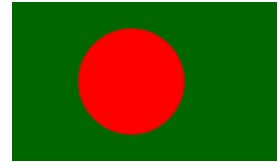




**UNODC**  
United Nations Office on Drugs and Crime



## **WILDLIFE AND FOREST CRIME (WLFC)**

# **REPORT ON THE IMPLEMENTATION OF THE TOOLKIT IN BANGLADESH**



**November 2013**  
**Vienna**

# MAP OF BANGLADESH



## ACKNOWLEDGEMENTS

The arrival of the mission team to Bangladesh coincided with the start of a ‘hartal’, a 60 hour politically motivated general strike, during which there were major disturbances, riots, arson attacks and other violent incidents in the capital Dhaka and other parts of the country. These incidents resulted in a many deaths, hundreds of people injured and considerable damage to property. Unfortunately the prevailing security situation led to the disruption of the mission programme with many changes having to be made. A second, 60 hour ‘hartal,’ which commenced on 4 November 2013 caused further security problems which resulted in the mission being curtailed. Having regard to this background and the various difficulties, the mission team highly appreciated the efforts of the many people who gave of their time to meet with them and provide information, assistance and advice. The mission team wish to take the opportunity to sincerely thank all the officials concerned.

Specific thanks are due to Dr. Tapan Kumar Dey, Conservator of Forests, Bangladesh Forest Department, for his assistance in helping to coordinate the mission itinerary. Also to Abu Naser Mohsin Hossain, Assistant Conservator of Forests, Bangladesh Forest Department, who accompanied the mission and who was immensely helpful in dealing with the many changes to the programme brought about by the security situation.



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## EXECUTIVE SUMMARY

In a global context, Wildlife and Forest Crime (WLFC) is a serious and growing problem. The illicit trafficking in protected species of wild fauna and flora and the exploitation of forest products such as timber and other biological resources, are extremely profitable areas for organized criminal groups. As a consequence of poaching, the wildlife population in many parts of the world are becoming severely depleted and endangered. Illegal logging and the international trade in illegally logged timber contributes to deforestation and serious long term environmental damage, endangering sustainable development.

In recognition of the serious challenges presented by WLFC and its frequently transnational scale, an inter-agency alliance, the International Consortium on Combating Wildlife Crime (ICCWC) was established in 2009. This comprises the Secretariat of CITES, the International Criminal Police Organization (INTERPOL), the World Bank, the World Customs Organization (WCO) and the United Nations Office on Drugs and Crime (UNODC). Each organization is collaborating in efforts to combat the illicit trafficking in protected species of wild fauna and flora by coordinating the support offered to governments, national wildlife and forest law enforcement agencies and the sub-regional networks that work to protect the world's natural resources from criminal exploitation.

An initiative of the ICCWC was the development of the Wildlife and Forest Crime Analytic Toolkit (WFCAT). The Toolkit was designed to support and assist governments to conduct a comprehensive situation analysis and identify technical assistance and other needs, towards improving their overall efforts to prevent and combat WLFC. During the period 26th October and 5th November 2013, representatives from the UNODC conducted a fact-finding assessment in Bangladesh based on the Toolkit. This followed an earlier preparatory mission by UNODC officials to the country which took place in July 2013, when it was agreed that UNODC would assist the authorities in Bangladesh by carrying out the assessment.

The assessment mission focused mainly on the areas of enforcement and legislation. But the three other main thematic areas detailed in the Toolkit were also addressed – judiciary and prosecution, drivers and prevention and data and analysis. The mission took place during a period when there were major disturbances, riots, arson attacks and other violent incidents in the capital city of Dhaka and other parts of the country due to the calling of a ‘hartal,’; a politically motivated general strike. This presented difficulties, with many changes to the mission programme due to the security situation. A second, 60 hour ‘hartal,’ which commenced on the 4th November 2013, caused further security problems that resulted in the mission being curtailed.

Interviews and meetings with officials responsible for interior, forest department, justice, law enforcement, customs and border control, took place in three main centres, Dhaka, Chittagong and Khulna. A round table meeting, involving representatives from the various agencies, facilitated by the mission team, was held at the start of the mission in Dhaka. The discussions, which took place in an open and frank manner, identified a number of specific problem areas together with suggestions for practical action. A second round table meeting held a few days later in Khulna proved equally useful and confirmed many of the problems identified in the first round table. These group meetings were followed by more detailed individual discussions with representatives of the various agencies. In addition, meetings took place with officials at the INTERPOL National Central Bureau (NCB) in Dhaka, the UK High Commission and an NGO, Wild Team. Further information gathering was conducted by telephone interviews with a number

of other representatives of the international donor community and other organisations, mainly about ongoing projects taking place in the country.

Field visits were made to interview frontline Forest Department staff in the Sundarbans reserve forest and Bandarban in the Chittagong Hill Tracts region. Visits were also made to the Benapole crossing point on the border between Bangladesh and India to view security and anti-smuggling procedures. In Chittagong, a visit was made to the country's largest container terminal at the seaport to view security with regard to the possible trafficking of wild-life products via container. A visit was made to the Shah Amanat International Airport, Chittagong to view security and anti-smuggling efforts. An early morning visit was conducted to the fish market in Chittagong to observe the type of fish being landed with a view to identifying protected species. This was followed by a visit to a bazaar in the city where birds and small animals were on sale, to check for the illegal sale of protected species. Also in Chittagong a visit was made to view a number of small scale sawmills/timber yards to observe the processing operations and marking system for timber. A list of officials met is attached at Annex A.

### **Principal findings of the mission:**

- Although there is no current statistical evidence or reports of WLFC being a serious problem in Bangladesh, the lack of data, together with weak and uncoordinated enforcement action, may well be masking a greater problem. There is serious potential for the growth of WLFC.
- The Forest Department is the main enforcement agency for WLFC but it does not have the skills, equipment or expertise to investigate crimes, especially those of a serious, more organised nature.
- WLFC is not a priority for the police. Whilst support is provided to the Forest Department upon request, the reality is that the Bangladesh police has to contend with many other major issues, such as serious public order problems and major crime, and has no available resources at present to devote to WLFC.
- Whilst there are some examples of cooperation between agencies, in general there is an absence of coordinated, multi-agency working and information sharing.
- WLFC in Bangladesh is not at the high level of some other countries, and there is no evidence of organised crime groups being involved in the relatively few reported cases. But, the absence of effective, multi-agency law enforcement capacity makes Bangladesh vulnerable to an increased threat from organised crime groups.
- There is no National Strategy or Plan of Action for WLFC. These should be developed as a matter of priority.
- There is a need to establish reporting and monitoring systems, together with a centrally coordinated database, ideally under the responsibility of a government minister.
- The legislation relating to WLFC is not appropriate and is causing confusion. A working group of all stakeholders should be established to review and revise the 2012 Act.

- A Wildlife Crime Control Unit proposed under recently-enacted legislation has yet to be established. Whilst the creation of such a unit seems desirable and appropriate, its structure and composition needs careful consideration.
- Systems to raise awareness and compliance with the obligations of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) need to be improved.
- There is an overall lack of awareness and understanding of the issue of WLFC at high political level and in the various agencies. This needs to be addressed.
- The substantial increase in the volume of container traffic through the seaport of Chittagong raises the threat posed by the smuggling of wildlife products and other illicit goods. A further strengthening of port security controls and in the anti-smuggling capacity is therefore required. The introduction of the UNODC/WCO Container Control Programme at the Port would be beneficial.
- The airport security and anti-smuggling capacity at the major international airports of Dhaka and Chittagong will need strengthening to keep pace with increasing passenger and cargo traffic. The expansion of the UNODC/INTERPOL/WCO Air Communications Programme (AIRCOP)<sup>1</sup> to these airports could assist in this regard.
- The prosecution of WLFC offences often takes a minimum of a few months, or, in many cases, several years. Many prosecutions are unsuccessful due to lack of evidence, weak investigation processes and poor case file preparation. Forest Department officials lack skills in gathering evidence, crime scene investigation and have no forensic support. The overall criminal justice system is slow and bureaucratic with an absence of funds to pay the expenses of witnesses to attend courts to give evidence. The consequence is that many witnesses do not attend and prosecution cases fail. Improvements to the criminal justice system are urgently required.
- The issue of corrupt officials is a factor in WLFC and other forms of criminality. Corruption is a serious problem which needs to be tackled in a vigorous, effective way.
- Some valuable international assistance is being provided, notably in WLFC projects funded by the World Bank and the European Union. Several other projects are being implemented by donors to strengthen the police and criminal justice systems. More assistance is required.

A summary of specific recommendations can be found in Section 10 of the report.

Whilst the issue of WLFC in Bangladesh may not currently be at the high level of some other countries, the threat is very evident. It is intended that this assessment report can serve as a useful foundation for future action. It should be regarded as a ‘living document’ which can contribute to the efforts of the authorities in Bangladesh as they hopefully work together in a more coordinated, multi-agency way to prevent and combat WLFC.

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<sup>1</sup> Programme AIRCOP is managed by UNODC, with the assistance INTERPOL and the WCO and is aimed at implementing a secure communication tool between the airports in chosen countries to fight organized crime.

## LIST OF ABBREVIATIONS

AIRCOP	Air Communication Programme
BFD	Bangladesh Forest Department
BGB	Border Guard of Bangladesh
BP	Bangladesh Police
CBT	Computer Based Training
CCP	Container Control Programme
CCTV	Closed Circuit Television
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CG	Coast Guard
CSI	Crime Scene Investigation
DFID	Department for International Development (of the United Kingdom)
FCCO	Forest Case Conducting Officer
ICCWC	International Consortium on Combating Wildlife Crime
ICPO- INTERPOL	International Criminal Police Organization
ITTO	International Tropical Timber Organization
IUCN	International Union for the Conservation of Nature
LEA	Law Enforcement Agency
MIST	Management Information System
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NBR	National Board of Revenue - Customs
PCU	Port Control Unit
RAB	Rapid Action Battalion
SAWEN	South Asia Wildlife Enforcement Network
SEALS	Sundarbans Environmental and Livelihoods Security
SRCWP	Strengthening Regional Cooperation for Wildlife Protection
SOP	Standard Operational Procedures
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Crime
US AID	United States Agency for International Development
WCO	World Customs Organization
WEN	Wildlife Enforcement Network
WLFC	Wildlife and Forest Crime
WFCAT	Wildlife and Forest Crime Analytic Toolkit
WWF	World Wide Fund for Nature





## 1. INTRODUCTION

In a global context, Wildlife and Forest Crime (WLFC) is a serious and growing problem. The illicit trafficking in protected species of wild fauna and flora and the exploitation of forest products such as timber and other biological resources, are extremely profitable areas for organized criminal groups. As a consequence of poaching, the wildlife population in many parts of the world are becoming severely depleted and endangered. Illegal logging and the international trade in illegally logged timber contributes to deforestation and serious long term environmental damage, endangering sustainable development.

In recognition of the serious challenges presented by WLFC and its frequently transnational scale, an inter-agency alliance, the International Consortium on Combating Wildlife Crime (ICCWC) was established in 2009. This comprises the Secretariat of CITES, the International Criminal Police Organization (INTERPOL), the World Bank, the World Customs Organization (WCO) and the United Nations Office on Drugs and Crime (UNODC). Each organization is collaborating in efforts to combat the illicit trafficking in protected species of wild fauna and flora by coordinating the support offered to governments, national wildlife and forest law enforcement agencies and the sub-regional networks that work to protect the world's natural resources from criminal exploitation.

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The mission team comprised:

John M. Sellar, UNODC Consultant (former Chief of Enforcement at CITES)

Brian Taylor, UNODC Consultant (former Chief of the Anti-Trafficking Section of UNODC).

They were accompanied and assisted during the mission by:

Dr. H.S. Pabla, Consultant to the Strengthening Regional Cooperation for Wildlife Protection (SRCWP) Project, and  
Abu Naser Mohsin Hossain, Assistant Conservator of Forests, Bangladesh Forest Department

## **2. POLITICAL AND SECURITY CONTEXT**

Bangladesh, a country of over 160 million people, contains areas of very significant biodiversity importance, especially the Sundarbans reserve forest. The country has major environmental problems. Much of the country is low lying and there is a serious problem of natural flooding and soil erosion, particularly during the monsoon season. This situation is being compounded by deforestation and pollution. Although the economy has continued to develop at a slow pace over the past decade, Bangladesh continues to struggle socio-economically and it is graded 'low' in terms of human development. Many young men travel abroad to find work, to support both themselves and their families back home. It is one of the top emigration countries in the world.

The last decade has resulted in significant political tensions often resulting in strikes, disturbances and riots with loss of life and damage to property. This cycle of politically motivated strikes and violence is again taking place at a serious level in the run up to a general election to be held on or before 24 January 2014.

In relation to the crime challenges facing the country, it is primarily regarded as a transit country in respect of the trafficking in narcotics, although there are reports of some small in-country poppy cultivation and opium production. No specific surveys have been conducted, but several observers have noted an increasing use of drugs among young people, with some heroin smuggling from neighbouring Myanmar and the wide availability and use of Yaba – a stimulant drug which includes methamphetamine – smuggled from Myanmar. In 2012, Bangladesh authorities made 213 seizures of herbal cannabis, amounting to 9,975 kg – the second biggest total in the world. In the same year, they made 105 interceptions of methamphetamines, totalling 555 kg – again, the second largest total in the world. Interestingly, all the latter seizures involved pedestrian traffic from neighbouring India.

Bangladesh is regarded as a significant country of origin for human trafficking and the smuggling of migrants. Although some of this is for forced labour purposes, it also involves adolescent girls smuggled to India to participate in forced marriages or sexual exploitation.

In terms of wildlife and forest crime, the fact that the Sundarbans reserve forest provides habitat for important tiger populations makes it a target for poachers. Areas such as the Chittagong Hills are prone to illegal timber harvesting. The country is also regarded as a transit stage for smuggling of illicit timber from neighbouring Myanmar. The country is also significantly affected by piracy in the Bay of Bengal.

Bangladesh is identified in the UNODC Regional Programme for South Asia as a country deserving of considerable capacity-building in relation to general law enforcement, with prison reform, domestic violence and the judicial system's interaction with children also highlighted. Some training has already been delivered in relation to opioid substitution therapies and HIV drop-in centres for women have been established.

Transparency International has identified significant corruption problems in the country's judiciary and law enforcement agencies.

### **3. WILDLIFE AND FOREST CRIME – THE SUNDARBANS**

Of particular significance is the Sundarbans ('beautiful forest') which contains the world's largest continuous mangrove forest. It was declared a Reserved Forest under the management of the Forest Department in 1875. It is home to around 400/500 wild tigers, the national animal of Bangladesh. Over 5 million people living in communities on the periphery of the Sundarbans use the forest to support their daily lives. As they encroach into the habitat of the tigers many become victims to attacks with around 100/200 people killed or injured by tigers every year.



To help conserve the Bangladesh tiger population and also assist local communities, the Forest Department 'Sundarbans Tiger Project' was established in 2002. This is a joint initiative involving the government, Wildlife Trust of

Bangladesh, the Zoological Society of London, and the vet specialists Wildlife Vets International. This collaboration of international wildlife and conservation experts trains teams of local field staff, forest guards and villagers, to help understand and manage the threats posed by tigers. A survey conducted in 2011 revealed a decline in the tiger population in the Sundarbans of almost 50%, with the most likely cause being poaching.

#### 4. CITES

Bangladesh has been a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since 1982. It appears, however, that knowledge of the Convention, and its provisions and obligations, is not widespread. This seems, worryingly, to also apply within the Forest Department, which is the designated CITES Management Authority of the country. The Forest Department is also the main enforcement body for WLFC in Bangladesh, with little in terms of police resources being devoted to these crimes.

Although many of the Forest Department supervisory-level staff encountered by the mission team were aware of CITES, it was evident in discussions with them that the actual details, scope and Bangladesh's Management Authority's specific obligations to ensure that the Convention was complied with, did not seem well-understood. Whilst it is understandable that Forest Department personnel would naturally tend to focus on timber and wildlife species, it is the responsibility of the Department, in the absence of other relevant designated Management Authorities, to take account of all trade in fauna and flora, regardless of the species or the nature of the specimen.

For example, it did not seem to be appreciated that there are several marine species, which might be found within Bangladesh's water territory or landed at its ports by fishing vessels, that are listed in the CITES Appendices. When this was pointed out, the Forest Department initially failed to see the significance, stating that the Fisheries Department dealt with marine species. When the team elaborated that any export or re-export would require the issuance of permits or certificates by the Forest Department, this apparently came as something of a surprise.

During a visit to a fish market and fishing ghat (landing place) in Chittagong, no CITES-listed species were seen, although the extremely crowded marketplace made any detailed observations difficult. The team presumes that Fishery Department personnel monitor such places but it was not possible to identify any such officials. Local fishermen said that the government had, two years ago, stopped issuing licences for the catch of shark species and had totally banned the catch of dolphins. It was not clear what had prompted this. It appeared that the effect of this step meant that any landings of dolphin would be illegal, whilst landings of shark were perhaps more in some form of illicit category. Fishermen said, however, that a demand for shark fins remained and that a trader could regularly be found on the outskirts of the ghat and he would purchase fins from them directly, away from the actual market.



The fishermen did not know the eventual destination of the fins but presumed it was abroad, as there is no local tradition of their consumption. They admitted that selling shark fin was highly profitable. Depending upon the shark species involved, export of such specimens without a CITES document will violate the Convention.

Another illustration of insufficient knowledge came during a conversation where it was described how Bangladesh has recently imported several specimens of a variety of CITES-listed species from Africa. These animals are now on display in

a 'Safari Park', owned and operated by the Forest Department, near Dhaka. A similar facility has evidently existed near Chittagong for several years. Among the imported animals were a number of tigers, apparently captive-bred in Africa. The tiger is listed in Appendix I of the Convention and, thus, cannot be traded commercially unless the tigers in question originate from a breeding operation registered with the CITES Secretariat. Yet no such tiger breeding operation, in any country of the world, has been registered.

It could be argued that the import of these animals was for a 'primarily non-commercial purpose', which could comply with CITES. However, the staff member with whom this conversation took place was unaware of these implications and it seems questionable whether the Forest Department appreciated these technical issues. Given the current focus on tigers, and their considerable closeness to extinction, this import by Bangladesh is open to scrutiny and, potentially, criticism from sectors of the non-governmental and conservation communities; even though such an instance of trade would have no impact upon wild populations of tigers. This is an illustration of how, albeit inadvertently, the current lack of knowledge could have negative implications for Bangladesh's standing and reputation internationally.

No one CITES Management Authority, whichever the country, can implement and regulate fauna and flora trade on its own. However, at present, it is not practical or realistic for the Forest Department to look to other government bodies to assist, such is the widespread ignorance of the Convention. The historical front-line regulators and enforcers of CITES in many countries, Customs authorities, are in no position to assist at present in the case of Bangladesh; this is because of both a lack of knowledge and an absence of legal authority.

Lastly, in relation to CITES, the team noted that there do not appear at present to be any instructions or rules relating to how the Convention should be implemented, for example with regard to the application for and issuance of permits and certificates. Not only does this leave the majority of Forest Department staff without guidance but it also means that persons wishing to trade CITES-listed species have no way of knowing what they must comply with. The absence of such rules also means that there is no legal basis upon which to require compliance or penalize non-compliance with regard to administrative matters. Additionally, it leaves enforcement agencies without any guidance in relation to what is expected of traders, the agencies and simple matters such as what format a permit or certificate should take and the mandatory information that should appear on it.

The current situation in the country must mean that violations of the Convention, both inadvertent and deliberate, are likely to be occurring on a regular basis, especially as there is very limited CITES-focused border regulation. Whilst bodies such as the Forest Department and the Border Guards of Bangladesh (BGB) appear to be alert to, and respond to, attempts to smuggle wildlife out of the country, their current motivation is to protect their own natural resources, rather than through an awareness to comply with their State's obligations under an international treaty. The Forest Department will react if an application is made for a CITES permit or certificate but does not appear to have the institutional knowledge to be proactive.

The team saw no indication that Bangladesh engages with its neighbouring or nearby countries with regard to CITES-related issues. Indeed, it was noted that none of the agencies the team met mentioned interactions at the regional or international level, on CITES or general law enforcement issues, and such liaison or collaboration would only be spoken of when the team specifically raised it or posed questions about it.

*Recommendation: That action be taken by the Forest Department senior management to arrange training for their staff by international experts in order to raise awareness and understanding of CITES to ensure effective implementation of the Convention.*

*Recommendation: That senior management of the Forest Department review and improve internal systems for the implementation of CITES and involve other relevant Agencies, such as Customs (National Board of Revenue), in the regulatory process.*

## **5. LEGISLATION**

### Introductory remarks

Historically, wildlife-and forest-related offences have tended to be viewed as relatively minor matters within the overall context of crimes to which society, and its judicial, prosecutorial and law enforcement bodies, must respond. Wildlife legislation has been drafted accordingly, with comparatively limited powers and authority allocated to those tasked with implementing it, together with often moderate penalties in comparison with those that society regards as appropriate in the case of ‘mainstream’ crime. In most countries of the world, this has continued to date, with little cause for any other approach.

