

ASCM2023

16<sup>th</sup> Asian Society of Conservation  
Medicine Conference

“Strengthening Partnerships in  
Wildlife Health and Conservation”

*Using laws and policies  
to tackle  
Illegal wildlife trade*

Patti Moore

Plenary session  
with WOAH/WDA-AP/NIWDC

12 October 2023

# Overview

- International law
- National law
- Association of South East Asian Nations (ASEAN)
- Support for implementation and enforcement

# Transnational illegal wildlife trade (IWT)

*4<sup>th</sup> largest transnational criminal activity*

1. Drugs US\$652 billion per year
2. Counterfeit goods US\$500 billion per year
3. Human trafficking US\$150 billion per year

*Monetary value estimated at US\$23 billion per year*

- This does not include illegal logging and illegal fishing.
- This does not include impacts on financial capital, natural capital/ecosystems, social capital, political capital

***Total estimate is up to US\$1 trillion per year***

# International agreements and institutions

6 United Nations General Assembly Resolutions on IWT - 2015, 2016, 2017, 2019, 2021, 2023

## Convention on International Trade in Endangered Species of Wild Fauna and Flora - CITES



United Nations Convention Against Transnational Organized Crime - UNTOC  
United Nations Convention Against Corruption – UNCAC



INTERPOL

International Criminal Police Organization



World Customs Organization - WCO



Financial Action Task Force - FATF



Asia/Pacific Group on Money Laundering - APG

# International agreements and institutions

WOAH AP	CITES	UNTOC	UNCAC	INTERPOL	WCO	FATF	APG
Australia	1	✓	✓	✓	✓	✓	✓
Bangladesh	2	✓	✓	✓	✓	-	✓
Bhutan	2	✓	✓	✓	✓	-	✓
Brunei	1	✓	✓	✓	✓	-	✓
Cambodia	1	✓	✓	✓	✓	-	✓
China	1	✓	✓	✓	✓	✓	✓
Chinese Taipei	-	-	-	-	-	-	✓
Fiji	1	✓	✓	✓	✓	-	✓
India	2	✓	✓	✓	✓	✓	✓
Indonesia	1	✓	✓	✓	✓	-	✓
Iran	1	-	✓	✓	✓	+	-
Japan	1	✓	✓	✓	✓	✓	✓
DPRKorea	-	✓	-	-	-	+	-
RoKorea	1	✓	✓	✓	✓	✓	✓
Lao PDR	3	✓	✓	✓	✓	-	✓
Malaysia	1	✓	✓	✓	✓	✓	✓

+ High risk jurisdictions as of June 2023

# International agreements and institutions

WOAH AP	CITES	UNTOC	UNCAC	INTERPOL	WCO	FATF	APG
Maldives	3	✓	✓	✓	✓	-	✓
Micronesia	-	✓	✓	✓	-	-	-
Mongolia	2	✓	✓	✓	✓	-	✓
Myanmar	2	✓	✓	✓	✓	+	✓
Nepal	2	✓	✓	✓	✓	-	✓
New Caledonia	-	-	-	-	-	-	-
New Zealand	1	✓	✓	✓	✓	✓	✓
Pakistan	2	✓	✓	✓	✓	-	✓
Papua New Guinea	1	-	✓	✓	✓	-	✓
Philippines	2	✓	✓	✓	✓	*	✓
Singapore	1	✓	✓	✓	✓	✓	✓
Sri Lanka	3	✓	✓	✓	✓	-	✓
Thailand	1	✓	✓	✓	✓	-	✓
Timor-Leste	-	✓	✓	✓	✓	-	✓
Vanuatu	1	✓	✓	✓	✓	-	✓
Viet Nam	1	✓	✓	✓	✓	*	✓

+ High risk jurisdictions as of June 2023

\* Under increased monitoring as of June 2023

# Laws involved in combatting IWT

- Wildlife
- Biodiversity
- Environment
- Forest
- Fisheries
- Protected areas
- Criminal, civil, administrative
- Money laundering
  - Finance/banking
- Anti-corruption
- Extradition
- Mutual legal assistance

# Recommended content for national laws

CITES	UNODC
Designate authorities	Mandates
	National coordinating body
Prohibit trade in listed species	
Penalize prohibited trade in listed species	
Confiscate illegally possessed or traded specimens	
General provisions (6)	
	Lists/schedules of wildlife
	Lists/schedules of prohibited and regulated weapons, devices, and methods
	Lists/schedules of protected areas
Scope of application (13)	
Permit requirements (8)	
Form and validity of permits and certificates (5)	
Revocation, modification, and suspension of permits (3)	
Exceptions to permit requirements (10)	
Border controls (2)	
Control of consignments and permits (5)	
Control of traders, possession, and domestic trade (2)	



