



Research Report

Enhancing the Detection, Investigation and Disruption of Illicit Financial Flows from Wildlife Crime

2017

This report is part of a research project conducted in partnership between the Asia/Pacific Group on Money Laundering and the United Nations Office on Drugs and Crime. The aim is to identify risks and vulnerabilities of money laundering related to wildlife crimes, and provide guidance and recommendations to enhance the financial aspect of wildlife crime investigations in the Asia-Pacific region.

This report is intended for use by law enforcement agencies, FIUs, the financial sector, and relevant civil society organisations.

Project Team

Mr. Chris Batt
UNODC AML/CFT Advisor - Mekong Region
Email: chris.batt@unodc.org

Ms. Jenny Feltham
UNODC Global Programme for Combating Wildlife and Forest Crime
Email: jenny.feltham@unodc.org

Mr. David Becker
APG Secretariat
Email: mail@apgml.org

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Abbreviations and Acronyms

AML	Anti-Money Laundering
APG	Asia/Pacific Group on Money Laundering
ARIN	Asset Recovery Inter-agency Network
CFT	Combating the Financing of Terrorism
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
GABAC	Task Force on Money Laundering in Central Africa
GIABA	Inter-Governmental Action Group against Money Laundering in West Africa
INTERPOL	International Criminal Police Organization
KYC	Know Your Customer
MLA	Mutual Legal Assistance
MLAT	Mutual Legal Assistance Treaty
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
NRA	National Risk Assessment
RUSI	Royal United Services Institute
TOC	Transnational organized crime
UNCAC	United Nations Convention against Corruption
UNEP	United Nations Environment Programme
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
WEN	Wildlife Enforcement Network

Executive Summary

Wildlife crime poses a serious threat to thousands of species of plants and animals, which in some cases are being pushed to the brink of extinction. It is a global issue affecting almost every jurisdiction, either as a source, transit or destination for illegal wildlife products.

In recent years wildlife crime has grown into a significant and specialised area of transnational organised crime, driven by high demand and facilitated by a lack of effective law enforcement and low prioritisation as a serious crime, weak legislation, and non-commensurate penalties. It is a highly lucrative illicit trade, with wildlife products commanding high prices on the illicit market, and global proceeds estimated to amount to between US\$7-23 billion annually.

It is well known that wildlife crime takes advantage of vulnerabilities in the legal supply chain, is enabled by corruption, fraud, and inadequate regulation, and frequently converges with other forms of serious criminality such as money laundering and counterfeiting. Some wildlife seizures can comprise multiple container loads of illegal wildlife, smuggled across long distances using complex routes and sophisticated modus operandi.

This research was initiated following the Asia/Pacific Group on Money Laundering (APG) Typologies and Capacity Building workshop which was held in Nepal in 2015, and the break-out session that focused on the financial flows from wildlife crime. From this event, it was clear that very little was known about how the proceeds from wildlife crime in the APG region moved, who was involved, how the trafficking in wildlife was financed, and what routes and methods these money movements followed.

The APG agreed to undertake a research project in partnership with UNODC, which involved a questionnaire circulated to jurisdictions to solicit data and information on financial flows from wildlife crime. The project aimed to support APG jurisdictions in combating wildlife crime and detecting, investigating and disrupting illicit financial flows, by developing recommendations and a good practices guideline on how to make better use of financial investigation, financial intelligence, and anti-money laundering techniques. However, as many jurisdictions beyond the APG region also contributed valuable information to the research; the findings, good practices, and recommendations of this report may also be of relevance to jurisdictions in other regions.

As the following findings show, the majority of jurisdictions are not moving fast enough to keep up with the crisis. There is a widespread lack of political will to fully prioritise and manage wildlife crime on par with the scale and urgency of the issue. The failure of many jurisdictions to recognise these crimes as transnational organised crimes and to employ the full range of law enforcement tools available - particularly financial investigations - is a short sightedness for which we are paying a heavy price. The impacts of wildlife crime are significant and far-reaching, from the extinction of iconic species, to the loss of livelihoods of local communities, and threats to sustainable development, good governance, rule of law, and national security. Genuine and concerted international action is essential before it is too late.