However, the ever-increasing sophistication and organization of criminal exploitation of natural resources, and the growing illicit profits being gained by criminals, are regularly leaving enforcers and prosecutors ill-equipped to respond effectively, should they choose to rely solely on wildlife or forest law. It seems both unrealistic and impractical for such legislation, now or in the future, to be drafted so that it contains provisions relating to, for example, accessing bank accounts, undertaking electronic or other covert surveillance, managing controlled deliveries, or seizing assets obtained as a result of crime, albeit these are techniques and capacities that investigators need to tackle organized crime effectively. Similarly, it may be unrealistic or unreasonable to expect parliaments to incorporate into wildlife and forest law penalties that judges would expect to be empowered to impose in relation to organized crime.

It is likely, therefore, that some form of impasse will continue where, especially with regard to penalties, offences under current (and perhaps foreseeable) wildlife and forest law will not be regarded as ‘serious crime’, in terms of Article 2 of the UN Convention against Transnational Organized Crime (UNTOC) or relevant implementing domestic legislation. Thus, investigators and prosecutors may, at first sight, continue to be hampered in the legal provisions available to them in responding to criminal exploitation of fauna and flora.

Consequently, it is suggested that it may be much more effective, wherever possible, to utilize existing criminal statutes and to view WLFC in its wider context as, commonly, involving a series of linked acts, all of which build up to, for instance, a criminal conspiracy. Since most criminal jurisdictions recognize conspiracy as a specific offence, often an indictable one, this should enable enforcement agencies and prosecutors to deploy the full range of investigatory powers, authorities and techniques.

The following illustrate, in the case of Bangladesh, how such criminal conspiracies may occur:

- Residents in suitable habitat will be recruited to poach tigers and will be supplied with the necessary tools to kill the animal; firearms and ammunition, snares or poison. Once the carcass is obtained, it will need to be processed and its skin, meat and bones stripped, treated and preserved. Thereafter, the body parts will be delivered to dealers, perhaps separate dealers for different body parts, who will arrange for its delivery to couriers, its

concealment and its subsequent smuggling out of the country, via land, sea or air transportation.

- Residents in suitable habitat will be recruited to harvest birds or turtles and will be supplied with the necessary tools to do so; nets, traps and cages. Thereafter, the live specimens will be delivered to dealers and arrangements made for their smuggling out of the country. Alternatively, this pre-exit phase may involve the corruption of officials to obtain the necessary CITES export permits, quarantine and health certificates, the acquisition of genuine permits to be fraudulently altered, or the counterfeiting of necessary documentation.
- Residents in suitable habitat will be recruited to conduct illegal timber harvesting, and supplied with the necessary chainsaws or axes. Other persons will be recruited to cut the timber into logs and drivers and vehicles will be hired to transport it to suitable exit points in the country. En route, some of the timber may be processed at illicit sawmills. Pre-export, and during transportation, certificates of origin, logging licences or export permits may be falsified or obtained through bribery. The masters of sea-going vessels may be hired to smuggle the processed or raw timber to other countries.

Each of the above examples describe a ‘chain of criminality’ involving separate points where many individual actors will undertake different, but linked, crimes; all assembling into a conspiracy. This in-country conspiracy will then connect, since the final consumer is likely to be in another country, to another conspiracy in a different nation, which will handle illegal import and the various illicit stages necessary for the contraband to pass through before delivery and sale to the final customer. That second conspiracy will also involve numerous actors.

Although the likelihood of each and every actor in each and every stage of the conspiracies being identified and brought to justice may be remote, opportunities to arrest several of them are likely to be present and the collection of evidence to demonstrate the existence of the conspiracy to a court ought to be perfectly achievable. In this way, it should be possible to prosecute each actor as a conspirator, rather than an individual engaged in some isolated or separate offence. Since most conspiracy statutes provide an extensive range of penalties, judges should be in a position to allocate appropriate sentences to each accused, reflecting his or her involvement in, and contribution to, the overall conspiracy.

That many wildlife and forest crimes involve the illegal acquisition of specimens for which there is no, or a very limited, domestic market, and consequently requires their subsequent smuggling or fraudulent exportation, is an element which is well-known by those involved and this should be useful to prosecutors in demonstrating *Mens rea* (intent to commit the crime) and is a further illustration of the need for persons to conspire together.

Whilst the above should not be taken as meaning that specific wildlife and forest legislation is unnecessary, or need not be developed, this approach has the advantage of overcoming potential weaknesses in existing law and is one that is being used with considerable success in a growing number of jurisdictions around the world.

#### International agreements and conventions



Bangladesh ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on 20 November 1981 and it entered into force on 18 February 1982. It has not entered any reservations in relation to species listings. Bangladesh has one

registered commercial breeding operation of an Appendix I species, namely *Crocodylus porosus*.

Bangladesh signed the Convention on Biological Diversity on 5 June 1992 and became a Party on 3 May 1994.

The country is a Party to the Convention on the Conservation of Migratory Species of Wild Animals and this entered into force on 1 December 2005. It is a signatory to the Agreements on Marine Turtle and Dugongs.

Bangladesh has been a Party to the Convention Concerning the Protection of the World Cultural and Natural Heritage since 3 August 1983. The Sundarbans are listed as a World Heritage Site (Natural).

Bangladesh is a Party to the Ramsar Convention on Wetlands and this entered into force on 21 September 1992. Ramsar sites within the country are Tanguar Haor and the Sundarbans Reserved Forest.

Bangladesh is a member of the Global Tiger Forum and has previously held the Chair of the Forum.

Bangladesh accepted the UN Convention against Corruption on 27 February 2007 and the UN Convention against Transnational Organized Crime on 13 July 2011. It has not, however, accepted any of the protocols to the latter Convention.

The country has been a member of ICPO-INTERPOL since 14 October 1976 and the World Customs Organization since 1 July 1978. It is cooperating with the Financial Action Task Force to strengthen the country's anti-money laundering and counter-terrorism financing laws.

#### Domestic legislation - wildlife

The CITES-implementing legislation of Bangladesh is currently listed in Category 2 of the CITES Secretariat's National Legislation Project, meaning that it has been analyzed and found inadequate to fully implement the Convention. However, the CITES Secretariat has yet to analyze the recently-adopted Wildlife (Conservation and Security) Act 2012 and the mission team proposes that Bangladesh's CITES Management Authority liaise with the Secretariat at an early stage to seek its comments.

*Recommendation: That the CITES Management Authority of Bangladesh liaise with the Secretariat of CITES without delay to seek its comments on the recently-adopted Wildlife (Conservation and Security) Act*

In the meantime, the mission team makes the following observations on the 2012 Act, in relation to CITES and other matters. The team reviewed an English translation of the Act and is conscious that the original Bangla version may address some of the concerns it has noted. The following is not intended to be an exhaustive list of what would appear to be several potential weaknesses in the legislation.

- a. This Act appears to follow, in many respects, a format that is common among countries which were previously British colonies or which have chosen to follow English law. It has its roots in the regulation of activities relating to hunting and this is reflected in the regular use of the term 'trophy'. Whilst this word was appropriate in days when the most common exploitation of wildlife was through hunting, it is perhaps now outdated and, consequently, its use to describe and define what is being regulated can lead to confusion;



- b. The 2012 Act seeks to define what it regulates in several definitions contained in Section 2, including “uncured trophy”, “trophy”, “specimen”, “perishable forest product”, “captive animal” and “wild animals”. Some of these appear to be duplicative and yet it also seems unclear if they sufficiently cover the full range of fauna and flora items that are currently the subject of illegal harvesting and trade. For example, if tiger body parts had been converted into a medicinal product, such as a plaster or wine, it appears uncertain whether the Act would apply to them;
- c. Section 11 of the Act requires the Forest Department to engage in what would be a nationwide registration process with regard to any "wild animal or part of wild animal, trophy, uncured trophy or any specified plant mentioned in schedule IV or part or derivatives thereof...". Such items require a mark to be fixed on them and a registration certificate has to be issued. The form of mark to be used is not established in the Act. Aside from the potential difficulties in establishing just what should be registered, given the confusing definitions referred to above, this requirement would seem, potentially, to create a very considerable administrative burden for the Department. Whilst a number of countries around the world have registration schemes for specific fauna and flora, the majority of these exist because of a history of illicit or fraudulent trade in the relevant nation. No such history appears to exist in Bangladesh. It is surely, therefore, questionable whether such a scheme is at all warranted and whether the use of already hard-pressed Department resources on this matter can be justified. The Act requires this scheme to be in place within 180 days of the law's enactment. That has not been done. Neither has any effort yet been made to make the public aware of the need to register, or set in place registration processes, marking systems and the many other elements that will be needed. Nor, importantly, has any effort been made to gauge or estimate at what scale such a registration scheme would need to be and the likely number of items to be marked. Since the likelihood of any individual or civil society group taking action against the Department for failing to comply with the 180 day deadline, or institute the registration scheme, seems remote, the team suggests that no action be taken to implement Section 11 until its necessity can be reviewed and assessed. Should registration be specially required in the meantime, for example if a member of the public wished to lawfully transfer a legally-possessed specimen, it would presumably be possible for the Department to deal with such cases on an *ad hoc* basis;
- d. Although the Act refers to CITES certificates, it makes no reference to the CITES Appendices. Consequently, it is not clear whether, for example, Bangladesh could regulate fauna and flora that were not indigenous to the country. The Act does not appear to make any provision for regulating wildlife in transit through the country or the increasingly-important CITES trade relating to ‘introduction from the sea’ (see also point i. below);
- e. Although Sections 32 and 33 provide relatively extensive powers to enforcing officers, it is unclear whether they extend to searching or seizing vehicles, vessels or aircraft and there does not appear to be any authority to stop vehicles or vessels. The latter would seem to be of particular importance in the case of Bangladesh. The power to confiscate appears very strong and without any opportunity to appeal. And yet one can appeal, under Section 26, if a licence issued under the Act is suspended or cancelled;
- f. Section 34 (b) does not appear to include re-export, which is an important aspect of wildlife trade;

- g. No provision appears to have been made to deal with anyone who obstructs or bribes an officer in the execution of his duty, who forges a licence or identification mark or who makes a false or fraudulent application for a licence or identification mark;
- h. Section 15 restricts entry to sanctuaries but it appears that no penalties have been provided for anyone who contravenes the prohibition;
- i. Sections 28 and 29 are particularly significant, as they determine how entry and exit of wildlife to and from Bangladesh will be regulated. However, it seems that no specific penalties have been provided for anyone who fails to comply with the requirements. Although Section 34 refers to import and export, it does not address all the matters determined by Section 28 and 29. Additionally, the maximum penalty provided in Section 34, one year's imprisonment, is totally inadequate for potential offences that might involve highly-endangered species. Unless penalties for smuggling are provided for within other law, such as Customs legislation, this would appear to be a serious oversight;
- j. During their interactions with various enforcement agencies, the mission team regularly heard concerns expressed regarding Section 42 of the Act. This provides for the penalization of any officer or complainant who is judged by a court to have acted in a false or groundless manner. Whilst the team recognizes that it is perfectly proper that undue harassment or malicious allegations should be discouraged and subject to penalty, it finds it unusual for it to feature so specifically and emphatically in legislation such as this. It imagines that it would be more usual for such provisions to exist already in, for example, statutes relating to the conduct of government officials or criminal procedure laws. If the 2012 Act is to be reviewed and re-drafted, the team suggests that special consideration be given to this section, as to whether such a provision is felt essential, as its current presence is apparently causing considerable unease among operational staff whose job it is to enforce this wildlife statute. In any case, the terms of Section 42(1) appear to be somewhat nullified by Section 50, relating to "Protection of action taken in good faith; and
- k. The Schedule to the 2012 Act would appear to feature solely those species that may be found in Bangladesh or in that part of the world. This potentially creates a very significant inability to respond to international illicit trade in fauna and flora. For example, although the Schedule lists "elephant", it refers to "*Elephas maximus*", which is the Asian species of this animal. It would appear, therefore, that any specimens of *Loxodonta Africana*, i.e. the African elephant, would not be liable to control under Bangladesh's legislation. Given the substantial quantities of African elephant ivory that are being smuggled through Asia currently, this may be a considerable weakness which traffickers could exploit. Another practical example relates to 'Leopards'. Although several species of this cat family are listed in the Schedule, Snow leopard does not appear. The skins, bones and other body parts of Snow leopards are increasingly being noted in illicit trade in Asia and this animal is found in the wild in nearby Nepal. Again, this is a loophole that is open to criminal exploitation. Whilst the listing in schedules of indigenous species may be important for the purposes of setting out various levels of national protection, and also perhaps relevant penalties, it is essential that Bangladesh, as a Party to CITES, must also be able to legally take cognizance of all wildlife regulated by the Convention. This can be achieved by simply including in its national law wording to the effect that its provisions apply to '*all fauna and flora listed in the current appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora*'.

The team understands that no public awareness-raising has been conducted following the introduction of the 2012 Act. Consequently, it seems likely that the general public, and especially persons living in rural communities who may engage in activities that would violate the provisions of the law, are unaware of its existence.

### Domestic legislation – forests

The protection of Bangladesh’s forests, and regulation of the use of timber and forest products, is provided for in The Forest Act, 1927. This law had been amended several times over the decades, most recently in 2000. However, its language and provisions reflect the time of its drafting, over 80 years ago, and it is clearly out-of-date. The mission team understands that the Ministry of Environment and Forests prepared a new version of the Act in 2010 and that this is currently under consideration by the Cabinet. Since the new version has apparently still to be enacted, it may be worth placing this on hold until the government has an opportunity to take account of the ICCWC Toolkit analysis and incorporate any relevant recommendations or observations.

The 1927 Act appears to have been written, understandably, to take account of the likely threats to Bangladesh’s forests, and forest products, as would have existed at that time. Whilst the penalties for offences against the Act have been increased since its first adoption, the law continues to reflect what were probably regarded as low-risk and relatively low-damage threats to forests, i.e. illicit activities conducted by residents of surrounding areas, such as unauthorized gathering of timber or other forest products, damage caused by careless setting of fires or trespassing for the purposes of livestock grazing, subsistence hunting, etc. What it does not reflect is a preparedness to respond, legislatively, to the major commercial-level illegal logging that has robbed, and continues to rob, many Asian countries of significant revenue and which has led to substantial deforestation, with subsequent negative environmental impacts.

The Act, in Sections 32 and 41, empowers the Government to make rules to govern what would now be regarded as logging, including the issuance of licences, payments, etc. and also the transit of timber. Provision is also made for penalization of any violation of such rules. The mission team was unable to access any rules, however, so was unable to assess whether any that exist would meet current best practices.

Whilst acknowledging that a new version of the Forest Act has been prepared, and that the team has not been able to view it, the following observations are made in relation to the 1927 Act:

- i. Section 26 defines behaviour that is prohibited within a “reserved forest” and would appear to take account of actions that would amount to what would now be recognized as illegal logging. The language, however, does not perhaps reflect the seriousness of today’s commercial illicit timber harvesting. In a similar vein, although a maximum prison sentence of five years can be imposed, that may not be sufficient given the very substantial illicit profits that illegal logging can bring. The maximum fine also appears inadequate, being equivalent to around USD 640;
- ii. However, the Act also provides for the designation of a “protected forest” and it appears less straightforward what offences could potentially be committed within such an area. Much would seem to depend upon whether specific rules have been created and apply to that protected forest, under Section 32, or if trees within a protected forest have been ‘reserved’ in terms of Section 30. The difference between a ‘reserved’ and a ‘protected’ forest, with regard to their environmental or financial importance, is not immediately apparent from the language used in the Act and risks causing confusion among the public,

enforcement officials and, importantly, the judiciary if they are called upon to sentence offenders. This aspect is worthy of clarification in any new legislation;

- iii. It is not until one reaches Section 41, in relation to the transit of timber, that the Act addresses the issue of marking of timber. This is worthy of review, as the marking of timber – what is referred to in the industry as the ‘chain of custody’, i.e. demonstrating that a wood product originates from a legally-felled tree – is today seen as a vital element in regulating the logging, processing, transportation and export of timber and timber products. Marking now tends to be regarded as essential from the outset, with requirements for it to be mandatory and alongside the issuance of any felling licences. The enactment of new law may be an ideal opportunity to introduce requirements in relation to marking which take account of current best practice. For example, the International Tropical Timber Organization and CITES, as part of a joint project, have developed excellent guidance on timber tracking technologies. (‘Tracking Sustainability’ – available at the following website - [http://www.itto.int/technical\\_report/](http://www.itto.int/technical_report/));
- iv. Section 39 empowers the Government to levy duties on timber and forest products. It specifically refers to timber and products originating in Bangladesh but also to those brought into the country. However, Section 41A, which was apparently originally intended to refer to Customs controls, has since been omitted during amendments to the 1927 Act. Aside from the matter of levying duties that might normally fall within the remit of Customs officers, this would appear to remove from the Act any potential for Customs to assist in the regulation of trade in timber, particularly as it enters or leaves Bangladesh. This seems to potentially be a significant gap, which any new law should, ideally, plug;
- v. No reference is made in the Act, albeit understandably given its age, to any international conventions, such as CITES, and there is no provision for the regulation of timber imports or exports (unless this features in any rules that the Government has made). However, even if the rules do address this issue, it would seem that no penalties currently exist in the Act for any violation of import or export requirements. It may be that the Wildlife (Conservation and Security) Act 2012, as Bangladesh’s primary CITES-implementing legislation, is intended to deal with any import, export or re-export of timber and timber products. However, as described elsewhere, it seems questionable whether that Act is adequate for such a purpose;
- vi. Section 69A appears to anticipate that any prosecutions will be undertaken by a Forest Officer. This would appear inappropriate in relation to the sophisticated and organized crime involved in illegal logging today. It may also restrict the ability to, alongside forest offences, prosecute persons for other crimes that are likely to be associated with illicit timber harvesting and processing. It would seem more appropriate, as suggested elsewhere, for prosecutions to be handled by a public prosecutor’s office. The team acknowledges, however, that this will only be possible if Bangladesh’s judicial system and processes undergo the substantial updating and modernization that some people, such as magistrates, believe is long overdue ;
- vii. There does not, at present, appear to be any corporate liability in relation to forest-related offences, which is a significant weakness given the regular abuse, corruption and fraud that is conducted by logging companies around the world; and
- viii. Although the Act empowers Forest and Police Officers to seize items and arrest offenders, their powers to stop vehicles, search premises, inspect timber or products, check licences

or enter such as sawmills or other processing facilities seem much less clear or, indeed, absent. Similarly, there is currently no apparent provision to deal with matters such as resisting or obstructing an officer in the course of his duties, fraudulent or corrupt applications for licences, fraudulent or corrupt transfer of licences, altering any mark on timber or other criminal behaviour that is likely to be encountered by enforcement officials. It is suggested that any new Act incorporate provisions to make such behaviour an offence and provide appropriate penalties.



It seems reasonable to assume that the 1927 Act was drafted by persons whose expertise lay in matters relating to forestry, rather than crime. It seems that the same may have applied with regard to those who prepared the 2012 wildlife law and the 2010 Forest Act draft.

The team recommends that any existing or planned revisions of wildlife and forest law be subjected to a multi-agency review, to help bring to bear the specialist perspectives of the various bodies that will, in future, engage in its enforcement. It recognizes that the drafting and enactment of legislation is often a lengthy process. It is also aware that there might be a reluctance on the part of Bangladesh's legislators to re-visit this topic, given that they passed wildlife-related legislation as recently as 2012. However, given the apparently serious shortcomings of the 2012 Act, and the very regular concerns and complaints made about it at each and every meeting and interaction the team engaged in, this matter does appear to warrant the utmost priority.

*Recommendation: A multi-agency working group should be established as a matter of priority to review and redraft the Wildlife (Conservation and Security) Act 2012, to ensure that it meets requirements and international standards.*

*Recommendation: The requirement under section 11 of the 2012 Act that the Forest Department engage in a major nationwide registration process, is likely to prove a considerable administrative burden. It is recommended that this should be reconsidered.*

*Recommendation: That any revisions of wildlife and forest law or the drafting of any new laws should be undertaken by a multi-agency working group to ensure that the perspectives of the various stakeholders are taken into account.*

### Miscellaneous domestic legislation

In keeping with its introductory remarks, relating to avoiding too wildlife- or forest-specific a focus, the mission team has briefly reviewed other laws of Bangladesh that may be relevant in responding to such crime and the following are provided as simply examples of where potential exists.

The Customs Act, 1969 contains many provisions that would be of assistance in enabling Customs officials to deal with matters relating to goods of a wildlife or forest nature entering or leaving the country or being moved within it. These include actions by criminals that would immediately be recognized as 'smuggling', but also allow for Customs officers to examine documents, etc. and, especially provide extensive authority to stop and search vessels, passengers, baggage and cargo. However, for the 1969 Act to be used effectively, wildlife and forest products would require to be notified by the Government, under Chapter IV, Section 16, as

specified goods in terms of Customs law (see also comments on this issue elsewhere in the report).

The Penal Code, 1860 also contains many provisions that are relevant in the response to wildlife and forest crime:

1. Chapter VA, Sections 120A and 120B, which relate to Criminal Conspiracy;
2. Chapter X, Section 177, which relates to providing false information to a public servant and which might be used in relation to false applications for permits and licences;
3. Chapter XVII, Section 378, which relates to Theft. Interestingly, the first 'illustration' provided in the Code to describe how such a crime might be committed refers to the dishonest cutting down of a tree; and
4. Chapter XVIII, which relates to Forgery and includes several sections dealing with false documents, counterfeit marks, etc.

