



UNODC

United Nations Office on Drugs and Crime

Addressing Corruption and Wildlife Crime

Background paper prepared by UNODC¹

G20 Anti-Corruption Working Group Meeting
January 2017, Berlin

Background

Wildlife² crime is now widely recognised as a transnational organized crime, requiring a global and coordinated response. The connection between wildlife crime and corruption has more recently gained international attention and recognition as a major factor enabling the proliferation of wildlife crime.

In drafting this paper, the United Nations Office on Drugs and Crime (UNODC), has drawn on extensive literature, as well as years of experience and expertise in working to combat transnational organized crime, wildlife crime and corruption. Case examples are provided to illustrate the current situation and international response. The paper also benefitted from insights from the Organisation for Economic Cooperation and Development (OECD), drawing on its work on illegal wildlife trade.

The paper provides an overview of the nature, scale and problem of wildlife crime. It examines the connection between wildlife crime and corruption and reviews the current international response and identifies existing gaps. The paper further identifies potential future responses to the challenges of wildlife crime and corruption for consideration by the G20 ACWG as a complement to the draft concept paper *Combating corruption related to illegal trade in wildlife and wildlife products*.

Wildlife Crime Overview

Wildlife crime is a transnational organized crime. Like other forms of transnational organized crime, wildlife crime occurs at national, regional and international levels and generates significant revenue. Wildlife crime is a global phenomenon; it is not limited to certain countries or certain regions, nor is it limited to mega fauna or iconic mammals. A database of world wildlife seizures compiled by UNODC, together with support from partners of the International Consortium on Combating Wildlife Crime (ICWC), confirms that all countries play a role as source, transit or destination for contraband wildlife and wildlife products. However, some types of wildlife are more strongly associated with different regions. For example, birds are most strongly associated with Central and South America, mammals with Africa and Asia, reptiles with Europe and North America, and corals with Oceania.

Wildlife crime generates a significant amount of revenue for organized criminal networks. Many estimates have been touted for the annual value of wildlife crime, but few with clear and

¹ With the support of OECD.

² For the purposes of this paper, the term 'wildlife' refers to all animal, plant, fish and marine living resources.

transparent data. For some specific species the value of the market can be estimated with a degree of precision, but for most this is impossible. Nevertheless, there is consensus that wildlife crime is a multi-billion dollar industry.

The scale of wildlife crime

The scale of wildlife crime has drastically increased in recent years. This is evidenced by the scale of poaching taking place and the drops in wildlife populations, as well as the size and number of wildlife seizures that are intercepted.³ For example, the number of poached rhinos and elephants has risen significantly in the last ten years. In 2007, 13 rhinos were poached in South Africa; by 2015 that number had increased to 1175, out of a global population of less than 30,000⁴. The worldwide elephant population is decreasing by 8 per cent each year. The rate of poaching is higher than the rate of reproduction, meaning that elephants are currently on the road towards extinction. In addition to these iconic species, huge numbers of lesser-known species are being poached and trafficked, including reptile, bird, and marine species.

Seizures of wildlife and wildlife products provide further insights into the scale of wildlife crime. Seizures of pangolin scales have increased significantly. Whereas in 2006 only a few tonnes of pangolin scales were being seized in China, over 15,000 tonnes were seized in 2016⁵; pangolins are now classed as the world's most trafficked mammals. Since 2010, over 200 tonnes of ivory have been seized worldwide, equivalent to tusks from over 30,000 poached elephants⁶. Ivory DNA analysis conducted by the University of Washington has showed that many of the largest seizures are interrelated, i.e. the tusks from the same elephant were found in two different seizures. These findings demonstrate the involvement of the same criminal actors in the execution of a multitude of large ivory shipments, which again illustrates the transnational and organized nature of this illicit activity.

The nature and challenges of wildlife crime

While wildlife crime shares similarities with other forms of transnational organized crime, it also harbours fundamental differences. One obvious difference is that the victims of wildlife crime are animals rather than humans. In fact, wildlife crimes are sometimes considered to be 'victimless crimes' because a readily identifiable injured party or victim is not present or filing a complaint. Because of this, wildlife crime is not always accorded the same priority as other forms of crime like trafficking in arms, drugs and human beings. In some countries, wildlife crime is not regarded as a mainstream crime or as a 'serious crime' as defined by United Nations Convention against Transnational Organized Crime (UNTOC)⁷. In the United Nations Secretary General's report on illicit trafficking in wildlife⁸, one third of respondent Member States reported that illicit trafficking in wildlife is not a serious crime under their national legislation. Even in countries where the crime is

³ There are increasing efforts to gather data on poaching and illegal trade of animals and their effects on the wildlife population. See, for example, CITES' Monitoring Illegal Killing of Elephants (MIKE) initiative and UNODC's World Wildlife Seizures (World WISE) database.

