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## EIA and WPSI briefing document for the 61<sup>st</sup> Meeting of the CITES Standing Committee - Enforcement and Asian big cats

The following is a summary of EIA and WPSI recommendations for action by SC61, with supporting documents attached.

### SC61 Doc. 30 – On Enforcement Matters, EIA and WPSI:

- Recommend that the SC acknowledge progress with the development of the International Consortium on Combating Wildlife Crime (ICWC), and urge CITES Parties to invest in the INTERPOL Environmental Crime Programme and make use of the forthcoming ICWC Analytic Toolkit to assist with enforcement gap-analysis and in identifying capacity needs.
- Urge the SC to acknowledge the need for CITES Management Authorities to reevaluate what they consider to be indicators of “effective enforcement”, and request the Senior Experts Group of ICWC to include a list of indicators of effective enforcement in the output of Decision 15.70.

### SC61 Doc. 31 – On Gathering and Analysis of Data on Illegal Trade, EIA and WPSI:

- Recommend that the SC asks INTERPOL for an estimate of costs associated with administering and analyzing wildlife crime information through their systems.
- Further recommend that the SC invites the Senior Experts Group of ICWC (of which both INTERPOL and WCO are partners) to share their analysis of why information exchange on wildlife crime and criminals has not been as effective to date as it could be.

### SC61 Doc 41 and Annexes – On Asian Big Cats, EIA and WPSI:

- Recommend SC invites the Secretariat to explain the insufficiencies in data that was supposed to be provided under Decision 15.46 (intelligence on tiger crime to be provided to INTERPOL for analysis), so that Parties may provide more adequate information in future.
- Recommend that the SC set a new deadline by which all source and consumer Parties of Asian big cats provide the details required in order for INTERPOL to conduct a full analysis of not just tiger, but *all* Asian big cat trade.
- Urge the SC to establish what information is vital from all Asian big cat range states, so that SC can better monitor implementation of Conf. Res 12.5 (Rev CoP15) and relevant Asian big cat Decisions.
- Urge the SC to ask China to provide *evidence of enforcement action* in Provinces where illegal trade in Asian big cat parts and derivatives has been well documented: Gansu and Qinghai Provinces and the Tibet Autonomous Region. SC61 Doc. 41 Annex 2 does not provide any information on seizures, arrests and prosecutions in these known major trade locations, while EIA sources confirm that known offenders continue to operate.
- Urge the SC to seek clarification from China over the status of the registration and domestic sale of tiger and leopard skins, and of the purpose of stockpiling skins and bones of captive bred Asian big cats (SC61 Doc 41 Annex 2, No. 14 and 16).
- Urge the SC to request a verbal report from relevant Parties, on actions taken to implement Dec 14.69 and phase out tiger farms, particularly Thailand, Viet Nam, Laos and China where there have been reports of domestic trade in parts and derivatives of Asian big cats from captive-bred sources.
- Recommend the SC to assign the review and update under Dec15.70 to the Senior Experts Group of the International Consortium on Combating Wildlife Crime (ICWC).
- Recommend the SC consider an CITES Enforcement Mission to the Lao PDR.

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## Moving towards more effective enforcement in CITES - August 2011

### EIA and WPSI:

- Recommend that the SC acknowledge progress with the development of the International Consortium for Combating Wildlife Crime (ICCWC), and urge CITES Parties to invest in the INTERPOL Environmental Crime Programme, and make use of the forthcoming ICCWC Analytic Toolkit to assist with enforcement gap-analysis and in identifying capacity needs (*see SC61 Doc 30*).
- Recommend that the SC ask INTERPOL for an estimate of costs associated with administering and analyzing wildlife crime information through their systems (*see SC61 Doc 31*).
- Further recommend that the SC invite the Senior Experts Group of ICCWC (of which both INTERPOL and WCO are partners) to share their analysis of why information exchange on wildlife crime and criminals has not been as effective to date as it could be (*see SC61 Doc 31*).
- Recommend that the SC invite the Secretariat to explain the insufficiencies in data that was supposed to be provided under Decision 15.46 (intelligence on tiger crime to be provided to INTERPOL for analysis), so that Parties may provide more adequate information in future (*see SC61 Doc 41*).
- Recommend that the SC set a new deadline by which all source and consumer Parties of Asian big cats provide the details required in order for INTERPOL to conduct a full analysis of not just tiger, but *all Asian big cat trade* (*see SC61 Doc 41*).
- Recommend the SC to assign the review and update under Decision 15.70 to the Senior Experts Group of the International Consortium on Combating Wildlife Crime (ICCWC) (*see SC61 Doc 41*).
- Urge the SC to acknowledge the need for CITES Management Authorities to reevaluate what they consider to be indicators of “effective enforcement”, and request the Senior Experts Group of ICCWC to include a list of indicators of effective enforcement in the output of Decision 15.70.