Principal findings

Of the 45 jurisdictions that responded to the survey, principal findings of the research included:

- 86% of jurisdictions reported that they are affected by wildlife crime; however, 71% of jurisdictions do not regard wildlife crime to be a significant money laundering threat in their jurisdiction.

- Only 26% of jurisdictions reported conducting any financial investigation into wildlife crimes, including financial investigations related to the predicate offence, asset forfeiture, or in pursuit of money laundering charges.
- Inadequate legal frameworks and institutional arrangements create challenges for jurisdictions to 'follow the money'.
- 79% of jurisdictions reported that they do not include the financial intelligence unit (FIU) in a multi-agency approach to combat wildlife crime.
- Of the wildlife crime cases reported in this study, only 11% were successfully prosecuted, only 7% received prison penalties, and only 1% resulted in serious prison penalties.
- Alternative offences are rarely used to pursue wildlife crimes; and money laundering offences in particular are noticeably absent. Only 1% of wildlife crime cases were reported to have involved money laundering investigation, charges or prosecutions.
- The majority of wildlife crime cases appear to start and end with the seizure of wildlife contraband, with only 11% of jurisdictions reporting that they have conducted further investigations into the wider criminal network beyond the poacher or courier.
- International cooperation amongst law enforcement agencies is not a common practice to combat wildlife trafficking.
- Asset forfeiture is under-utilised in wildlife crime cases.

Good practices

During the research, various aspects of good practice were identified in several jurisdictions, and are described in Annex 1 of this report (*see pages 38-42*). These included:

- Integrating multi-agency cooperation into national strategies to combat wildlife trafficking.
- Conducting routine and targeted screenings of shipments to enhance detection of wildlife crime.
- Including the FIU in multi-agency cooperation.
- Using informal networks such as FIU to FIU channels, Police to Police channels, asset recovery networks, etc. for international information sharing and as a precursor to formal Mutual Legal Assistance.
- Law enforcement authorities and civil society cooperating closely on information exchange to share knowledge and identify targets and patterns of behaviour.

Recommendations

Drawing on these findings, a number of recommendations can be made, including:

- Jurisdictions should enact national legislation that enables wildlife crime to be treated as serious and organised crime according to the United Nations Convention against Transnational Organized Crime (UNTOC).
- Penalties (both monetary and deprivation of liberty) should be comparable to those handed down for other serious crimes such as drug trafficking.
- Jurisdictions should conduct parallel financial investigations alongside those into transnational wildlife crimes.
- Jurisdictions should properly identify, assess and understand their money laundering and terrorist financing risks associated with wildlife crimes, and apply an appropriate risk-based approach to ensure that prevention measures are commensurate with wildlife crime risks.
- Jurisdictions should ensure that domestic legislation and procedures allow the use of alternative offences to pursue wildlife crimes, and enable wildlife crime to be considered a predicate offence for money laundering so that AML tools can be used.

- Jurisdictions should institute multi-agency cooperation as a common practice for combating wildlife crimes, involving police, customs, environmental authorities, FIUs, prosecutors, and other relevant agencies.
- As far as appropriate and feasible, practitioners (mentioned above) should use informal networks for international information sharing, and exchange of good practices should be common practice.

The full set of recommendations can be found on pages 34-36 of this report.

Background to the Project

Despite the increase in large seizures of protected wildlife species, parts and products across the world and the increased involvement of organised criminal groups, wildlife crime is often viewed as being outside of “mainstream crime” or as an “emerging crime” by Governments and the law enforcement community. Wildlife criminal cases very often start and end with the seizure, with limited investigation into the wider criminal network beyond the poacher or courier. Financial investigation and anti-money laundering techniques are rarely used in the fight against wildlife crime. As a result, there are major gaps in our understanding of the financial flows behind wildlife crime and inadequate measures are being undertaken to mitigate the risks of wildlife crime and associated money laundering.