⁴ UNODC, *World Wildlife Crime Report*, 2016, p. 14. <http://www.unodc.org/unodc/en/data-and-analysis/wildlife.html>

⁵ Environmental Investigation Agency, *Time for Action*, 2016, p. 4. <https://eia-international.org/wp-content/uploads/EIA-Time-for-Action-FINAL-1.pdf>

⁶ *Ibid.*

⁷ Article 2(b) of UNTOC defines crimes as serious when the maximum penalty for the crime is at least four years in prison.

⁸ Report of the Secretary-General, *Tackling illicit trafficking in wildlife*, A/70/951, 16 June 2016, para. 23.

considered serious, it is often neglected by law enforcement officials, prosecutors and judges; only rarely is wildlife crime treated as a priority.

Another difference between wildlife crime and other forms of transnational organized crime is the existence of legal markets. The majority of products from protected species can be sold legally, provided it has been sourced and traded legally. Proof of legality is provided by paperwork. This paperwork is a major source of vulnerability, because it can be bought from corrupt public officials, forged and otherwise fraudulently acquired, allowing traffickers to introduce illegal goods into legitimate commercial channels. In other words, corruption can turn an illicit wildlife product into a seemingly licit wildlife product. For example, the European Union is one of the largest exporters of ivory in the world, with 'antique' ivory regularly traded. Similarly, domestic legal ivory markets exist in other countries, such as China (including Hong Kong), Thailand and the United States. The continued existence of these domestic legal markets allow for illegal ivory to be laundered into legal markets. The timber trade is also highly susceptible to forgery and corruption related to the existence of legal and illegal markets, particularly in the early parts of the supply chain where there are many opportunities for contact between illegal networks of actors and government officials who issues permits and licenses. For example, if a country introduces a national log export ban or species-specific control, it is relatively easy for timber traders to circumvent these controls by forging documents to say that the timber was felled before the ban was introduced. The timber can then be exported to another country and introduced into the legal timber trade. The same is true for the fishing industry.

One of the most challenging issues for law enforcement authorities is the definitive identification of specimens found in trade, which is required to demonstrate whether the activity is legal or illegal. With over 35,000 species under international control pursuant to the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES), it is difficult for front line officers or inspectors to distinguish between protected and non-protected products. Traffickers take advantage of this difficulty and simply falsely declare the species in question.

Countries are facing innumerable challenges in the investigation and successful prosecution of wildlife crime. National analyses conducted through the implementation of the *ICCWC Wildlife and Forest Crime Analytic Toolkit*⁹ highlight a number of common deficiencies evident across the board.

Legislation is often inadequate and outdated, having been drafted to address hunting infractions and conservation management. There are significant deficiencies in domestic criminal law, particularly in penal codes. Penalties for offences are weak, with a preference, even in serious cases, for administrative sanctions and fines rather than carrying prison sentences, leading wildlife crime to be labelled as a "low risk, high reward" form of illicit trade¹⁰. Criminal organizations are known to actively analyse opportunities and relative costs of entering into new black markets. Criminal syndicates exploit insufficient enforcement of national laws and limited implementation of international conventions.

⁹ The Wildlife and Forest Crime Analytic Toolkit can be accessed here:

http://www.unodc.org/documents/Wildlife/Toolkit_e.pdf

¹⁰ OECD (2016), *Illicit Trade: Converging Criminal Networks*, OECD Publishing, Paris, pp. 57-76.
DOI: <http://dx.doi.org/10.1787/9789264251847-en>

Enforcement agencies are often unable or ineffective in bringing offenders to court due to weak or insufficient evidence discovered and presented, leading to few cases presented to prosecutors for consideration and trial. The majority of the few cases that do make it to trial are dismissed or overturned on appeal due to procedural errors made by investigators, prosecutors or trial judges¹¹. Crime scene management, evidence collection and chain of custody issues regularly render cases inadmissible. In some countries, there is no provision in the legislative framework for the introduction of DNA or fingerprint evidence in court which is often essential in establishing these crimes.

There is little evidence of international information or intelligence sharing channels operating effectively, even to guide border officials on the latest smuggling routes, trafficking methods or notification of suspect persons or cargo. Investigations often stop at the point of seizure, rather than pursuing the full criminal chain. Little action is taken to follow up or investigate these crimes through channels for international cooperation, which means that valuable evidence and intelligence is lost. Many countries lack a central criminal database to cross reference suspects and do not employ the use of special investigative techniques such as controlled deliveries and informants which are essential for combating organized crime and corruption.