The Marine Fisheries Ordinance, 1983, Section 14 requires operators of vessels to keep detailed information on catches and sales. Section 32 empowers authorized officers to stop, board and inspect vessels in Bangladesh waters and any vehicle transporting fish. This would be particularly relevant given the growing number of marine species that are being added to the CITES Appendices. The Ordinance currently authorizes only senior Fisheries Directorate officials, certain Bangladesh Navy ranks, and all Customs officials, to enforce the legislation. This seems worthy of review and expansion to all Forest Department, Coast Guard, Border Guard, Police and Rapid Action Battalion officers.

The above are by no means exhaustive lists of the relevant provisions contained in the 1969, 1860 and 1983 laws but hopefully illustrate how an innovative and imaginative approach can readily identify numerous legislative means to bring offenders to justice and to regulate trade.

### Enforcing legislation

During its interaction with operational law enforcement officials, the mission team heard concern expressed by several of them over apparent confusion in relation to which agencies are authorized to enforce various statutes, which officials within those agencies, and the extent of such authorization. This took a number of forms. For example:

The Wildlife (Conservation and Security) Act 2012 refers, in various sections, to the powers of an "officer". The Act defines such a person as "any officer appointed in this behalf to carry out all or any of the purposes of this Act...and includes a forest-officer as defined in Section 2(2) of the Forest Act 1927". This language does little to make clear who such an official might be or which agency he or she might represent. Neither is it made clear who is entitled to appoint such officials.

Section 32 provides powers of seizure to an "officer". However, Section 33 (relating to powers of entry), specifies that such powers are given to "The Chief Warden or any other officer authorized by him." Here, too, the language is not clear and neither is it clear whether such authorization might be general, i.e. long-term, or on an incident-by-incident basis.

This presents a situation where it is likely that members of the public will not readily appreciate who is entitled to enforce the 2012 Act and the extent of their enforcement powers. The team also heard that Forest Department Officials, on occasions, have encountered situations where their

counterparts in other enforcement bodies, such as Customs and Police, have questioned whether they were "officers" and their level of empowerment.

This lack of clarity is not helped by other terminology used in the 2012 Act where, in Section 5, it refers to "Chief Warden", "Additional Chief Warden" and "Warden" but then goes on to refer to the "Chief Conservator of Forests", "Conservator of Forests" and "Divisional Forest Officer". The latter three titles are those apparently currently used on a day-to-day basis as 'ranks' within the Forest Department and appear well-known outside the Department. It is not clear, therefore, why the other three designations are used in the Act. Another illustration of confusion lies in what appears to be a relatively new title or rank in the Forest Department, that of 'Wildlife Inspector'. There is no reference to such an official in the 2012 legislation but, since they are employed by the Department, its senior management regards them as being 'forest-officers' in terms of the Act's definition and, thus, empowered to enforce the Act. Whilst that, in legal terms, may be accurate it is, once more, somewhat confusing and it is suggested that any review of the 2012 Act take this issue into account.

#### WLFC Enforcement Agencies – An uncoordinated approach

With regard to who, other than Forest Department staff, is entitled to enforce wildlife law, section 33 (3) under the 2012 Act lists various persons who are "bound to render full cooperation to the authorized person to perform duties under this Act...". (The phrase "the authorized person" in this Section is yet another term offering potential confusion.) Among those listed are "members of law enforcement agency". Forest Department management advised the mission team that the police are entitled to enforce the 2012 Act. It is not clear, however, what empowers them to do so, since the Act appears to make no reference to the police. It may be that they have been designated as being an "officer" in terms of the Section 2 definition but it would have been clearer had they been specifically mentioned. Although Section 33 would provide for involvement of the police, 'cooperation' suggests that a request for assistance from the Forest Department would first be required, as opposed to the police being able to act in a self-initiated manner.

This latter scenario would also seem highly relevant in relation to the Coast Guard, Border Guards of Bangladesh (BGB) and Rapid Action Battalion (RAB), which appear to regularly provide vital assistance to the Forest Department. Section 33 allows for such support but, again, does not provide for these bodies to act of their own accord. For example, an officer of the Coast Guard raised this issue with the mission team, remarking upon the fact that it is by no means uncommon for the Coast Guard to detain persons, especially in the area of the Sundarbans, who they discover in circumstances indicating that an offence against the 2012 Act has been committed. It is their practice to hand such persons over to the Forest Department or to the police. However, at present, it is questionable whether the Coast Guard, BGB or RAB are entitled to enforce wildlife law and they may be liable to litigation in relation to 'unlawful arrest' or 'illegal detention'. Indeed, it is questionable whether any officer, of any agency, is entitled to arrest someone suspected of contravening the 2012 Act, since the English version reviewed by the team makes no reference whatsoever to powers of arrest or detention. This would seem to be a serious omission.

For their part, the police expressed frustration that they are unable to investigate offences against the 2012 Act or file a case relating to it, unless the species involved is a tiger or elephant.

These matters illustrate, once more, the value of undertaking a multi-agency review of any proposed new laws or amendments to existing legislation.

The team listened to several descriptions of incidents where Forest Department officers had detained wildlife crime offenders and brought them before courts. When asked with what authority they had done so, the team would be told that the power of arrest under the Forest Act had been invoked. If the incident in question involved a clear contravention of that Act, alongside 2012 wildlife violations, this is appropriate, lawful and acceptable. However if, as would seem to sometimes be the case, the Forest Act is being used as a means of plugging gaps in the 2012 legislation, that is highly questionable and open to legal challenge. Indeed, it might result in the invocation of Section 42 in the very manner that many officers expressed fears of.

The police officers the team encountered all seemed ready and willing to engage in wildlife law enforcement but noted that they lacked the information and criminal intelligence to be able to target criminals. They also lacked an adequate understanding of this subject and the various issues involved. They would welcome training in this field.

The police are also hampered by several other factors. For instance, they lack vessels to move around the Sundarbans. Indeed, they have no stations or permanently-manned posts within the mangrove forests there and, so, cannot patrol the area or readily respond to any requests for assistance from other agencies. This also means they have little interaction with the people living around the forest areas or working within it. A Sub-Inspector and a few Constables occupy one outpost in the Sundarbans but this is far too few, given the huge area. The police noted, too, that there is currently no common communication system whereby the Forest Department, Coast Guard, BGB and the police can speak to each other.

Some, but not all, agencies have access to VHF radios that can transmit and receive messages via the internationally-recognized marine radio channels. Were such radios to be made more widely available, they could certainly enable all agencies to contact each other. However, because the channels are publicly accessible and routinely used, and listened to, by all waterborne traffic (commercial, recreational, tourist and fishing boats) it would not be appropriate to send confidential messages over those channels or use this communication means to coordinate enforcement operations.

A lack of sufficient police presence in the Sundarbans also means that they are unable to respond effectively, or engage in proactive work, in relation to the substantial amounts of extortion and kidnapping for ransom that appear to be carried out by organized groups of pirates and other criminals who operate on the boundaries of and inside the mangrove forests. These matters often fall to be dealt with, initially, by the Coast Guard, yet its staff are not trained in law enforcement or investigations.

The police believe the Sundarbans are used for human trafficking and that local populations are targeted by organized criminals who dupe them with promises of jobs abroad, only for such persons to find themselves sold as cheap labour or into the sex trade. But the police have little opportunity to specifically target such activities and it is left to the BGB to intercept such trafficking in an *ad hoc* or by-chance manner.

The presence of 'Dacoits', the local term for criminals engaged in piracy and banditry, is widespread in the Sundarbans and every agency is called upon, to a greater or lesser degree, to respond to their criminality. There does not appear, however, to be any coordinated or collaborative approach to the response and the Forest Department, in particular, is wholly ill-equipped in terms of training and logistics to deal with these organized groups. Fortunately, it seems that Dacoits do not, at present, engage in WLFC to any significant extent. It would seem, though, that they have everything needed to do so and, should they focus on tiger poaching for example, they have the potential to impact in a devastating manner.





The Coast Guard, like the police, appear very ready to play a role in wildlife law enforcement. But they, too, lack sufficient knowledge and intelligence of the various issues. They would also welcome training. Due to their regular interaction with fishermen and others who gain a livelihood from the waters and mangrove forests of the Sundarbans, the Coast Guard has the

opportunity to play a significant role in gathering intelligence but does not have the skills, at present, to exploit this. Nor are there the necessary inter-agency communication channels in place for such intelligence to be analyzed or disseminated.

The Coast Guard is aware of significant poaching and timber smuggling in the area of the Sundarbans but feels restricted, in legal authority but also in practical and logistical ability, to play as significant a role as they might. They are conscious of the extortion conducted by the Dacoits and of widespread illegal fishing, timber smuggling and poaching but do not feel confident to be more proactive.

A major difficulty facing the Coast Guard is their inability to access as deep into the myriad channels and canals of the Sundarbans mangroves as they would wish. The nature of the habitat, especially its daily significant tidal changes, can very easily leave vessels stranded high and dry and the huge range of depths encountered in the channels pose major risks of propeller damage or entanglement. The Guard badly need low-draught, jet-powered craft, which would enable them to move safely and confidently throughout a much wider patrol area than at present.

The Bangladesh Coast Guard has, in recent years, received considerable training support from the United States Coast Guard and has just received a jet-propelled vessel from that agency, kitted out as an ambulance, to allow them to react to medical emergencies. Another similar vessel, for general patrol duties, is expected to be donated soon. Whilst this is welcome and generous support, it is evident that further assistance is required.

*Recommendation: Consideration should be given to providing the Coast Guard with additional low draught, high speed vessels to patrol the Sundarbans. Awareness training in WLFC should be introduced for Coast Guard personnel.*

The BGB, like their counterpart agencies, have received no training or awareness-raising in relation to WLFC. The Guards' main role is protecting the nation's borders and combating smuggling and trafficking in all its forms. They have a presence along the extensive land borders but also have posts in the Sundarbans.

They also remarked to the team on the presence of groups of Dacoits in the Sundarbans and commented that many of these criminals are based deep within the forests, often for months at a time, where law enforcement agencies seldom visit or regularly patrol. The BGB has a limited ability to conduct water-based patrols and needs better vessels and better training. Officers also expressed concern to the team regarding the lack of inter-agency collaboration and exchange of intelligence.

BGB staff have made a number of seizures of wildlife and timber, when people tried to smuggle them out of the country. For example, recently in the area of Benapole a patrol chanced upon a woman trying to smuggle geckos into India. (It appears a demand for their use in medicinal products is increasing in India.) The woman and the geckos were handed over by the BGB to the

Forest Department. Like their police, customs and Coast Guard counterparts, it is not clear what legal basis the BGB has to respond to WLFC and the officers the team spoke with were also unsure. The Guards operate under a specific piece of legislation, apparently enacted in 2010, but the team was unable to access or review this law.

BGB officers believe that more control needs to be conducted on the international shipping lines that pass through the Sundarbans and suspect that significant smuggling is carried out using the foreign vessels that travel those routes. When asked why they did not do this, BGB staff said that they believed vessel interception and inspection to be the responsibility of Customs. Although recognizing the importance of enforcement, the BGB officials spoken to were very clear that this was not a long-term solution and that what is needed is alternative livelihoods for residents of rural areas.

The team met with an officer of Bangladesh's Rapid Action Battalion (RAB). This paramilitary force is made up of police and military personnel, seconded to the Battalion for a few years at a time. As its name implies, the RAB is intended to respond to serious incidents, often of a public disorder or civil unrest nature.

It is understood that the RAB is not designed to be an investigatory body or engage in routine law enforcement. But, on occasions, it has become involved in wildlife and forest law enforcement. One example identified from media reports by the mission team was of an incident in 2012 when RAB officers raided premises in Dhaka and seized three tiger cubs. It learned that the involvement of the RAB had come about because it is widely recognized in Bangladesh as an agency to which the public can provide information with confidence that their identities will not be disclosed. In comparison, the public apparently have little trust in most other agencies and this may be reflected in the limited amount of intelligence coming to them.

The RAB has recently established a post in the Sundarbans but, as with all government agencies, commented on the lack of appropriate, good-quality vessels in which to move about. Indeed, one such vessel had recently become involved in an accident that could well have resulted in the loss of the entire crew, had a Bangladesh Navy boat not been in the vicinity and been able to effect a rescue.

Lastly, in relation to enforcing legislation, the team learned that several district administrations, such as that in Khulna, have coordinating committees which meet on a regular basis to discuss enforcement, anti-trafficking and anti-smuggling matters. Members of these groups are the relevant senior district officers from enforcement bodies. These committees are usually chaired by a senior local government administration official. The team spoke with the official who chairs the Khulna meetings and he told them that WLFC does not feature on the agenda of the committee currently but saw no reason why it could not do so in future.

#### Promoting a more professional image of the Forest Department

The enforcement agencies of Bangladesh, or at least those regularly interacting face-to-face with the public, wear very distinctive uniforms, which make them readily identifiable as figures of authority and clearly indicate which agency they represent. The various badges of rank worn on those uniforms also make plain the level of seniority of the individual. Whilst a member of the public may not, for instance, be able to distinguish a major from a lieutenant colonel or an assistant superintendent from an additional superintendent, they can be in little doubt that they are looking at someone in what might be regarded as the 'officer class'.

Forest Department personnel, on the other hand, are not always readily-recognizable as persons of authority. It appears to be only the most junior ranks who wear uniforms and their, at times, unprofessional appearance perhaps reinforces their junior status. In a similar vein, encounters by the public with such Department staff would often seem to be viewing them in their role as drivers or undertaking administrative duties in the many forest offices around the country. Uniformed 'operational' staff may also be seen at checkpoints on roads where trucks and other vehicles, transporting timber, will be stopped for inspections. Presumably residents in rural areas, especially those living in or alongside forest areas, may also see uniformed forest guards engaged in patrols. Overall, though, it seems likely that a general impression is created of uniformed Forest Department personnel being individuals of relatively low status, engaged in mundane matters of limited importance.

There is a very marked contrast between the poorly-dressed and poorly-equipped anti-poaching personnel of Bangladesh with their counterparts in some other parts of Asia and, especially, the paramilitary patrol staff in the reserves and national parks of Africa. Those latter officers, whatever the reality, project a 'force-to-be-reckoned-with' image. No such image exists in Bangladesh. It is accepted that it is unlikely that funding can be found to be spent on changing the situation, money that, in any event, might be better-used elsewhere, but the team believes that Department management might like to reflect on these observations and consider adopting measures to improve the professional image of the Department. Whilst no specific recommendation is made on this issue, the mission team believe that efforts to improve the status, working conditions, training and professionalism of Forest Department staff will result in a better motivated and more effective workforce.

### Land Grabbing

One issue, hardly a wildlife or forestry crime but one that was raised regularly with the team, especially by the Forest Department and the police, was that of 'land-grabbing'. This relates to situations where individuals or companies will move onto, especially, community land and engage in commercial developments. This land-grabbing is also sometimes conducted by groups of local people, particularly ethnic groups, who will take over patches of government forestry or other land, engage in slash-and-burn and convert the ground to agricultural use.

With regard to commercial development land-grabbing, the police note that it is up to the local government to try and respond but this tends to be through the court system which will invariably lead to years of disputes, adjourned hearings, etc. with few of these cases ever being resolved. The police said that, in the meantime, there are inevitably on-the-ground disputes which they will be called to and which often result in disorder. Indeed, the police stated that probably 70% of their time is devoted to a range of public order matters throughout the country, often linked to political unrest or disputes between ethnic groups.

The Forest Department face similar problems in resolving land-grabbing and this is aggravated by the fact that local ethnic communities, in places like the Chittagong Hills, are firmly of the opinion that the land in question has been in their possession and that of their ancestors for centuries and do not believe the government has any right to tell them what to do with it.

It is similar ownership issues that invariably emerge in relation to widespread matters such as subsistence hunting, fishing, honey-gathering, wood collection and livestock grazing in many parts of Bangladesh, particularly those of most biodiversity importance. Bangladesh is not alone in facing such thorny problems and several Forest Department officers told the team that they believe the government needs to do more in raising awareness and educating rural communities of the need to preserve such land, its importance to biodiversity, and its essential unchanged

presence if species of conservation concern are to be safeguarded. However, as with many rural residents around the world, it is not easy to persuade them that long-term issues should come before them finding a living for themselves.

## **6. ENFORCEMENT**

### Enforcing WLFC law, investigating and prosecuting offences: Introducing a new era:

As has been noted in relation to wildlife and forest legislation, the manner in which many countries approach this subject is very much based on historical practices and experience; determined by the past nature of offences involving fauna and flora. Few of the original legislators or policy-makers, determining laws and strategies to respond to poaching or illegal logging that was often of a subsistence character, would recognize the highly sophisticated and organized criminal activity of today, much of it driven by overseas demand and bringing substantial profits to groups and networks, several of which will also be based abroad.

Since offences involving fauna and flora were often viewed as being separate from what might be thought of as ordinary crime, there was a tendency to believe that the involvement of national or provincial policing agencies would not be necessary. Consequently, enforcement of the law was often left in the hands of game wardens or forest guards. Prosecutions, too, often had to be undertaken by suitably-trained forest department staff, or lawyers retained either full-time or on a case-by-case basis, and not by the country's public prosecution authorities. Indeed, this separation of WLFC also led, on occasions, to regulations or protocols requiring police forces, should they come across WLFC offenders, to hand such people over to the Forest Department as the continued involvement of the police would be viewed as a waste or inefficient use of their time.

Almost inevitably, however, as a result of enforcement being seen as an ancillary duty to the main role of forest personnel, the budget allocated to such work was often insufficient to provide for adequate training or the necessary equipment. Similarly, district forest offices and the national forest or park headquarters seldom had the infrastructure or logistics that would commonly be associated with the premises of a law enforcement agency. For example, there would often be an absence of holding cells, interview rooms, armouries, and computers or other facilities to cope with intelligence-gathering, crime-analysis or other data storage. Forest personnel often struggled to obtain anything other than the most basic of training in relation to their enforcement activities and those who did acquire expertise in this field were subject to transfers or promotions that might take them away from where their skills might be most badly-needed. And since effectiveness in enforcement was seldom a pre-requisite for promotion, especially to higher levels of management, there was little to motivate career-minded officers to focus on this area. The deployment of forest department staff is, understandably, into rural areas but this, in itself, creates another hurdle to be overcome, since today's offences are often coordinated by criminals based in major cities and the wildlife or timber will be processed or traded in urban centres. Thereafter, live or dead fauna and flora or products from them, will be smuggled out of the country at border points where either forest personnel are not present or, if they are, are ill-equipped to engage in border control and the necessary passenger, vehicle, vessel or cargo screening.

The evolution of highly-organized wildlife and forest crime, especially during the 1990s and into the 21<sup>st</sup> century, has placed unfair burdens and unrealistic expectations upon many forest departments. This appears to be particularly true in Bangladesh.

There would appear to be two possible responses to the current situation, taking into account that there are few indications that the present demand for wildlife and forest specimens is likely to diminish. Either the forest department's capacity to rigorously enforce the law, and bring offenders to justice, is markedly increased or a new era of multi-agency communication, cooperation, collaboration and coordination is introduced.

The first option, if only for financial reasons, seems inappropriate and impractical. Even if the funds could be found to equip and train sufficient forest personnel to a level where they could become a force to be reckoned with, considerably more staff would need to be recruited to fill the gaps left by those who would have to be designated to concentrate solely on front-line enforcement, investigation, etc. Such an approach would also take a considerable time period before the department could become self-sufficient in this field. For instance, police recruits do not emerge from basic training fully-fledged and able to cope with any demands made upon them. It is on-the-job training, and especially time spent alongside more experienced colleagues, together with regular exposure to day-to-day exigencies, be that dealing with assaults, thefts or burglaries, which equips the recently-trained individual to evolve into a competent official. It would be extremely difficult to readily replicate this growth in a forest officer, due to the lack of sufficiently-experienced colleagues or a regularly-adequate exposure to having to respond to offences and offenders.

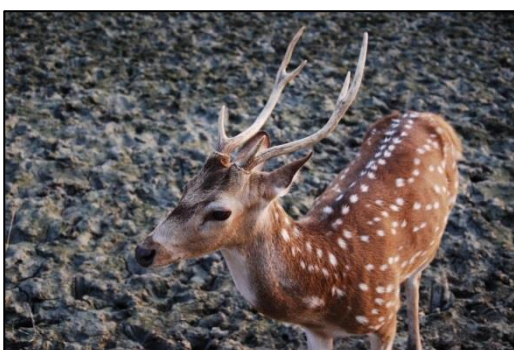
This is not to say, however, that the Forest Department can remain anything other than the primary front-line force with regard to the protection of natural resources, the prevention of crimes such as poaching and illegal logging, the detection and detention of offenders in the field, and the provider of guidance and expertise to counterparts in other government agencies that have a role in law enforcement and responding to crime. These tasks are, in themselves, already a significant undertaking and responsibility and there appears scope for considerable capacity-building in the Forest Department of Bangladesh.

