks (e.g., ASEAN, South Asia, Central America) will provide empirical data and valuable information on global and regional efforts to monitor illegal wildlife trade in plenary sessions.
- Nongovernment organizations such as the International Union for Conservation of Nature’s Commission on Environmental Law, TRAFFIC, FREELAND Foundation for Human Rights and Wildlife/Asia’s Regional Response to Endangered Species Trafficking, World Wildlife Fund, the Wildlife Conservation Society, Shark Savers, and Wild Aid will participate through sharing expertise on broader wildlife trade issues with the participants in plenary sessions.

Contacts:

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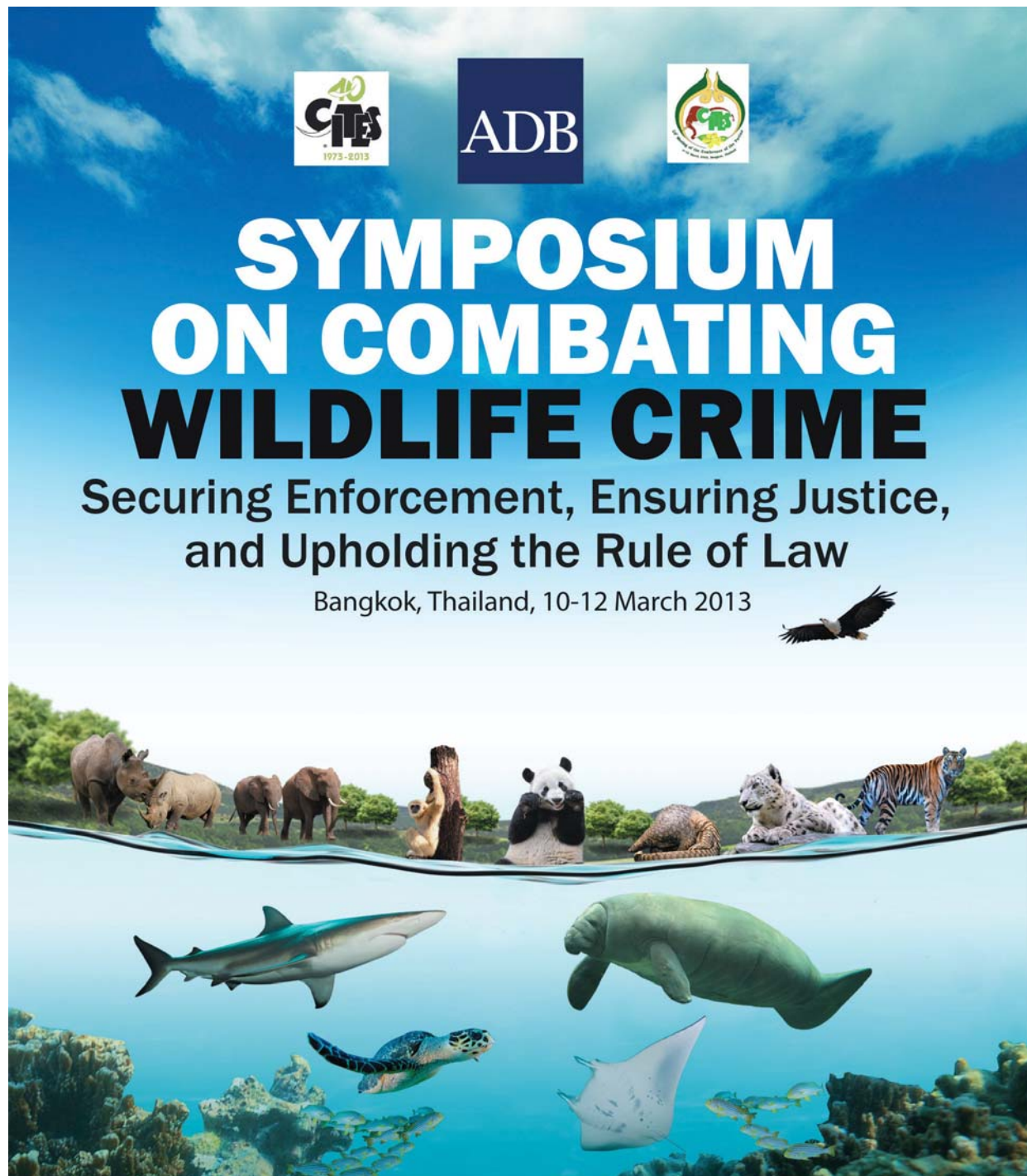
Ms. Rita Marie Mesina, legal research consultant, Office of the General Counsel, Asian Development Bank: rmesina.consultant@adb.org

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APPENDIX 2



International Consortium on Combating Wildlife Crime (ICCC)

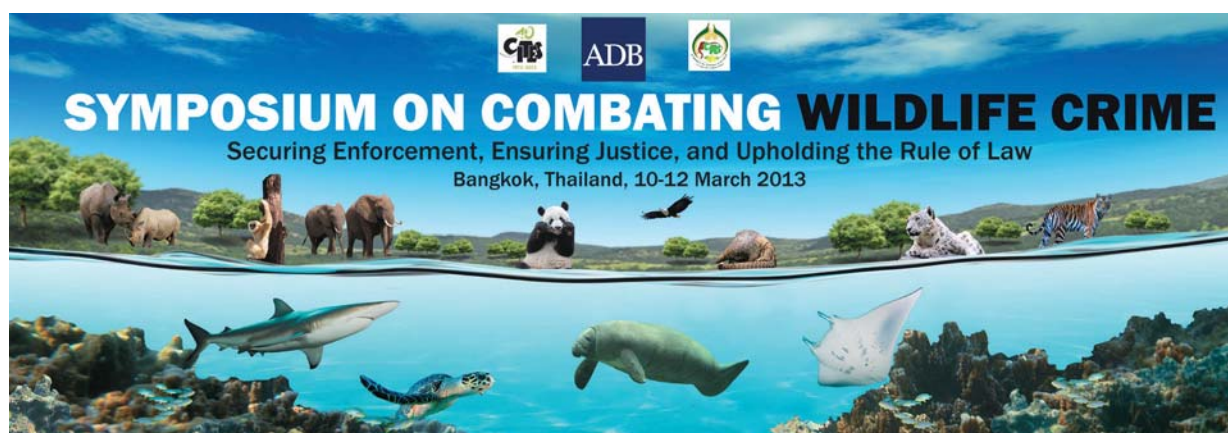


Intergovernmental bodies:



Nongovernmental bodies:





Program Agenda

10–12 March 2013

Queen Sirikit National Convention Center, Bangkok, Thailand

AGENDA

Day 1: Sunday, 10 March: Room 3—open to all registered participants

12:30–2:00 p.m. **Registration**

OPENING SESSIONS

2:00–2:40 p.m.