Insufficient cooperation is often evident between national agencies to identify and appropriately deal with wildlife crime. This is compounded by the fact that the responsibility to address wildlife crime is often granted to park services and conservation authorities, meaning that wildlife crime is not tackled by law enforcement agencies but by conservation agencies that lack the necessary skills in complex financial investigations, and in some cases also sufficient legal mandates, to confront corruption and organized criminal groups.

Wildlife crime frequently involves other forms of serious crime such as money-laundering, corruption, and tax and customs fraud; however, it is only rarely that these associated criminal offences are pursued when dealing with wildlife offences. Generally, focus is placed on the low level actors committing the physical crime rather than the corrupt organizers and facilitators of transnational wildlife crime.

Other factors that hinder effective law enforcement efforts include: open and porous borders with limited enforcement capabilities; lack of basic equipment and training; inadequate monitoring, inspection, and audit systems; weak management systems in protected areas; lack of coordination and cooperation at national and international levels. The combination of these challenges result in a low risk, high reward circumstances for wildlife criminals.

The impact of wildlife crime

The impact of wildlife crime is wide-ranging, with negative consequences for biodiversity, development, security and livelihoods. Wildlife crime threatens biodiversity, with the existence of many species hanging in the balance. The more endangered a species becomes, the greater the commercial value of the remaining specimens. This in turn increases the incentive to further poach the remaining specimens and can lead to a vicious cycle. The international community has

¹¹ IUCN, *Wildlife Cases in Tanzanian Courts*, 2016: http://www.wildlex.org/sites/default/files/inline-files/Wildlife%20Cases%20in%20Tanzanian%20Courts_0.pdf

recognized the severity of global biodiversity loss and degradation of ecosystems and emphasizes that these undermine global development, affecting food security and nutrition¹².

Organized wildlife crime can pose a threat to both national and regional security. Furthermore, wildlife crime that is facilitated by corruption undermines good governance and the rule of law.

In addition to posing a security risk, wildlife and forest crime also hinders national development. On the one hand, the illegal wildlife trade depletes natural resources, resulting in the loss of potential income that could be generated from sustainable wildlife management and tourism and even reinvested into sustainable development initiatives. On the other hand, high levels of violence and crime associated with wildlife and forest crime hamper economic growth by limiting investment and dampening productivity.

Communities are generally left out of the response to wildlife crime, even marginalized by enforcement efforts. Too often the impact on the livelihoods of vulnerable rural groups, such as local communities relying on natural resources and ecosystem services, is overlooked. A reduction in wildlife crime would contribute to creating a platform for sustainable economic growth, rather than the unsustainable and destructive removal of collective natural resources.

The response to wildlife crime

The *Convention on International Trade in Endangered Species of Wild Fauna and Flora* is an international treaty aiming to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES¹³ regulates the trade in more than 35,000 species of plants and animals to safeguard certain species from over-exploitation by listing them in one of three appendices (I, II and III). A licensing system is used to authorize all import, export, re-export and introduction from the sea of species covered by the Convention, through the issuing of permits and certificates. The Convention provides a framework to be respected by each CITES Party who are required to penalize trade that contravenes the Convention. Given that CITES relates only to international trade, there are many other areas of wildlife crime that fall outside the scope of CITES, including poaching and domestic trade. In particular, much timber and fisheries crime does not involve species protected by the Convention.

Other relevant treaties include the *Convention on Biological Diversity*, the *Convention on the Conservation of European Wildlife and Natural Habitats*, the *Convention on the Conservation of Migratory Species of Wild Animals* and the *Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora*.

The international community has recognized the severity of the problem of wildlife crime, global biodiversity loss and degradation of ecosystems and this is reflected in a number of recent conferences, resolutions and decisions. For example, in 2015, the General Assembly unanimously adopted a resolution on “Tackling Illicit Trafficking in Wildlife”, which sets a powerful framework for collective action. The 2030 Agenda for Sustainable Development addresses wildlife crime in two Sustainable Development Goals, namely goal 14 “Conserve and sustainable use the oceans, seas and

¹² General Assembly resolution 69/314, “Tackling illicit trafficking in wildlife”, A/RES/69/314 (19 August 2015), available from: www.un.org/en/ga/69/resolutions.shtml; General Assembly resolution 66/288, “The future we want”, A/RES/66/288 (11 September 2012), available from: www.un.org/en/ga/66/resolutions.shtml

¹³ Further information on the Convention and the work of its Secretariat can be accessed here: www.cites.org

marine resources for sustainable development” and 15 “Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss”.