CITES Management Authorities tend to rely solely on seizures of specimens in trade as an indicator of “effective enforcement”, instead of the investigation, conviction and disruption of criminals and criminal networks. Such methods are insufficient. While seizures are important, they are simply one indicator of trade. Whether it is evaluation of progress in implementing Conference Resolution 12.5 (Rev. CoP15) on Asian big cats, determining ivory-trade decision-making mechanisms, or combating wildlife crime that is rapidly spiralling out of control (such as the re-emergence of the illegal rhino horn trade in the last few years), CITES Management Authorities need to place a greater emphasis on evidence of more meaningful enforcement action being taken against the criminals that perpetrate these crimes.

If enforcement stops with seizing the specimens in trade, or arresting low-level couriers, it will be insufficient to stop organised networks and criminals.

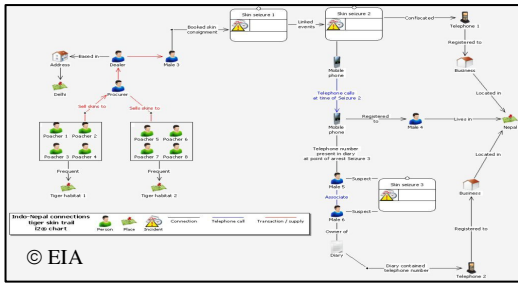
Similarly, severe penalties on paper are meaningless as a deterrent if there is only a small chance of being detected, arrested, prosecuted and convicted. Between 1994 and 11 August 2011, for example, 748 court cases were registered in India in connection with tiger crimes (poaching and seizure cases, including 3 import-export cases). Only 17 of these cases have resulted in successful convictions (of 54 people); a rate of 2.3%.<sup>1</sup>

As with other forms of serious organised crime, wildlife criminals are adaptable. Methods of concealment, sizes of consignments and trafficking routes are changed to avoid detection, and corruptible officials are exploited.

Wildlife criminals often traffic a diversity of wildlife parts and derivatives. Seizing one consignment in isolation is not a victory, since the criminals will merely poach more wildlife to replace a lost consignment. Effective enforcement means working towards and targeting the criminals controlling the supply, transport and distribution points of the network.

The gaps in enforcement that result in the inability to disrupt the serious, organised and transnational criminal networks that control wildlife crime, are the same gaps which undermine security, allow corruption to flourish and reduce the capacity to combat *all* forms of organised criminal activity.

The future of endangered species, and the future viability of CITES, depends on more effective enforcement and on shifting the balance of the ‘high profit : low risk’ wildlife crime equation.



**Collating and analysing intelligence**

Not all tiger range countries provided information to INTERPOL as required under Decision 15.46 and the information that was provided, was not sufficient to allow a full analysis. Yet, the information is out there, as shown by some positive examples from governments and by the work of NGOs. CITES MAs on the Standing Committee must establish whether this is due to a lack of willingness to share information at an international level, or of capacity to generate and collate the information at a national level.