It is suggested that responsibility for prosecuting all but minor offences should pass to the public prosecution authorities. This will also facilitate the more innovative approaches to ensuring adequate responses to organized WLFC that are discussed in the section of this report relating to legislation.

To introduce such a new era will, however, also require very considerable capacity- and knowledge-building among the several enforcement bodies in Bangladesh that can and should, in various degrees, play a role in responding to any attempts to rob the country of its many national natural treasures.

#### Anti-poaching activities of the Forest Department

Although Bangladesh is apparently fortunate to not, at present, suffer from serious levels of WLFC almost everyone the team met with agreed that poaching is widespread, especially in the Sundarbans. There, the target species is spotted deer and these animals are hunted in both a subsistence and commercial manner. The latter, however, appears to be small-scale.



The team heard from several sources that venison is highly sought-after, especially among the higher social classes of Bangladesh. Several people mentioned that politicians and other persons of high status engage in deer hunting in the Sundarbans, knowing that this is totally illegal but believing themselves to be above the

law. It was also said that some tourists visiting the area will engage in hunting or that some operators of tourist vessels will poach deer to serve venison to their clients. Venison was also claimed to be popular in neighbouring India, where it fetches better prices than in Bangladesh.

Aside from deer poaching being against the law, anti-poaching efforts are critical in protecting this species since it forms approximately 80% of the diet of the Sundarbans' tigers. If deer numbers fall, so will the number of tigers. Safeguarding spotted deer is probably the number one priority if the current tiger populations are to be maintained. The Sundarbans is one the very few remaining strongholds for the world's populations of tigers and the importance of anti-poaching work cannot be overemphasised.

Bangladesh does not, historically, appear to have suffered targeted tiger poaching to the extent that some range States have (i.e. a country where wild populations of a given species may still be found) The very nature of the Sundarbans habitat may have acted in defence of tigers, given the relative difficulty for humans in accessing and moving about in the mangrove forests. Non-governmental organizations believe, however, that tiger poaching has increased in recent years and that what was once opportunistic is becoming more controlled and organized. Wild Team, for example, has noted the emergence of distinct trading routes and dealers in Bangladesh. It also estimates that tiger numbers may have reduced by as much as fifty per cent in the past few years. If this is accurate, then the future for the species may be seriously questionable. As part of the 'Strengthening Regional Cooperation for Wildlife Protection'(SRCWP) project, the Forest Department is engaging in surveys using camera 'traps' in the Sundarbans and the results of these will hopefully provide an accurate picture of the status of tigers there.

Even if tiger numbers are shown to be healthy, there can be no room for complacency and it is vital that the Forest Department do everything possible to deter poachers from entering the mangrove forests. The team is of the opinion, however, that the current response on the part of the Department offers little in the way of deterrence. There seems little evidence that anti-poaching methods have altered over the course of recent decades and the same seems to apply in relation to the equipment provided to anti-poaching patrol staff.

The team had the opportunity to visit a Forest Department patrol base downriver from Mongla and on the northern periphery of the Sundarbans. The team acknowledges that Bangladesh is a poor country, that the Sundarbans is a difficult area to operate in with numerous natural hazards, and that the Forest Department has no doubt suffered from restricted budgets over many years. However, the conditions in which forest officers have to live and work in the Sundarbans are appalling. In any developed country, the Forest Department would be prosecuted under health and safety legislation. What is additionally troubling is that the base visited by the team can relatively readily be provisioned from Mongla and it dreads to imagine what bases further into the forests must be like. There are apparently some 1,000 Forest Department staff deployed in over 70 patrol bases and camps in the Sundarbans.

The most common firearm carried by patrol staff is the Lee Enfield .303 calibre, bolt-action rifle. This rifle has not changed in design since it was first introduced to British military use in 1895. Staff told the team that the ammunition issued for use with their rifles regularly fails to discharge. The team was shown one .303 round which had been manufactured in 1967. The Forest Department are gradually, but very slowly, replacing the Lee Enfield rifles with what were described as 'Chinese' rifles. The team did not recognize this type of weapon, which is semi-automatic, and appeared of low quality. It seems that there is no, or a very limited, budget for regular marksmanship training. Apart from their rifles, patrol staff appear to have no other personal safety equipment, such as bullet-proof jackets, and seem to receive no self-defence or restraint training. Neither do they appear to have even camouflage uniforms.

Were Sundarbans anti-poaching staff to encounter the determined poaching gangs currently operating in countries such as South Africa, which are equipped with 'big game' hunting rifles and AK-47 assault rifles, it seems reasonable to predict that many of them would be killed or injured. If, as seems likely, tiger numbers continue to fall around the world and the demand for their skins and body parts remains, it is surely only a matter of time before organized poaching groups do begin to enter the Sundarbans. If they do, the Forest Department is currently not equipped or prepared to respond effectively.

It is understood that many patrol bases have no electricity or access to clean drinking water. Those that have generators often do not have fuel to power them. Many posts have just one solar panel, which does not provide meaningful amounts of power. Deliveries of fresh water, fuel and other provisions are allegedly regularly overdue or not delivered at all. There is an almost constant insufficiency of diesel for patrol vessels. The vessels are old, wooden and lumbering craft, unsuited to entering many of the channels.

Although some GPS units have been, and are being, issued to staff they are not yet widespread. The Management Information System (MIST) patrol recording and managing system is being introduced but it, too, is not yet widespread. Efficient radios, flashlights, night vision equipment, together with many of what other anti-poaching units would regard as standard-issue items, are absent in the Sundarbans. The team found, not surprisingly, low morale among patrol staff.

Whilst staff did acknowledge that, over the years, they had received, from time to time, new equipment or increased funding, it is evident that this has been totally inadequate. The habitat, climate and difficult operational conditions results in equipment often breaking down with a lack of budget or funding to pay for repairs or the routine maintenance that items need.

A number of donor projects, including the European Union, 'Sundarbans Environmental And Livelihoods Security' (SEALS) project, have supplied funds specifically to improve anti-poaching conditions and effectiveness. The mission team could, however, observe no real sign of that at field level. Sources suggested to the mission team that some project funds are being diverted and corruptly retained by Forest Department management at various levels and that it is not reaching the frontline for patrolling and operational work as intended. The issue of how the funding is being used and how it is spent should perhaps be addressed in any project audit and evaluation commissioned by donors.

The deplorable working and living conditions faced by the staff are compounded by the fact that they claim not to be in receipt of the patrol allowances and bonuses issued to forest officers in other parts of the country. The team found the whole experience depressing and admires the forest officers who are willing to risk these conditions and conduct operations. But perhaps the fact that they do simply reflects how desperate many of the people of Bangladesh are to obtain regular employment or a government post.

The team is of the opinion that whilst some staff will undoubtedly be patrolling diligently and efficiently, there must be considerable and inevitable temptations to simply stay around the base or camp. It got the impression that visits to field staff by senior Department management are relatively few. Senior management of the Forest Department may care to reflect on these issues and seek ways to improve the situation.

The team did not have the time or transportation to go further into the Sundarbans and its members do not have specific expertise in anti-poaching work in such locations. It believes, however, that one way forward in improving the current situation would be to consider reducing

both the number of patrol bases and manpower by consolidating into fewer, but better equipped, units.

If any meaningful deterrent and protection is to be created and provided to the fauna and flora of the Sundarbans then it would seem to be by having specialist, trained, equipped and effectively armed units, which can move speedily around, preferably in low-draught jet-propelled boats, with greatly increased patrol areas than those of the present. Not only would such patrols be more likely to detect poaching and respond effectively, they could present an image that would offer a true deterrence. The model of the RAB could be a useful template in any redesign of the anti-poaching units of the Forest Department.

If patrolling methods are to be improved, then it also makes sense to know where to patrol. There is currently no adequate overview of poaching incidents or their distribution. The Forest Department would benefit from installing crime-mapping software in one of its relevant District Offices, to enable data input relating to each poaching incident. The software should allow an analysis of poaching patterns to improve patrol deployment and management.

The team is of the opinion that specialist advice should be provided to Bangladesh with regard to this issue, since it appears that several projects, over many years, have done little to radically improve the situation. It may be time to seek an expert from a professional law enforcement agency to review comprehensively the situation in the Sundarbans and offer advice that would incorporate the most modern anti-poaching methods, technologies and strategies. It would clearly be best if an individual with experience of operating in a similar habitat could be identified. In reflecting upon this matter, and without wishing to be proscriptive, the team believes that a senior game warden with experience of working in a compatible habitat, such as the swamp and mangrove areas of, the southern United States, might be well-suited to undertake such a task.

*Recommendation: Appropriate crime-mapping software should be supplied to the Forest Department, along with the necessary operating licences and training.*

*Recommendation: A suitably-qualified international expert should be recruited to conduct a comprehensive review of anti-poaching operations in the Sundarbans and offer guidance to radically improve the strategic approach and practical operations.*

*Recommendation: That support should be provided to the Forest Department officers working in the Sundarbans by providing them with several low-draught, jet-propelled boats, along with adequate supplies of fuel, to assist in their patrol work. These fit-for-purpose craft should be crewed by specially-trained, specifically-equipped personnel from other relevant enforcement agencies, in support of, and in addition to, Forest Department personnel.*

#### Anti-illegal logging activities of the Forest Department

During its travels throughout the Benapole, Jessore, Khulna and north Sundarbans areas, the team saw very extensive quantities of mahogany wood. Even the smallest of villages would have piles of sawn timber and logs spread throughout it or stacked alongside even small houses. There are almost countless sawmills located in every village, town and city. Mahogany is a wood that currently attracts high prices in the international timber trade marketplaces and is in somewhat limited supply. It is a form of timber that has, in recent years, attracted very considerable levels of illicit trade. The neotropical species of Mahogany is regulated by CITES and this will almost inevitably mean that other, unregulated, sources (such as those in Bangladesh) are likely to be at risk from criminal exploitation.



The team was assured that all this timber came from plantations in these districts that are operated lawfully by local residents. The Forest Department explained that it was relatively easy to tell that the wood was legal-origin, since there are no 'reserved' mahogany forests in these districts, i.e. forests owned by the State and in which any logging would require Forest Department authorization. Additionally, it was said that all sawmills must be licensed and its operator required to keep a register of the wood that is processed, and its origin. The register will be inspected annually, when the sawmill operator renews his licence.



The Forest Department is of the opinion that the laundering of illegal wood through such sawmills, brought from other areas of the nation, does not occur. However, the potential to do so must be considerable and the sheer number of small-scale sawmills would make detection of fraud, and any more regular inspections, an almost impossible task. In any case, the Department currently has no way of determining

(scientifically, forensically or otherwise) the origin of timber.

The team noted there was also a considerable number of wood processors and wood product manufacturers in the larger towns and cities of the Khulna area.

The Forest Department did acknowledge that in areas such as the Chittagong Hills, where reserved forests sit alongside, or close to, community forests or plantations, there are concerns that laundering may be occurring, since high-value teak wood is found on government and village lands. In areas such as Chittagong, where the Forest Department may license commercial timber harvesting, forest officers will mark individual trees to indicate which may be felled. Once felled, and logged, the logs will be marked by forest officers with a 'hammer', so that a unique number or code is impressed into the wood. These numbers and codes are recorded and will be listed in a transportation license that must accompany the wood when it is being trucked to sawmills or timber traders. Forest Department roadside checkpoints conduct regular inspections of timber-transporting trucks and lorries and check the relevant paperwork.

The team had an opportunity to inspect logs being stored and processed in timber yards and sawmills in Chittagong and observed that many bore the type of impressed marks and codes that had been described to them. It was also told that considerable quantities of hard wood timber are imported from nearby Myanmar.

If no significant illegal logging is taking place, then Bangladesh appears to have escaped a problem that affects many other countries in Asia. In several of those countries, illegal logging occurs through the corrupt or fraudulent acquisition of licences and has had devastating effects on forest areas. The team is conscious that many of Bangladesh's most valuable trees, in terms of the wood that can be harvested from them, are situated in remote areas, some of which are not regularly patrolled. Since these forests are set along, or nearby, borders that are acknowledged to be porous, the opportunity would apparently exist from them to be accessed by criminals from neighbouring countries.

During desk research conducted following its visit to Bangladesh, the team noted that Bangladesh is a range State of *Aquilaria malaccensis*. This tree produces Agarwood, which is highly sought-after, especially by countries in the Middle East where it is used for incense and in the perfume trade. Agarwood is a very expensive product. Trade in *Aquilaria malaccensis* has come under a

good deal of scrutiny by the CITES community in recent years, as its trade from some nations is suspected to have been unsustainable and also has taken place in an unauthorized fashion.

The CITES Trade Database shows that there was, previously, no history of trade in this species from Bangladesh. However, in recent years, very substantial quantities have left the country, the exports seemingly having been authorized by its CITES Management Authority. In 2009, for example, over 15,000 kg was exported. In 2011, however, this figure had multiplied to over 100,000 kg. This is a dramatic change in trade patterns and the team is concerned in case this has involved false declarations in order to obtain export permits. Since it was unable to raise this issue directly with the Forest Department during its mission, it now suggests that the Department review this trade closely, to ensure that it was sustainable and that the wood was all from a legal origin.

*Recommendation: Given the remote nature of some of its forests, and the resulting difficulty in routine monitoring on the ground, the Forest Department should seek to access satellite imagery of Bangladesh, or relevant areas of it, to ensure that unlawful and unnoticed deforestation is not occurring.*

*Recommendation: The Forest Department should review recent exports of Agarwood to ensure that they comply with CITES, both in terms of non-detriment and legal-origin findings.*

#### Wildlife Crime Control Unit (WCCU)

Section 31 of the 2012 Act provides for the establishment of a WCCU. It states that the government "may" do this but it is not mandatory. The Act goes on to say that the unit would comprise of "customs officers, members of law and order enforcing agency at any place in Bangladesh including strategic air, land and seaports."

It is not clear to the team exactly what the legislators intended to achieve and some aspects of the wording are strange. For example, no mention is made of the Forest Department and, given the constant references to its staff and management elsewhere in the Act, it rather poses the question whether it is intended that the Department should not, or need not, participate. Additionally, given the emphasis on ports, the team also wonders whether legislators intended this to be a border control unit. Some corroboration of this may come from other wording in the section, namely that its purpose is to "ensure strict compliance and effective implementation of wildlife related international convention, protocol, treaty etc.". It is presumed this emphasis intended the focus of the unit to be cross-border and not in relation to domestic law enforcement issues.

However, it appears that this is not the understanding of the Forest Department as a consultant, assisting in the implementation of the SRCWP Project, has been directed to draft rules, as allowed for in Section 31(2), defining the structure and functions of a WCCU, and the draft that has been prepared does not reflect the wording used in Section 31(1).

The team reviewed the draft (Annex B) and noted that it envisages the creation of a relatively substantial body of officers, supervisors, administrative staff, scientific personnel and legal officers; all to be paid at 30% above usual salary scales. It is intended that there be one central unit, presumably in Dhaka, and 9 field units. There are detailed provisions regarding the functions of the unit, many of which appear relatively logical but with some contentious suggestions. For example, it is suggested that the author of forensic reports prepared by the unit should not be obliged to give evidence in court.

It will clearly take considerable funding to establish and maintain such WCCUs. Given the apparent absence of serious, organized wildlife and forest crime in Bangladesh, the team questions whether units of this nature and scale are warranted and questions whether this is likely to be the best use of current finances or any that may become available in the near future. It appears, to use the words of a Bangladesh expression, that this risks 'taking a cannon to kill a mosquito'. From the team's perspective, the number one priority for Forest Department enforcement funding should be its anti-poaching activities.

The team does not, however, disagree whatsoever with the suggestion that efforts be made to engender closer inter-agency communication, collaboration and coordination. Indeed it actively supports measures to overcome the current difficulties in this regard. As proposed, the WCCU is clearly intended to be a highly-professional investigative body placed under the management and direction of the Forest Department. Given the lack of investigation skills and enforcement expertise of the Forest Department officials, it is believed that the issue of leadership and management might be worthy of reconsideration. It may perhaps be more appropriate for the WCCU to be placed under an appropriately experienced senior police officer.

In its discussions on this subject with Forest Department staff and the SRCWP consultant, the team provided examples from elsewhere in the world where agencies have brought their personnel and expertise together in much simpler, and considerably less expensive, ways.

*Recommendation: The proposed strategic working group should review Section 31 of the 2012 Act, determine what legislators intended, and provide guidance on how this should be achieved, giving special attention to staffing, leadership and funding implications.*

### Policing issues

A major part of the assessment was on enforcement issues. As the Bangladesh Police is the primary body for crime prevention and law enforcement, the mission team looked at some of the wider issues relating to investigation and enforcement. Meetings took place with a number of senior police officers in Dhaka, Khulna and Chittagong. Participants included a senior officer who acts as the police focal point in WLFC matters.

### Policing - Lack of awareness of WLFC

A frequent point raised to the mission team, particularly in meetings with police officials, was the serious lack of awareness, knowledge and understanding of the problem of WLFC. The police have many priorities and WLFC is not currently one of them. Whilst WLFC is an important issue, it has to be balanced with the ground realities facing the police. At the time of the mission the police were heavily committed to dealing with serious public order problems arising from the political tensions and 'hartals' in the run up to the election scheduled for January 2014. These street demonstrations and protests led to significant violence resulting in many deaths, injuries and a great deal of damage to property. In addition to these major public order problems the police have to contend day-to-day with violent crime, murder, arson, acid attacks, rape and other sexual offences, drug trafficking, burglary, trafficking in persons, smuggling of migrants and other serious crimes.

In view of the pressures and heavy demands on the police, it is perhaps understandable that they are very limited in the resources they can devote to WLFC. It is not currently one of their highest priorities and the situation will remain unchanged unless there is determination and political will to allocate more resources to the police to tackle it. It was encouraging that a number of senior

police officers interviewed fully appreciated the negative environmental consequences facing the country in the future if effective measures are not taken to protect the habitat and address WLFC. This message needs to be communicated and understood by all police officers to ensure that they act appropriately to prevent and investigate these crimes.

### Police training - WLFC

No specific training is provided regarding the issue of WLFC. In order to raise awareness, highlight the problem and the action to be taken to prevent and combat these crimes, it would be beneficial to include modules as part of basic recruit training courses, development courses and specialist training, such as those relating to crime investigation and the training of professional trainers. WLFC should also be a subject for inclusion in leadership and management courses for senior police officers, in order that current and future police leaders recognise the gravity of the problem and devote appropriate attention and resources to address it.

*Recommendation: That modules to raise awareness of WLFC and the action to be taken to prevent and investigate these offences should be introduced at all levels of police training.*

Providing awareness training about WLFC to the many thousands of officers currently serving will be a major undertaking. To assist in addressing this, the introduction of a Computer Based Training (CBT) programme in a number of locations throughout the country would be beneficial. A comprehensive CBT training programme with a wide range of training modules has been developed by UNODC and is successfully in use in many countries. The modules have been specifically designed by experts to provide basic skills to operational law enforcement officers.

The introduction of a CBT programme to assist in the training of Bangladesh police could prove of great assistance, not only in respect of WLFC, but also in developing basic skills in investigation, evidence gathering, handling of exhibits, crime scene investigation, search techniques and other necessary skills. It is recognised that there may be technical challenges to overcome, but a CBT pilot programme for the police would be a useful first step. In the longer term, subject to a positive evaluation, it could be introduced into police training establishments and operational stations.

In addition, if such a pilot programme is successful, it could be extended to incorporate and build capacity in other agencies such as the Forest Department, NBR, Coast Guard and BGB, and also be considered for installation at border control points. It should be noted that specific WLFC training modules have been developed by WCO, INTERPOL and CITES.

*Recommendation: That a Computer Based Training (CBT) pilot programme be introduced in the Bangladesh police to assist the training of staff. Subject to positive evaluation the extension of the programme to other key locations and for the training of other agencies should be considered.*

### Training of trainers – developing a cadre of professional trainers

A number of courses have been provided by the donor community to assist in training the Bangladesh police, but none yet relating to WLFC. There is significant value to be gained by international training experts delivering specialist courses. These are valuable, but, in general, relatively few participants are able to attend and benefit. The training of Bangladesh officers as professional trainers, so that they can effectively deliver training within the country over the long term, should be promoted. This has the benefit of building police training capacity, developing

self-reliance and ensuring sustainability. It offers the potential for these ‘in-house’ trainers to deliver professional training to far more officers than could be achieved by ‘one-off’ courses by international trainers. It is also likely to be more cost-effective, providing better value for the limited donor funding available. However a key issue will be to ensure that those selected to be trained as trainers meet certain qualifying standards. They must have experience and credibility. Agreement must be reached that after being trained they will be retained in the training role for a specified period. The mission team believe that a cadre of police officers should be trained by international experts in the various aspects of WLFC and that these officers should then be given responsibility for delivering WLFC training at various levels of the police.

*Recommendation: That a cadre of officers should receive training in WLFC from international experts and then contribute to delivering this training at various levels of the Bangladesh Police.*

#### Lack of current information about WLFC - Information collection, analysis and use

Having in place effective systems to collect, record, analyse and use information is crucial to success in law enforcement. It was reported that there was no specific information/intelligence system for WLFC in place. A priority should be to ensure that basic, standardised, information collection and collation systems are in place in every police station throughout Bangladesh to gather, record, analyse, disseminate and use information about criminals and crime groups. This system should include a section for WLFC. It could take the form of a simple, straightforward card index system or, ideally be computerised (particularly the central collation point at police headquarters). Details should be recorded of criminals, their associates, vehicles or vessels used, activities, sightings, methods of operation etc. Compatible systems should be taken into use in each police district.