A multitude of actors are working to combat the illegal wildlife trade, tackling the problem from various angles to address supply, demand, and livelihood aspects, at national, regional and international levels. In October 2016, the Global Wildlife Programme at the World Bank produced a detailed analysis of the \$1.3 billion spent on the illegal wildlife trade since 2010¹⁴. The World Bank estimates that approximately 46% of the funding supported protected area management to help prevent poaching; 19% was allocated for law enforcement including intelligence-led operations and transnational coordination; 15% for sustainable use and alternative livelihoods; 8% for policy and legislation; 6% for research and assessment; and 6% for communication and awareness-raising.

The International Consortium on Combating Wildlife Crime (ICWC) is a key actor in combating wildlife crime using a law enforcement approach. ICWC is a collaborative effort of the CITES Secretariat, the International Criminal Police Organization (INTERPOL), UNODC, the World Bank and the World Customs Organization. The Consortium works to bring coordinated support to the national wildlife law enforcement agencies and to the sub-regional and regional networks that, on a daily basis, act in defence of natural resources. Tackling corruption is a core part of the ICWC Strategic Programme (2016-2020); partners aim to leverage their expertise to tackle what is recognised as a key facilitator of wildlife crime.

In addition, collaboration with the private sector is a key element in reducing wildlife crime, both at the macro level of vulnerable industries and the micro level of companies and their employees. Complicity in wildlife crime and corruption carries legal liability and could be a significant reputation risk for companies. However, awareness of the harms related to wildlife crime remains low in many industries and companies have not prioritized reducing opportunities for wildlife crime or cooperation with law enforcement. There is a need for public-private partnerships to develop detection and due diligence tools that would reduce vulnerability to wildlife crime.

Several recent agreements co-hosted by international organizations and non-governmental organizations have engaged the private sector to foster cooperation with governments and the international community to reduce wildlife trafficking along the value chain. In March 2015, 17 of the largest logistics firms in China agreed to a “zero tolerance” pledge in transporting illegal wildlife products in parcels, one of the main modes of transport for wildlife products bought online via e-commerce platforms¹⁵. That same month, 40 members of the global transportation industry (shipping, air, etc.) signed the *United for Wildlife Transport Taskforce Buckingham Palace Declaration*, which commits to providing information on suspected wildlife trafficking to relevant enforcement authorities in addition to a zero tolerance pledge for the carriage of illegal wildlife products¹⁶. Finally, in June 2016, the International Air Transport Association (IATA), the trade association for the world’s

¹⁴ World Bank Group, 2016, *Analysis of International Funding to Tackle Illegal Wildlife Trade*, <https://openknowledge.worldbank.org/handle/10986/25340>

¹⁵ TRAFFIC : *Leading courier companies in China say “no” to illegal wildlife trade*, March 2015 <http://www.traffic.org/home/2015/3/11/leading-courier-companies-in-china-say-no-to-illegal-wildlif.html>

¹⁶ WCO: *United for Wildlife Transport Taskforce Buckingham Palace Declaration*, March 2015, <http://www.wcoomd.org/~media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/environmental-crime/united-for-wildlife/ufw-transport-taskforce-buckingham-palace-declaration.pdf?db=web>