**Seizures are just the first step**

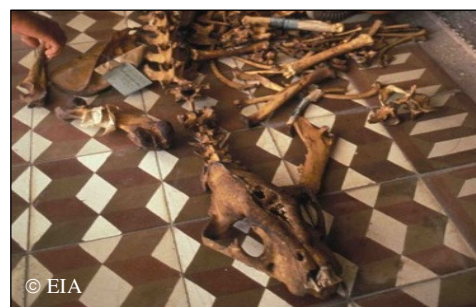
Four live leopard cubs were among other animals recovered from a passenger's luggage, departing from Thailand to UAE in May 2011.<sup>2</sup> The seizure and arrest were the result of a covert police operation and when police realised Customs officials were going to allow the passenger to continue they moved in and arrested him. But a month later, the smuggler who had been released on bail, was given back his passport and allowed to return to the UAE without prosecution. In this case, the good work conducted by one division of the police was undermined. At the same time, there is no indication of any cooperation from the UAE to resolve this case.



**International cooperation is essential**

In 2011, 10 tiger skins and a fresh tiger carcass were documented for sale, by investigators for CurrentTV, on the Myanmar-China border<sup>3</sup>. The trader offered to carve up tiger meat from the tiger carcass on display, explaining that the skin had just been sold and bones had been reserved. The trader claimed buyers were from China.

With such easily accessible trade, a covert operation could generate a wealth of intelligence regarding the criminals that source, trade and traffic Asian big cat parts and derivatives along that border. Sadly, this is not a new and emerging market, but a well established one, once again driven by demand from consumers in China.



**Value of multi-agency cooperation**

Covert intelligence-led operations do take place; it is important for CITES MAs to share examples of these at the Standing Committee, as part of the process of setting benchmarks over what can be achieved and how. The August 2011 arrest in India through multi-agency collaboration of a major trader in Asian big cats, red sandalwood and pangolins between India, Nepal, Myanmar and China was the result of an 18-month operation, starting with investigations surrounding the arrests of other wildlife criminals.<sup>4</sup> Every effort should be made now between the neighbouring countries to investigate and detain associates within this network.

In terms of CITES compliance and enforcement, CITES MAs should be looking for evidence of:

- Proactive, covert, intelligence-led operations that build up a profile of wildlife criminals, and their local, national and international associations
- The right kind of intelligence being generated to enable the mapping of associations within such networks e.g. personal identifiable information, information derived from telephones and business transactions, vehicle records and travel histories
- The use of controlled deliveries as an evidence-gathering tool to effectively disrupt criminal networks
- Multi-agency and transnational sharing of intelligence through swift and secure means
- The development of national and transnational operations on the basis of intelligence
- Numbers of suspects prosecuted and number of convictions secured.

### **Moving forward**

This inevitably requires greater coordination between CITES MAs and national enforcement agencies. The International Consortium on Combating Wildlife Crime (ICWC) can assist with this, as it represents national police and Customs at the international level. ICWC's *Wildlife and Forest Crime Analytic Toolkit* can be used to identify gaps in enforcement capacity and planning, and ICWC partner organisations can assist with both technical expertise and capacity building, though this will require additional resources.

CITES Parties must make better use of existing criminal information exchange and management systems. Of the existing systems available, INTERPOL's "I-24/7" is the only system that is legally mandated to handle nominal information on known and suspected criminals through its secure communications network, which can access several INTERPOL databases. It is this aspect of INTERPOL's interactive system that would make it a logical choice for CITES Parties to invest in.

I-24/7 allows for the analysis and output of **both actionable intelligence** for national and transnational enforcement operations (restricted to enforcement personnel only), as well as the output of *sanitised analyses* for general audiences. It has a standardised format for receiving information (ECOMESSAGE) that mitigates the risk of duplication, and operates across a platform common to many police and customs agencies around the world (i2).

In the event that CITES resources are limited, it makes sense to invest available resources into an existing information management system, and one that maximizes the potential for targeting criminals and criminal networks, as well as analyzing trends.

The problem, it seems, is in Parties' willingness or capacity to share information. The National Police Services of all CITES Parties are members of INTERPOL and there is no legal reason why information on wildlife crime cannot be channelled via the INTERPOL National Central Bureaus. The adoption of the Environmental Crime Resolution at the 2010 INTERPOL General Assembly acknowledges the role and desire of INTERPOL members to engage in combating wildlife and other environmental crime, but activating a catch-all on wildlife crime will require additional resources.