# Recommended content for national laws

CITES	UNODC	FATF
	Investigation	Financial investigation
	Special investigative techniques	
	Offenses	IWT must be a predicate offense
	Regulated and prohibited activities	
	Document fraud	
	Possession and trade-related offenses	
	Conspiracy/organized crime	
	Money laundering	Money laundering
	Secondary liability – attempt, aiding, abetting	
	Obstruction of justice	
	Penalties, sentencing, other orders	
Enforcement of penalties (8)	Prosecution	
Disposal of confiscated specimens (1)		
Acceptance and refusal of foreign permits (3)		
	International cooperation	International cooperation in the context of money laundering
Reporting (1)		
Financing (1)		

# National laws

WOAH AP	Biodiversity	Environment	Wildlife	Forest	PAs	Fisheries	Anti-Money Laundering	Extradition
Australia		✓	✓	✓	✓	✓	✓	✓
Bangladesh	✓		✓	✓	-	✓	✓	✓
Bhutan	✓			✓		✓	✓	✓
Brunei	-	-	✓	✓	-	✓	✓	✓
Cambodia	-		✓	✓	✓	✓	✓	✓
China	-		✓	✓	✓	✓	✓	✓
Chinese Taipei	-		✓	✓	✓	✓	✓	✓
Fiji	-		✓	✓	-	✓	✓	✓
India	✓		✓	✓	-	✓	✓	✓
Indonesia	-		✓	✓	✓	✓	✓	✓
Iran	-		*	✓	-	✓	✓	✓
Japan	✓		✓	✓	✓	✓	✓	✓
DPRKorea	-		-	✓	-	✓	✓	*
RoKorea	✓		✓	✓	✓	✓	✓	✓
Lao PDR	-		✓	✓	✓	-	✓	✓
Malaysia	-		✓	✓	✓	✓	✓	✓

\*Iran – game and hunting laws

\*DPRK - limited

# National laws

WOAH AP	Biodiversity	Environment	Wildlife	Forest	PAs	Fisheries	Anti-Money Laundering	Extradition
Maldives	-	✓	-	-	✓	✓	✓	✓
Micronesia	-	✓	-	-		✓	✓	✓
Mongolia	-	✓	✓	✓	✓	✓	✓	✓
Myanmar	✓	✓	-	✓	-	✓	✓	✓
Nepal	-	✓	✓	✓	✓	✓	✓	✓
New Caledonia			✓				✓	*
New Zealand	-	✓	✓	✓	✓	✓	✓	✓
Pakistan	-	✓	✓	✓	-	✓	✓	✓
Papua New Guinea	-	✓	✓	✓	-	✓	✓	✓
Philippines	-	-	✓	✓	✓	✓	✓	✓
Singapore	-	✓	✓		✓	✓	✓	✓
Sri Lanka	-	✓	✓	✓	-	✓	✓	✓
Thailand	-	✓	✓	✓	✓	✓	✓	✓
Timor-Leste	✓	✓	-	✓	✓	✓	✓	-
Vanuatu	-	✓	✓	✓	✓	✓	✓	✓
Viet Nam	✓	✓	✓	✓	-	✓	✓	✓