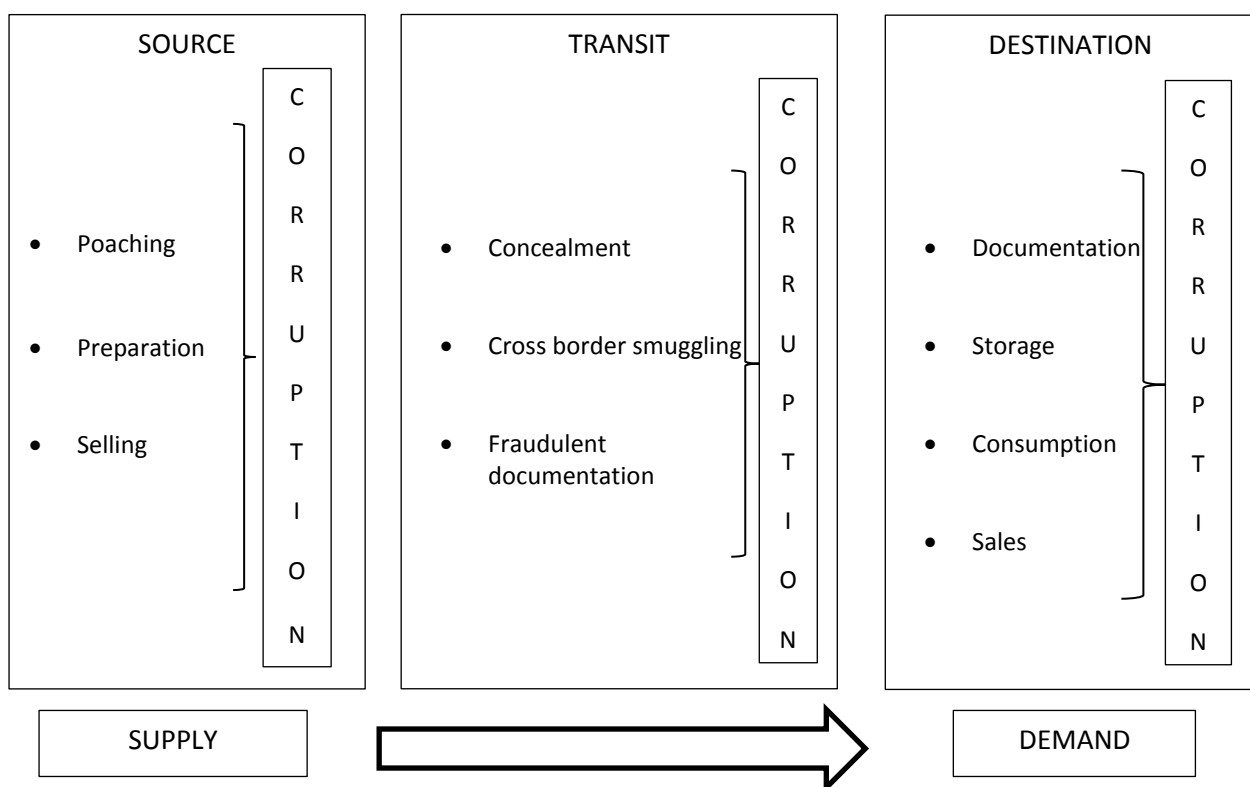
airlines, adopted a resolution denouncing the illegal trade in wildlife products to dissuade their transport and encouraging the signature of the above Buckingham Palace Declaration¹⁷.

Wildlife Crime and Corruption

There is irrefutable evidence that both national and transnational organized criminal groups are involved in wildlife crime and that these organizations use corruption to increase the profitability of their illegal activities and launder the proceeds of their crimes. Yet very little is known about how this corruption and money-laundering actually works as only isolated or limited action is currently being taken to prevent and combat these issues.

Despite the widespread identification of corruption as a driver of wildlife crime little is actually known about how this corruption occurs¹⁸. From the few cases being taken forward and anecdotal evidence from perpetrators of wildlife crime, it seems that corruption occurs at every stage of the value chain (see figure 1).

Figure 1: Corruption along the value chain



In addition to the corruption linked to the value chain, there is significant evidence of corruption linked to the embezzlement of resources intended for wildlife management as well as corruption in the criminal justice system to enable those apprehended for wildlife crimes to escape punishment.

¹⁷ IATA: 72nd IATA Annual Meeting Resolution on the Illegal Trade in Wildlife, June 2016
<http://www.iata.org/pressroom/pr/Documents/resolution-agm-2016-wildlife.pdf>

¹⁸ Williams, Parry-Jones and Roe, U4 Issue Paper: *The resource bites back: Entry-points for addressing corruption in wildlife crime*, 2016. <http://www.u4.no/publications/the-resource-bites-back-entry-points-for-addressing-corruption-in-wildlife-crime/>

Corruption linked to the value chain

This limited available evidence would suggest that corruption linked to the value chain can be broadly classified into two main areas: bribery and embezzlement. Current evidence suggests that large scale corporate bribery to obtain licences and permits also occurs, but is generally linked to forestry and fisheries crime rather than purely in relation to illegal wildlife trade.

The most common form of corruption identified is the low level bribery of functionaries in order for them not to do their jobs, including bribes to individuals such as forestry or wildlife rangers, police or customs officials.

The emerging evidence indicates that the primary ways in which criminal networks are using corruption are to reduce the risk of detection of their crimes and to reduce the risk of seizure of products as they are being transported to their final destinations. For example, Malawian Department of Parks and Wildlife officials report having been offered bribes by a truck driver intercepted transporting elephant ivory; a Sri Lankan Customs official has publically discussed the 'pressure' placed on him not to intercept wildlife and forest products transiting through his country¹⁹; and in Viet Nam, a truck driver offered a bribe of \$22,400 after he was stopped transporting a cargo of ivory.