Opening and Welcome Remarks

- John E. Scanlon, Secretary General, CITES Secretariat
- Bruce L. Davis, Vice President, Asian Development Bank (ADB)
- *Combating the Wildlife Trade*, Video by ADB, World Wildlife Fund, and TRAFFIC

Plenary Session 1: Overview: Wildlife, Extinction, and Wildlife Crime

The significance of wildlife crime is often underestimated. Speakers will discuss the value of wildlife; the International Union for Conservation of Nature's Red List; the risks of extinction; the economic, social, environmental, and security costs of wildlife crime; and wildlife trade issues explaining the magnitude of the challenge.

2:40–3:30 p.m.

A. Wildlife Crime as Transnational Organized Crime

Session Chair: Marie-Anne Birken, Deputy General Counsel, Office of the General Counsel, Asian Development Bank

- Dr. Simon N. Stuart, Chair, Species Survival Commission, International Union for the Conservation of Nature—*Wildlife Trade and Endangered Species*
- Jorge Eduardo Rios, Coordinator, Wildlife and Forest Crime Programme, United Nations Office on Drugs and Crime—*Transnational Organized Crime and the Illegal Wildlife Trade*
- Dr. Carlos Drews, Director, Global Species Programme, World Wildlife Fund International—*The Importance of Wildlife and Fighting Illegal Wildlife Trafficking*
- Sean Willmore, President, International Ranger Federation

Question and Answer

3:30–5:00 p.m.

B. Key Illicitly and Illegally Traded Species

This session directly considers the illegal trade of key species. Speakers will highlight the impact that illegal trade has on some species; the sources of supply and demand for trade in the species; applicable legal policies, frameworks, and loopholes; recent law enforcement successes and failures; and challenges to preventing illegal trade.

Session Chair: **Marceil Yeater**, Chief, Legal Affairs and Trade Policy Unit, CITES Secretariat

Terrestrial Wildlife Trade (20 minutes)

Speakers will cover species-specific issues related to trade in crocodiles, elephants, great apes, pangolins, rhinos, snakes, and tigers.

- **Dr. William Schaedla**, Regional Director, TRAFFIC Southeast Asia

Question and Answer**Marine Wildlife Trade** (20 minutes)

Speakers will cover species-specific issues related to corals, fisheries, sea horses, turtles (fresh and sea), sharks, and mantas.

- **Glenn Sant**, Leader, Fisheries Trade Programme, TRAFFIC
- **Dr. Fábio Hissa Vieira Hazin**, Member, Brazil Delegation to the 16th CITES Conference of the Parties, and former Chair, International Commission for the Conservation of Atlantic Tunas
- **Dr. Joseph Okori**, Leader, African Rhino Programme, World Wildlife Fund International

Question and Answer**Forest and Timber Trade** (20 minutes)

- **Dr. Tint Lwin Thaung**, Executive Director, RECOFTC—The Center for People and Forests
- **Julian Newman**, Campaigns Director, Environmental Investigation Agency

Question and Answer (10 minutes)

5:00–5:15 p.m.

Coffee Break

5:15–6:00 p.m.

C. Mapping Trafficking Routes for Illegal Activities

Speakers will cover issues on international trafficking routes in illegal wildlife trade and highlight the countries involved as sources for supply, demand, and transit points in illegal wildlife transactions.

Session Chair: **Dr. Ken B. Johm**, Manager, Natural Resources and Environment Management Division, Agriculture and Agro-Industry Department, African Development Bank (AfDB)

- **Steven Broad**, Executive Director, TRAFFIC International
- **Dr. Scott Robertson**, Country Representative, Wildlife Conservation Society—Viet Nam
- **Elisabeth McLellan**, Manager, Global Species Programme, World Wildlife Fund International

Question and Answer (10 minutes)

6:00–7:15 p.m.

D. Cooperation in Combating the Illegal Wildlife Trade

This session will cover international cooperation in addressing illegal wildlife trade. Speakers will cover examples of initiatives done on the global, regional, and subregional levels and highlight existing cooperation groups in various points of the law enforcement chain (5–6 minutes each).

Session Chair: **Dr. Elizabeth L. Bennett**, Vice President for Species Conservation, Wildlife Conservation Society

- **Daniel Gaush**, International Relations Officer, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Ecology and Conservation, US Department of State—*Report from the Wildlife Enforcement Networks (WENs) Meeting*
- **Justice Syed Mansoor Ali Shah**, Judge, Lahore High Court, Pakistan—*Asian Judges Network on Environment and South Asia Conference on Environmental Justice*
- **Yang Arif Tan Sri Abdull Hamid bin Embong**, Justice, Federal Court of Malaysia
- **Dr. Wanhua Yang**, Legal Officer, Division of Environmental Law and Conventions, United Nations Environment Programme's Regional Office for Asia and the Pacific—*Moving Forward from the World Congress*
- **Giovanni Broussard**, Programme Officer, Partnership against Transnational Crime through Regional Organized Law Enforcement (PATROL), United Nations Office on Drugs and Crime
- **Ioana Botezatu**, Leader, Project PREDATOR, Environmental Crime Programme, International Criminal Police Organization (INTERPOL)
- **Wan Ziming**, Coordinator, National Inter-Agency CITES Enforcement Coordination Group; and Director, Law Enforcement and Training Division, CITES Management Authority of China, State Forestry Administration

Question and Answer (10 minutes)

7:15 p.m.

Group Photo

7:30 p.m.

Dinner at Retro Live Café (Zone B)

Government participants will be asked to join country delegations, or join subregional delegations where these are small.

Day 2: Monday, 11 March: Room 3

9:00–10:15 a.m.

Plenary Session 2: Curbing the Demand for Illegal Wildlife and Wildlife Products

Combating wildlife crime requires efforts both to curb demand and to limit supply of wildlife and wildlife products. Speakers in this session will report on efforts to reduce demand for wildlife and wildlife products with a range of approaches including multimedia and social media, religion, economics, and changing mind-sets into what counts as desirable consumption. Speakers will have 10 minutes.

Session Chair: **Eric Phu**, Marketing Consultant and former Vice Chair of the Interactive and Direct Committee, Association of Accredited Advertising Agencies of Hong Kong

- **James Compton**, Senior Director for Asia-Pacific, TRAFFIC International
- **Anna R. Oposa**, Cofounder and Chief Mermaid, Save Philippine Seas
- **Shawn Heinrichs**, Director, WildAid
- **Steve Galster**, Founder and Executive Director, FREELAND Foundation for Human Rights and Wildlife; Chief of Party, Asia's Regional Response to Endangered Species Trafficking (ARREST) Program; and Director, Field Operations, WildAid
- **Venerable Mae-Chee Sansanee Sthirasuta**, Theravada Buddhist nun and Cochair, Global Peace Initiative for Women

Question and Answer (20 minutes)

