

Forum

Illegal wildlife trade: a need for institutional mapping—A response to Bennett

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The Forum article by Elizabeth Bennett (2011) is both timely and poignant, highlighting one of the most serious threats to charismatic mammal species, particularly in Asia. As she rightly points out, hunting for the illegal trade in highly valuable body parts is both extensive and commercialized. Enforcement efforts against wildlife trade in developing countries have, however, generally been unstructured, unstrategic and underfunded. These efforts have almost certainly been misdirected by the wording in Article IX of the CITES main text, which has only prescribed the two institutional bodies—the management authorities and scientific authorities—with a primary focus on issuing export permits and certificates in relation to trade categories (Appendix I, II and III). Scant attention has been given to the role of law enforcement institutions ‘to enforce the provisions’ in Article VIII, paragraph 1. Although we are currently fighting battles on illegal wildlife trade we are certainly losing the war.

From military conflicts one can obtain insights into the institutional arrangements required for tackling illegal wildlife trade. According to General Giap’s Memoirs (Giap, 2010), when the North Vietnamese forces defeated the Americans in the Vietnam War (1955–1975) the North Vietnamese had an organized command centre, organized field units in various parts of the country with regular communications to headquarters, organized zones for battle engagement, informant networks and an effective propaganda strategy. In a similar manner, a country should have a national inter-agency committee for tackling illegal wildlife trade, drawing together the enforcement capabilities of the police and customs (and their international links with INTERPOL and the World Customs Organization) and the technical knowledge of wildlife of the management authorities—all supported by the judiciary. To be properly functional such a national inter-agency committee should in turn supervise and liaise with sub-national enforcement networks, linking enforcement agencies into protected area and forest management units. Both the national and sub-national bodies could be further supported by NGOs and civil society.

National command centres, or inter-agency committees, for tackling illegal wildlife trade began to appear through necessity in the 1990s in several countries (TRAFFIC International, 1997). In the UK the Partnership for Action against Wildlife Crime (PAW) was established in November

1995. PAW provides a forum and mechanism for a comprehensive, structured and coordinated approach to improving wildlife laws and enforcement. In the USA the Los Angeles Wildlife Task Force was set up as a multi-agency effort to control illegal wildlife imports and exports. The Netherlands created the Dutch Covenant in 1994 in response to a recommendation in a report on wildlife crime. India’s Ministry of the Environment and Forests established a National Co-ordination Committee on wildlife trade in 1995. Thus, at the close of the 1990s, inter-agency committees were operating in a number of countries, albeit largely in isolation.

Some 2 decades later the importance of these informal institutional bodies has been increasingly recognized. The Parties to CITES and the CITES Secretariat have shown heightened interest in formally recognizing the importance of national inter-agency cooperation and increasing the role of national law enforcement agencies in CITES implementation. In 2000 the Conference of Parties to CITES made resolutions on compliance and enforcement that have been revised at successive meetings (CITES, 2010). This resolution recommends that management authorities coordinate with the agencies responsible for enforcing CITES, including customs and police and, where appropriate, sectoral NGOs, by arranging training activities and joint meetings and by facilitating exchange of information, and that Parties set up national inter-agency committees bringing together management authorities and governmental enforcement agencies. Bennett (2009) has also recognized that ‘Successes also involve multiple partners in clear, multi-agency relationships to provide different skill sets and, critically, to provide accountability and transparency, leading to good management even in countries with high levels of corruption’, and that such arrangements have proved successful.

Concomitantly, in the last 5 years, there has been a surge of interest in involving the enforcement agencies in mitigation of illegal wildlife trade. In December 2005 the Association of South-East Asian Nations (ASEAN) Wildlife Enforcement Network (ASEAN-WEN) was established—a proactive response to the alarming levels of wildlife trafficking and loss in South-East Asia and a mechanism by which countries can exchange information and best practices. Several South Asian countries have formed a South Asia Wildlife Enforcement Network (SAWEN) to coordinate a regional response to illegal poaching and trafficking. Seven countries have joined this network, agreeing to the establishment of a secretariat and an outline programme of work.