This bribery is not kept secret, in October and November 2016, alleged and/or self-confessed wildlife criminals in Viet Nam and South Africa have openly boasted about the ease with which they have been able to bribe officials. In April 2014, Thai police arrested a Thai-Vietnamese national at the centre of a major wildlife trafficking ring. Information gained through the suspect's interrogation led the police to believe that he had been involved in wildlife smuggling since 2000. The work of Thailand's Anti-Money Laundering Office revealed the contacts and methods relied upon to conceal the nature of the trafficking ring's activities, such as multi-country accounts and payments, heavy reliance on cash transactions, seemingly legitimate businesses to launder funds and bribery. Upon the arrest of two criminal associates, an alleged attempt was made to bribe police officers to secure the release of both individuals. The Office has seized assets worth over 1 billion Thai baht (approximately \$30 million) belonging to the suspect and his associates. The case is still pending before the courts.

In addition to accepting bribes not to fulfil their professional duties, another conduct which is seen to accompany this bribery is the direct involvement of public officials in the illegal wildlife trade. In February 2016 in Kenya, four police officers were arrested allegedly trying to sell five kilograms of ivory. In South Africa, there is an ongoing case in which police officers are alleged to have been senior members in a \$100 million plus poaching syndicate. This type of behaviour may be seen as a natural progression as the corruption becomes more entrenched and the corrupted officials begin to understand the profits to be gained from the underlying crime.

The second type of escalation that will occur as corruption becomes more extensive and profitable is that it will come to the attention of politicians and senior officials who will then either take steps to stop the corruption or alternatively to join the corrupt schemes. There are plenty of anecdotes suggesting that senior officials and politicians are facilitating wildlife crime, however, these

¹⁹ Environmental Investigation Agency, *Time for Action*, 2016. <https://eia-international.org/wp-content/uploads/EIA-Time-for-Action-FINAL-1.pdf>

anecdotes are generally not backed up by hard evidence. The more comprehensive investigative approach suggested later in this paper will help determine whether there is any truth in these stories.

One of the most credible of these anecdotes comes from Tanzania, where the former Minister for Natural Resources and Tourism, Khamis Kagasheki, in 2013 publicly identified four Members of Parliament whom he believed were involved in elephant poaching. He also alluded to high-level involvement, stating: “This business involves rich people and politicians who have formed a very sophisticated network.”²⁰ These allegations have never been fully investigated. These remarks were made as Minister Kagasheki resigned following the controversy linked to Operation Tokomeza, a multi-agency crackdown on the illegal ivory trade in Tanzania. There is much controversy around this operation, including widely accepted allegations of severe human rights abuses. Notwithstanding the problems with the operation, it is clear that it resulted in a huge increase in the amount of ivory seized and more than 200 alleged poachers and wildlife traffickers being charged. It is also clear that seizures and prosecutions declined after the closure of Operation Tokomeza²¹.

The longer the corruption persists, the more endemic and more organized it becomes. It may even be possible to obtain complete sets of export documents from a single official within governments. In a case that is currently before the courts, evidence has been provided suggesting that a West African public official provided a full set of documentation which described a highly endangered hardwood species as a common timber. The price for documentation for a full shipload of cargo was allegedly \$38,000.

Embezzlement of resources intended for wildlife management and prevention of the transport of wildlife products

The embezzlement or misuse of resources allocated to manage and protect wildlife will generally mean that the wildlife is left unprotected. Wildlife management agencies are particularly vulnerable to these types of corruption because their operations cover large geographic areas and often take place in remote areas. The types of corruption may include procurement fraud such the purchase of substandard equipment making it difficult for staff to fulfil their functions or the theft of revenues such as those collected at the gates to national parks. As corruption risk assessments begin to be undertaken by these agencies, systemic weaknesses in their internal control systems are being identified. In addition to the loss of resources caused by these abuses, they also help build a sense of impunity within agencies tasked with protecting wildlife and stopping the illegal trade in wildlife products that affects the overall integrity of the agency.

Corruption in the criminal justice system

Perhaps the most documented type of corruption impacting on the ability of countries to combat wildlife crime is the payment of bribes to actors in the criminal justice system to ensure that cases are not prosecuted. It appears that the preferred method is to bribe low court officials to lose or destroy court records. The reason for this is that the cost of the bribe is generally less and the risk of a clerical officer taking action against the offeror is perceived to be less than the risk of a judge,

²⁰ Environmental Investigation Agency, *Crime and Corruption behind Tanzania's Elephant Meltdown*, November 2014.