Recognising this gap and the impact of wildlife crime within the region, the APG held a three-day breakout session on ‘Financial Flows from Wildlife Crime’ as part of the Typologies and Capacity Building Workshop which was held in Kathmandu, Nepal in November 2015. Participants included law enforcement officials, prosecutors, FIU staff, customs officers, wildlife experts, and representatives from the financial sector.

During the workshop, a range of shortcomings were identified, including:

- Several jurisdictions reported that wildlife crime was not a predicate offence for money laundering in their national legislation, and other important offences that could be used to combat wildlife crimes are often overlooked, such as tax fraud, corruption, bribery, etc.
- Wildlife crime is generally a low priority for law enforcement. There are many seizures of wildlife contraband, but limited further investigations are conducted, with no real financial investigations.
- FIUs have generally not been engaged in combating wildlife crime, apart from a few important exceptions.
- There is a lack of proactive intelligence partnerships comprising financial institutions, FIUs, AML regulators, and wildlife crime experts.
- There is a need to prioritise confiscation of the proceeds and instruments of wildlife crime, and thereby prevent the reinvestment of these resources in future wildlife crime activities.

Despite the benefit of having a number of wildlife crime case studies and presentations, few jurisdictions attending the workshop referred to the use of financial investigation in their cases. Although representatives from the banking sector expressed a clear willingness to do more to identify and disseminate financial intelligence associated with wildlife crime, they lack key indicators for transactions that might be wildlife crime specific. This has also been highlighted by others, such as the work of the Prince of Wales’ International Sustainability Unit¹.

Similarly, other research and work carried out at an operational level shows that law enforcement officials and those responsible for protecting borders from the smuggling of wildlife and criminal

¹ The Prince of Wales’ International Sustainability Unit brought together an Experts Group on Wildlife Crime and Money Laundering in 2014-2015, which was a policy effort to develop ways in which the global financial system can deter illicit financial flows from the illegal wildlife trade. The group produced a report which identified nine key actions that Governments and financial institutions can take in this regard. <http://www.pcfisu.org/illegal-wildlife-trade/>

proceeds are often unaware of the methods and techniques being used by criminals, and lack the skills and resources needed to conduct financial investigations.

The Eastern and Southern Africa Anti-Money Laundering Group's (ESAAMLG) study² on wildlife crime and associated money laundering concluded that "the ESAAMLG region is vulnerable to money laundering activities emanating from wildlife crimes"; yet "despite the case studies indicating a lucrative business with significant financial gains in trading wildlife products such as ivory, almost all ESAAMLG member jurisdictions could not provide details on financial flows such as methods and techniques used to fund poaching activities in cases investigated".

Subsequent research in the same region conducted by the Royal United Services Institute (RUSI)³ also found that "the application of financial investigation against wildlife trafficking, its perpetrators and facilitators remains an as-yet unexploited opportunity", and the use of financial investigation evidence has been almost entirely absent from prosecutions of wildlife crime cases.

It is clear that the concept of 'following the money' is yet to be adopted as common practice for wildlife crimes. Against this background, the APG agreed to undertake a research project in partnership with UNODC, to build on the work of ESAAMLG, RUSI and others, and to develop a good practices guideline on how to make better use of financial investigation, financial intelligence and anti-money laundering techniques to support jurisdictions in combating wildlife crime.

