

## ENVIRONMENT

### WILDLIFE

#### **20. RECOGNIZE THE ILLICIT WILDLIFE TRADE AS A TOC PROBLEM**

The illegal wildlife trade is a high-profit, low-risk transnational organized crime. There is a high level of sophistication and profit, but there is a low risk of arrest and prosecution for perpetrators. National law enforcement has been inadequate to match the scale of the problem.

#### **Implications for a response:**

In East Asia and the Pacific, policy makers need to be more informed about the mechanics, transnational nature and diversity of wildlife crimes in the region, delivering regional responses where necessary.

#### **21. REDUCE THE DEMAND**

**There is a need to reduce the demand for wildlife products, with special urgency for tiger and rhino parts:** Despite law enforcement efforts and seizures, the demand for wildlife in East Asia continues to grow.

#### **Implications for a response:**

Targeted interventions that raise consumer awareness about the environmental impact of wildlife consumption or the related criminal penalties are needed in the main consumer countries of wildlife products. Misconceptions about the curative qualities of rhino and tiger parts should be urgently and seriously addressed through partnership with the media and private sector. Notorious wildlife markets should be closely monitored. When there is evidence of wildlife offences being perpetrated, adequate penalties should be applied.

#### **22. KNOW THE PROBLEM BETTER**

There is insufficient knowledge and information sharing on the range of regional wildlife crimes which are occurring. In comparison with other transnational organized crimes, the illegal trade in wildlife is a misunderstood and under-researched phenomenon. In particular, the broad range of different markets, trafficking routes and criminal operations in relation to different types of wildlife in the region are largely unknown, often due to insufficient data.

#### **Implications for a response:**

National authorities and other appropriate organizations should enhance their research and information collection capacities in addition to instituting more systematic coordination mechanisms for information sharing and analysis on the different forms of wildlife crime.

#### **23. ESTABLISH (BETTER) NATIONAL STRATEGIES**

There are few national wildlife strategies in existence to promote intelligence-led law enforcement and coordinated investigation strategies. Many countries in the region do not have a clear national strategy for combating the trade in illegal wildlife, frequently resulting in fragmented and under-resourced law enforcement responses.

#### **Implications for a response:**

The development of national strategies is essential to scale-up the quality of the criminal justice response to wildlife crimes. The diverse range of illegal wildlife trafficking requires effective intelligence-led strategies. Border control at land, sea, and airports should be strengthened through multi-agency responses and/or specialized task forces. Access to forensic and other innovative techniques is critical to effectively investigate wildlife crimes, in addition to inter-agency cooperation in areas such as anti-money laundering measures and 'controlled deliveries'.

#### **24. ENACT TOUGHER LAWS**

There is a need to strengthen legal frameworks to ensure prosecutions for wildlife crimes. National legislation on wildlife crime, including the prescribed criminal penalties, is often inadequate to support effective prosecutions or effective deterrence to the criminals involved.

##### **Implications for a response:**

It is important for Governments to enhance specific legislation to effectively prosecute wildlife crimes with consistent penalties across source, transit and consumer countries. As an example, national legal frameworks could criminalize the poaching of, and trade in highly endangered wildlife species. Judicial actors should be closely involved in the development of such legislation to ensure full implementation of relevant laws in national justice systems. In particular, this should involve prioritizing prosecutions which target high-level criminal actors controlling illicit international operations. The prosecution of wildlife crimes should also pay special attention to investigating state officials who are allegedly involved in the illegal trade in wildlife in source, transit and destination countries.

#### **25. BUILD NATIONAL LAW ENFORCEMENT CAPACITY**

There is a need to build the capacity of the criminal justice system to prevent, prosecute and punish wildlife offences. While the role of non-governmental organizations has been crucial in this area in recent decades, the primary sphere of responsibility to scale-up the response to wildlife crime needs to remain with national enforcement institutions. These include police forces, customs authorities and forest administrations, which can mount credible and effective national and regional strategies.

#### **26. STRENGTHEN REGIONAL LAW ENFORCEMENT COOPERATION**

Enhanced transnational and inter-regional cooperation among law enforcement agencies is critical. Trafficking in wildlife is a transnational organized crime. It requires an effective transnational law enforcement response.

##### **Implications for a response:**

**a. Better funding:** National authorities and appropriate groups should further improve intra-regional coordination throughout East Asia and the Pacific. In Southeast Asia, mechanisms such as the ASEAN Wildlife Enforcement Network (WEN) need to be strengthened and made financially sustainable through the support of its member states.

**b. Better use of information-sharing potential:** Such mechanisms should become a tool to exchange information and promote enforcement operations at a multilateral level. Similar efforts should also be undertaken to enhance legal cooperation with regions beyond the ASEAN Countries, such as South Asia, the Pacific, the Middle-East, Southern and Western Africa.

#### **27. THE PACIFIC – A THREAT IN THE FUTURE**

The illegal exploitation of maritime resources in the Pacific is likely to increase. The prospect of the serious depletion or even the extinction of various species of terrestrial and marine wildlife in Southeast Asia may portend a shift in the sourcing of various types of illegal wildlife trade towards the Pacific Island States and their maritime territories.