\* New Caledonia - special status as French territory

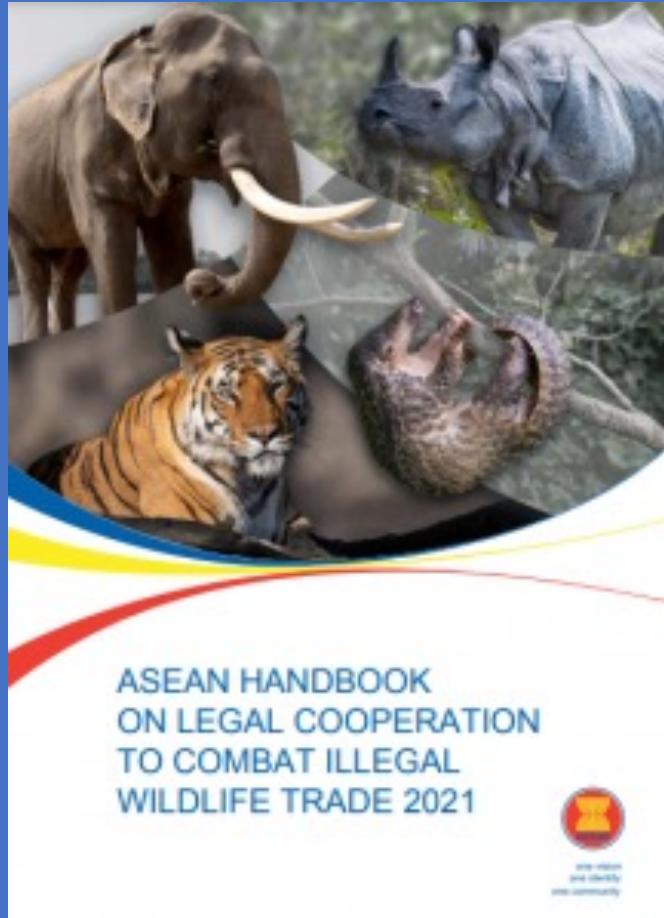
# ASEAN approach

## ***2005***

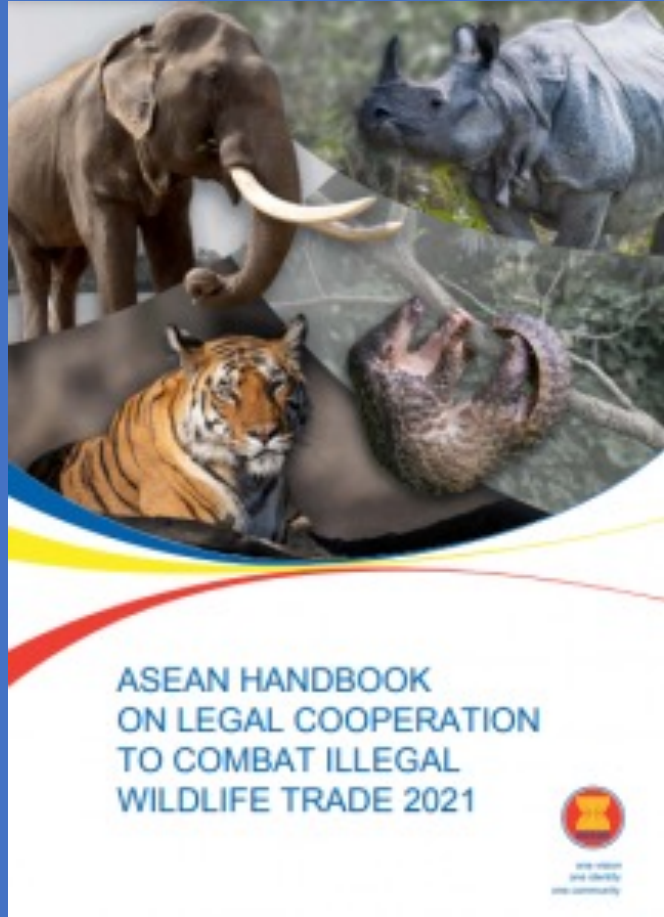
- ASEAN Wildlife Enforcement Network (ASEAN WEN)
- National WENs

## ***Today***

- Two regional working groups
  - CITES and wildlife law enforcement
  - Illicit trafficking of wildlife and timber
- One lead country
- Regional Plan of Action 2021-2025



- Comparative analyses
- Country-by-country analyses
- One Health analysis
- Identifies national multisectoral coordination mechanisms



- CITES import and export regulated
  - Re-export, introduction from the sea not regulated in all countries
- Hunting and captive breeding regulated
- ❖ Domestic trade not regulated in all countries
- ❖ Domestic consumption not regulated in all countries