In the interim, INTERPOL has committed to undertake an analysis under CITES Decision 15.46 relating to tiger trade, and CITES Parties should be given a new deadline to pull the required information together. Given the overlap with crime in other Asian big cats, this information should not only pertain to the known and suspected criminals involved in tiger crime, but also those involved in trade in leopard, snow leopard, clouded leopard and Asiatic lion, thus requiring a response from a greater number of Asian big cat range and consumer states.

**If implemented, EIA and WPSI's recommendations to CITES SC on enforcement in general, and on Asian big cats in particular, will help move CITES in the right direction, giving the Convention and its objectives a better chance of future success.**

### References

<sup>1</sup>WPSI statistics until 11<sup>th</sup> August 2011

<sup>2</sup> FREELAND Foundation, *Sting Operation Foils Emirate Wildlife Trafficker at Bangkok Airport*, 13<sup>th</sup> May 2011

<sup>3</sup> Vanguard Episode 'Tiger Farms'. Originally aired 26<sup>th</sup> July 2011, CurrentTV

<sup>4</sup> Telegraph India, *Wildlife trade ring busted*, 5<sup>th</sup> August 2011



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## Asian Big Cats still under threat – August 2011

EIA and WPSI recommendations to the CITES Standing Committee (SC):

- EIA and WPSI urge the SC to ask China to provide *evidence of enforcement action* in Provinces where illegal trade in Asian big cat parts and derivatives has been well documented: namely Gansu and Qinghai Provinces and the Tibet Autonomous Region. SC61 Doc. 41 Annex 2 does not provide any information on seizures, arrests and prosecutions in these known major trade locations, while EIA sources confirm that known offenders continue to operate.
- EIA and WPSI urge the SC to seek clarification from China over the legal status of the registration and domestic sale of tiger and leopard skins, and of the purpose of stockpiling skins and bones of captive bred Asian big cats (SC61 Doc 41 Annex 2, No. 14 and 16).
- EIA and WPSI urge the SC to request a verbal report from relevant Parties on actions taken to implement Dec 14.69 and phase out tiger farms, particularly Thailand, Viet Nam, Laos and China where there have been reports of domestic trade in parts and derivatives of Asian big cats from captive-bred sources.
- EIA and WPSI recommend that SC consider a CITES Enforcement Mission to the Lao PDR.

### Traders in China have not been deterred

China remains a major destination for Asian big cat parts and derivatives; skins for home décor and taxidermy, bones used in medicine and tonics and teeth and claws as charms.

In the 17 months since CoP15 in March 2010, seizures in India, Nepal, Bangladesh, China, Russia, Myanmar, Sri Lanka and Indonesia account for the poaching and trafficking of at least 308 Asian big cats, destined for markets in China.\*

The issue of China as a consumer of Asian big cat parts and derivatives was raised during the Global workshop on implementation of the Global Tiger Recovery Program (GTRP) in Delhi, March 2011. In response to a request for information from the Bangladesh delegation about Chinese demand for Asian big cat parts and derivatives, the Chinese SFA representative assured all delegates that China no longer has a problem with illegal trade “*come to China, you won’t find any problems there*”. The same delegate additionally explained that the requirement for enforcement activity is chiefly gauged by submission of such information by NGOs. NGOs are referenced in SC61 Doc. 41 Annex 2 No. 17.

This attitude raises serious doubts about the credibility of China’s strategic enforcement aims and compliance with Res. Conf. 12.5 (Rev. CoP15). Whilst seizures have occurred in border areas, questions regarding effective internal enforcement are compounded considering the following statement from China made in SC61 Doc. 41 Annex 2 No. 15:

*The provincial governments of Tibet, Qinghai, Gansu, Sichuan and Yunnan were requested by the State Forestry Administration, at the beginning of 2010, to carry out an awareness campaign on tiger conservation and enhance the inspection of the local fur markets. Currently, the illegal trade in Asian Big Cats in those areas has been effectively deterred.*

In July 2011, EIA’s sources confirmed that nine traders and their associated business premises, which EIA and WPSI have repeatedly documented over the years as engaged in the illegal trade, continue to sell wildlife products in western China with impunity. **This includes continued open sales of Asian big cat parts and derivatives.**