<https://eia-international.org/crime-corruption-behind-tanzanias-elephant-meltdown>

²¹ A second phase of Operation Tokomeza Majangili was announced in 2014, but has not had the same impact.

prosecutor or investigator taking action. In early 2016, a foreign national was arrested for wildlife crime in Gabon. One of this foreign national's compatriots offered the prosecutor a \$4,000 bribe in order to secure his release. Instead of taking the bribe, the prosecutor commenced what was ultimately a successful corruption case.

Current International Response

The nexus between corruption and wildlife crime is now clearly recognized on the global policy agenda. The adoption of the September 2016 resolution 'Prohibiting, preventing and countering corruption facilitating activities conducted by violation of the convention'²² by the 17th session of the CITES Conference of the Parties clearly highlights this. Increasingly, the conservation and anti-corruption communities are talking to each other. The Countering Conservation-related Corruption (3C) network founded in 2016 by a group of civil society organizations and international organizations provides a forum for these discussions.

The move from policy discussion to action on the ground has yet to become common. The analysis of the Global Wildlife Programme at the World Bank of the \$ 1.3 billion spent on fighting wildlife crime since 2010²³ reveals that, in terms of regions, sub-Saharan Africa was the largest recipient of support, with Tanzania and the Democratic Republic of Congo receiving most support. While the report identifies addressing corruption as a key issue, no programmes specifically aimed at addressing this corruption are identified. This is perhaps not surprising given that it was only in 2016 that corruption started to appear as a significant sub-component of broader initiatives to address wildlife crime.

Understanding who is responsible for paying the bribe, who is responsible for paying the costs of shipping wildlife products and who is receiving the profits is absolutely vital to dismantling the criminal gangs driving the wildlife trade and making it less profitable. In addition, building internal controls to prevent officials from taking bribes with impunity and/or looting resources that are meant to be used to protect wildlife is critical for any other prevention strategy to be effective.

In their analysis of progress made since the London Declaration in February 2014, the Environmental Investigation Agency (EIA) state "Although all 15 countries have legislation that criminalises corruption and have anti-corruption units or mechanisms, there are very few cases reported publicly in which corrupt officials associated with wildlife crime have been prosecuted. This is a huge failing as criminals are only able to smuggle large volumes of wildlife with government complicity"²⁴.

In undertaking their analysis, EIA primarily focused on the investigation and prosecution of corruption cases. The situation is similar in respect of corruption prevention, where very little has been done in practice. With support from UNODC and United States, Kenya Wildlife Service has undertaken a comprehensive corruption risk assessment and is currently implementing plans to

²² <https://cites.org/sites/default/files/eng/cop/17/WorkingDocs/E-CoP17-28.pdf>

²³ World Bank Group, *Analysis of International Funding to Tackle Illegal Wildlife Trade*, 2016. <https://openknowledge.worldbank.org/handle/10986/25340>

²⁴ Environmental Investigation Agency, *Time for Action*, 2016. <https://eia-international.org/wp-content/uploads/EIA-Time-for-Action-FINAL-1.pdf>

mitigate these corruption risks. With further support from the United States, UNODC has started rolling out similar corruption risk assessments in Botswana and Tanzania.

Civil society organizations Wildlife Direct and the Eagle Network have spearheaded work to identify and root out corruption that has prevented the conviction of criminals who have been apprehended for wildlife crimes.

At the present time, these initiatives are small scale and do not represent the full use of the tools provided by UNCAC and the domestic legislation that many countries are adopting.

The situation remains that seizures of illegally traded wildlife products continue to be made in transit and source countries and that there is significant anecdotal and limited case based information that corruption has occurred in the harvesting and transit of these products. The follow-up work to identify corrupt actors involved in the crimes leading to these seizures is still very limited. The seizure is either treated as a customs action or only the wildlife crime is investigated. The reasons given for this limited follow-up often include the lack of appropriate legislation, the lack of domestic or international cooperation or quite simply the lack of sufficient resources.