10:15–10:30 a.m.	Coffee Break
10:30–12:15 p.m.	<p>Plenary Session 3: National Policy and Legal Frameworks to Curb the Wildlife Trade</p> <p><i>This session will consider what constitutes appropriate wildlife policy legal frameworks for protecting wildlife and complying with CITES and possible loopholes and what to do about them. Speakers will have 10 minutes.</i></p> <p>Session Chair: Patricia Moore, Independent Legal Expert and former Head, Regional Environmental Law Programme Asia Division and Ecosystems and Livelihoods Group Asia Division, International Union for the Conservation of Nature</p> <ul style="list-style-type: none"> • John T. Webb, retired Assistant Chief, Environmental Crimes Section, US Department of Justice • Jorge Eduardo Rios, Coordinator, Wildlife and Forest Crime Programme, United Nations Office on Drugs and Crime • Marceil Yeater, Chief, Legal Affairs and Trade Policy Unit, CITES Secretariat—<i>CITES National Legislation Project</i> <p>Question and Answer</p> <ul style="list-style-type: none"> • Qazi Faez Isa, Chief Justice, Balochistan High Court, Pakistan • Dr. Ananda Mohan Bhattarai, Judge, Court of Appeal, Nepal • Dr. Kanjana Nitaya, Senior Officer, Wildlife Conservation Bureau, Department of National Parks, Wildlife and Plant Conservation, Ministry of Natural Resources and Environment, Thailand • Madhawa Tennakoon, Senior State Counsel, Attorney General's Department, Sri Lanka <p>Question and Answer (15 minutes)</p>
12:15–1:15 p.m.	Lunch Break
1:15–3:00 p.m.	<p>Plenary Session 4: Wildlife Law Enforcement—Current Approaches</p> <p><i>Speakers will reflect perspectives from different countries' law enforcement agencies, including prosecutors, police, customs, and ministry officials, and share concrete cases of challenges and successes in wildlife enforcement.</i></p> <p>Session Chair: Dr. Kala K. Mulqueeny, Principal Counsel, Office of the General Counsel, Asian Development Bank</p> <ul style="list-style-type: none"> • Kesh Bahadur Shahi, Director (Deputy Inspector General), Central Investigation Bureau, Nepal • Jesse Tai-Chiu Wong, Divisional Commander, Intelligence Coordination Division, Hong Kong Customs • Samantha Gunasekara, Deputy Director of Customs, Biodiversity, Cultural and National Heritage Protection Division, Sri Lanka Customs • Yang Arif Tan Sri Abdull Hamid bin Embong, Justice, Federal Court of Malaysia • Justice Syed Mansoor Ali Shah, Judge, Lahore High Court, Pakistan • Elema Halake, Head, Wildlife Investigations Department, Kenya Wildlife Service • Steve Galster, Founder and Executive Director, FREELAND Foundation for Human Rights and Wildlife; Chief of Party, Asia's Regional Response to Endangered Species Trafficking (ARREST) Program; and Director, Field Operations, WildAid <p>Question and Answer</p>
3:00–3:15 p.m.	Coffee Break

3:15–4:45 p.m.

Plenary Session 5: Innovative Wildlife Law and Enforcement Tools and Strategies

Speakers will provide a brief overview for all participants of novel enforcement tools and investigative strategies. Government participants will be invited to discuss further in the breakout sessions.

Session Chair: **Daniel Moell**, Environmental Programme Manager, Compliance and Facilitation Directorate, World Customs Organization

- **Marilyne Pereira Goncalves**, Senior Financial Sector Specialist, Financial Market Integrity Unit, World Bank—*Anti-Money-Laundering and Asset Recovery*
- **Avinash Basker**, Legal Consultant, Wildlife Protection Society of India
- **Jim Wingard**, Cofounder and Legal Director, Legal Atlas; and an International Consultant, Asian Development Bank; and **Maria Pascual Carcinero**, Cofounder and Science Director, Legal Atlas—*ADB Asian Wildlife Atlas Pilot Project*

Question and Answer (10 minutes)

- **Chrisgel Ryan Ang Cruz**, Assistant Senior Officer, Program Coordination Unit, ASEAN Wildlife Enforcement Network (ASEAN-WEN)—*Usable ID Kits/Species ID Materials*
- **Dr. Robert Steven Ogden**, Programme Director, TRACE Wildlife Forensics Network Society for Wildlife Forensic Sciences—*Forensics*
- **Dr. Richard Emslie**, Scientific Officer, African Rhino Specialist Group, International Union for the Conservation of Nature Species Survival Commission; and Member, Southern African Development Community Rhino and Elephant Security Group/INTERPOL Environmental Crime Working Group—*Forensics*

Question and Answer (10 minutes)

4:45–6:00 p.m.

Plenary Session 6: Wildlife Crime, Anti-Corruption, Integrity, and the Rule of Law

Speakers will consider anti-corruption and integrity issues surrounding wildlife crime, and give examples of anti-corruption measures to equip frontline enforcement and other legal stakeholders to protect against threats to integrity and to uphold the rule of law. Speakers will have 10 minutes.

Session Chair: **Ioana Botezatu**, Leader, Project PREDATOR, Environmental Crime Programme, International Criminal Police Organization (INTERPOL)

- **Dr. Shervin Majlessi**, Regional Anti-Corruption Advisor, United Nations Office on Drugs and Crime's Regional Office for Southeast Asia and the Pacific
- **Sombat Tuengwiwat**, retired police lieutenant colonel, and FREELAND Foundation for Human Rights and Wildlife Law Enforcement Advisor to the Thailand National Counter Corruption Subcommittee
- **Ofir Drori**, Founder and Director, The Last Great Ape Organization (LAGA) Cameroon; and Founder-Director, Central Africa Wildlife Law Enforcement Network

Question and Answer (10 minutes)

7:00 p.m.

Dinner Reception at Retro Live Café (Zone B)
(See Annex A)

Day 3: Tuesday, 12 March

9:00 a.m.–5:30 p.m. **Breakout Sessions**

Participants will be invited to break out into smaller groups (see Annex B). The groups will reconvene in the conference center for the wrap-up of the symposium and for the closing remarks. There will be two tracks:

Track 1: Interactive Discussions on Wildlife Law, Policy, and Governance (Room 3)

- Facilitator: ADB

Track 2: Technical Training on Special Investigative Techniques (Room 1)

This training is aimed exclusively at government officers—primarily law enforcement officers (customs, police, and relevant government agencies), but prosecutors and judges are welcome to attend.

- Facilitator: ICCWC partners

5:45–6:00 p.m. **Wrap-Up and Closing Remarks (Plenary)** (Room 3)

- Marie-Anne Birken, Deputy General Counsel, Office of the General Counsel, Asian Development Bank
- John E. Scanlon, Secretary General, CITES Secretariat

ANNEX A

DESCRIPTION OF DINNER RECEPTION

Participants will be seated in professional peer groups and an informal conversation among peer groups will be encouraged with questions.