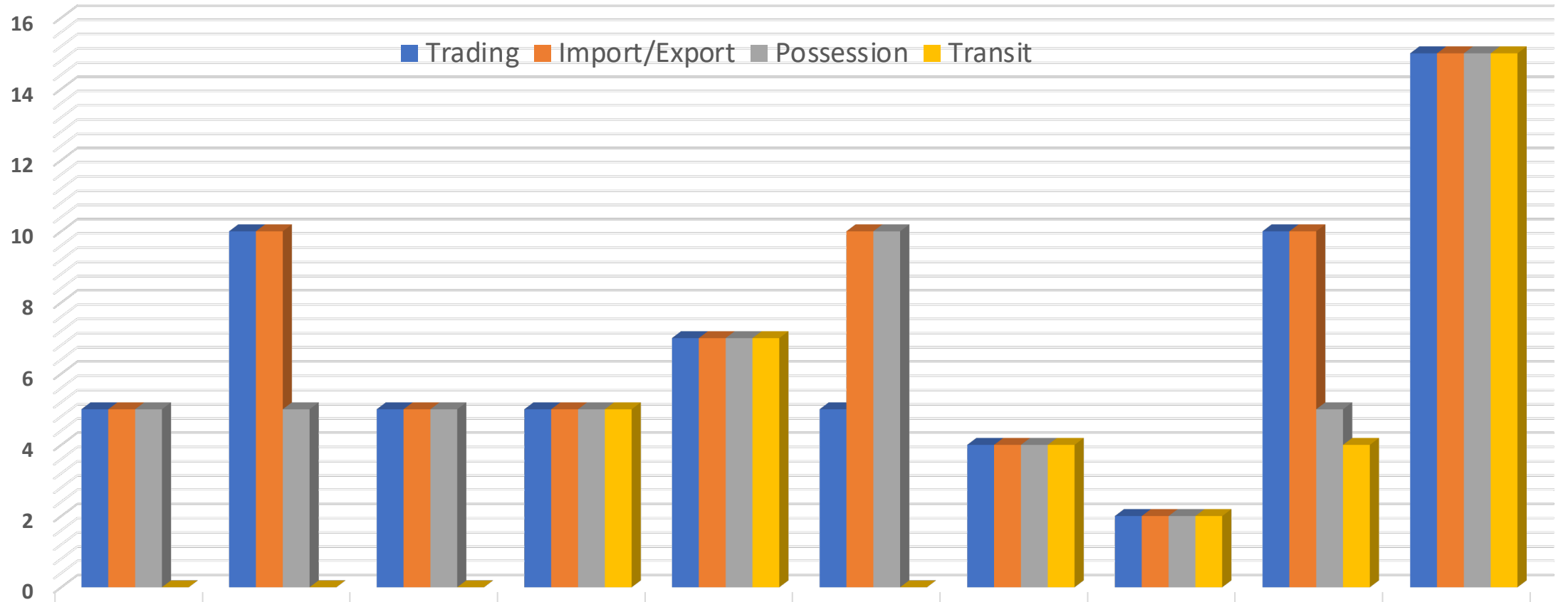
# Penalties

	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
Minimum threshold and mandatory imprisonment	⊙	⊙	⊙	●	⊙	⊙	⊙	⊙	⊙	⊙
Penalties correspond to the species' level of protection	●	●	–	●	●	●	●	●	●	●

- Only LA has a minimum threshold for imprisonment, mandatory imprisonment, and a fine
- Only ID and LA have mandatory imprisonment and a fine
- ID has no minimum threshold
- BN, MY – no minimum threshold, penalties are either imprisonment or a fine or both
- KH – no minimum threshold, only imprisonment for Class I offenses, imprisonment and/or fine for Class II offenses
- PH – minimum threshold, penalties are imprisonment and/or a fine
- SG, TH – no minimum threshold, penalties are imprisonment and/or a fine
- VN – minimum threshold, penalties are either imprisonment or a fine but not both

# Penalties

Imprisonment (years)