By way of a recent case example, in October 2016, approximately 1 tonne of ivory was seized in Viet Nam. This ivory was apparently destined for Cambodia and was concealed in a cargo of timber. The documented transit route of this cargo is from South Sudan, through Uganda into Kenya and then by sea from Mombasa to Viet Nam. At this stage no conclusions can be reached as to whether the movement of the cargo was facilitated by corruption. It was consigned from a South Sudanese entity to an Indian entity with the same name. Google searches conducted provided no results for either the South Sudanese or the Indian entity. In this case, in addition to investigating the simple crime of trafficking, the Kenyan authorities will seek assistance from all relevant jurisdictions to determine how this illegal cargo passed through Kenya undetected and whether any corruption occurred, and will seek to prosecute any related corruption. The reconstruction of money trails to identify who paid for the shipments of goods will also be undertaken.

In addition, the Kenyan authorities are using this case to begin the compilation of information to identify who has been involved in allowing the transit of illegal wildlife products together with a series of red flags that can be used to identify potentially illegal cargo sources.

The work to be done in this case starts pointing to the way forward.

Each time a cargo is seized or a suspect is arrested a significant volume of intelligence should be generated. This intelligence should be linked to both the physical movement of the cargo and the financial flows associated with the movement of the cargo.

This approach will succeed best if the private sector companies who transport the goods and inadvertently receive the proceeds of the illegal wildlife trade are brought in as partners by the government agencies trying to combat and prevent the corruption linked to wildlife crime. While there is increasing public/private partnership in combating the illegal wildlife trade, as in most other areas, the focus on the corruption that is enabling the crime is very recent.

Potential Future Responses

Building domestic and international frameworks

Addressing corruption linked to wildlife crime is a fast developing area of practice. While immediate action is required to address wildlife crime, there remains a need to concurrently undertake more research to broaden the current global understanding as to how this corruption is manifesting itself so as to be better able to detect, prevent and combat it.

As programmes to combat wildlife crime are developed, consideration should be given to the risk that corruption could hinder those programmes from achieving their objectives and, where appropriate, anti-corruption elements should be incorporated into these programmes.²⁵

Domestic legal frameworks need to be reviewed to ensure that corruption and corruption related money-laundering linked to all types of wildlife crime can be prosecuted, no matter where in the world the underlying wildlife crime occurred.

There is much work required to ensure effective domestic and international cooperation. Two separate sets of practitioners need to be brought together: those tasked with preventing and combating wildlife crime and those tasked with preventing and combating corruption. Wherever possible, it is suggested that the work of existing networks be expanded.

The vulnerability of governmental permits and licensing to corruption should continue to be addressed. There is ongoing work by the CITES secretariat to develop an electronic permit system. Efforts should be made to capitalize on the opportunities to detect and reduce corruption offered by this and similar systems.

This coordination will be most effective if underpinned by common principles and a common approach.

Corruption prevention

There can be no dispute that the very best result in respect of any crime is to stop it from happening in the first place. This is especially true in respect of wildlife crime and the corruption that fuels it given that the killing of wildlife cannot be undone.

The specific corruption risks within each institution within each country may differ but the basic principles by which they should be identified and addressed are consistent. The triple intent in undertaking this work is:

- To make it more difficult for criminal gangs to influence the operations of wildlife management agencies;
- To eliminate opportunities for embezzlement and misuse of funds intended for wildlife protection; and
- Embed long term skills to develop and manage internal controls within wildlife management agencies.

²⁵ See, for example, the *Anti-Corruption WORKS* advisory tool was developed by German GIZ to ensure corruption sensitive development programming. <https://www.giz.de/fachexpertise/downloads/giz2016-en-anti-corruption-works.pdf>

Similar risk management and internal control strategies should be developed for ports and customs authorities. To complement this work, a series of checklists to identify 'red flags' should be developed to make it easier to identify shipments where there is a high risk that corruption may have occurred. This in turn will make it easier to determine when there has been corruption rather than negligence in allowing a product to pass.

Investigation and prosecution

Commentators have repeatedly called for increased international cooperation using the tools provided by the United Nations Convention Against Corruption and United Nations Convention against Transnational Organized Crime. Each seizure of illegal wildlife products should be used as a global criminal intelligence gathering opportunity and a chance to strengthen structures for domestic and international cooperation. These efforts can be used to identify corruption and money-laundering and to bring to justice the more senior members of criminal networks involved in wildlife crime.

Ideally, each time a seizure is made that is large in volume, value or importance, a small task force comprising representatives of the countries involved (including countries where the product was moved and countries where money was moved) should be convened to investigate both the flows of funds and the potential corruption involved. Efforts should also be made to collect evidence in the possession of the private sector.

For these task forces to work well, it is of utmost importance that source, transit and destination countries all have, in addition to robust legal frameworks, the capacity to fully investigate corruption and corruption related money-laundering linked to wildlife crime. In some cases this capacity will need to be built with external support.