Judges: Tables 1 A–B

Facilitator: **Pongdej Wanichkittikul**, Deputy Secretary, Supreme Court of Thailand

Prosecutors: Table 2

Facilitator: **John T. Webb**, Retired Assistant Chief, Environmental Crimes Section,
US Department of Justice

Police and Customs: Tables 3 A–B

Facilitator: World Customs Organization

Ministry Enforcement Agencies: Tables 4 A–D

Facilitators: **Irum Ahsan**, Counsel, Office of the General Counsel, Asian Development Bank; and/or
International Consortium on Combating Wildlife Crime

Development Partners: Donors and Civil Society: Table 5 A–B

Facilitators: **Marie-Anne Birken**, Deputy General Counsel, Office of the General Counsel,
Asian Development Bank; and
Wendy Elliot, Manager, Species Programme and Co-Leader, Illegal Wildlife Trade Campaign,
World Wildlife Fund International

ANNEX B

DETAILED DESCRIPTION OF BREAKOUT SESSIONS

Track 1: Interactive Discussion: Wildlife Law, Policy, and Governance

9:00–10:15 a.m.

Topic 1: Wildlife Policies and Legal Frameworks—Legal Constraints on Enforcement

This session will expand upon the plenary discussion of wildlife policy and law by identifying specific legal challenges to effective enforcement, including legal loopholes and constraints to convictions.

In this breakout session, the group shall consider the following:

In your country,

- *What challenges to enforcing wildlife (flora and fauna) laws and regulations relate to the nature, content, and drafting of the laws themselves?*
- *What are some of the “legal loopholes” that prevent effective law enforcement?*

Panelists will give brief comments (5–6 minutes each) on these challenges from their national perspective. The group will split into subgroups. A rapporteur will be appointed. Panelists and resource persons will guide discussions in subgroups so all participants may contribute their perspective on these questions (30 minutes). The groups will then report back (15 minutes).

Facilitator: **Patricia Moore**, Independent Legal Expert and Former Head, Regional Environmental Law Programme Asia Division and Ecosystems and Livelihoods Group Asia Division, International Union for Conservation of Nature

Panelists:

- **Asis G. Perez**, Director, Bureau of Fisheries and Aquatic Resources, Department of Agriculture, Philippines
- **Qazi Faez Isa**, Chief Justice, Balochistan High Court, Pakistan

Resource Persons:

- **John T. Webb**, retired Assistant Chief, Environmental Crimes Section, US Department of Justice
- **Natalia Pervushina**, Lead, Tiger Trade Programme, TRAFFIC/World Wildlife Fund
- **Jim Wingard**, Cofounder and Legal Director, Legal Atlas; and an International Consultant, Asian Development Bank
- **Steve Galster**, Founder and Executive Director, FREELAND Foundation for Human Rights and Wildlife; Chief of Party, Asia’s Regional Response to Endangered Species Trafficking (ARREST) Program; and Director, Field Operations, WildAid
- **Julian Newman**, Campaigns Director, Environmental Investigation Agency
- **Anitha Shenoy**, Advocate on Record, Supreme Court of India

10:15–10:30 a.m.

Coffee Break

10:30 a.m.–12:00 p.m.

Topic 2: Sentencing, Penalties, and Securing Convictions for Wildlife Crime

Significant challenges exist in securing adequate and appropriate convictions for wildlife crime committed against terrestrial wildlife, marine wildlife, and forest and timber. In this discussion, the breakout group shall consider responses to the following:

In your country,

- *What are the existing penalties for wildlife crime, and how adequate are these?*
- *What must prosecutors and judges do to improve enforcement and conviction and ensure adequate penalties are imposed?*
- *How are, or should, anti-corruption, anti-money-laundering, and integrity be promoted in the wildlife enforcement regime?*

Panelists will give brief responses (5–6 minutes each) to these questions from their national perspective. The group will split into subgroups. A rapporteur will be appointed. Panelists and resource persons will guide discussions in subgroups with all participants so all participants may contribute their perspective on these questions (45 minutes). The groups will then report back (15 minutes).

Facilitator: **John T. Webb**, retired Assistant Chief, Environmental Crimes Section, US Department of Justice

Panelists:

- **Yang Arif Tan Sri Abdull Hamid bin Embong**, Justice, Federal Court of Malaysia
- **Jose P. Perez**, Associate Justice, Supreme Court of the Philippines
- **Bimba Jayasinghe Tillekeratne**, President's Counsel and Additional Solicitor General, Attorney General's Department, Sri Lanka
- **Mukti Narayan Pradhan**, Attorney General, Nepal
- **Helge Elisabeth Zeitler**, Legal Officer, International Environmental Agreements and Processes, Environmental Crime Division, European Commission

Resource Persons:

- **Ofir Drori**, Founder and Director, The Last Great Ape Organization (LAGA) Cameroon and Founder–Director, Central Africa Wildlife Law Enforcement Network
- **Police Lieutenant Colonel Sombat Tuengwiwat**, retired police lieutenant colonel and FREELAND Foundation for Human Rights and Wildlife Law Enforcement Advisor to the Thailand National Counter Corruption Subcommittee

12:00–1:00 p.m.

Lunch Break

1:00–3:00 p.m.

Topic 3: Multimedia, Social Media, and Technology: Innovating for Wildlife

In this session, panelists will share innovations in social media, multimedia, and technology that seek to make people aware, care, and act on wildlife crime, or to improve enforcement. Participants will be encouraged to explore how such innovations can be used to educate and sensitize general law enforcement to wildlife crime and to encourage significant action.

Facilitator: **Jim Wingard**, Cofounder and Legal Director, Legal Atlas; and an International Consultant, Asian Development Bank

Panelists:

- **Eric Phu**, Marketing Consultant and former Vice Chair of the Interactive and Direct Committee, Association of Accredited Advertising Agencies of Hong Kong
- **Bryan Christy**, Investigative Journalist, Contributing Writer, and Director, Special Investigations Unit, *National Geographic*
- **Malaka Rodrigo**, Environmental Journalist, Sri Lanka

Question and Answer

- Marcos Silva, Chief, Knowledge Management and Outreach Services, CITES Secretariat
- Dr. Anak Pattanavibool, Director, Wildlife Conservation Society—Thailand—*Spatial Monitoring and Reporting Tool (SMART)*
- Seamas McCaffrey, Campaign Coordinator, Fin Free Thailand, and Communications Consultant, FREELAND Foundation for Human Rights and Wildlife; and Mike Darnell, Director, Vimi.co Ltd.—*WildScan App Project*

Question and Answer

Resource Persons:

- Avinash Basker, Legal Consultant, Wildlife Protection Society of India
- Maria Pascual Carcinero, Cofounder and Science Director, Legal Atlas

3:00–3:30 p.m.

Coffee Break

3:30–5:30 p.m.

**Topic 4: Judges, Prosecutors, and Law Enforcement Officers—
Making Them Aware, Care, and Act**

This session will build upon earlier sessions by considering the following:

- *To what extent are judges, prosecutors, and law enforcement officers aware of the issues of wildlife crime and the illegal wildlife crisis?*
- *What can be done to make them know the issues and act appropriately about them in their professional enforcement roles?*
- *What can and will you personally and as a representative of your institution do to contribute to combating wildlife crime?*
- *What should donor agencies be focusing on to help you?*

Panelists will give brief comments (5–6 minutes each) on these challenges from their national perspective. The group will split into subgroups. A rapporteur will be appointed. Panelists and resource persons will guide discussions in subgroups with all participants so all participants may contribute their perspective on these questions and consolidate what they have learned (30 minutes). The groups will then report back (15 minutes).