Objectives

The project aimed to examine the known characteristics of wildlife crime and its related illicit proceeds, in order to:

- **Identify the risks and vulnerabilities of money laundering in wildlife trafficking:** These are identified and discussed throughout the Findings section of this report (*pages 17-33*);
- **Encourage intelligence cooperation between civil society, financial institutions, and government agencies with anti-money laundering responsibilities:** The need for intelligence cooperation is discussed throughout the Findings section of the report, and specifically highlighted in several Recommendations (*pages 34-36*);
- **Identify guidance and indicators which could assist financial institutions and others to capture relevant data, and to identify and report suspicious activity associated with wildlife crime:** A section on Red Flag Indicators is included in Annex 2 of this report (*pages 43-44*);
- **Develop a good practices guideline to enhance the financial aspect of wildlife crime investigations in the Asia-Pacific region:** A collection of good practices implemented by various jurisdictions is included in Annex 1 of this report (*pages 38-42*). It is noted that these good practices are also relevant to other jurisdictions beyond the APG region.

² ESAAMLG Typologies Working Group, 'A Special Typologies Project Report on Poaching, Illegal Trade in Wildlife and Wildlife Products, and Associated Money Laundering in the ESAAMLG Region', 2016, p. 8

³ Keatinge, T., Haenlein, C., 2016, 'Follow the Money: How Financial Investigation Can Combat Poaching in Kenya', <http://europe.newsweek.com/following-money-how-financial-investigation-can-combat-poaching-kenya-476506?rm=eu>, accessed 13 December 2016.

Methodology

A questionnaire was developed⁴ and disseminated in July 2016, to solicit data and information on financial flows from wildlife crime in various jurisdictions worldwide. It was divided into four main sections:

- A. Introductory/General:** This section aimed to identify the relevance and prioritisation of wildlife crime for each jurisdiction, including wildlife crime case studies.
- B. Legal Frameworks:** This section aimed to identify some key aspects relating to the national regulatory frameworks that are in place to protect wildlife and pursue related violations.
- C. Wildlife Crime Detection and Investigation:** This section aimed to identify what practices are in place in various jurisdictions to detect and investigate wildlife crime.
- D. Financial Flows from Wildlife Crime:** This section aimed to identify what (if anything) is known about financial flows from wildlife crime in each jurisdiction, and how is each jurisdiction using anti-money laundering tools and techniques to address this crime type.

Through the APG and FATF, the questionnaire was circulated to the global AML/CFT network, and with the assistance of other partners including the European Union and GIABA, it was also distributed in Europe and parts of Africa.

A total of 45 jurisdictions responded and provided information and data for use in this project⁵. Figure 1 below indicates the number of jurisdictions per region that responded. It is noted that only 12 out of 41 APG jurisdictions (29%) responded to the questionnaire⁶, and there was also a general absence of Eastern, Southern and Central African jurisdictions. The low response rate may be indicative of a generally low prioritisation of the wildlife crime issue among many jurisdictions in these regions.

Figure 1: Breakdown of questionnaire responses by region

Asia-Pacific	Africa	Europe	Americas	Total
12	9	21	3	45

The FIU in each jurisdiction was the main focal point for receiving the questionnaire, but in the majority of cases, questionnaires were completed with input from additional agencies, including Customs and environmental authorities.

The information provided in the questionnaires was compiled and analysed, and supplemented with a desk review of relevant literature and published reports on wildlife crime and illicit financial flows⁷.

⁴ The full questionnaire is attached at Annex 4 of this report.

⁵ The full list of participant jurisdictions is included at Annex 3 of this report.

⁶ The full list of 41 APG member jurisdictions can be found at this link: <http://apgml.org/members-and-observers/members/default.aspx>

⁷ The full list of references used in this research is included at Annex 5 of this report.

