



WILDLIFE AND FOREST CRIME

CCPCJ 22

21st April 2013

The thematic debate of the 22nd Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) is focussed on; *“The challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively”*. This Commission session is thus an important opportunity to build on the UN’s acknowledgement that wildlife and forest crime is serious transnational organised crime, and to drive further action on criminal justice issues relating to illicit wildlife and timber trafficking.

Why is wildlife and forest crime a serious transnational organised crime?

- ▶ Wildlife and forest crime is the 4th largest transnational crime in the world, worth an estimated US\$ 17 billion annually;ⁱ
- ▶ Wildlife and forest crime exhibits numerous indicators of organised crime, as described in the report of the Secretary General to the 12th Session of the CCPCJ on illicit trafficking in protected species of wild flora and fauna;ⁱⁱ
- ▶ Wildlife poaching occurs across borders, with large bands of heavily armed poachers entering foreign countries to source illegal wildlife products.ⁱⁱⁱ This constitutes a threat to territorial integrity, security, and constitutes an invasion as well as natural resource theft;
- ▶ The Janjaweed, Somali rebels, Democratic Forces for the Liberation of Rwanda (FDLR), and many other militant groups have been implicated in illicit wildlife trafficking to generate unlawful funds and acquire arms to support their operations;^{iv}
- ▶ Wildlife and forest crime often overlaps with other criminal activities, including illicit trade in arms, corruption and money laundering. Left unaddressed, wildlife and forest crime can facilitate the growth of other organised crime, and hinder governments’ ability to halt other illicit activities;
- ▶ Wildlife poaching syndicates have changed the way they operate and are now using sophisticated weaponry and equipment to increase their take and avoid detection (e.g. veterinary drugs, night vision equipment). In the DRC a group of elephants were recently poached by professional marksmen from a helicopter;

- ▶ Human casualties resulting from wildlife and forest crime are high, with injuries and deaths of rangers, poachers, loggers as well as innocent bystanders occurring. For example, in June 2012 a notorious elephant poacher led a gang of bandits in an attack on the Okapi reserve in DRC, killing seven people, some with extreme and inhumane cruelty.^v Conflict between rosewood loggers and park rangers in Thailand has resulted in scores of deaths.^{vi} Globally, it is estimated that over 1,000 park rangers have been killed in action over the last 10 years,^{vii} although the real figure is likely to be much higher;
- ▶ The destabilizing effects of wildlife crime are being felt worldwide, with criminal gangs robbing museums and private collections of rhino horns in Europe and beyond. In July 2012 two merchants in New York City pleaded guilty to possessing illegal ivory artefacts worth more than \$2 million;
- ▶ Currently there is no effective deterrent to wildlife and forest crime because high level traders and kingpins are rarely arrested, prosecuted, convicted or punished;
- ▶ Current enforcement systems have not been established to tackle such sophisticated crime – weak governance, low capacity, and inadequate resources facilitate the trade.^{viii} Conversely wildlife and forest crime offers huge financial gains, making it a low risk, high profit criminal activity.

Background to to wildlife and forest crime in international policy

There is growing concern on wildlife and forest crime expressed across the UN and other intergovernmental agreements and bodies, as reflected in the following:

- 1) The UN Security Council Presidential Statement of 19th December 2012 calling on *“the United Nations and AU to jointly investigate the LRA’s logistical networks and possible sources of illicit financing, including alleged involvement in elephant poaching and related illicit smuggling.”*;
- 2) The United Nations General Assembly (UNGA) High-Level Meeting on the Rule of Law, 24th September 2012, in which several governments profiled illicit wildlife trafficking as a key rule of law issue;
- 3) The 20th Leaders Meeting of the Asia Pacific Economic Cooperation, 8-9th September 2012, whose declaration stated: *“we are concerned by the escalating illicit trafficking in endangered and protected wildlife ... which has economic, social, security, and environmental consequences in our economies. We commit to strengthen our efforts to combat illegal trade in wildlife, timber, and associated products ... We will take meaningful steps to ... addressing both the illegal supply and demand for endangered and protected wildlife, through capacity building, cooperation, increased enforcement, and other mechanisms”*;
- 4) Rio+20’s Outcome Document paragraph 203, adopted by the UNGA on 27 July 2012 (UNGA/66/288), which *“recognises the economic, social and environmental impacts of illicit trafficking in wildlife, where firm and strengthened action needs to be taken”*;
- 5) Commission on Crime Prevention and Criminal Justice (CCPCJ) resolution 16/1 on *“International cooperation in preventing and combating illicit international trafficking”* of resources including wildlife;
- 6) ECOSOC resolutions 2001/12 (24 July 2001), 2003/27 (22 July 2003), 2008/25 (24 July 2008) and 2011/36 (28 July 2011) on illicit trafficking in protected species of wild fauna and flora;
- 7) UNGA Resolution 55/25 which adopted the Convention on Transnational Organised Crime on the 15th November 2000 and highlighted illicit wildlife trafficking within the context of the Convention; *“Strongly convinced*

that the United Nations Convention against Transnational Organized Crime will constitute an effective tool and the necessary legal framework for international cooperation in combating, inter alia, such criminal activities as money-laundering, corruption, illicit trafficking in endangered species of wild flora and fauna, offences against cultural heritage and the growing links between transnational organized crime and terrorist crimes."

Why is it critical to address wildlife and forest crime now?