Facilitator: **Irum Ahsan**, Counsel, Office of the General Counsel, Asian Development Bank

Panelists:

- Jose P. Perez, Associate Justice, Supreme Court of the Philippines
- Qazi Faez Isa, Chief Justice, Balochistan High Court, Pakistan
- Bhishmadev Chakraborty, Deputy Attorney General, Office of the Attorney General, Bangladesh

Track 2: Technical Training on Special Investigative Techniques

This training is aimed exclusively at government officers—primarily law enforcement officers (customs, police, and relevant government agencies), but prosecutors and judges are welcome to attend.

Facilitator: International Consortium on Combating Wildlife Crime

9:00–10:15 a.m.	<p>Topic 1: Controlled Delivery</p> <p><i>Hong Kong Customs will show the specialized techniques of controlled delivery and share experiences of successful operations in the fight against customs offenses. Other crime areas will be used as reference, and participants will be inspired on how these techniques can be applied to wildlife crime.</i></p> <p><i>This session will consider</i></p> <ul style="list-style-type: none"> • techniques of controlled deliveries; • successful controlled deliveries: examples in other transnational organized crimes; and • applying controlled delivery techniques to wildlife crime. <p>Facilitator: Daniel Moell, Environmental Programme Manager, Compliance and Facilitation Directorate, World Customs Organization</p> <p>Delivered by Jesse Tai-Chiu Wong, Divisional Commander, Intelligence Coordination Division, Hong Kong Customs</p>
10:15–10:30 a.m.	Coffee Break
10:30–11:15 a.m.	Topic 1: Controlled Delivery (continued)
11:15 a.m.–12:00 p.m.	<p>Topic 2: Information and Intelligence Management</p> <p><i>International information management is not a goal in itself but serves to support and enhance law enforcement at strategic, tactical, and operational levels. Intelligence management includes gathering, sharing, enhancing, analyzing, and evaluating information. While the international exchange of intelligence raises risk for breach of security, if managed well, the risk can be mitigated and the benefit of intelligence sharing will improve global efforts to combat wildlife crime.</i></p> <p><i>In this session, participants shall consider the following questions:</i></p> <ul style="list-style-type: none"> • What are common security concerns, risks, and obstacles in international information exchange? • How can we mitigate those concerns? How should we manage the information or intelligence? • To be effective in information management, what kind of intervention is needed to fill the gaps between governments and nongovernmental agencies, whether at the grassroots or policy level? <p>Facilitator: Ioana Botezatu, Leader, Project PREDATOR, Environmental Crime Programme, International Criminal Police Organization (INTERPOL)</p> <p>Delivered by Ayako Tsuyada, Senior Operational Support Analyst, Environmental Security Sub-Directorate, International Criminal Police Organization (INTERPOL); and Tiina Kitunen, Consultant, International Criminal Police Organization (INTERPOL)</p>
12:00–1:00 p.m.	Lunch
1:00–3:00 p.m.	<p>Topic 2: Intelligence (continued)</p> <p>Facilitator: International Criminal Police Organization (INTERPOL)</p>

3:00–3:15 p.m.	Coffee Break
3:15–5:30 p.m.	<p>Topic 3: Anti-Money-Laundering and Asset Recovery</p> <p><i>Anti-money-laundering and asset recovery tools are not yet widely used to combat wildlife crime in Asia. This session will present how tools aimed at combating other transnational crimes (i.e., drugs, arms, and human trafficking) could be used to improve the law enforcement response to wildlife trafficking. These tools, also known as “follow the money” tools, have already been adopted by most countries around the world.</i></p> <p><i>This session will consider the following areas:</i></p> <ul style="list-style-type: none"> • <i>understanding anti-money-laundering frameworks (the role of financial institutions, financial sector supervisors, financial intelligence units, etc.);</i> • <i>capturing the financial dimension of crime in investigations and prosecutions—the advantages of the “follow the money” approach; and</i> • <i>mobilizing anti-money-laundering regimes to combat wildlife crimes.</i> <p>Facilitator: Marilyne Pereira Goncalves, Senior Financial Sector Specialist, Financial Market Integrity Unit, World Bank</p> <p>Delivered by Marilyne Pereira Goncalves, Senior Financial Sector Specialist, Financial Market Integrity Unit, World Bank; and Thomas R. Hansen, Consultant, Anti-Money-Laundering and Counter-Financing of Terrorism Programs, International Monetary Fund (IMF), the World Bank, and the United Nations Office on Drugs and Crime.</p>

International Consortium on Combating Wildlife Crime



APPENDIX 3

List of Resource Persons

Resource Person	Designation, Agency
Ahsan, Irum	Counsel, Office of the General Counsel, Asian Development Bank
Basker, Avinash	Legal Consultant, Wildlife Protection Society of India
Bennett, Elizabeth L.	Vice President for Species Conservation, Wildlife Conservation Society
Bhattarai, Ananda Mohan	Judge, Court of Appeal, Nepal
Birken, Marie-Anne	Deputy General Counsel, Office of the General Counsel, Asian Development Bank
Botezatu, Ioana	Leader, Project PREDATOR, Environmental Crime Programme, International Criminal Police Organization (INTERPOL)
Broad, Steven	Executive Director, TRAFFIC International
Broussard, Giovanni	Programme Officer, Partnership against Transnational Crime through Regional Organized Law Enforcement United Nations Office on Drugs and Crime
Carcinero, Maria Pascual	Cofounder and Science Director, Legal Atlas
Chakraborty, Bhishmadev	Deputy Attorney General, Office of the Attorney General, Bangladesh
Christy, Bryan	Investigative Journalist, Contributing Writer and Director, Special Investigations Unit, National Geographic
Compton, James	Senior Director for Asia-Pacific, TRAFFIC International
Cruz, Chrisgel Ryan Ang	Assistant Senior Officer, Program Coordination Unit, ASEAN Wildlife Enforcement Network
Darnell, Mike	Director, Vimi.co Ltd.
Davis, Bruce L.	Vice President, Asian Development Bank
Drews, Carlos	Director, Global Species Programme, World Wildlife Fund International
Drori, Ofir	Founder and Director, The Last Great Ape Organization Cameroon; and Founder-Director, Central Africa Wildlife Law Enforcement Network
Elliot, Wendy	Manager, Species Programme and Co-Leader, Illegal Wildlife Trade Campaign, World Wildlife Fund International
Embong, Yang Arif Tan Sri Abdull Hamid bin	Justice, Federal Court of Malaysia
Emslie, Richard	Scientific Officer, African Rhino Specialist Group, International Union for Conservation of Nature's Species Survival Commission; and Member, Southern African Development Community Rhino and Elephant Security Group/INTERPOL Environmental Crime Working Group
Galster, Steve	Founder and Executive Director, FREELAND Foundation for Human Rights and Wildlife; Chief of Party, Asia's Regional Response to Endangered Species Trafficking (ARREST) Program; and Director, Field Operations, WildAid