##### **Implications for a response:**

Given the anticipated threats to wildlife and ecosystems in the Pacific, inter-governmental coordination to promote adequate legislation and effective law enforcement in this region – and on this subject – should become a priority in preventing the proliferation of illegal wildlife crimes in the Pacific region.

#### **TIMBER**

#### **28. RECOGNISE THE ILLEGAL TIMBER TRADE AS A TOC PROBLEM**

The illegal timber trade exhibits all of the main characteristics of a sophisticated and well organized transnational crime. Given (a) the scale of the problem, (b) the level of corruption, (c) the violence associated with it, (d) the crossover between legality and illegality, (e) the profit margins and (f) the social, economic and the environmental impact of

the illegal trade itself, the problem requires an urgent response at national and regional levels.

#### **Implications for a response:**

In East Asia and the Pacific, policy makers should become fully informed about the mechanics, transnational nature and diversity of wildlife crimes in the region. In particular, there is a need to provide a broader range of resources and appropriate skill sets to relevant law enforcement and environmental agencies. Similarly, international organizations and development partners in the region should reassess their policies on combating timber crimes, with a view to increasing the level of support to law enforcement agencies in order to respond more effectively.

#### **29. REVIEW NATIONAL LAWS – to empower countries to tackle illicit timber trade as an organized crime**

National legislation in some countries is inadequate to support the effective prosecution of timber-related crimes. Source countries in the region need to introduce legislation to prohibit the export of all illegal timber and wood products.

#### **Implications for a response:**

**a. Legal framework:** Obsolete legal frameworks should be revised with a view to (1) criminalize the illegal timber trade, (2) simplify the adoption of the laws and (3) provide adequate penalties. There is a need to clarify legal frameworks so that prosecutors can apply the correct law. Intelligence-led operations should be conducted on the basis of effective information sharing among all relevant enforcement agencies of the criminal justice system.

**b. Enforcement:** In addition, any such new legislation should empower enforcement agencies to adopt modern investigative techniques (e.g., including wire tapping, anti-money laundering measures, and controlled deliveries). This will permit law enforcement to address the broader networks behind the illegal trade of timber rather than simply focusing – as is currently the case – on seizures and arrests.

**c. Reciprocal legislation:** Regional bodies should encourage cooperation with importing countries to

respond by enacting reciprocal legislation, which prohibits the import of illegal wood products from regional source countries.

#### **30. IMPROVE BORDER CONTROLS – strengthen surveillance and control measures at border points and along transport routes**

Illegal timber, in the form of either logs or sawn timber, is a bulky product and is difficult to conceal. Nevertheless, without the adequate skills and resources, frontline law enforcement officers may have significant difficulty in identifying illegal timber.

#### **Implications for a response:**

Governments should support border authorities, including customs, army and police, to strengthen their capacities to interdict the transboundary (and in-country) movements of illegal timber. Such efforts should include the following:

- a. Training:** training activities (for instance on the identification of fraudulent documentation and suspicious shipments, as well as the collection of evidence);
- b. Intelligence:** the sharing of intelligence related to seizures and arrests; and
- c. Inspection technology:** improved technology to inspect trucks/containers or to identify timber species at port and land crossings.

#### **31. BUILD NATIONAL LAW ENFORCEMENT CAPACITY – specifically establish specialized and independent Task Forces on the illegal timber trade comprising representatives from Police, Customs, Forestry Administration and Attorney-General**

#### **Implications for a response:**

The criminal justice response to the illegal timber trade is often fragmented and there are few (effective) high-level prosecutions. Countries in the region should take concrete steps to develop National Strategies to improve the capacity of their criminal justice systems to investigate, detect and prosecute all cases related to the illegal timber trade. The creation of specialized Task Forces would improve coordination in the investigations phase as well as effectiveness in conducting high-level prosecutions of illegal timber cases.

**32. ENFORCE EXISTING SOURCE COUNTRY LAWS BETTER- including anti-corruption laws**

Recent attention given to the illegal trade in wood products has resulted in significant policy changes in some source countries in the region. For example, Indonesia has actively undertaken efforts to curb illegal production and trade in logs and sawn logs. Nevertheless, there is significant scope in many countries to better enforce existing legislation, as well as enact new legislation that effectively prohibits the export of illegal timber and wood products.

**Implications for a response:**

All source and processing countries should properly enforce existing logging and timber export bans through effective law enforcement, anti-corruption initiatives and independent judicial action.

**33. WITHIN LAW ENFORCEMENT, FOCUS ON TRAINING FORESTRY OFFICIALS**

Identifying illegal logging activities on the ground, and then collecting appropriate evidence to feed into often complex criminal investigations and prosecutions requires appropriately trained and supported frontline forestry enforcement officials.

**Implications for a response:**

Selected forestry officials should be taught specialist skills so that the necessary evidence required to support complex criminal investigations and prosecutions is provided. The evidence that can be provided by these frontline officials is often critical to the work of the aforementioned specialized Task Forces.