*Recommendation: That standardised police information/intelligence systems should be introduced in all police districts, which should include information about WLFC.*

#### WLFC investigations: Developing the capacity to investigate complex crimes, and the use of specialist investigation techniques, including controlled delivery

WLFC is frequently of a transnational nature. A valuable tool in the armoury of the police is the controlled delivery operation. Police expertise in specialist investigation techniques is currently limited in Bangladesh. It was reported by senior police officers that no controlled delivery operations have taken place in recent years and generally they lack the expertise, practical training and technical equipment to successfully plan and execute this type of complex and difficult operation.

Training is required to improve the specialist skills and professional standards of law enforcement personnel at operational and strategic level. This should result in improvements in police efficiency and effectiveness. The training of specialist investigation units should include the planning and implementation of specialist operations: controlled delivery techniques; investigation of major crime; preservation of evidence; mobile and static surveillance; covert intelligence gathering; undercover operations; electronic evidence gathering; witness protection; interview skills and, the use of informants and intelligence.

However, training has to be complemented by the provision of appropriate equipment. Requirements include radio communications equipment, mobile phones, vehicles, motor cycles, binoculars, night vision equipment, cameras (video and still), audio recording equipment, search

kits, global positioning systems (GPS) and maps, computers/internet access. Ideally, training in controlled delivery should be on a regional basis involving officers from neighbouring countries. This would greatly assist in developing a mutual understanding of the actions required. Essential equipment such as tracking devices should be provided.

*Recommendation: That training workshops in controlled delivery and other specialist investigation techniques be designed and delivered.*

*Recommendation: To assist in facilitating controlled delivery operations, essential equipment such as tracking devices, communications and search equipment should be provided.*

### Border Control

Measures to counter WLFC, organized crime and smuggling include the establishment of strong and effective border controls. The border between Bangladesh and India extends for many hundreds of miles, much of it porous. Bangladesh also has a long border with Myanmar. A visit was made to the Benapole land border crossing point on the western border between Bangladesh and India. Customs officials work alongside the police (responsible for Immigration control) and the BGB (border security). The customs authorities are part of the National Board of Revenue (NBR) and their officials are focused heavily on revenue collection in terms of taxes and duties. It is perhaps not such a readily-identifiable law enforcement agency as might be seen in customs authorities elsewhere in the world. This Bangladesh scenario is, however, relatively common in developing countries and those with economies in transition.

The border crossing point is open between 6am and 6pm each day. The NBR staff work a 12 hour duty shift every day, receiving only one rest day off per month. It is doubtful if the long hours and conditions make for a highly motivated workforce. It was reported that around 500 trucks and several hundred people pass through daily. Officers reportedly physically check and search up to 50% of the trucks but seizures of illicit consignments have been few. The effectiveness of NBR officials in interdiction appears questionable. In relation to illicit drugs it was reported that no seizures have been made for over two years. Whilst it is understood that the border area away from the crossing point can easily be crossed, it is likely that the focus on revenue collection is leading to missed opportunities to identify and detain traffickers of WLFC products and other illicit goods.

Few post-import controls are currently conducted by the NBR but a unit is to be established to focus on this field, to seek out tax avoidance and evasion. It seems, at present, that there is no dedicated agency in Bangladesh which deals with money-laundering or asset recovery matters. The team was told that some work in this field is conducted by the government-owned national bank of Bangladesh and that the Anti-Corruption Commission may also become involved in such issues, ancillary to other investigations. It does not appear, however, that money-laundering is a matter of high priority for Bangladesh enforcement bodies at the moment.

Whilst the NBR acknowledges its role in combating illegal imports and exports, particularly at those designated air, sea and land border posts where it has officers stationed, it is probably the BGB that are more widely regarded, and recognized, as the nation's anti-smuggling agency. Several NBR officials mentioned to the team that the country's borders, both its extensive land and sea borders, are best-described as 'porous' but indicated that such areas were not really of their concern and that they believed these to fall within the remit of the BGB.



In relation to the detection of smuggling at border posts manned by NBR, the team heard that its officers, although keen to detect offences of any nature, might be prompted to actively seek out items or goods, the detection and interception of which would result in the award of a financial bonus to the individual officer. Such bonuses are dependent upon the goods in question having a recognizable taxation or duty value. Items such as narcotics or wildlife do not, in NBR terms, have an established value and, hence, any seizures of those

goods do not attract a bonus. There is, therefore, no real incentive for the officers to check for such items.

The team found it somewhat worrying that several NBR officials expressed the view that little, if any, smuggling occurred through any of the land border posts manned by its officers. They appeared to believe that their presence would deter any such attempts. The team did not believe this attitude of almost inviolability was justified, given what it saw for itself at some border points.

The NBR reportedly has an intelligence section at its headquarters and the larger District Offices also appear to have a member of staff dedicated to intelligence. The team had no opportunity to study this aspect, but is concerned in case intelligence-gathering and analysis perhaps focusses solely on revenue-related goods. NBR does not currently share intelligence with its counterpart agencies, or receive intelligence from them, on a regular basis.

NBR officials explained that a particular effort is made to intercept alcohol entering the country illegally, as liquor purchase by Bangladesh citizens is unlawful. The smuggling of gold into the country is apparently not uncommon. The team noted that passengers arriving by air are required to complete a customs declaration. Many countries in the world have such a requirement and many list a wide range of goods on the declaration form. These countries also include a provision in their customs law making it an offence to make a false declaration. In practical terms, for example, if a passenger answers 'No' to a question of whether he or she is in possession of any animal or plant, or animal or plant product, and such an item is found in any subsequent inspection, an offence is immediately established. The questions posed by the Bangladesh authorities make no reference to animal or plant and are restricted to revenue-related items and, thus, the opportunity is being missed to respond to wider smuggling matters.

It was noted that NBR's focus, with regard to goods traffic, is mainly on vehicles entering the country, as that is where the majority of duties are levied. In comparison, the only goods liable to taxation on leaving Bangladesh are tobacco and its products.

The team learned that it is not unusual for BGB to intercept people being trafficked from Bangladesh into India, with many of these incidents occurring in areas of the border regarded as being 'porous'. On the other hand, such human trafficking seems not to be detected by NBR officials at the ports it staffs. Given the regular use around the world of large goods vehicles to conceal 'cargos' of human beings, the absence of any detections of this form of trafficking seemed unusual.

There appeared to be some confusion among NBR staff about the powers of customs officers to deal with wildlife matters. An official from NBR headquarters in Dhaka was firmly of the view that there is no legal provision for them to do so, since wildlife is not listed in the Import and

Export Policy Orders which determine what 'goods' come within the customs control remit. On the other hand, a senior official at district level was similarly convinced that "endangered species" did fall within designated goods. However, when he and his staff checked the Order, the only reference that could be found related to pigs and products from pigs. Another NBR official was of the opinion that a revision of the Order, awaiting adoption, refers to the 2012 Wildlife Act and, thus, would provide for customs regulation. The team noted, however, that the Order in question is that relating to exports, whilst another relating to imports is already in force. It seems possible, therefore, that the situation may arise where wildlife goods leaving the country may come under customs control, while those entering will not. This was another example of how the current legal provisions in Bangladesh must lead to considerable confusion on the part of the public, traders and enforcers.

An animal health and quarantine control officer was seen at the Benapole land border crossing. This individual was attached to the Department of Agriculture. He did not appear to have any of the usual equipment or inspection facilities ordinarily available to such officials and he seemed to be there simply to check any documents that might be presented. This officer, who had evidently received no training in, and had no awareness of, CITES, had a desk located in the Customs and Immigration hall at the crossing point, where vehicle drivers and passengers are processed. Goods vehicles are dealt with at a checkpoint some considerable distance away. Since there seemed little sign of persons crossing the border being in possession of animals or animal or plant products, the presence of this individual at this particular point seemed rather unusual.

During the visit several NBR officers expressed the view that there is little inter-agency collaboration, communication or coordination. Specific mention was made that there seemed next to no inter-agency sharing of intelligence. Concern was also voiced with regard to the NBR policy of very regular transfers of staff between offices and duties, which leads to difficulties in building up expertise and also then its removal elsewhere. Mention was made, too, of the lack of sufficient passenger and cargo screening equipment; the one and only container cargo screening machine in the whole country being located at Chittagong seaport. A number of officers said that they would welcome the introduction of sniffer dogs to aid detection, there being none in Bangladesh at the moment.

A careful balance needs to be achieved between border security and revenue collection. At the time of the visit the two 'walk through' scanning machines used by the NBR officials were out of order. It is understood that this has been the case for some time and that there is a lack of funding to repair them. All foot passengers are supposed to pass through these. The X-Ray luggage scanning machine was also not in use during the visit although the mission team was advised that normally all luggage and bags would be screened. In addition, the officers have no hand held detection devices for operational use in screening foot passengers. In order to assist in general security screening, as well as aiding the detection of illicit contraband, NBR staff would benefit from the provision of hand held scanners and the repair of the equipment mentioned above. More emphasis should be placed on training officers on profiling, risk management and developing information exchange and analysis systems in order to identify and target traffickers.

Customs was just one of the many government agencies that the team regularly was told is allegedly badly affected by corruption among its staff.

Whilst the principal responsibilities of the BGB are to protect and control borders, it appears there is little awareness or understanding of the issue of WLFC. The development of more integrated working practices at border controls between customs and the BGB staff would be beneficial in terms of developing information systems, risk profiling and targeting. Joint training



programmes for NRB officers and other control agencies with whom they are working at borders will not only enhance skills, but should contribute to enhanced inter-agency cooperation. Training should include: interdiction techniques; risk assessment; targeting and profiling; search techniques in respect of persons, baggage, vehicles and containers; the use of intelligence; and, management training.

*Recommendation: Joint training and integrated working practices between the customs (NBR), police and the BGB should be introduced, especially at border crossing points. The development of information systems, risk profiling and targeting should be promoted with the aim of achieving a better balance between border security and revenue collection.*

### Container Control – Seaport of Chittagong

It is estimated that there are around 520 million container movements annually in the global trade supply chain. Container traffic presents opportunities for resourceful criminals and organised crime groups to transport illicit drugs, contraband, toxic waste and other restricted or prohibited items. In addition, containers are used for the smuggling of wildlife from Africa and South-East Asia to other parts of Asia, with potentially serious long-term environmental consequences for Bangladesh. The sheer volume of containers being moved invariably makes successful interdiction difficult. As Bangladesh is vulnerable to a number of threats from transnational trafficking that directly affect the containerised trade supply chain, the mission team visited the major seaport of Chittagong to view security procedures. They met with the Director and Deputy Director of Security and later viewed the container scanning facilities.

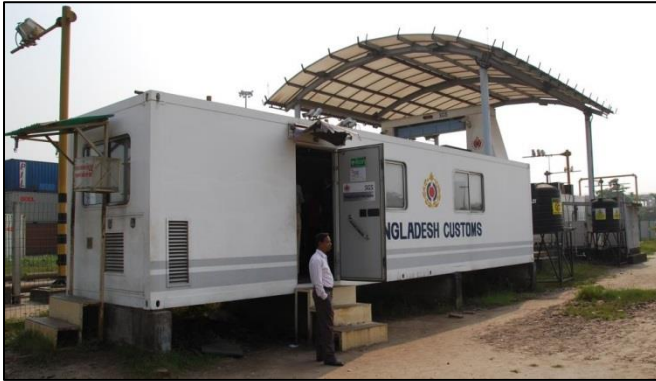
The Port of Chittagong is situated in the estuary of the river Karnaphuli. It is the primary entry/exit point for 90% of container traffic to Bangladesh. During the year 2011-2012, annual container traffic stood at 1.4 million TEUs, containerised cargo. This represents an increase of around 14% on the previous year. It is anticipated that the volume of container traffic through the port will continue to increase annually over the next few years. In response, the Government of Bangladesh is in the process of implementing ambitious plans to expand capacity, improve efficiency, strengthen security and further develop the Port.

The Port plays an important role in the country's economy and its commercial operations are an important source of state revenue generation. Therefore any threat to its operations will directly have a negative impact on the national economy. In recognition of the importance of the port, the terminal security is in the process of being strengthened in order to meet all the criteria for the International Ship and Port Facility Security Code (ISPS). It is understood that this work, which is due for completion by 2015, is being monitored by the US Coast Guard.

Port security is provided by the Army, Navy, Police and ANSAR (an armed force used to augment the security forces in various parts of the country). The security personnel are responsible for all perimeter and internal security of the terminal facility. 126 digital Closed Circuit Television cameras (CCTV) cover approximately one third of Port facilities with plans to expand the network to provide more extensive coverage. A well-equipped control room is staffed 24 hours daily throughout the year. CCTV monitoring and recording takes place. A new, purpose built and better equipped control room is being constructed and will be taken into use in early 2014.

On a technical level, the current container profiling and inspection of containers taking place is largely the responsibility of the Bangladesh Customs (NBR). Due to time constraints arising from

an impending hartal, it was not possible for the mission team to meet with customs officials. However it was reported that, in line with their mandate as a revenue service, customs officers are not proactively targeting containers that could be used for the smuggling of illicit WLFC products or, indeed, drugs, arms, explosives, counterfeit goods or other illicit contraband. Very few seizures are being made, despite the fact around 100 containers each day are reportedly being scanned.



The Port Authorities and the customs have access to all container related information whilst the Port Security officers focus on their role in maintaining security in and around the terminal. There are concerns that in the current structure there is little or no information sharing, intelligence analysis or risk profiling of containers and a general lack of collaborative working between the various agencies. This needs to be addressed. An option for consideration is

the possible introduction of the Container Control Programme (CCP) which was established by the UNODC and the WCO to assist Member States to create enforcement structures in selected seaports. The aim is to minimise the risk of maritime containers being criminally exploited and used for the smuggling of illicit drugs or other contraband. The CCP is funding the establishment of Port Control Units (PCU) in a number of ports in different regions, including several in South Asia. The PCUs comprise analysts and targeting teams drawn from different enforcement agencies (e.g. customs, police, law enforcement, etc.). They are trained and equipped to enable the systematic targeting of high risk containers for closer law enforcement scrutiny, using risk analysis and other proactive techniques designed to cause minimum disruption to the free flow of legitimate trade. The introduction of the PCUs has led to more effective joint working and significant seizures being made, including several illicit consignments of endangered species of flora and fauna.

Establishing the CCP in the Port of Chittagong would integrate well with the government's move to improve controls over the containerised trade supply chain as the Port continues its expansion plans. It should contribute to more efficient joint working, improved clearance of in-bound, out-bound and transit containers as well as leading to a tighter security infrastructure. As the CCP initiative is currently supporting the establishment of PCUs in a number of South Asian countries it would be beneficial for consideration to be given to including the Port of Chittagong in any plans for expansion of the CCP.

*Recommendation: To improve information sharing, intelligence analysis, risk profiling of containers and collaborative working between the various agencies, consideration should be given to establishing a Port Control Unit and including the Port of Chittagong in future expansion of the UNODC/WCO Container Control Programme.*

#### Airport security/Anti-smuggling

Air traffic is increasing significantly, and with it the risk of the smuggling of WLFC products and other illicit contraband. The main airport and principal gateway to Bangladesh is the Hazrat Shahjalal International Airport in the capital, Dhaka. Due to the disrupted mission programme it was not possible to make a formal visit to interview the Airport Manager and view the security

procedures there. But the team did use the airport for arrival, departure and internal flights to Jessore and Chittagong and made a point of observing the implementation of practical security measures, such as luggage and passenger scanning.

It is understood that the Civil Aviation Authority of Bangladesh (CAAB) has made proposals to the government to upgrade security to meet the standards of the International Civil Aviation Organisation (ICAO). A government decision is awaited.

A formal visit was made to the Shah Amanat International Airport, Chittagong. The Airport Manager outlined security and anti-smuggling procedures. Several different Agencies work at the airport. They include police, Customs (NBR) and ANSAR. A proposal to form an Aviation Security Force of around 2,000 staff to strengthen the security measures in and around the airport has been made. The security personnel are responsible for all perimeter and internal security of the airport. An extensive CCTV system is in place. 48 cameras provide very good coverage of the airport facility. A control room is staffed 24 hours daily throughout the year with the facility for CCTV monitoring and recording.

International flights and passenger numbers are increasing. The airlines of Emirates, Oman Air, Air Arabia, and Fly Dubai operate regular services to and from the Gulf States. The Bangladeshi airlines, Biman and Regent also operate internationally from Chittagong. New routes to Malaysia, Thailand and Myanmar are planned. There are plans to extend the runway by 2016.

In addition to an increase in passengers, the airport has seen the volume of cargo grow by 10% during 2012/13. The Customs authorities are responsible for the screening of cargo. This is conducted at a separate complex. A new, purpose built cargo complex is due to open in early 2015, in anticipation of the continued growth in cargo handling.

No seizure of wildlife products appears to have been made and few seizures of other illicit goods. With regard to the possible trafficking of illicit drugs and particularly Yaba, the Airport Manager suggested that as airport security was very good most trafficking of drugs would take place by road or rail, where security is lacking. Interestingly, it was reported in the media that on the day the mission team visited the airport, Customs authorities made a seizure of 25 gold bars. It was also reported that the personal assistant of the Airport Manager was suspected of involvement and had been removed from his duties.

The Civil Aviation Training Centre in Dhaka provides training to security staff, but no specific training has been given with regard to WLFC products. The Airport Manager welcomed the possibility of staff training in WLFC. In relation to information sharing and coordination of the various security staff operations, the Airport Manager convenes a monthly Security Committee meeting. All agencies working at the airport participate, together with representatives of National Security and Police Intelligence Force. The Airport Manager is keen to further strengthen security and inter-agency cooperation. In this respect consideration should be given to the possibility of establishing joint teams following the model of the UNODC/INTERPOL/WCO Air Communications Programme (AIRCOP). The programme was designed to assist governments to create intelligence and interdiction structures in airports to prevent and detect the smuggling of illicit drugs or other contraband. The formation of joint teams working at Chittagong and Dhaka international airports should greatly improve intelligence sharing, risk profiling and lead to an overall improvement in the security of the airports.

*Recommendation: Consideration should be given to including the international airports in Dhaka and Chittagong in the UNODC/INTERPOL Air Communications Programme (AIRCOP).*

## Crime Scene Investigation (CSI) / Forensic support

The security and preservation of a crime scene is the first step in the process of gathering, recording, handling, use and presentation of evidence. A lack of care and systematic approach can result in the loss or destruction of important evidence and will undermine the ability to mount successful investigations and prosecutions. Police officers, Forest Department officials and others involved in WLFC law enforcement need to be trained in awareness and understanding of the crime investigation process, scene preservation and importance of evidence recovery and handling of exhibits. They need to be supported by well trained, specialist crime scene investigators who, in turn, require support from forensic/scientific professionals who have access to modern equipment and can provide a range of laboratory examination services. The issue of handling, documentation and safe storage of exhibits to avoid the contamination of evidence requires policy guidance, systems to be in place and adequate secure facilities.

In relation to scenes-of-crime work, the team was told that the Bangladesh police have only two fully-equipped crime scene vehicles. One vehicle is dedicated for use by the Dhaka Metropolitan Police, whilst the other is intended to serve the whole country. As it was not possible for the mission team to see the vehicles, no observations can be made on how well equipped they were or the nature or modernity of the equipment. It is understood that major police stations will have a crime scene 'box' with basic items to enable local trained staff to, for example, dust for latent finger impressions at a burglary. However, an officer suggested that most boxes were likely to require replenishment and that replenishment would most likely be long overdue.

The UNODC has specific expertise and has developed CSI training material that could be of assistance to both the police and forestry officials. Consideration should be given to delivering a basic CSI training course for police and forest department officers and to provide them with crime investigation kits which include cameras, videos, gloves, tape, fingerprint kits and other essential equipment.

*Recommendation: That the UNODC should consider delivering a basic CSI training course for police and forestry department officials, along with the provision of crime investigation kits.*

It was reported that the Bangladesh Police has a forensic science laboratory in Dhaka, although its capacity is limited by insufficient staff and funding. It appears, therefore, that the examination of crime scenes and other forensic science responses are likely to be reserved for only major crime investigations. There is a clear lack of CSI capacity and inadequate Forensic support to meet current and future needs. Substantial investment and upgrading is required. A detailed needs assessment should be conducted to determine the resource, equipment and training requirements for CSI and Forensic services. This may be an area for possible UNODC assistance along with provision of advice and assistance in any future restructure of and modernisation of the laboratory, together with the training of staff.

*Recommendation: Consideration should be given by UNODC to undertaking a detailed needs assessment to determine the resource, equipment and training requirements for CSI and Forensic services.*

It was learned that the Forest Department has prepared, or is preparing, a concept note with regard to the World Bank SRCWP Project, suggesting that it be funded to establish a forensic

science laboratory. This will be in addition to a Memorandum of Understanding that it is currently seeking an agriculture laboratory to enter into. It does not, however, appear that any research has been undertaken to estimate what actual need there is for the Forest Department to have its own dedicated facility.