continued next page

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Resource Person	Designation, Agency
Gaush, Daniel	International Relations Officer, Bureau of Oceans and International Environmental and Scientific Affairs Office of Ecology and Conservation, US Department of State
Goncalves, Marilyne Pereira	Senior Financial Sector Specialist, Financial Market Integrity Unit, World Bank
Gunasekara, Samantha	Deputy Director of Customs, Biodiversity, Cultural and National Heritage Protection Division, Sri Lanka Customs
Hansen, Thomas R.	Consultant, Anti-Money-Laundering and Counter-Financing of Terrorism Programs, International Monetary Fund, the World Bank, and United Nations Office on Drugs and Crime
Johm, Ken B.	Manager, Natural Resources and Environment Management Division, Agriculture and Agro-Industry Department, African Development Bank
Halake, Elema	Head, Wildlife Investigations Department, Kenya Wildlife Service
Hazin, Fábio Hissa Vieira	Member, Brazilian Delegation to the 16th CITES Conference of the Parties and former Chair, International Commission for the Conservation of Atlantic Tunas
Heinrichs, Shawn	Director, WildAid
Kitunen, Tiina	Consultant, International Criminal Police Organization (INTERPOL)
Majlessi, Shervin	Regional Anti-Corruption Advisor, United Nations Office on Drugs and Crime Regional Office for Southeast Asia and the Pacific
McCaffrey, Seamas	Campaign Coordinator, Fin Free Thailand; and Communications Consultant, FREELAND Foundation for Human Rights and Wildlife
McLellan, Elisabeth	Manager, Global Species Programme, World Wildlife Fund International
Moell, Daniel	Environmental Programme Manager, Compliance and Facilitation Directorate, World Customs Organization
Moore, Patricia	Independent Legal Expert and former Head, Regional Environmental Law Programme Asia Division and Ecosystems and Livelihoods Group Asia Division, International Union for Conservation of Nature
Mulqueeny, Kala K.	Principal Counsel, Office of the General Counsel, Asian Development Bank
Newman, Julian	Campaigns Director, Environmental Investigation Agency
Nitaya, Kanjana	Senior Officer, Wildlife Conservation Bureau, Department of National Parks, Wildlife and Plant Conservation, Ministry of Natural Resources and Environment, Thailand
Ogden, Robert Steven	Programme Director, TRACE Wildlife Forensics Network Society for Wildlife Forensic Sciences
Okori, Joseph	Leader, African Rhino Programme, World Wildlife Fund International
Oposa, Anna R.	Cofounder and Chief Mermaid, Save Philippine Seas
Pattनाविबूल, Anak	Director, Wildlife Conservation Society—Thailand
Perez, Asis G.	Director, Bureau of Fisheries and Aquatic Resources, Department of Agriculture, Philippines
Perez, Jose P.	Associate Justice, Supreme Court of the Philippines
Pervushina, Natalia	Lead, Tiger Trade Programme, TRAFFIC/World Wildlife Fund
Phu, Eric	Marketing Consultant and former Vice Chair of the Interactive and Direct Committee, Association of Accredited Advertising Agencies of Hong Kong

continued next page

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Resource Person	Designation, Agency
Pradhan, Mukti Narayan	Attorney General, Nepal
Qazi, Faez Isa	Chief Justice, Balochistan High Court, Pakistan
Rios, Jorge Eduardo	Coordinator, Wildlife and Forest Crime Programme, United Nations Office on Drugs and Crime
Robertson, Scott	Country Representative, Wildlife Conservation Society—Viet Nam
Rodrigo, Malaka	Environmental Journalist, Sri Lanka
Sant, Glenn	Leader, Fisheries Trade Programme, TRAFFIC
Scanlon, John E.	Secretary General, CITES Secretariat
Schaedla, William	Regional Director, TRAFFIC Southeast Asia
Shah, Syed Mansoor Ali	Judge, Lahore High Court, Pakistan
Shahi, Kesh Bahadur	Director (Deputy Inspector General), Central Investigation Bureau, Nepal
Shenoy, Anitha	Advocate on Record, Supreme Court of India
Silva, Marcos	Chief, Knowledge Management and Outreach Services, CITES Secretariat
Sthirasuta, Mae-Chee Sansanee	Theravada Buddhist nun and Cochair, Global Peace Initiative for Women
Stuart, Simon	Chair, Species Survival Commission, International Union for Conservation of Nature
Tennakoon, Madhawa	Senior State Counsel, Attorney General's Department, Sri Lanka
Thaung, Tint Lwin	Executive Director, RECOFTC—The Center for People and Forests
Tillekeratne, Bimba Jayasinghe	President's Counsel and Additional Solicitor General, Attorney General's Department, Sri Lanka
Tsuyada, Ayako	Senior Operational Support Analyst, Environmental Security Sub-Directorate, International Criminal Police Organization (INTERPOL)
Tuengwiwat, Sombat	Retired police lieutenant colonel and FREELAND Foundation for Human Rights and Wildlife Law Enforcement Advisor to the Thailand National Counter Corruption Subcommittee
Wanichkittikul, Pongdej	Deputy Secretary, Supreme Court of Thailand
Webb, John T.	Retired Assistant Chief, Environmental Crimes Section, US Department of Justice
Willmore, Sean	President, International Ranger Federation
Wingard, Jim	Cofounder and Legal Director, Legal Atlas; and an International Consultant, Asian Development Bank
Wong, Jesse Tai-Chiu	Divisional Commander, Intelligence Coordination Division, Hong Kong Customs
Yang, Wanhua	Legal Officer, Division of Environmental Law and Conventions, United Nations Environment Programme's Regional Office for Asia and the Pacific
Yeater, Marceil	Chief, Legal Affairs and Trade Policy Unit, CITES Secretariat
Zeitler, Helge Elisabeth	Legal Officer, International Environmental Agreements and Processes, Environmental Crime Division, European Commission
Ziming, Wan	Coordinator, National Inter-Agency CITES Enforcement Coordination Group; and Director, Law Enforcement and Training Division, CITES Management Authority of China, State Forestry Administration