In the aftermath of investigations, EIA and WPSI have historically provided investigation findings directly to the authorities in China or via CITES and INTERPOL. Conversations with illegal traders reveal that they have not only benefited from the absence of targeted enforcement activity, but also hold expectations of continued inaction. As one such trader stated to EIA’s sources in 2011, “*The local authorities know. They just close their eyes.*”

EIA and WPSI therefore urge the SC to ask China to provide evidence and details of what enforcement action has occurred with regard to the illegal Asian big cat trade, particularly in the Gansu and Qinghai Provinces and the Tibet Autonomous Region. This might include details of the number of operations, number of illegal traders and premises identified, seizures, arrests and prosecutions.

If regularly submitted this kind of information would, over time, build a comparable and therefore *measurable* definition of effective deterrence, without which such claims cannot be substantiated.

### **Domestic policy contradicts international promises**

In 2007, the SFA issued Notification 206, under which owners of tiger and leopard skins from “legal” sources (including skins from captive-bred big cats) can apply for registration, enabling the sale of those skins. China has not been forthcoming in clarifying the purpose and nature of this scheme, including how “legality” is defined. Therefore it is unclear what mechanisms exist to prevent wild-caught, illegal skins from being laundered into this trade, particularly given China’s status as the primary black market for skins.

EIA’s sources have also reported that TCM pharmacies visited in south-east China are selling leopard bone products including bone-strengthening wine, *Dahuo Luowan*. All the manufactured dates were identified as 2009-2011, and all the products were accompanied with SFA stickers.

SC61 Doc 41 Annex 2 (No.12, No.14, No.16) also details the continued process of sealing and stockpiling tiger bones from captive sources, although the purposes of these activities (as opposed to immediate destruction) is not made clear.

The SC should be concerned that China’s domestic policies and practices appears to be undermining not only commitments under CITES (Res. Conf. 12.5 (Rev. CoP15 and Decision 14.69), in addition to commitments under the GTRP.

Below, L-R: Siberian tiger skin products offered for sale online in China in 2010, at approx. USD \$124,000 and USD \$109,000, with Government permits.



### **The scourge of tiger farming**

Questions over the implementation of Decision 14.69 and the potential for tiger farms to supply the illegal trade apply to several Asian big cat range states. The recent enforcement operation at ‘Star Tiger Zoo’ in Chaiyaphum Province, Thailand and the identification of unregistered tigers and leopards has raised concerns that the zoo and related facilities have been laundering big cats through Thailand to buyers in other countries.<sup>1</sup> The facility is not listed amongst farms and zoos with Asian big cats in SC61 Doc SC61 Doc. 41 Annex 3 and throws up questions over the issuing of permits. It would also be helpful to CITES SC if Thailand could provide an update on the results of the DNA analyses undertaken on the seized specimens listed in Annex 3.

Education for Nature Vietnam (ENV) has cited Lao PDR as a source of farmed tigers that supplies the illegal trade in Vietnam.<sup>2</sup> Lao PDR has not submitted any documents to SC61 on Asian big cats and thus the status of implementation of Decision 14.69 there remains unknown.

Lao PDR was not a Party to CITES during the first and second round of CITES Tiger Missions in 1999 and 2002. In light of tiger farming and trade between Lao and neighbouring countries, as well as the reported role of Lao importing companies in the rhino horn trade<sup>3</sup> there is sufficient justification for the SC to consider a CITES Enforcement Mission.

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### **References**

<sup>1</sup> FREELAND, *Thai Authorities Raid Zoo Owned by Suspected Tiger Trafficking Kingpin* (14 July 2011)

<sup>2</sup> Education For Nature Vietnam (ENV), *Summary of Tiger Trade Investigation Findings Vietnam 2010* (2010)

<sup>3</sup> F.Macleod, *Poachers, Prostitutes and Profit*, in *Wildlife Times* (Year 5, Number 35, July 2011) and *Sunday Times, Joint operation nets poaching 'kingpin'* (9<sup>th</sup> July 2011)

\*EIA and WPSI records until 11<sup>th</sup> August 2011