**34. PROMOTE SUSTAINABLE FOREST MANAGEMENT – as a crime prevention tool**

To date, corrupt forestry officials have prevented the development of sustainable forest management for their own benefit. Evidence from elsewhere demonstrates that well-regulated forests are harder to plunder.

**Implications for a response:**

The quality of forest management in the region can be improved to prevent theft and illegalities in the trade of wood and forest products.

**35. MONITOR THE EFFECTIVENESS OF THE CRIMINAL JUSTICE RESPONSE TO FOREST CRIME**

When monitoring the effectiveness of the criminal justice response to illegal logging, it should be noted that seizures of timber and number of arrests do not necessarily provide an accurate measure of success in protecting forests.

**Implications for a response:**

Indication of success should include the number of complex investigations and prosecutions that target sophisticated networks involved in the timber trade. Nevertheless, at the same time, all institutions of the criminal justice system should strengthen their capacity to collect, manage and analyze basic data in relations to seizures, arrests, perpetrators, prosecutions and convictions for timber cases.

**E-WASTE AND ODS**

**36. INCREASE AND COORDINATE LAW ENFORCEMENT EFFORTS ON POLLUTANT TRAFFICKING**

East Asia is a hub for pollutant crimes related to e-waste and ozone depleting substances (ODS). The illegal trade in e-waste and ODS is closely associated with, or operates within, the international legal trade in these products.

**Implications for a response:**

Law enforcement efforts should effectively target the illegal trade while minimizing any disruption of the legal trade. This will require increased specialized training and improved inter-agency cooperation - including between jurisdictions – in order to properly identify and respond to specific forms of pollutant trafficking.

**37. INCREASE EFFECTIVE INVESTIGATION AND PROSECUTION**

Efforts have been undertaken to strengthen and coordinate customs agencies in the region in relation to pollutant crimes. However, investigation agencies and national justice systems have not yet implemented an effective prosecutorial response to the transnational crime. In East Asia, there is

no public record of any prosecutions of traffickers or companies engaged in the illegal trade of such pollutants.

**Implications for a response:**

The judicial deterrence delivered by successful convictions would contribute to reducing the likelihood of criminal network engagement with the illegal trade in e-waste and ODS. At the very least, judicial deterrence will disrupt the illegal trade. Specialist investigation agencies and prosecutors should be properly trained in relation to the nature of this trade, particularly with regard to the relevant criminal legislation and the skill sets needed to properly investigate and prosecute pollutant crimes within national jurisdictions. Transnational justice responses to the crime will also be required in some cases.

**38. INCREASE JOINT TRANSNATIONAL LAW ENFORCEMENT OPERATIONS**

Until now, customs agencies in the region have been the frontline response to trafficking in pollutants and countering trafficking networks. Coordination mechanisms and partnerships such as the Green Customs Initiative, capacity building and intelligence-sharing through the Multilateral Environmental Agreements Regional Enforcement Network have proved important in strengthening the transnational response of customs agencies to pollutant crimes. In addition, the Sky-Hole Patching joint operation represents a good example of joint law enforcement operations to combat trafficking in pollutants by disrupting trafficking syndicates. As a result of lessons learned, improved approaches to setting up and undertaking joint operations are also being established.

**Implications for a response:**

Policy makers in the region should undertake efforts to raise awareness of the Sky-Hole Patching joint operation experience across government agencies. National governments, regional organizations and international partners, including civil society, should also develop strategies and practical approaches to ensure that more national governments and law enforcement agencies in the region actively participate in joint operations. Operation Sky-Hole Patching should be not only provided with extended support but also broader participation by governments.

**39. IMPROVE RECYCLING INFRASTRUCTURE AND TECHNOLOGY TRANSFER**

With continuing economic growth, particularly in East Asia, the trade in e-waste and ODS is expected to increase commensurately over the foreseeable future. In particular, the volume of e-waste is anticipated to increase in parallel with growth and rapid innovation of consumer goods production in the region.

**Implications for a response:**

Governments, agencies and international partners need to ensure that safe and high standard recycling infrastructure is available and accessible in production countries, in order to reduce current reliance on the un-regulated informal sector. Furthermore, the more aggressive promotion of new technology – which is not reliant on HCFCs – would contribute to preventing the proliferation of the illegal trade in ODS following phase-out that is officially scheduled to commence in 2013.

**40. DEVELOP OR STRENGTHEN POLICIES AND REGULATIONS TO CONTROL TRADE IN E-WASTE**

In most countries in the region, regulations do not exist or are not adequate to tackle the increasing environmental and social challenges that are associated with trade in e-waste. In addition, e-waste is dealt with under hazardous waste regulations in most countries. This limitation in policy response can make recycling through the informal recycling sector more attractive, and also fuel the transboundary trade in e-waste – both among neighboring countries and across the planet.

**Implications for a response:**

Policy makers should prepare and implement regulations targeting e-waste management within each country. They should also monitor and control trade in e-waste. Such regulations should include approaches to the definition of e-waste, as well as its recovery, recycling and proper disposal.