APPENDIX 4

List of Participants

JUDICIARY			
Name	Designation	Organization	Country
Ms. Nazmun Ara Sultana	Judge	Appellate Division, Supreme Court of Bangladesh	BAN
Mr. A.K.M. Shamsul Islam	Registrar	Supreme Court of Bangladesh	BAN
Mr. A.S.M. Ruhul Emran	Deputy Registrar	Supreme Court of Bangladesh	BAN
Mr. Drangpon Sangay Khandu	Acting Chief Justice	High Court of Bhutan	BHU
Mr. Tan Sri Abdull Hamid bin Embong	Justice	Federal Court of Malaysia	MAL
Ms. Rihaida binti Rafie	Judge	Kuala Lumpur Sessions Court	MAL
Mr. Mohammed Mokhzani bin Mokhtar	Judge	Shah Alam Sessions Court	MAL
Ms. Tin Tin War	Director	Lawyers Affairs and Inspectorate Department, Supreme Court of the Union of Myanmar	MYA
Dr. Ananda Mohan Bhattarai	Judge	Court of Appeal	NEP
Mr. Qazi Faez Isa	Chief Justice	Balochistan High Court	PAK
Mr. Syed Mansoor Ali Shah	Judge	Lahore High Court	PAK
Mr. Jose P. Perez	Associate Justice	Supreme Court of the Philippines	PHI
Ms. Rosmari D. Carandang	Associate Justice	Court of Appeals	PHI
Ms. Evangeline Castillo-Marigomen	Judge	Regional Trial Court Branch 101, Quezon City (designated environmental court)	PHI
Ms. Rohini Marasinghe	Judge	Court of Appeal	SRI
Mr. Surasak Keereevicheal	Chief Judge	Supreme Court of Thailand	THA
Mr. Pongdej Wanichkittikul	Deputy Secretary	Supreme Court of Thailand	THA
Ms. Angkana Sinkasem	Research Judge	Supreme Court of Thailand	THA
Mr. Kongphop Sukijbumrung	Director	Bureau of Foreign Affairs, Office of Administrative Courts of Thailand	THA
Mrs. Sinpoon Withayawongruchi	Director	International Cooperation, Office of Administrative Courts of Thailand	THA
Mr. Chanwit Chaikan	Administrative Case Official	Office of Administrative Courts of Thailand	THA
Ms. Lukkanawadee Saimit	Administrative Case Official	Office of Administrative Courts of Thailand	THA

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JUDICIARY <i>continued</i>			
Name	Designation	Organization	Country
Ms. Nawattaporn Sattayaruk	Administrative Case Official	Office of Administrative Courts of Thailand	THA
Mr. Rome Teepapal	Administrative Case Official	Office of Administrative Courts of Thailand	THA
Ms. Kanchana Leelacharaskul	Administrative Court Official	Office of Administrative Courts of Thailand	THA
Ms. Bui Thi Nhan	Senior Legal Expert; and Head of International Law	Department of International Cooperation, Supreme People's Court of Viet Nam	VIE
Ms. Bui Thi Ngoc Dung	Justice; and Deputy Head of Criminal Court	Supreme People's Court of Viet Nam	VIE

ATTORNEYS GENERAL			
Name	Designation	Organization	Country
Mr. Bhishmadev Chakraborty	Deputy Attorney General	Office of the Attorney General	BAN
Mr. Dasho Phuntsho Wangdi	Attorney General	Office of the Attorney General	BHU
Mr. Sangay Letho	Attorney	Office of the Attorney General	BHU
Ms. Daw Yin Yin Than	Director	Union Attorney General's Office	MYA
Dr. Su Su Hlang	Deputy Director	Union Attorney General's Office	MYA
Mr. Mukti Narayan Pradhan	Attorney General	Office of the Attorney General	NEP
Mr. Santosh Kumar Giri	Section Officer	Office of the Attorney General	NEP
Ms. Bimba Jayasinghe Tillekeratne	President's Counsel; and Additional Solicitor General	Attorney General's Department	SRI
Mr. Madhawa Tennakoon	Senior State Counsel	Attorney General's Department	SRI

POLICE AND PROSECUTORS			
Name	Designation	Organization	Country
Mr. Md. Atiqul Islam	Additional Deputy Inspector General	Police	BAN
Mr. Sugeng Irianto	Additional Commissioner of Police	Indonesian National Police	INO
Mr. Dato' Zulkifli bin Abu Bakar	Director	Maritime Investigations Department, Malaysian Maritime Enforcement Agency	MAL
Mr. Abdul Mannan Yoosuf	Chief Superintendent of Police	Maldives Police Service	MLD
Mr. Aung Htay Myint	Police Colonel; and Deputy Director against Transnational Organized Crime	Myanmar Police Force	MYA

continued next page

POLICE AND PROSECUTORS <i>continued</i>			
Name	Designation	Organization	Country
Mr. Kesh Bahadur Shahi	Director (Deputy Inspector General)	Central Investigation Bureau	NEP
Mr. Chester V. Gans	Special Investigator	National Bureau of Investigation	PHI
Mr. Wan Ziming	Coordinator; and Director	National Inter-Agency CITES Enforcement Coordination Group (NICECG); Law Enforcement and Training Division, CITES Management Authority of China, State Forest Administration	PRC
Mr. G.D.A.K. Senaratne	Deputy Inspector General	Sri Lanka Police Service	SRI
Mr. J.K.R.A. Perera	Senior Superintendent of Police	Sri Lanka Police Service	SRI
Mr. Manote Tantratian	Police Major General	Environmental Crime Programme, Foreign Affairs Division, Royal Thai Police	THA
Mr. Nguyen Thi Sy	Vice Commander	Environmental Police Department	VIE
Mr. Nguyen Viet Khanh	Lieutenant	Environmental Police Department	VIE

MINISTRIES			
Name	Designation	Organization	Country
Ms. Momena Khatun	Deputy Secretary	Ministry of Environment and Forests	BAN
Mr. Mohamed Shamsul Azam	Deputy Conservator of Forests	Office of the Chief Conservator of Forests, Forest Department	BAN
Mr. Md. Tariqul Islam	Additional Principal Chief Conservator of Forests	Management Plan Unit, Office of the Chief Conservator of Forests, Forest Department, Ministry of Environment and Forest	BAN
Mr. Sayad Mahmudur Rahman	Mammalogist	Forest Department, Ministry of Environment and Forest	BAN
Mr. Mosharraf Hossain	Additional Secretary	Ministry of Fisheries and Livestock	BAN
Mr. Karma Tenzin	Head	Forest Protection and Surveillance Unit, Department of Forests and Park Services	BHU
Mr. Haji Ajamain bin Haji Sawal	Head	Wildlife Division, Ministry of Industry and Primary Resources	BRU
Mr. Haji Muhammad Faisal Haji Nordin	Forestry Officer	Wildlife Division, Ministry of Industry and Primary Resources	BRU
Mr. Lao Sethaphal	Deputy Director	Department of Legislation and Law Enforcement, Forestry Administration, Ministry of Agriculture, Forestry and Fisheries	CAM
Mr. Tek Top	Deputy Director	Ratanakiri Forestry Administration, Ministry of Agriculture, Forestry and Fisheries	CAM