Wildlife Crime in Context

Definition of Wildlife Crime

Although there is no universally accepted definition of wildlife crime, in this report “wildlife crime” is considered to be a subset of environmental crime, encompassing any criminal violation of a national or international law designed to protect wildlife. Therefore, the term “wildlife crime” in this report can refer to a range of acts such as poaching, illicit processing, transportation, import, export, sale, purchase, or possession of wild flora or fauna in contravention of national and international regulations. Wildlife crime activities can involve illegal products, illegal acts conducted in protected areas, and/or illegal practices that have a significant impact on the environment. Furthermore, while there are various interpretations of the types of species covered by the term “wildlife crime”, this report refers to wildlife crimes as those involving terrestrial fauna and flora species (non-timber forest products only, excluding timber), as distinct from illegal logging and fisheries crime.

The Scale of Wildlife Crime

Wildlife crime is a global issue, affecting all regions and almost every jurisdiction, either as a source, transit or destination for illegal wildlife products⁸. It is a highly lucrative illicit trade; and notwithstanding the challenges in accurately assessing the values involved, global proceeds from wildlife crime are estimated to amount to between US\$7-23 billion annually⁹.

In 2013 in the East Asia-Pacific region alone, wildlife crime was estimated to derive US\$2.5 billion per year in illicit proceeds¹⁰. The Asia-Pacific region is particularly affected by wildlife crime as many of the jurisdictions possess very high levels of biodiversity, while also having lax regulation and weak law enforcement controls to prevent illicit exploitation and trafficking. According to wildlife seizure data, the region is most strongly associated with wildlife crimes involving mammals (in Asia) and corals (in the Pacific)¹¹.

Whilst wildlife crime occurs across the world and is a significant threat to thousands of species, some species and regions are more affected than others. For example, although rhino poaching has increased dramatically across all rhino range states over the past 10 years in response to the sharp growth in demand for rhino horn, South Africa has borne the brunt of the rhino poaching crisis. Rhino horn is known to command tens of thousands of dollars for whole horns on the black market in some Asian jurisdictions. However, it is also important to note that it is difficult to reliably assess the black market figures due to their illegal nature, and the variation and constant fluctuation in values between markets in different jurisdictions. The high prices appear to be connected with the conspicuous consumption of rhino horn as a status symbol, and particularly for carved products such as jewellery and décor items¹².

⁸ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, pp. 13-14

⁹ Nellemann, Henriksen, Raxter, Ash, Mrema, (Eds). 2014. *The Environmental Crime Crisis*, United Nations Environment Programme, p. 23

¹⁰ UNODC, *Transnational Organized Crime Threat Assessment – East Asia and the Pacific*, 2013

¹¹ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, p. 14

¹² UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, p. 70

Similarly, African elephant populations declined by 30% between 2007 and 2014, with more than 100,000 African elephants killed during this period¹³. Most of the ivory trafficked from Africa departs by sea in mass shipments of raw tusks, and is then trafficked via complex routes, often transiting several jurisdictions, to destination markets largely in Asia.

The pangolin has gained the unfortunate distinction of being the most trafficked mammal on earth, with more than one million individuals believed to have been taken from the wild in the last 10 years, representing an estimated 80% decline in wild populations¹⁴. Pangolin skins are used in exotic leather trade, their scales used in traditional medicine, and their meat consumed as a luxury food. As Asian species of pangolin are approaching extinction, traffickers have started to trade in African species. The surge in seizures of African pangolin scales within East Asia prompted the 17th Conference of the Parties of CITES to grant the highest degree of protection to all Asian and African species of pangolin¹⁵. As with other frequently trafficked species, due to rising demand and increasing rarity in the wild, prices for pangolin scales and meat have more than doubled in some illegal markets within a 5-6 year period.¹⁶

Wildlife Trade Supply Chain

Research has shown that the illegal wildlife trade supply chain is complex and diverse, and wildlife traffickers appear to specialise and trade in particular commodities where they know their buyers well¹⁷. Typically, animal parts and products are either illegally shipped or transported by air from source jurisdictions to destination jurisdictions, commonly via indirect routes to avoid detection, and often concealed in legitimate cargo¹⁸.