The team were given no examples of specific cases that could not be proceeded with due to a lack of forensic science input. It questioned, especially given the current state of the justice system and the apparent relative infrequency of serious wildlife and forest crime, just how cost-effective such a dedicated unit might be. It believes a better approach might be to offer and invest in wildlife-related training to personnel employed in the Police Forensic Science Laboratory. Not only might this be more financially sound but would also hopefully engender closer cooperation between the two agencies.

The team is aware that the forensic laboratory of the U.S. Fish and Wildlife Service, the only such facility in the world dedicated solely to wildlife crime, has welcomed for in-house training scientists and appropriate laboratory technicians from around the world. The TRACE Network, based in the United Kingdom and dedicated to wildlife forensic science, has also undertaken *in situ* training in several countries in Asia. Should these options be preferred, ICCWC can provide the relevant contact details.

The one area the team did hear of, where scientific support might be needed on a somewhat regular basis, is in relation to sales of poached deer meat. It appears there have been occasions where the Department has been asked to demonstrate that meat being traded was indeed that of spotted deer, which is the species in Bangladesh most commonly illegally killed. At present, it is unable to respond to any such request from, for example, a magistrate.

*Recommendation – That the proposal to establish a forensic laboratory facility for use by the Forest Department be reviewed, with consideration given to investing the available funding to improve facilities at the Police Laboratory and seeking formal agreement for appropriate Forest Department cases to be examined at the Laboratory.*

*Recommendation: That relevant personnel within the Police Laboratory receive appropriate training in wildlife and forest forensic science issues.*

### Anti-corruption

Transparency International's (TI) Corruption Perception Index (2012), based upon how corrupt a country's public sector is perceived to be, ranked Bangladesh in 144<sup>th</sup> place out of 174 countries. This represented a fall from being ranked 120 out of 182 in the 2011 Corruption Perception Index. There are reportedly significant corruption problems in the country's judiciary and law enforcement agencies.

During the mission the team received a number of reports of how widespread corruption is impacting on the daily lives of citizens. The issue of corrupt police officers and other officials such as customs is a factor in WLFC and other forms of criminality. For example, several reports were made to the mission team that some customs officers are taking bribes to allow consignments of illicit contraband through controls.

Corruption is clearly a serious problem and needs to be tackled in a vigorous, effective way. However, in efforts to build public confidence and trust, whilst the aim should be to achieve the highest levels of professional standards and integrity, a pragmatic, incremental approach is most

likely to achieve results. After years of suspicion and mistrust the public will need to be convinced that corruption at all levels of society will be tackled effectively.

A positive step has been the establishment of an Anti-Corruption Commission. Time did not allow the mission team to meet with officials of the Commission to discuss the measures being taken. But in order to build better relationships between the police and the public, a robust complaints system will be required, together with a capacity to undertake investigations with the aim of rooting out and prosecuting corrupt officers. Basic professional standards training to all new recruits and all currently serving members of the police should also be introduced. Similar procedures are required for the NBR. Appropriate policies, structures, regulations and codes of conduct for law enforcement, customs officers, forestry and other officials, should be developed and implemented.

*Recommendation: As part of measures to tackle corruption, codes of conduct for police, NBR (customs) officers, forestry department and other officials, should be developed and introduced, together with an adequately resourced complaints and investigatory system.*

Promoting inter-agency cooperation and information sharing between law enforcement agencies, nationally and regionally.

The frequently international nature of WLFC requires law enforcement agencies to develop effective operational cooperation with their counterparts. This should take place between the various agencies within Bangladesh and with those of neighbouring countries and the wider region. To this end, systems are needed to ensure that information and intelligence can be exchanged swiftly and securely between agencies. Measures are also required to ensure more effective coordination of the various law enforcement activities within Bangladesh. Consideration should be given to developing joint working groups and promoting a climate of trust in the sharing of information about suspects and crime groups.

The team noted that very senior Police officials from Bangladesh have attended several environmental crime events organized by INTERPOL in recent years and encourages this to continue. The Bangladesh Police have also participated in multi-national, species-specific operations coordinated by INTERPOL, such as Project Predator; targeting the poaching of tigers and illegal trade in their body parts.

Bangladesh Customs have not, to date, engaged with the World Customs Organization's Regional Intelligence Liaison Office for Asia and the Pacific (RILO A/P) in relation to WLFC. However, that RILO has considerable expertise in relation to the issue and it is suggested that the NBR draws upon that to best effect.

The way forward in relation to encouraging better national inter-agency communication, collaboration and coordination may depend, to a significant extent, on whatever strategy the Government of Bangladesh decides to adopt in relation to the Wildlife Crime Control Unit proposed in the 2012 Act. However, several of the law enforcement agencies have already designated a focal point in relation to WLFC and it would be important for them to meet regularly.

*Recommendation: Every relevant enforcement agency in Bangladesh should have a WLFC focal point and these officers should meet together on a regular basis.*

*Recommendation: Agencies conducting WLFC-related seizures, or dealing with significant WLFC cases, should report these through appropriate channels to relevant international agencies. For example, NBR should report to the WCO's Customs Enforcement Network (CEN seizure database), Police and Forest Department should report, using the Ecomessage system, to INTERPOL and the CITES Secretariat.*

*Recommendation: National law enforcement agency personnel should make use of existing secure information channels, such as the WCO ENVIRONET and the CITES Enforcement Authority Forum, to access training materials and intelligence bulletins and alerts relating to WLFC.*

### The South Asia Wildlife Enforcement Network (SAWEN)

Bangladesh is a member of SAWEN and is regularly participating in Network events. However, it was noted that the country delegations to such meetings have tended to be made up of either solely Forest Department personnel or, occasionally, have included NGO representatives, such as the International Union for the Conservation of Nature (IUCN). This is not in accordance with the aims and objectives of Wildlife Enforcement Networks (WEN), which seek to promote and facilitate enforcement agency collaboration and coordination. It also risks excluding from SAWEN-organized training opportunities other law enforcement bodies in Bangladesh that could benefit substantially from such capacity-building.

*Recommendation: Delegations from Bangladesh to future SAWEN Network events should include, alongside Forest Department officials, representatives from other relevant enforcement agencies, particularly NBR (Customs) and Police. Additionally, consideration should be given to nominating officers from other bodies, such as Coast Guard, Border Guards of Bangladesh and the Rapid Action Battalion, when wildlife law enforcement training is being provided through SAWEN.*

## **6. JUDICIARY AND PROSECUTION**

### Prosecuting wildlife and forest crime cases

The criminal justice system in Bangladesh is slow and bureaucratic. Cases often take several years to get to court and many are thrown out. Case file preparation is poor and officials lack skills in gathering evidence.

The team was advised that it has long been the practice in Bangladesh for wildlife and forest offences to be dealt with by way of 'compounding'. In practice, this means that an accused person who admits his culpability can be dealt with by a senior Forest Department official who will review the circumstances and impose a penalty, which will usually be financial; a fine to all intents and purposes. Imprisonment is not an option under this procedure.

The 2012 Act, in Section 43, states that all offences committed against the Act, other than those involving tigers or elephants (Section 36) are "compoundable subject to compensation". However, the Act makes no other reference to this procedure at all. No limit is set for 'compensation'. No guidance is provided as to how the compounding should be conducted or the level of official empowered to administer it. Although compounding appears to be a long-established, widely-practiced and well-known process, the fact that the wildlife law is, in legal terms, 'silent' in relation to how it should be conducted, appears unsatisfactory. This is yet another area where the 2012 Act appears open to challenge.

Offences that will not be subject to compounding must be dealt with through court proceedings. The Forest Department official dealing with the case will prepare a report and this is submitted to one of the Department's Forest Case Conducting Officers (FCCO). Each district has an officer appointed to the post of FCCO. These officers are not legally qualified or trained. They appear to be long serving Departmental staff, who presumably have shown aptitude for this type of work.

The FCCO reviews the case file and determines whether sufficient evidence is present for the matter to proceed to court. It is apparently not unusual for the reviewing officer to decide that the evidence is so poor, or poorly presented, that it should not move forward. The team presumes that it must be possible for the FCCO to send the file back to the reporting officer, and call for additional work, but did not hear of this happening. It seems that, when the file is unsatisfactory, no further action is taken and the accused is set free or, if not in custody, will not be summoned to court.

Where the case is apparently satisfactory, the accused will be brought before a Judicial Magistrate in the court district where the offence occurred. Alternatively, an order will be sought from the Magistrate to summon the accused to court. The FCCO acts as prosecutor in these instances, summarizing the case when an accused pleads guilty or presenting the evidence, questioning witnesses, etc. if the matter goes to trial.

FCCOs told the team that the general standard of case preparation by field forest staff was poor. This is perhaps not surprising, since recruits are given next to no training in this subject and must learn from their longer-serving colleagues. If those colleagues are not proficient, this becomes a circle of self-perpetuating inefficiency.

Aside from not being taught how to gather and preserve evidence in a manner that will comply with judicial requirements, take statements from witnesses or interview suspects, recruits usually only possess the minimum level education certificate and, thus, will often not be able to write a document in a confident manner.

The team was fortunate to meet with two Judicial Magistrates. They were very open in their acknowledgement that Bangladesh's court system is not efficient and is terribly overburdened. Many cases take years to come to trial and the system suffers from abuse and corruption.

Although the magistrates acknowledged that poor case preparation is widespread, they were of the view that the major barrier in obtaining swift, fair and efficient justice was the difficulty in getting witnesses and accused persons to appear at court. If an accused is on bail, it is the responsibility of the prosecuting agency, for example the Forest Department or police, to serve a summons on that person to appear at court. It is apparently not uncommon for the accused to bribe officers of the agency to report that they were unable to locate him or her.

In the case of witnesses, the same agency is responsible for serving a summons to give evidence at trial. However, not only does the agency have to serve the summons, it will regularly also have to physically transport them to court, since Bangladesh's courts do not recompense witnesses for any expenses they incur as a result of attending to give evidence. Understandably, members of the public are reluctant to give statements to the authorities or attend court to give evidence. It seems that most agencies have no specific, or only a limited, budget for bringing witnesses to court, including their own personnel.

The magistrates explained that this leads to multiple adjournments, since witnesses will not be present on the set trial date. As a result, more and more summonses are issued, many of which will again not be complied with. Where the presiding magistrate's patience is tried beyond reason,



he or she may issue an arrest warrant for the witness. However, this may result in the scenario described above where the relevant agency reports being unable to locate the witness, either genuinely or as a result of having been bribed. The former reason is perfectly reasonable, since residents in rural areas may change address without there being any record of this.

Whilst the magistrates expressed considerable and understandable frustration with the situation, they also expressed empathy for the prosecuting agencies, especially the Police, recognizing that Police officers had many more important priorities than acting as officials of the court and operating as a witness location and transportation agency. They fully understood why the Police, through pressure of work, may give scant attention to this area of their duties.

The team heard of one witness who had been subject of 30 summonses to court over many years but who has yet to give evidence. Understandably, where the charges against an accused do not involve a serious crime (WLFC would not fall into this category), magistrates may well simply dismiss the case after a number of fruitless adjournments.

The magistrates acknowledged that the judicial system is very out of date, with Bangladesh laws of criminal procedure having been enacted in the mid to late 1800s. Whilst this is widely recognized both by the judiciary and successive governments as deserving of attention, neither the political will nor finances appear available for changes to take place. It was also acknowledged that the current situation prompts most accused persons to plead not guilty, since there is a restricted likelihood of conviction and, if that does occur, it is likely to be years into the future.

Neither magistrate knew what the national conviction rate was but both agreed that it was more common for them to acquit than convict. They also agreed that poor evidence preparation and presentation often prompted their acquittal verdicts. Both noted, too, that inadequate financing of enforcing and prosecuting bodies results in many of the investigatory techniques that would be routinely employed by agencies in the developed world not being used in Bangladesh. They gave the example of the Police having to rely upon the goodwill of medical doctors from hospitals or research institutes to conduct post mortem examinations following murders, or in examining rape and other sexual assault victims, since the State employs no such experts. Understandably, such doctors are reluctant to give of their time to these matters and even more reluctant to be drawn into the court trial system.

With regard to evidence and related matters, the team was surprised to learn that the Forest Department, as a matter of course, pays for the tanning of skins from carcasses that it seizes. This applies whether the skin will be presented in court or not. Whilst it would be understandable for skins of tigers to be so preserved, since they might prove useful for training or research purposes, it seems that the Department may be in possession of numerous treated deer skins. This appears to be a questionable use of already stretched departmental funds. The team learned that the Department has the agreement of magistrates that seized timber can be treated as 'perishable' and need not be retained for presentation in court. Indeed, such timber is sold and the monies allocated to department funds. It would appear logical to seek a similar agreement for other items, such as deer skins. If necessary, digital photographs could be taken prior to their disposal.

The team was also somewhat surprised to learn that the Forest Department has no stocks of elephant tusks. Whilst Bangladesh does not have large populations of this species, there are perhaps several hundred across the country, in areas such as the Chittagong districts. These animals must expire as a result of natural mortality and, yet, it appears that no effort is made to recover their tusks, either because they might be a valuable natural resource, or to prevent them from entering illegal trade. When the team asked why tusks were not retrieved, or if local

officials had any idea where they were going, it was clear that this subject had never been considered and department staff were unable to provide any explanation.

In conclusion, there appear to be significant shortcomings in the way in which the Forest Department reports offenders for prosecution. It would seem unnecessary, however, for all its staff to be trained in this field. Instead, it may be better for designated investigators to be appointed at each district office, after intensive training in relevant evidence-gathering and case-preparation skills and techniques. These officers could be deployed to crime scenes and be responsible for all aspects of crime scene management, collection of evidence, taking of statements and suspect interviews. Thereafter, they would prepare the prosecution case file. Field staff need only be trained in crime scene preservation, the obtaining of witness details and the detention of suspects.

Given the dissatisfaction expressed by magistrates, it would appear that there is also scope for FCCOs to receive additional training, as it appears they are relatively regularly putting forward cases that magistrates will, at trial, find to be lacking.

It was not within the remit of the mission team to look at the practices and operation of the criminal justice system. However, it became apparent that many serious difficulties exist. Measures are required to address problems of inefficiency, bureaucracy and the extremely slow pace of case disposal. It is proposed that the authorities consider commissioning an external review, by independent international experts, with the aim of addressing specific problem areas and making appropriate recommendations for improvement. In the field of criminal justice reform, the UNODC has considerable expertise and may be able to offer assistance.

*Recommendation: Training should be provided to develop the skills of Forest Department, police and other enforcement officials, in evidence gathering and case file preparation.*

*Recommendation: Designated investigators be appointed at each Forest Department district office, following intensive training in relevant evidence-gathering and case-preparation skills and techniques.*

*Recommendation: Court authorities should be provided with an adequate budget to pay travel and attendance allowance to witnesses called to give evidence in court proceedings.*

*Recommendation: To address reported problems of a slow, bureaucratic and inefficient criminal justice system, it is recommended that the authorities in Bangladesh consider commissioning an independent assessment to review and make proposals for improvement to the system. The UNODC has considerable expertise in criminal justice reform and may be able to offer support.*

## **7. DRIVERS AND PREVENTION**

### Drivers

Bangladesh is heavily overpopulated, with 70% of its 160 million residents living in rural areas. Forty-five per cent of the citizens who are in employment work in agriculture-related labour, mainly rice production. However, 40% of persons with jobs are regarded as being underemployed, often working only a few hours each week and for low wages. Thirty per cent of the population is living below the poverty line.

It is, therefore, hardly surprising that many people in Bangladesh may be prompted to engage in subsistence poaching or illegal timber harvesting to obtain food for themselves and the firewood

to cook it. Where markets exist, it is to be expected that such people will sell what they do not need for their own purposes to obtain income. It is also not remarkable that rural residents may not understand why they are excluded from forests where they might wish to graze livestock or prevented from converting the land to agricultural purposes.

Many young people, especially males, are leaving the country to seek work abroad. Those left behind must be very open to exploitation. It seems that organized crime groups involved in human trafficking and smuggling of migrants, are taking advantage of the situation and targeting significant numbers for labour and sex trafficking purposes. It is fortunate that, to date, Bangladesh seems to have escaped significantly the criminal exploitation in relation to WLFC that occurs in many other parts of the world.

Although the country's economy has been growing in recent years, its infrastructure is not keeping pace. For example, of the nation's over 21,000 km of roads, only slightly over 1,000 km is paved. Bangladesh shares a 4,053 km border with India, a 192 km border with Myanmar and has a coastline of 580 km. These considerable distances, and lack of paved roads, are not conducive to effective patrolling by enforcement agencies. But they do perhaps make it more awkward for commercial-level illicit extraction and transportation of natural resources to either urban centres in Bangladesh or to its neighbours.

### Livelihoods

The Forest Department of Bangladesh is proud, and justifiably so, of its long and extensive history in providing community forest areas in those parts of the country where this is practical. The team saw for itself how widespread this was in several places it visited, how important it is to the livelihoods of whole villages and towns and how wood processing and manufacturing employment opportunities have built up.

Specific government-funded schemes, such as a project in Madhupur Forest, have led to significant timber-related opportunities for local communities and have also resulted in very considerable reforestation and restoration of land that had previously been laid waste as a result of land-grabbing and other abuses.

The opportunities to conduct such projects, or expand community forest operations, is limited, however, simply because overpopulation means that insufficient land is available. Additionally, large parts of Bangladesh are prone to severe flooding and the impact of cyclones, etc. That the country suffers from extensive pollution and waterborne diseases restricts the suitability of some areas to be converted to forestry too. And it is important that significant tracts of land and forest, such as those in the Sundarbans and Chittagong Hills, remain inviolate regions of biodiversity, free from commercial operations. The fact that the Sundarbans represent only 4% of Bangladesh's landmass shows how important it is that it must be safeguarded effectively and preserved for future generations



And yet, through legal extraction of non-forest products such as honey, medicinal plants, cane, grasses and bamboo, the Sundarbans is also an economic resource for an estimated 600,000 people. But if such extraction is to be sustainable, it must be regulated effectively and violators dealt with. This is the remit of the Forest Department, but its ability and capacity to fulfil its role is questionable currently, as described elsewhere.

The team learned that a European Union-funded project, entitled

'Sundarbans Environmental And Livelihoods Security' (SEALS), is providing 10 million Euros over five years and that an element of the project relates to increasing stable income and livelihood sources in communities there.

The major corruption and poor governance problems that are widespread in Bangladesh hamper efforts to improve the lives of its citizens. For instance, the garment industry is a major employer in parts of the country but some of the companies involved have track records of paying inadequate wages and providing very poor working conditions. Corruption and incompetence elsewhere can make an already-bad situation worse. For example, early in 2013, over 1,100 workers died and more than 2,500 were injured when a garment factory collapsed. It is alleged that not only had government inspectors failed to make the operators comply with working regulations but building inspectors may have also failed in their duties during the construction of the premises.

The existing opportunities to readily identify ways in which persons who may be engaged in WLFC might be offered alternative means of obtaining income, or even simply supplying secure food-sources, seem very limited. A worrying emerging problem that the team learned of is the spreading use of Yaba and increasing addiction, especially among young people. As noted previously, this has yet to be studied properly but the team was advised that Yaba is cheap, readily available and very widespread. Increased drug addiction will usually lead to increases in crime. In countries such as Bangladesh, with extensive poverty, addicts are limited in what they can steal to pay for narcotics. It has to be hoped that wildlife will not be seen as a potential source of funding.

#### Awareness raising - Officials

Although a number of measures to raise awareness of WLFC have been taken, it is evident that further efforts are required. There is a lack of appreciation and understanding of the sophisticated and organized nature of today's wildlife and forest crime, on the part of politicians, decision- and policy-makers and the senior management of law enforcement bodies. This was a concern regularly expressed by persons the mission team met. The team itself shared this concern but also wondered whether middle-management and front-line personnel had sufficient understanding. This related, not only to the criminal threats posed to wildlife in Bangladesh, but also to the current international illicit exploitation of natural resources. It is often very difficult for officers in developing countries, or countries with economies in transition, to appreciate how their nation may fit within the overall transnational illegal trade in fauna and flora, as a country of origin, transit or import (or combination of these), and how they may have a vital role to play in targeting and disrupting the various links in this chain of criminality.

The team sees scope, therefore, for the production of some form of awareness-raising materials, specifically designed to target these audiences. These need not be country-specific, although local language versions would be needed, as the aim would be to highlight the transnational nature of WLFC and, especially, its organized and highly profitable nature, the devastating impacts it is having upon biodiversity, the loss of revenue to governments, the hazard posed to human, animal and plant health and the threats to national, regional and international security. Whilst country-specific versions might also be helpful, the team is of the view that the primary aim should be to capture the attention of the audience in a convincing and compelling manner.

To that end, a short suitably-illustrated film, with carefully-crafted narration or sub-titles, might be the ideal way to 'spread the message'. Recognizing that the attention span of busy executive-level officials and office-holders is, by the nature of their work, restricted, the team suggests that any film be limited to only a few minutes duration.

The ICCWC would seem to be an appropriate body to supervise the production of such materials, which would lend themselves to use worldwide and not simply in Bangladesh. To be most cost-effective, it may be best to use sub-titles rather than narration, with the same footage being used wherever the country audience. Distribution on DVD or 'memory-stick' might prove to be most effective, together with making the film accessible through ICCWC partner agency websites and the wider social media.