- ▶ Recent years have seen a dramatic upsurge of poaching and illicit trafficking of high value wildlife products. Rhino poaching in South Africa has risen from 13 in 2007 to 668 in 2012. The highest ever recorded levels of elephant poaching in Africa were seen in 2011, as well as more large scale ivory seizures than any year since records began over 20 years ago.^{ix} The growing number of large scale ivory seizures indicates the increasing involvement of criminal syndicates in illicit ivory trafficking. Up to 30,000 elephants are now killed in Africa each year;
- ▶ As a result, wildlife populations of many key African species threatened by poaching and trafficking are plummeting, robbing governments and communities of a potentially valuable resource. Estimates indicate that elephants in the Congo Basin have declined by more than 60% in the last decade,^x primarily due to poaching;
- ▶ Up to 30% of all timber traded globally now comes from illegal sources.^{xi} With deforestation and forest degradation accounting for an estimated 17% of global carbon emissions^{xii}, if left uncontrolled illegal logging will hinder the global community's efforts to reduce carbon emissions.

Why is the application of the Wildlife and Forest Crime Analytic Toolkit critical?

Wildlife and forest crime has been discussed within the UN as serious organised crime for over a decade, but there has not been adequate political and financial investment in preventative and criminal justice responses to effectively combat it. Stronger legislation and penalties, multi-agency intelligence-led enforcement and swift international cooperation are urgently required. Seizures and arrests without follow-up investigations and meaningful convictions will not dismantle the transnational criminal networks involved in wildlife and forest crime. The gathering, analysis and timely sharing of actionable intelligence on the criminals involved is vital at both the national and international level.

The Wildlife and Forest Crime Analytic Toolkit^{xiii} is a comprehensive product developed by the UN Office on Drugs and Crime (UNODC) as a product of the International Consortium on Combating Wildlife Crime (ICWC), a collaboration between UNODC, the World Customs Organization, INTERPOL, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the World Bank. The Toolkit, when applied at the national level, enables a review of obstacles to effectively and comprehensively addressing wildlife and forest crime, and identifies any capacity, training and resource needs.

Actions needed at CCPCJ22

The 22nd session of the CCPCJ provides an opportunity to agree a resolution to combat wildlife and forest crime, including the following elements:

- ▶ Extending the mandate of the UN Office on Drugs and Crime (UNODC) to assist Members States with the application of the ICCWC Wildlife and Forest Crime Analytic Toolkit;
- ▶ Urging Member States to take advantage of this excellent tool, and prioritise working closely with UNODC in the application of the Toolkit to their national contexts;
- ▶ Inviting Member States and other donors to provide extrabudgetary resources to enable UNODC to work with Members States in the application of the ICCWC Toolkit, and to support the UNODC in fulfilling its role within ICCWC;
- ▶ Requesting the UNODC and Member States to urge other ICCWC partners to promote the use of the Toolkit through their own channels;
- ▶ Requesting the UNODC to report on progress on the application of the Toolkit to the next CCPCJ
- ▶ Requesting Member States who have applied the Toolkit to report back to the next CCPCJ on its use and impact;
- ▶ Directing the UNODC to undertake a study that focuses on wildlife and forest crime using case studies of one or more of high profile species e.g. rhino, elephant, tiger, rosewood. Such case studies should illustrate the nature of the transnational organised crime networks involved, the impact on peace and security and social-economic stability, the criminal justice and enforcement responses across the trade chain including an analysis of current penalties and their use, and reflects best practice;
- ▶ Encouraging all Member States to take action against trafficking in endangered species of wild fauna and flora by adopting necessary legislation to make "*trafficking in an endangered species of wild fauna or flora*" a serious crime, and by strengthening international, regional and bilateral cooperation.

ⁱ Haken, J. 2011. Transnational Crime In The Developing World. Global Financial Integrity, Washington, DC, USA.

ⁱⁱ Report of the Secretary General on illicit trafficking in protected species of wild flora and fauna to the 12th Session of the CCPCJ https://www.unodc.org/pdf/crime/commissions/12_commission/8e.pdf

ⁱⁱⁱ http://www.cites.org/eng/news/pr/2012/20120228_elephant_cameroon.php

^{iv} For example: Felbab-Brown, V. 2011. The Disappearing Act: The Illicit Trade in Wildlife in Asia. The Brookings Institute; Leggett, T. & Dawson, J. 2011. Organized Crime and Instability in Central Africa: A Threat Assessment. Vienna: United Nations Office on Drugs and Crime (UNODC); UNODC. 2010. The Globalization of Crime: A Transnational Organized Crime Threat Assessment. United Nations Office on Drugs and Crime (UNODC); UNSC. 2008. Report of the Group of Experts submitted pursuant to resolution 1771 (2007). United Nations Security Council. 13 February 2008.

^v <http://whc.unesco.org/en/news/908/>

^{vi} Thailand Ministry of Foreign Affairs, Press Release no. 611, 2012, 9/11/2012

^{vii} <http://www.thingreenline.org.au/>

^{viii} Bennett, E. (2011) Another inconvenient truth: the failure of enforcement systems to save charismatic species. *Oryx* 45(4), 476-479 doi:10.1017/S00306053100017x

^{ix} CITES (2012) Elephant Conservation, Illegal Killing and Ivory Trade. SC62 Doc. 46.1 (Rev.1)

^x Maisels F, Strindberg S, Blake S, Wittemyer G, Hart J, et al. (2013) Devastating Decline of Forest Elephants in Central Africa. *PLoS ONE* 8(3): e59469. doi:10.1371/journal.pone.0059469

^{xi} Nellemann, C., INTERPOL Environmental Crime Programme (eds). 2012. Green Carbon, Black Trade: Illegal Logging, Tax Fraud and Laundering in the Worlds Tropical Forests. A Rapid Response Assessment. United Nations Environment Programme, GRID-Arendal. www.grida.no

^{xii} *Ibid*

^{xiii} The Wildlife and Forest Crime Toolkit is available [here](#).