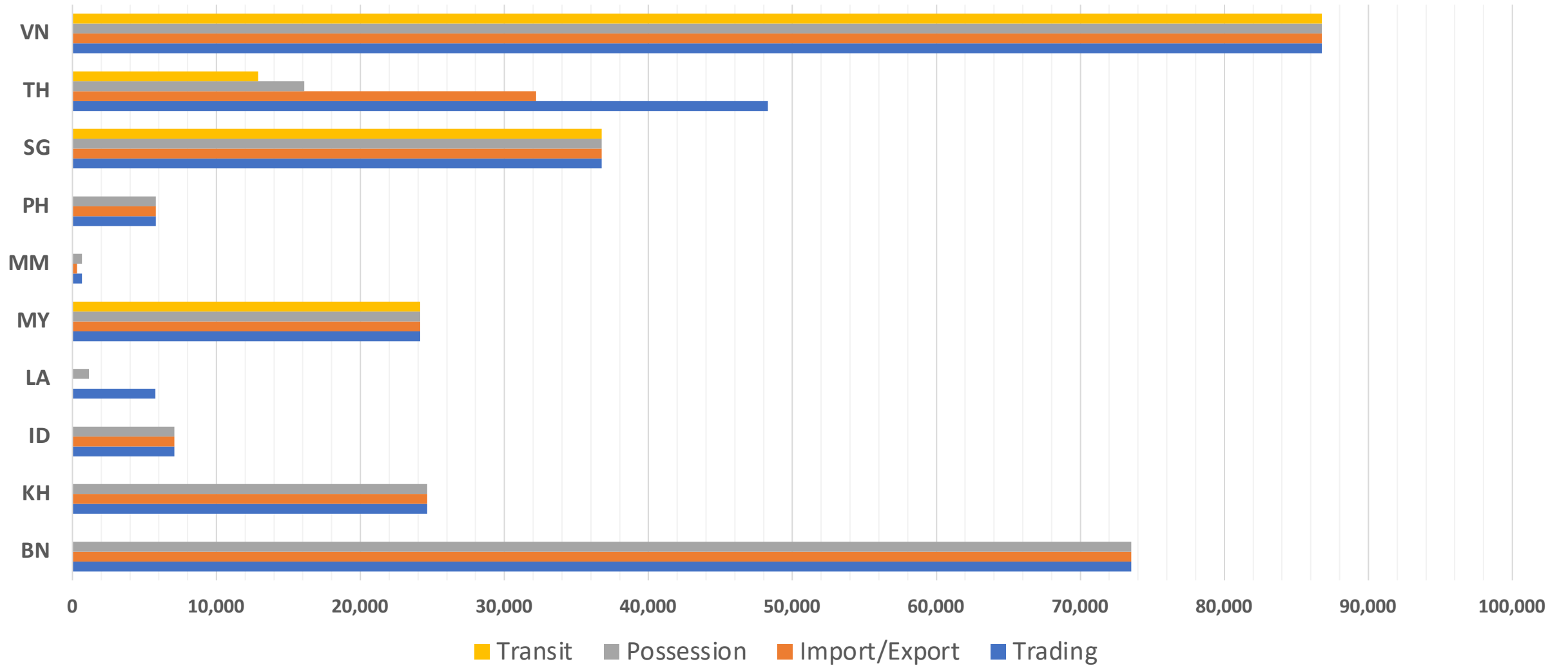


	BN	KH	ID	LA	MY	MM	PH	SG	TH	VN
Trading	5	10	5	5	7	5	4	2	10	15
Import/Export	5	10	5	5	7	10	4	2	10	15
Possession	5	5	5	5	7	10	4	2	5	15
Transit	0	0	0	5	7	0	4	2	4	15



# Penalties

Fines (USD)



# **Proposed elements of One Health collaboration to combat IWT in ASEAN**

- 1. Strengthen cross-sectoral collaboration**
- 2. One Health multisectoral participation**
  - Include representatives from industries implicated in causing ecological disruption that drives food insecurity and reliance on wildlife trade in local communities
- 3. Strengthen IWT law enforcement**
- 4. Set quantifiable targets**
  - Reduce deforestation and ecological degradation
- 5. Inventory public awareness campaigns**
- 6. Create and maintain poverty reduction initiatives**
  - Address the need for protein sources among indigenous peoples
- 7. Understand the relationship between local wildlife consumption and international consumption and demand**

# Best practices for combatting IWT in ASEAN

- **Harmonizing protected species lists**
- **Enhancing enforcement efficacy**
  - Appoint special prosecutors for wildlife crimes
  - Enable community participation in enforcement
  - Recover criminal proceeds
  - Make violation of foreign laws a predicate offense/dual criminality and extradition
  - Regulate and penalize cyber/online trading
- **Enhancing deterrent effect of penalties**
  - Minimum imprisonment and fines
  - Penalties for legal entities and liability of directors and officers
- **Ensuring sustainability and creating a funding mechanism**
- **Providing incentives and ensuring compensation for damages**

# Support for implementation and enforcement

- Research and analysis
- Country-level support
- Tools and services for capacity building
  - Reduce demand and consumption
  - Monitor
  - Reduce trade at source
  - Disrupt markets

# Support for combatting IWT in Asia Pacific

- **International Consortium on Combating Wildlife Crime (ICCCWC)**
  - CITES, International Criminal Police Organization (Interpol), UNODC, World Bank, World Customs Organization
  - Tools and services for capacity building to strengthen criminal justice systems to deter, detect, detain, and dismantle criminal networks involved in wildlife crime
  - Wildlife Enforcement Networks (WEN)
- **Global Wildlife Program (GWP)**
  - Governments, World Bank, UNDP, UNEP, ADB, IUCN, CI; WildAid, Wildlife Conservation Society
  - Country-level support in 13 Asian countries and in the Pacific
- **TRAFFIC**
  - Research and analysis
  - Tools and services for capacity building on cybercrime, behavioral change, strengthening regulations
- **WWF Asia-Pacific Counter-Illegal Wildlife Trade (IWT) Hub**
  - Tools and services for capacity building to impair economic and logistics frameworks that underpin IWT





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Thank you