The above aside, the team also believes that it is likely to be necessary to undertake another form of awareness-raising. As described elsewhere, achieving a new era of wildlife law enforcement in Bangladesh is unlikely to be practical or successful unless there is 'buy-in' at the highest levels of government and at the command level of each of the country's enforcement agencies. It suggests, therefore, that a high-level seminar be convened in due course. This should be in two parts, over the course of either a day or half-day.

In the first part, a presentation on the nature of transnational organized WLFC should be provided, which should incorporate an element explaining how Bangladesh fits within the 'big picture'. The presentation should end with an executive summary of the results of the ICCWC Toolkit analysis. This presentation need not last longer than one hour and should be aimed at ministerial and head-of-agency level. Those officials could leave the seminar at the conclusion of the presentation.

The second part of the seminar would be devoted to a more in-depth presentation of the ICCWC Toolkit report, to senior management, deputy-command and senior civil service levels, with substantial time being allowed for question-and-answer and general discussions.

The aim of the seminar should be to obtain political and senior management understanding and agreement to the establishment of a new era and a subsequent understanding and agreement on the part of those managers who, together with their staff, will be responsible for putting the era in place. This event will also provide opportunities for initial discussions among senior agency managers and civil servants as to the division of responsibilities in implementing relevant recommendations emerging from the ICCWC analysis. It is further suggested that the event, or parts of it, receive widespread media coverage which should, in itself, act as a useful awareness-raising exercise for junior officials and the general public.

#### Awareness raising - The general public

The team learned of recent efforts to raise public awareness. Examples included an illustrated booklet, produced under SRCWP, describing the Wildlife Crime Control Unit and a small adhesive poster, produced by the Forest Department, advertising the 'Hotline' that has been established to facilitate the reporting of crimes or information regarding WLFC. The team was unable to fully assess these materials, as they were only available in Bangla, but they seemed eye-catching. The team was similarly impressed by the work being conducted by the non-governmental organization community, especially Wild Team, to both raise awareness of threats to wildlife but also to encourage and facilitate deterrents and the gathering of relevant enforcement-related information.

The team also was told of the outright ban, introduced in the recent past, of the use of polythene bags in Bangladesh. This was held up as an example of how the government could successfully introduce an initiative which, in advance, was thought of as being unlikely to succeed, by careful planning and promotion, which has led to general acceptance on the part of the public.

However, the team was also warned that great care would have to be taken, both in awareness-raising and law enforcement, to avoid alienating the public. It heard, repeatedly, from various sources how perilous it would be to ignore, or fail to take adequate account of, the socio-economic realities, often harsh, facing many of Bangladesh's 160 million population. For instance, it is not easy to convince a family living below the poverty line in the Sundarbans that it is more important that deer should be available as food for tigers than protein for their starving children. In a similar vein, the public may question why enforcement resources are devoted to investigating, arresting, prosecuting and imprisoning a tiger poacher when similar attention is not given - in the example quoted to the team - to an incident where a bus driver knocks down and kills a child.

The Forest Department and police should work with government departments, the private sector, community leaders, non-governmental organisations and other stakeholders to develop specific awareness/prevention campaigns throughout the country. Consideration should also be given to mounting a national campaign. The use of the mass media can be extremely valuable. Effective use of new technology should be made, including social media such as twitter, facebook and youtube in any campaigns. User friendly websites should be created which are updated regularly and contain useful information for the public.

*Recommendation: That a range of awareness raising/prevention measures, including a national campaign to highlight the problem of WLFC, should be developed and introduced.*

## **8. DATA AND ANALYSIS**

There is an absence of data relating to offences of WLFC. As there is no central focal point at Ministerial level and an absence of coordinated action it is not possible to provide a realistic estimate of the scale of the problem. During interviews with the representatives of the various agencies, reports were received of incidents of poaching of spotted deer, wild boar and the capture and sale of wild birds. But no evidence was forthcoming which suggested that these activities were on an extensive or organised scale with the involvement of major crime groups. It may be that the lack of data, weak enforcement and a lack of coordinated response is masking what may be a larger problem. This illustrates the need to establish a better system to record and monitor these offences. What seems evident is that the problem of WLFC offences in Bangladesh is at much lower levels than in some other countries. For example, in Africa the killing of rhino for their horns and elephant for ivory, are at very high levels.

To gain a more accurate picture and be able to monitor WLFC in Bangladesh over the coming years then action needs to be taken to establish an effective reporting system to be used by all agencies that deal with these matters – i.e. Forest Department, police, Customs, BGB etc. Incident reports should be completed and forwarded to a centrally coordinated data bank, preferably under the responsibility of an appropriate government Ministerial department which would be responsible for the collation and analysis function, monitoring the location, type of offence, trends, methods of operation, crime groups involved and any other relevant information.

*Recommendation: A centrally coordinated data bank be established under an appropriate government Ministry, together with a compatible system for use by all agencies for the reporting and monitoring of WLFC incidents.*

### Donor support and coordination

In recent years significant assistance has, and continues to be provided, to Bangladesh by the international donor community. Of particular significance in connection with WLFC are the World Bank funded ‘Strengthening Regional Cooperation for Wildlife Protection’ (SRCWP) project and the European Union (EU) funded ‘Sundarbans Environmental and Livelihoods Security’ (SEALS) project.



A number of projects are being implemented to strengthen the police and justice systems. Amongst these are the United Kingdom Department for International Development (DFID) ‘Safety and Justice Programme’ and a community policing project funded by the United States Agency for International Development (AID). Other projects with relevance to policing and lifestyles/poverty reduction are being implemented by the United Nations Development Programme (UNDP).

The UNDP ‘Police Reform Programme’ (PRP), funded by DFID, is a comprehensive capacity building initiative to improve policing and strengthen human security. The ‘Urban Partnerships for Poverty Reduction’ project (UPPR), again funded by DFID and implemented by UNDP, is helping communities in poor urban settlements across Bangladesh to improve livelihoods and living conditions. In efforts to prevent and counter WLFC, the issue of poverty reduction and provision of opportunities and alternative lifestyles will be an important element in any future strategy.

Equipment, specialist training courses, study tours and other activities to assist in strengthening criminal justice, law enforcement, border control and other fields of work have been provided. Reference was made during the mission that although some coordination of donor assistance is taking place, more perhaps needs to be done to avoid potential duplication, overlap of activities and to ensure the most cost effective way to deliver the available funding.

The convening of a regular meeting of donors, facilitated by a senior governmental or United Nations official, could prove helpful. In addition to the sharing of information about bilateral assistance being delivered or planned, it can contribute to identifying gaps and has the potential for the donor community to act in a more strategic and cohesive way. It will also serve to identify and address specific problem areas, such as that for WLFC. A database could be useful in ensuring that international assistance is delivered in a coordinated, cost-effective way. In this respect, the UNODC Automated Donor Assistance Mechanism (ADAM), which has proved useful in a number of countries, may be of assistance and should be considered.

*Recommendation: That a donor coordination mechanism be established by the government of Bangladesh to facilitate more effective delivery of international assistance.*

## 9. ADDRESSING THE THREAT - PLANNING THE WAY FORWARD

### Bangladesh – a source and transit country

Although significant levels of WLFC were not apparent to the team during its mission to Bangladesh, and it did not receive any information indicating organized crime involvement from the agencies with which it interacted, desk research conducted by the team prior to visiting the country did identify a number of cases where Bangladesh has been a country of transit for wildlife contraband. For example, there have been instances of the smuggling of falcons, to the Middle East, and star tortoises, to other countries in Asia. A few days after the mission team left Bangladesh a major seizure of protected black pond turtles and protected tortoises was made by the authorities in Bangkok, Thailand. This illicit consignment had been transported on a flight from Bangladesh. It should also be emphasized that Bangladesh shares borders with countries experiencing significant levels of WLFC.

It is important, therefore, that the law enforcement agencies of Bangladesh are alert to, and ready to respond to, such matters. This is especially important if the nation is to play an active and supporting role in SAWEN. Bangladesh's seaports, particularly the cargo terminals of Chittagong, are seeing significant increases in container traffic and the port authorities are encouraging and facilitating continued growth and use of their facilities. The country's civil aviation authority is similarly committed to encouraging airlines to use Dhaka and Chittagong airports for direct passenger and cargo flights to and from major international air transport hubs.

Until recently, the limited seaport facilities and the relatively few international flight links probably made Bangladesh both unattractive and unsuitable to the organized crime networks and groups that coordinate illicit wildlife trade. That would no longer appear to be the case and it seems reasonable to predict that ports in Bangladesh will, in future, be more liable to exploitation for the smuggling of a wide variety of contraband, including, for example ivory. Indeed, the organized crime groups that are currently engaged in substantial smuggling of ivory from Africa to China are regularly exploiting en route countries in Asia as transit points. Many of these countries, such as Malaysia, the Philippines and Viet Nam, have no significant historical involvement in ivory trade and, thus, have been specifically targeted by smugglers, who hope to exploit those nations' enforcement agencies' lack of awareness of such issues and a subsequent absence of these issues in their border control targeting, profiling and risk-assessment activities.

This is yet more justification for the awareness-raising and training that the team is recommending and illustrates why authorities in Bangladesh should be ready, willing and prepared to respond professionally, using techniques such as Controlled Deliveries.

*Recommendation: The potential significance of Bangladesh as a country of transit for wildlife contraband should be taken account of in relevant enforcement agency awareness-raising and training.*

### Adopting a strategic approach to tackle WLFC

There is currently no National Strategy or Plan of Action for WLFC. The development and implementation of a comprehensive and balanced strategy with clear objectives and targets is necessary to provide the necessary foundation for preventing and countering WLFC. It is outside the remit of the ICCWC Toolkit analysis to prepare such a strategy but the mission team offers the following remarks in support of future planning.



The responsibility for designing and, very importantly, agreeing strategies rests, understandably, with the Government of Bangladesh. However, the UNODC, especially its staff based in Dhaka, should be in a position to provide assistance and, where relevant and appropriate, guidance. UNODC may, in particular, be able to identify ongoing and future regional or sub-regional programmes and projects it is implementing or overseeing, which might be drawn upon to support an action plan or complement activities envisaged in it.

The Government will presumably wish to consult with a wide range of possible stakeholders, such as traders, local communities, non-governmental organizations, legal experts, conservationists, etc.

In accordance with remarks it has made elsewhere in its report, the mission team urges that responsibility for the design of any plan of action should not rest solely with the Forest Department, if for no other reason than it is already heavily burdened and under-resourced. It is essential that this should be a multi-agency exercise, using a single-government approach. It is equally vital, at every stage, that: political will is assured in relation to any plans; agreement is obtained from the highest levels of management or agency command; priorities are clearly established; any goals which are set be proportionate to existing threats or those anticipated to emerge in the near-future; any objectives are similarly practical, realistic and achievable; and that the plan incorporates sufficient flexibility to allow for it to be scaled-down in the case of insufficient human, financial or logistical resources or be scaled-up in response to the emergence of unanticipated threats or significant changes in priorities.

It will be important to ensure that, whilst not necessarily involved in the planning stages, account is taken of all government agencies that may have a role to play or which may be affected, and that no doubt exists in relation to responsibilities for implementation. For instance, the team was advised that the Commerce and Industry Department of Bangladesh, at one point in the recent past, allegedly approved the export of 10,000 snake skins, without the knowledge or agreement of the Forest Department, which has been designated to the Convention's Secretariat as the principle CITES Management Authority of Bangladesh. Although the Commerce Department is a designated CITES authority, it may only issue permits after consultation with the Chief Conservator of Forests and the issuance of a no-objection certificate. The team was advised that no such consultation had taken place in the case in question.

It is hoped that the Government will find it useful to draw upon both the ICCWC Toolkit analysis report, especially its suggestions and recommendations, and also the detailed guidance offered within the Toolkit reference book. There will be various other sources of guidance and information and it may be worth researching whether other nations have conducted similar exercises. With this in mind, the mission team took account of the Bangladesh Tiger Action Plan 2009-2017, published by the Forest Department in 2009. Whilst the Plan incorporates several issues that deserve to be considered whilst designing strategies and a plan of action, it probably lacks sufficient detail, particularly with regard to enforcement-related matters, to act as a foundation upon which to build.

Instead, the team suggests that a fresh start be taken, that preparation of the plan seek to be as comprehensive as possible, and that sufficient time be devoted to this task. It would be important, for example, to postpone any drafting or amending of existing laws until the planning has identified and agreed such matters as goals, objectives and, particularly, responsibilities.

In its discussions with agencies and civil society, the team heard various suggestions as to which body might best take responsibility for such a planning and strategy process. The Wildlife Advisory Board was regularly cited as being appropriate but the team is inclined to disagree.

The Board is a statutory body, established by Section 3 of the Wildlife (Conservation and Security) Act 2012. Section 3(1) sets down the composition and membership of the Board. Section 3(2) sets down its duties and functions. Whilst Section 3(2)(f) states that the Board is "to perform such other duties as the Government may assign to it from time to time", it seems very clear from the other language used throughout the Section that this is primarily a body responsible for overseeing and engaging in conservation, development and management of biodiversity, wildlife and forests. Nowhere does the Section refer to enforcement-related issues. Similarly, no provision is made in sub-section (1) for members with enforcement-related expertise.

Aside from it being questionable whether the preparation of a roadmap would fall within the legally-proscribed remit and mandate of the Board, the team is also wary that its already-established working practices and membership might inhibit fresh and innovative thinking. It may be preferable, and reflect the new-era focus, to create a stand-alone, time-limited group with the sole remit of preparing a national strategy and plan of action.

This approach should also allow for the involvement of relevant regional or international experts, alongside appropriate representatives of Bangladesh agencies, etc. For example, it might prove useful to include a representative from another SAWEN country. The planning group could not only draw on that individual's experience and knowledge but, in turn, his or her involvement might prove useful in lesson-learning that could be beneficial elsewhere in the Network.

It is suggested that drafts of any strategy, roadmap or plan be provided to, for example, the CITES Secretariat to seek its comments in relation to wildlife trade controls, INTERPOL in relation to international liaison and coordination, ITTO with regard to timber matters, and possibly potential donors. It is expected, however, that the plan would seek to make every opportunity of the financial support offered under the current SRCWP project.

The selection of a Chair of the group would benefit from careful consideration. Experience has shown that designing, or re-designing, approaches to issues with a long history or tradition of implementation will almost inevitably offer potential for tension or inter-agency conflict. This is especially true where perhaps radical changes or major innovations are being considered; which seems necessary here. It may be best for the government to appoint an independent and widely-respected individual, with no existing or previous connection to any of the agencies, who can bring coordinating and negotiating skills to bear, rather than necessarily expertise in the areas under discussion.

In securing political will and the necessary management/command 'buy-in', the group may find useful some of the suggestions within the 'Awareness raising - Officials' section of this report.

Once agreed, the implementation of a strategy and action plan will require that details be communicated effectively to the various agencies and stakeholders. Finally, adequate funding and resources must be made available to support the strategy, otherwise the prospects for success will be severely hampered. Careful monitoring of progress should take place and adjustments made where necessary to respond flexibly to new trends and developments.

*Recommendation: An inter-agency group of senior officials and experts be established to design a national strategy and plan of action to prevent and combat WLFC. This should focus on introducing a range of measures as part of a government coordinated, multi-agency response.*

## **10. CONCLUDING REMARKS**

In the context of the many serious problems facing Bangladesh, the issue of WLFC may not be viewed by the government as one of their more pressing priorities. But the reality is that neglect of this issue will further compound the negative changes that have taken place to the environment and habitat in recent years. The threat is clear. If this trend is allowed to continue then there will be further encroachment on forests and reserves which will threaten wildlife, particularly the wild tiger, which is the national animal of Bangladesh. There is a real danger that over the coming years the tiger population will further decline continuing the large decrease identified in recent years. Further measures to protect the unique Sundarbans reserve forest, the beauty of the Chittagong Hill Tracts and other habitat requires a government strategy and plan of action, neither of which appear to be in place.

Several million people living on the periphery of the Sundarbans and those living in the Chittagong Hill Tracts depend on the forests and this environment for their livelihoods. The World Bank and European Union in their respective projects are providing welcome and practical support in a number of areas. But much more needs to be done. Further efforts to assist the authorities with a range of measures to prevent and combat WLFC are required.

In conducting the assessment and analysing the information gathered, the mission team has made a number of recommendations. These are intended to be of a practical, constructive and realistic nature, and were made taking into account the many difficulties and other serious challenges existing in Bangladesh. With regard to the specific recommendations relating to policing and law enforcement, if accepted and implemented, the action proposed should not only improve capacity to address WLFC, but will have the added benefit of strengthening the capacity of the authorities, particularly the police, to investigate other forms of serious, organised and transnational crime.

This report should be regarded as a foundation for future action. It is intended to be a 'living document' which can assist the authorities in Bangladesh as they work together in a more coordinated, multi-agency and effective way to prevent and combat WLFC.



## **11. SUMMARY OF RECOMMENDATIONS**

*1. That action be taken by the Forest Department senior management to arrange training for their staff by international experts in order to raise awareness and understanding of CITES to ensure effective implementation of the Convention.*

2. *That senior management of the Forest Department review and improve internal systems for the implementation of CITES and involve other relevant Agencies, such as Customs (National Board of Revenue), in the regulatory process.*
3. *That the CITES Management Authority of Bangladesh liaise with the Secretariat of CITES without delay to seek its comments on the recently-adopted Wildlife (Conservation and Security) Act*
4. *A multi-agency working group should be established as a matter of priority to review and redraft the Wildlife (Conservation and Security) Act 2012, to ensure that it meets requirements and international standards.*
5. *The requirement under section 11 of the 2012 Act that the Forest Department engage in a major nationwide registration process, is likely to prove a considerable administrative burden. It is recommended that this should be reconsidered.*
6. *That any revisions of wildlife and forest law or the drafting of any new laws should be undertaken by a multi-agency working group to ensure that the perspectives of the various stakeholders are taken into account.*
7. *Consideration should be given to providing the Coast Guard with additional low draught, high speed vessels to patrol the Sundarbans. Awareness training in WLFC should be introduced for Coast Guard personnel.*
8. *Appropriate crime-mapping software should be supplied to the Forest Department, along with the necessary operating licences and training.*
9. *A suitably-qualified international expert should be recruited to conduct a comprehensive review of anti-poaching operations in the Sundarbans and offer guidance to radically improve the strategic approach and practical operations.*
10. *That support should be provided to the Forest Department officers working in the Sundarbans by providing them with several low-draught, jet-propelled boats, along with adequate supplies of fuel, to assist in their patrol work. These fit-for-purpose craft should be crewed by specially-trained, specifically-equipped personnel from other relevant enforcement agencies, in support of, and in addition to, Forest Department personnel.*
11. *Given the remote nature of some of its forests, and the resulting difficulty in routine monitoring on the ground, the Forest Department should seek to access satellite imagery of Bangladesh, or relevant areas of it, to ensure that unlawful and unnoticed deforestation is not occurring.*
12. *The Forest Department should review recent exports of Agarwood to ensure that they comply with CITES, both in terms of non-detriment and legal-origin findings.*
13. *The proposed strategic working group should review Section 31 of the 2012 Act, determine what legislators intended, and provide guidance on how this should be achieved, giving special attention to staffing, leadership and funding implications.*
14. *That modules to raise awareness of WLFC and the action to be taken to prevent and investigate these offences should be introduced at all levels of police training.*

15. *That a Computer Based Training (CBT) pilot programme be introduced in the Bangladesh police to assist the training of staff. Subject to positive evaluation the extension of the programme to other key locations and for the training of other agencies should be considered.*
16. *That a cadre of officers should receive training in WLFC from international experts and then contribute to delivering this training at various levels of the Bangladesh Police.*
17. *That standardised police information/intelligence systems should be introduced in all police districts, which should include information about WLFC.*
18. *That training workshops in controlled delivery and other specialist investigation techniques be designed and delivered.*
19. *To assist in facilitating controlled delivery operations, essential equipment such as tracking devices, communications and search equipment should be provided.*
20. *Joint training and integrated working practices between the customs (NBR), police and the BGB should be introduced, especially at border crossing points. The development of information systems, risk profiling and targeting should be promoted with the aim of achieving a better balance between border security and revenue collection.*
21. *To improve information sharing, intelligence analysis, risk profiling of containers and collaborative working between the various agencies, consideration should be given to establishing a Port Control Unit and including the Port of Chittagong in future expansion of the UNODC/WCO Container Control Programme.*
22. *Consideration should be given to including the international airports in Dhaka and Chittagong in the UNODC/INTERPOL/WCO Air Communications Programme (AIRCOP).*
23. *That the UNODC should consider delivering a basic CSI training course for police and forestry department officials, along with the provision of crime investigation kits.*
24. *Consideration should be given by UNODC to undertaking a detailed needs assessment to determine the resource, equipment and training requirements for CSI and Forensic services.*
25. *That the proposal to establish a forensic laboratory facility for use by the Forest Department be reviewed, with consideration given to investing the available funding to improve facilities at the Police Laboratory and seeking formal agreement for appropriate Forest Department cases to be examined at the Laboratory.*
26. *That relevant personnel within the Police Laboratory receive appropriate training in wildlife and forest forensic science issues.*
27. *As part of measures to tackle corruption, codes of conduct for police, NBR (customs) officers, forestry department and other officials, should be developed and introduced, together with an adequately resourced complaints and investigatory system.*
28. *Every relevant enforcement agency in Bangladesh should have a WLFC focal point and these officers should meet together on a regular basis.*

29. Agencies conducting WLFC-related seizures, or dealing with significant WLFC cases, should report these through appropriate channels to relevant international agencies. For example, NBR should report to the WCO's Customs Enforcement Network, Police and Forest Department should report, using the Ecomessage system, to INTERPOL and the CITES Secretariat.