continued next page

MINISTRIES <i>continued</i>			
Name	Designation	Organization	Country
Mr. Sokkheng Tarapong	Junior Officer	Department of Legislation and Law Enforcement, Forestry Administration, Ministry of Agriculture, Forestry and Fisheries	CAM
Mr. Kim Santepheap	Undersecretary of State	Ministry of Justice	CAM
Mr. Irawan Asaad	Conservation Officer	Directorate of Areas Conservation and Protected Forest Management, Directorate General of Forest Protection and Nature Conservation, Ministry of Forestry	INO
Mr. Ardi Risman	Head	Directorate of Investigation & Forest Protection, Ministry of Forestry	INO
Dr. Sounthone Vongthilath	Head	Legislation and Zoo Sanitary, Department of Livestock and Fisheries	LAO
Mr. Khamphout Phandanouvong	Deputy Director General	Department of Forest Inspection, Ministry of Agriculture and Forestry	LAO
Mr. Phonesavanh Sophakhamphanh	Deputy Director	Aquatic and Wildlife Inspections Division, Department of Forest Inspection, Ministry of Agriculture and Forestry	LAO
Mr. Withaya Khodpithoon	Deputy Chief of Unit	Planning and Cooperation Division, Department of Forest Inspection, Ministry of Agriculture and Forestry	LAO
Mr. Xaiyadeth Saysida	Technical Official	Planning and Cooperation Division, Department of Forest Inspection, Ministry of Agriculture and Forestry	LAO
Mr. Khemdeth Sihavong	Deputy Director General	Department of Import and Export, Ministry of Industry and Commerce	LAO
Mr. Abdul Kadir Abu Hashim	Superintendent	Taman Negara Pahang National Park	MAL
Mr. Mohamd Bin Murad	Senior Assistant Director (Prosecution)	Forestry Department, Peninsular Malaysia	MAL
Mr. Salim Bin Aman	Senior Assistant Director (Water Catchment)	Forestry Department, Peninsular Malaysia	MAL
Mr. Mohamad Roslan Bin Abd Rahman	Senior Assistant Officer (Intelligence)	Forestry Department, Peninsular Malaysia	MAL
Mr. U Ye Htut	Deputy Director	Nature and Wildlife Conservation Division, Forest Department, Ministry of Environmental Conservation and Forestry	MYA
Mr. Megh Bahadur Pandey	Director General	Department of National Parks and Wildlife Conservation	NEP
Mr. Asis G. Perez	Director	Bureau of Fisheries and Aquatic Resources, Department of Agriculture	PHI

continued next page

MINISTRIES <i>continued</i>			
Name	Designation	Organization	Country
Mr. Raul M. Briz	Senior Forest Management Specialist	Forest Management Bureau, Department of Environment and Natural Resources	PHI
Mr. Ricky A. Arzadon	Chief	Investigation and Litigation Division, Department of Environment and Natural Resources	PHI
Ms. Josefina de Leon	Officer-in-Charge; and Division Chief	Wildlife Resources Division, Department of Environment and Natural Resources Protected Areas and Wildlife Bureau	PHI
Dr. Esteven U. Toledo	CITES Enforcement Officer	Wildlife Resources Division, Department of Environment and Natural Resources Protected Areas and Wildlife Bureau	PHI
Mr. Vuong Tien Manh	ASEAN Wildlife Enforcement Network Focal Point; and Scientific and Cooperation Officer	CITES Management Authority of Viet Nam, Directorate of Forestry, Ministry of Agriculture and Rural Development	VIE
Ms. Nguyen Thi Van Anh	Official	Biodiversity Conservation Agency, Ministry of Natural Resources and Environment	VIE

CUSTOMS			
Name	Designation	Organization	Country
Mr. Md. Anwar Hossain	Additional Commissioner of Customs	National Board of Revenue	BAN
Ms. Rinzin Pemo	Assistant Collector	Customs (in-charge of Paro International Airport)	BHU
Mr. Nich Koh	Deputy Chief	Department of Planning, Technique and International Affairs, General Department of Customs and Excise	CAM
Mr. Hem Sopheak	Customs Officer	General Department of Customs and Excise	CAM
Mr. Prom Lim	Customs Officer	General Department of Customs and Excise	CAM
Mr. Maninder Jeet Singh Arora	Commissioner	Customs, Inland Container Depot, Tughlakabad, Custom Commissionerate	IND
Mr. Arun Kumar	Additional Commissioner	Customs, Indira Gandhi International Airport	IND
Mr. Ashok Kumar	Deputy Director	Customs, Export Commissionerate	IND
Mr. Agus Pramono	Head	Investigation Section, Customs Prosecution and Investigation	INO

continued next page

CUSTOMS <i>continued</i>			
Name	Designation	Organization	Country
Mr. Bounma Hemmavanh	Deputy Chief of Unit	Anti-Smuggling Division, Department of Customs	LAO
Mr. Jaya Gobi Narayanan	Senior Assistant Director I	Royal Malaysian Customs	MAL
Mr. Kyaw Naing Myint	Assistant Director	Customs Department	MYA
Dr. Imran Rasool Khan	Deputy Collector of Customs	Model Customs Collectorate of Exports, Custom House Karachi	PAK
Mr. Samantha Gunasekara	Deputy Director of Customs	Biodiversity, Cultural and National Heritage Protection Division, Sri Lanka Customs	SRI
Mrs. Priyanthi Wijenayake	Deputy Superintendent of Customs	Sri Lanka Customs	SRI
Mr. K.P.D.C.H. Kaushalya	Assistant Superintendent of Customs	Sri Lanka Customs	SRI

NONGOVERNMENT ORGANIZATIONS			
Name	Designation	Organization	Country
Ms. Anita Shenoy	Advocate on Record	Supreme Court of India	IND
Mr. Ritwick Dutta	Cofounder	Legal Initiative for Forest and Environment	IND
Ms. Clarissa C. Arida	Director	Programme Development and Implementation, ASEAN Centre for Biodiversity	PHI
Ms. Anna R. Oposa	Cofounder and Chief Mermaid	Save Philippine Seas	PHI
Dr. Koh Kheng-Lian	Director	Asia-Pacific Centre for Environmental Law	SIN
Ms. Lye Lin Heng	Associate Professor, and Deputy Director	Asia-Pacific Centre for Environmental Law	SIN

Symposium on Combating Wildlife Crime

Securing Enforcement, Ensuring Justice, and Upholding the Rule of Law
The Proceedings

From 10–12 March 2013, the Asian Development Bank and the Convention on International Trade in Endangered Species of Wild Fauna and Flora convened chief justices, justices, attorneys general, high-ranking law enforcers, and representatives from intergovernmental and nongovernmental organizations and civil society to discuss critical wildlife issues in a symposium held as a side event of the 16th Conference of the Parties. Eminent experts in the field and partners in the International Consortium on Combating Wildlife Crime highlighted the significance of wildlife crime as a transnational organized crime, the wildlife species targeted by wildlife crime syndicates, primary trade routes, and the various strategies of dealing with wildlife crime. The participants left equipped with the necessary substantive and technical knowledge to effectively combat wildlife crime, secure enforcement, ensure justice, and uphold the rule of law.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two-thirds of the world's poor: 1.6 billion people who live on less than \$2 a day, with 733 million struggling on less than \$1.25 a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance.



International Consortium on Combating Wildlife Crime (ICWC)



Intergovernmental bodies:



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