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INTERPOL has also become increasingly prominent, with its Wildlife Crime Working Group bringing together the expertise and experience of law enforcement officers on poaching, trafficking and possession of legally protected flora and fauna. INTERPOL recently developed a Strategic Plan 2011–2013 under its Environmental Crime Programme. In November 2010 CITES, INTERPOL, the UN Office on Drugs and Crime, the World Bank and the World Customs Organization signed a letter of understanding creating the International Consortium on Combating Wildlife Crime. This consortium aims to work collaboratively to support national law enforcement agencies and regional wildlife law enforcement agreements, bodies and networks, in responding to transnational wildlife crimes through, inter alia, the provision of expertise and resources, and to raise awareness of wildlife crimes and other related violations in the wider law enforcement community.

These international and regional agendas have been mobilized comparatively recently. With the growing recognition of the importance of national inter-agency committees in tackling illegal wildlife trade effectively, we need to assess how international enforcement agendas mesh with the formation of national inter-agency committees and their embryonic agendas, and the in-country dynamics of inter-agency relationships. A particularly important question is who heads these national command centres. For the past 25–35 years management authorities have taken the leading role in implementing CITES, as empowered by Article IX of the Convention. They have often introduced wildlife trade legislation under the mandate of their respective departments, and have built modest enforcement capacities. The recent involvement of enforcement agencies, in particular the police agencies, jeopardizes this leadership role. Consideration may have to be given to revolving the chairmanship of these inter-agency committees, to share power and collective responsibility.

At the sub-national level it is also imperative to conduct some institutional mapping of the human resource needs, the command structures among the concerned agencies, the strategic locations for stationing enforcement resources, understanding the role of individuals within protected areas in supporting sub-national enforcement networks, the reporting systems among agencies, and projected training requirements and time frames. As yet, no meaningful sub-national enforcement networks exist in any Asian country, and thus there is a dearth of practical experience. Based upon the current CITES resolutions it appears that the Parties to CITES and the CITES Secretariat, although encouraging the formation of national inter-agency committees, do not provide any vision of how these committees function and interact at the sub-national level. Bennett (2011) lends weight to this argument, stating that we require ‘increased numbers of highly trained and well equipped staff at all points along the trade chain: most especially in core sites

where the species are being hunted but also along key transportation routes and in end markets.’

To respond to these dire needs for effective wildlife trade mitigation the CITES Secretariat needs to commission an independent review of the institutions involved in combating illegal wildlife trade, emphasizing the arrangements found in developing countries and the constraints of inter-agency cooperation, at both national and sub-national levels. We need an inventory of national inter-agency committees, of their membership and functions, and of their modes of operation, and clarification as to which should be the lead agency. Given the growing importance of ASEAN-WEN and SAWEN, the CITES Secretariat should consider developing a road map for integrating these emerging regional institutional bodies with national inter-agency committees. The developing country parties to CITES should promote the establishment of sub-national wildlife enforcement networks comprising police (environmental, highway and border), customs, forest, military and protected area agencies.

We should not expect the conservation NGO community, or bilateral donors, to deliver the sustained funding that will be required over the next 10–20 years to build capacity at national and sub-national levels for combating illegal trade in wildlife. Development banks such as the World Bank, the Asian Development Bank and the Japan Bank of International Cooperation, which have financed the road networks, airports and other infrastructure needed to smooth international trade also need to support effective CITES implementation. International conservation organizations should petition financial institutions and development agencies to support the development of sub-national enforcement networks in developing countries.

Current efforts to mitigate illegal wildlife trade are highly unstrategic, and possibly deceptive, giving the next generation of conservationists a false sense of hope. We need to conduct institutional mapping at national levels to enable us to tackle illegal wildlife trade more effectively.

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