30. National law enforcement agency personnel should make use of existing secure information channels, such as the WCO ENVIRONET and the CITES Enforcement Authority Forum, to access training materials and intelligence bulletins and alerts relating to WLFC.

31. Delegations from Bangladesh to future SAWEN Network events should include, alongside Forest Department officials, representatives from other relevant enforcement agencies, particularly NBR (Customs) and Police. Additionally, consideration should be given to nominating officers from other bodies, such as Coast Guard, Border Guards of Bangladesh and the Rapid Action Battalion, when wildlife law enforcement training is being provided through SAWEN.

32. Training should be provided to develop the skills of Forest Department, police and other enforcement officials, in evidence gathering and case file preparation.

33. Designated investigators be appointed at each Forest Department district office, following intensive training in relevant evidence-gathering and case-preparation skills and techniques.

34. Court authorities should be provided with an adequate budget to pay travel and attendance allowance to witnesses called to give evidence in court proceedings.

35. To address reported problems of a slow, bureaucratic and inefficient criminal justice system, it is recommended that the authorities in Bangladesh consider commissioning an independent assessment to review and make proposals for improvement to the system. The UNODC has considerable expertise in criminal justice reform and may be able to offer support.

36. That a range of awareness raising/prevention measures, including a national campaign to highlight the problem of WLFC, should be developed and introduced.

37. A centrally coordinated data bank be established under an appropriate government Ministry, together with a compatible system for use by all agencies for the reporting and monitoring of WLFC incidents.

38. That a donor coordination mechanism be established by the government of Bangladesh to facilitate more effective delivery of international assistance.

39. The potential significance of Bangladesh as a country of transit for wildlife contraband should be taken account of in relevant enforcement agency awareness-raising and training.

40. An inter-agency group of senior officials and experts be established to design a national strategy and plan of action to prevent and combat WLFC. This should focus on introducing a range of measures as part of a government coordinated, multi-agency response.

## ANNEX A:

### Mission programme and list of officials met

**Saturday, 26 October 2013**

Time	Authorities / Agency	Persons Met
1330	Bangladesh Forest Department (BFD) Dhaka	Abu Naser Mohsin Hossain, Assistant Conservator of Forests, Bangladesh Forest Department (BFD Liaison Officer for the mission)

**Sunday, 27 October 2013**

Time	Authorities / Agency	Persons Met
0900	Bangladesh Forest Department Dhaka	Mr. Md. Yunus Ali, Chief Conservator of Forests, BFD Dr. Aparup Chowdhury, Additional Secretary, Ministry of Environment and Forests Dr. Tapan Kumar Dey, Conservator of Forests, BFD, Wildlife & Nature Conservator Circle, Khulna & Focal Point, UNODC, Bangladesh Mr Ashit Ranjan Paul, Deputy Conservator of Forests, BFD
0945-1430	Round Table meeting with representatives of various Agencies – Held at Forest department HQ, Dhaka	Representatives of Bangladesh Forest Department, Ministry of Environment and Forests, Bangladesh Police, Ministry of Law, Justice and Parliamentary Affairs, Rapid Action Battalion, National Board of Revenue (Customs), Coast Guard, SRCWP project and UNODC
1530	Wild Team, Dhaka	Professor Md.Anwarul Islam, Chief Executive Officer, Wild Team Mr. Iqbal Hussain, Country Manager, Wild Team Ms. Karolyn Upham, Project Manager, Bangladesh Tiger Programme

**Monday, 28 October 2013**

Time	Authorities / Agency	Persons Met
0800	Dhaka	Meetings cancelled due to security restrictions imposed as

Time	Authorities / Agency	Persons Met
		a result of Hartal disturbances Research and report writing.

**Tuesday, 29 October 2013**

Time	Authorities / Agency	Persons Met
0930	Bangladesh Police, Dhaka	Mr. Md. Asaduzzaman, Additional Inspector General Mr. Md. Mominul Karim, Assistant Superintendent of Police, National Central Bureau, INTERPOL Mr. Md. Sohel Rana, Additional Superintendent of Police (Focal point for WLFC) Mr. Mahbubul Karim, Additional Superintendent of Police
1430	National Board of Revenue (Customs)	Mr Md. Raich Uddin Khan, Second Secretary, Customs Policy and Budget, NBR

**Wednesday, 30 October 2013**

Time	Authorities / Agency	Persons Met
0830	Flight from Dhaka to Jessore Travel from Jessore airport to Benapole	
1130	Benapole - National Board of Revenue (Customs)	Mr. Mahbubuzzaman, Commissioner, Mr. Foyzur Rahman, Joint Commissioner Mr. Sorfuddin, Assistant Commissioner
1300	Benapole border crossing point - Bangladesh/India	Md. Anwarul Islam, Sub-Inspector (SI), Bangladesh Police Mr. Asif Ahmad, Customs Inspector Md. Delwar Hossain, Plant Quarantine Officer, Bangladesh Agriculture Department
1430	Benapole Forest Department	Md. Razu Ahamd, Wildlife Inspector, Wildlife Management & Nature Conservation Circle, Khulna
1530-1830	Travel from Benapole to Khulna	

**Thursday, 31 October 2013**

Time	Authorities / Agency	Persons Met
0900-1300	Round Table meeting with representatives of various Agencies – Held at the Hotel City Inn, Khulna	Mr. Zahir Hossain Khandakar, Conservator of Forest, Khulna Circle Mr. Zahir Uddin Ahmed, Divisional Forest Officer (DFO), Sundarban West Forest Division & Project Director, SEALS Project Mr. Jahidul Kabir, DFO, WMNCD



Time	Authorities / Agency	Persons Met
		In addition to the above, a number of other delegates from the Forest Department attended. Representation was also made from the Bangladesh Police, Border Guard of Bangladesh, Rapid Action Battalion, National Board of Revenue (Customs), Coast Guard, Mongla Port Authority, SRCWP project and UNODC
1330-1530	Travel Khulna to Sundarbans	
1530-1700	Dhagmari Forest Station Chandpai Range Sundarbans East Division	Mr. Sahidul Islam, Deputy Ranger, Station Officer
1700-1800	Karanjol Wildlife Breeding Centre Chandpai Range Sundarbans East Division	Mr. Abdur Rab, Forest Ranger Officer in Charge
1800-2000	Travel Sundarbans to Khulna	

#### Friday, 1 November 2013

Time	Authorities / Agency	Persons Met
0630-0900	Travel from Khulna to Jessore Airport	
0945	Flight Jessore- Dhaka	
1100	Flight Dhaka- Chittagong	
1830-1930	Forest Department officials, Hotel Tower Inn, Chittagong	Mr. Khaleque Khan, Divisional Forest Officer, Wildlife Management and Nature Conservation Division, Chittagong Mr. Anowar Hossain, Assistant Conservator of Forests, Chittagong

#### Saturday, 2 November 2013

Time	Authorities / Agency	Persons Met
0700	Site visit - Fish Landing Station, Chittagong	Md. Zalal Uddin, Forest Guard, Chittagong North Forest Division
0930	Shah Amanat International Airport, Chittagong	Wing Commander Md. Noor-e-Alam, PSC, Airport Manager
1130	Site visit - Wildlife Market	Mr. Ali Ahmad, President, Bird Sellers Association
1215	Site visit - Wood processing & Timber Market	Mr. Md. Abul Hossain, Forest Guard, Chittagong North Forest Division Mr. Faruque, Member, Chittagong Timber Merchant Association
1330	Travel Chittagong to Bandarban	
1530	Bandarban Forest Division officials	Mr. T.B. Khan, Divisional Forest Officer Mr. Shah Md. Rafique, Assistant Conservator of Forests
1715	Sualock Forest Department Check Station, Bandarban	Forest Department operational staff

Time	Authorities / Agency	Persons Met
1745-2000	Travel Bandarban to Chittagong	

**Sunday, 3 November 2013**

Time	Authorities / Agency	Persons Met
0900	Chief Judicial Magistrate Court, Chittagong	Mr. Abu Salem Mohammed Noman, Senior Judicial Magistrate Ms Israt Jahan Nassin, Senior Judicial Magistrate
0945	Forest Department Court Case Officials	Mr. Md Obaeydullah, Forest Case Conducting Officer (FCCO), Chittagong Coastal Forest Division Mr. Md Shaheb Ali Mian, FCCO, Chittagong South Forest Division Mr. Md Nasir Ahmed, FCCO, Chittagong North Forest Division
1130	Chittagong Port Authority	Lt Cdr M Nezam Uddin, (C), BN Deputy Director (Security) Lt Col Md. Moazzem Hossain Director (Security) Chittagong Port Authority
1600	Chittagong	Dr. H.S. Pabla, Consultant, SRCWP Project Abu Naser Mohsin Hossain, Assistant Conservator of Forests, BFD
1900	Flight Chittagong to Dhaka	

**Monday, 4 November 2013**

Time	Authorities / Agency	Persons Met
1200	British High Commission, Dhaka	Mr Steve Dodds, Political Section Mr. Niraj Sharma, Immigration Liaison Officer Mr. Shaun Anton, Immigration Liaison Manager

**Tuesday, 5 November 2013**

Time	Authorities / Agency	Persons Met
0700	Flight from Dhaka – Istanbul - Vienna	

## **ANNEX B:**

### **Proposed structure for Wildlife Crime Control Unit (WCCU)**

Draft1

**Government of People's Republic of Bangladesh,  
Ministry of Environment and Forests**

Notification

Date

No. In compliance with the provisions of section 31 of the Wildlife (Conservation and Security) Act 2012, (Act no. XXX of 2012), the Government of Bangladesh, hereby, sanctions the creation of a Wildlife Crime Control Unit (WCCU) in the Forest Department, and In exercise of the powers conferred on it under section 52 (2) (i) of the Act, the Government makes the following provisions regarding the constitution, powers and functioning of the WCCU:

- The WCCU shall consist of one Central unit and 9 Field units or as may be decided by the government from time to time. The Field Units shall function under the direction of the Central Unit. The Central Unit shall be situated in Dhaka while the Field Units shall be situated in the territorial or wildlife divisions mentioned below:

**Benapole, Heli, Tamabil, Dhaka (all airports), Sylhet, Chittagong (seaport and airport), Mongla Sea port and Khulna. (Decision required)**

- Staffing: The WCCU shall consist of the following staff:
  - l. Conservator of Forests: 1 (Director)
  - m. Assistant Conservator of Forests: 2 (Assistant Directors)
  - n. Forest Rangers: 10 (Note: depending upon the number of field units, this number can vary)
  - o. Police Inspector: 1
  - p. Customs Inspector: 1
  - q. Foresters/Forest Guards: 10 (Note: depending upon the number of field units, this number can vary)
  - r. Forensic Scientist/Veterinary Surgeon: 1
  - s. Forensic Lab Assistants: 2

- The WCCU will be supported by the following ministerial and support staff: Accountant: 1, Junior Clerk: 1, Steno Typist: 1; Computer and Database Operator: 1, Peons: 2, Drivers: 13.
- The police officers and customs officers mentioned above shall be on deputation to the forest department from their respective departments, while the posts of peons, steno/typists, computer operators and drivers may be filled by contract staff if necessary. For taking staff on deputation from other departments, equivalent posts in the forest department shall be kept in abeyance.
- The WCCUs staff shall draw a special duty allowance of **30% (?)** of their total emoluments over and above their regular salaries while the contract staff shall be recruited at salaries which will be **30%** over and above the minimum of the comparative scale in the government and shall get an annual increment at the rate of **15%** of their emoluments in the previous year.
- Each member of the executive staff of a unit shall receive a specialized training, before or as soon as possible after joining the unit, in relevant laws, rules, procedures, science and techniques related to wildlife crime control. The Director of the unit shall be responsible for training his new associates in various aspects of wildlife crime control, before assigning him/her any independent duties.
- **Functions of WCCU:** The WCCU shall perform the following functions:
  - ix. collection and collation of information and intelligence related to organized wildlife crime activities and dissemination of such information to relevant agencies nationally and internationally to facilitate enforcement and apprehension;
  - x. establishment of a wildlife crime bank with a database of wildlife crime related information;
  - xi. coordination of operations of various officers, national agencies, and other authorities in the enforcement of wildlife crime laws within the country or through regional cooperation;
  - xii. ensuring implementation of obligations under various international conventions and protocols related to wildlife crime;
  - xiii. development of new protocols in areas of interest either nationally or in collaboration with regional wildlife crime control units;
  - xiv. assistance to concerned authorities in regional countries and concerned international organizations to coordinate action to facilitate coordination and universal action in wildlife crime control;
  - xv. development of infrastructure and capacity for scientific investigation into wildlife crimes to facilitate prosecution;
  - xvi. creation of a forensics facility to carry out identification and confirmation of wildlife body parts;
  - xvii. establishing a legal support arm to investigate crimes, prepare for and take legal actions with regard to illegal wildlife trade and crime;

xviii. collaboration with the customs department in the issuance of export/import permits.

- **Administration and Functioning:**

5. The WCCU shall function under the overall administrative and financial control of the Chief Wildlife Warden, through the officer in charge of the Wildlife and Nature Conservation Circle;
6. The Director of the unit shall be responsible and accountable for day to day operations and performance of the unit and the activities of its staff;
7. The WCCU shall have jurisdiction all over the country;
8. One Wildlife Crime Control Officer (WCCO) in the rank of a forest ranger/inspector, assisted by one **(or two?)** foresters/forest guards, shall be attached to the forest divisions in which the sensitive locations (border check posts/ports/airport cities) given above are situated and he shall be responsible for collecting intelligence, investigating serious crimes and coordinating with the local forest, police, customs, BGB and coast guard officers regarding control of organized wildlife crime:
9. The WCCO attached to a Field Unit shall be under the administrative control of the respective DFOs who will use the WCCO exclusively for taking action against criminals, in coordination with the WCCU. The DFO will take the assistance of the WCCO in analysing and developing the information/intelligence received by him, and his staff, regarding serious wildlife crimes, through their own sources, and will allocate serious cases to the WCCO for investigation and prosecution as the case may be.
10. The WCCU will create a well-publicised and convenient public telephone, sms and e-mail platform through which the public can provide information regarding wildlife crimes to the enforcement agencies.
11. WCCU will coordinate the activities of all forest and wildlife divisions regarding wildlife crime and will facilitate their work by providing finances, training and support for eliciting information from the public regarding such crimes.
12. The WCCU shall facilitate the creation of a nation-wide network of secret wildlife crime informers through cash payments, as practiced by the police organizations. Two kinds of systems shall be followed to solicit information from the public:
  - (i) **Informers on a Retainer:** Such informers shall be paid a regular but, relatively, small amount, as may be decided by the Chief Wildlife Warden from time to time. The performance of such informers shall be reviewed every year and the payments shall be discontinued if an informer does not deliver any significant actionable information for a year. The identity of such informers shall be secret and shall be known to only one official who will act as the controller/handler of the informer. A record of the number of such assets (informers) and the amounts paid to them shall be retained in the range and divisional offices, keeping their identity secret. The identity details will remain in the personal custody of the controller/handler who will pass on these details to his successors in office, in confidence, after duly introducing the informers and the new handler.

- (ii) **Cash Rewards:** An officer not below the rank of a divisional forest officer may sanction an award of upto BTK 2.00 lakh (?), depending upon the seriousness of the crime, to an informer of wildlife crime, if the information leads to the arrest of the accused and seizure of the wild animal or animal parts or products in respect of which the crime has been committed and the vehicles, weapons, tools and any other materials or assets used in the commission of an offence. However, any payment above BTK 1.0 lakh (?) shall be made only after the approval of the Chief Warden (**or officer in charge of the WNCC?**). The identity of the awardee shall be kept secret if he/she so desires. Any forest officer not above the rank of a forest ranger or a member of any law enforcement or security agency, of or below the rank of a forest ranger, who shows outstanding commitment in controlling wildlife crime and works beyond the call of duty in detecting/preventing wildlife crime or in apprehending a criminal, shall also be entitled to such awards.
- (iii) Payments of retainer or rewards shall not be constrained by the availability of budget.
- (iv) The information related to the identity of the informers and retainer sanctioned or paid to an informer or any other secret payment made under the authority of WCCU shall not be called for examination in any office or court in any civil, criminal or administrative proceedings.
- j The Director of WCCU shall be the official node for interaction and coordination with the national and international agencies related to wildlife crime on behalf of the national government and shall be competent to correspond and exchange information with them directly, subject to any policy directives of the Government of Bangladesh or of the Forest Department. All import and export permits related to wild animals and animal parts or products, under CITES, shall be processed by the WCCU.
- j. **Forensic Facility:** The WCCU shall create a forensic capability either on its own or in partnership with other agencies or organizations, to provide scientific and legal support to the investigating and prosecuting agencies/officials. A forensic report issued under the authority of the WCCU shall be admissible in any court or investigative proceedings as complete evidence and the author of the report shall not be ordinarily required to authenticate or verify the report in the courts. The WCCU shall be competent to develop partnerships with other departments or institutions for the development of forensic capability and may accredit such institutions to issue investigation reports on its behalf.
- k. **Legal Support Cell:** A legal cell within the WCCU shall provide assistance to the field unit in the investigation and prosecution of wildlife crime cases. The cell will be manned by a team of criminal lawyers, with outstanding success record in prosecution, on retainer with the WCCU. In important cases the prosecution may be led by the legal cell directly, if so desired by the Director of WCCU, in consultation with the local DFO. WCCU may appoint outstation lawyers to support prosecution and legal help in courts all over the country. Chief Wildlife Warden shall be the final authority for selecting the lawyers and deciding their retainer fee.

1. **Interdepartmental Coordination Committee:** Following interdepartmental coordination committees are hereby constituted for ensuring effective action against wildlife related crimes:

(a) Headquarters:

- i. Chief Wildlife Warden – Chairman
- ii. Officer in charge of WNCC: Member
- iii. Director WNCC: Member Secretary
- iv. Deputy Inspector General of Police (Headquarters)
- v. Deputy Inspector General BGB (Headquarters)
- vi. Commissioner Customs (Headquarters)
- vii. Deputy Inspector General, Coast Guards (Headquarters)

This committee shall meet every six months, or earlier, to review the situation of wildlife crime in the country and take appropriate action. The members will ensure that appropriate directions are issued to their field units to secure their full involvement in controlling wildlife crime in their respective jurisdictions. The committee will also identify capacity gaps among various agencies and will take steps to build their capacity to meet the challenges of wildlife crime control.

(b) District Level:

- i. District Collector: Chairman
- ii. DFO: Member Secretary. (Note: If there is DFO Wildlife, he will be the secretary and all other DFOs will be members of the committee)
- iii. Superintendent of Police: Member
- iv. The chairman can co-opt the local officers of customs, BGB, coast guards or any other relevant law enforcement agencies if posted in the district as additional members.

The committee will meet every month to review the wildlife crime situation and will take appropriate steps to control such crime. The committee will ensure that full support of police and other relevant law enforcement agencies is available to the forest department in controlling wildlife crime.

9. **Legal Powers:** Any forest officer, police officer or customs officer, acting under the authority of the WCCU, shall have all the powers mentioned under section 32 and 33 of the Act to enter any premises and seize any property which is suspected to have been a subject matter of an offence under the Act or has been used in the commission of such an offence. The said officer shall also enjoy the powers provided under section 64 to 66 of the Forest Act 1927, and sections ----- of the Code of Criminal Procedure to arrest without warrant and release an offender or suspect, or prevent the commission of an offence under this Act.
10. **Financial Support:** A special budget head shall be created for providing financial support to the WCCU.
11. Adequate infrastructure, vehicles, weapons, equipment and other supplies required for making the WCCU effective shall be procured at the earliest, and shall always be maintained in peak condition.

(In the name and by order of the President of the People's Republic of Bangladesh}

Signatures

Secretary/Additional Secretary/Deputy Secretary

(Name ---)

## **LIST OF ILLUSTRATIONS** (in order of appearance)

Sundarbans patrol base at sunset  
Multi-agency consultation meeting, Khulna  
Transporting firewood near Jessore  
Discussions with Customs and Immigration Police, Benapole Border Crossing  
Typical Sundarbans water channel  
Chittagong fish market porter  
Salt-water Crocodile  
Hammer-impressed markings on timber in a sawmill  
Vessels belonging to the Chittagong fishing fleet  
Spotted deer  
One of the many sawmills and timber yards in Chittagong  
Customs vessel moored at Mongla  
Customs cargo scanner at Chittagong Port  
The mission team visiting timber processing facilities  
Typical Bangladesh rural scene between Khulna and Mongla  
'Control room', Sundarbans Patrol Base  
Control Room, Chittagong Port Security Authority