Case studies 1 and 2 demonstrate the challenges facing law enforcement authorities in detecting wildlife smuggling, where the level of sophistication of concealment methods is increasingly on par with those normally associated with drug smuggling. However, these challenges are amplified as typically many jurisdictions allocate fewer resources to the detection and investigation of wildlife trafficking compared to drug trafficking.

While some illegally traded forms of wildlife such as rhino horn feed primarily into illegal retail markets, other products such as reptile skins could be illegally acquired, but then mostly sold through legal outlets. By introducing illegal products to legal markets, traffickers have access to a much broader pool of potential buyers¹⁹.

¹³ Great Elephant Census, 2016, <http://www.greatelephantcensus.com/final-report>, accessed 15 November 2016

¹⁴ IUCN Red List, 2016, *Saving the world's most illegally traded wild mammal*, <http://www.iucnredlist.org/news/saving-the-worlds-most-illegally-traded-wild-mammal>, accessed November 2016

¹⁵ CITES COP 17, https://cites.org/sites/default/files/eng/cop/17/CITES_CoP17_DECISIONS.pdf, with reference to item numbers 9-12

¹⁶ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, p. 68

¹⁷ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, p. 16

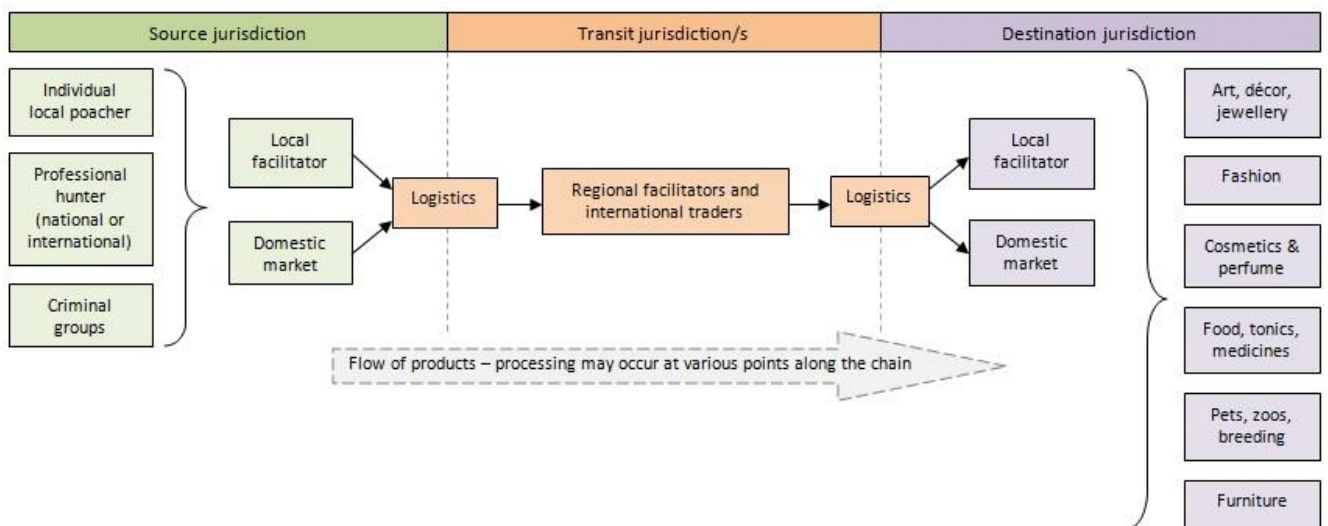
¹⁸ UNODC, *Environmental Crime: The Trafficking of Wildlife and Timber*, 2012, http://www.unodc.org/documents/sustainable-livelihoods/TOC_Environment_FactSheet_UNODC2012.pdf

¹⁹ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, p. 17

As displayed in Figure 2, the generic wildlife crime supply chain involves a significant number of actors across the various phases of source, transportation, processing and sale; including poachers, intermediaries to facilitate the local and international smuggling (by use of shell companies, corruption of authorities, etc.), couriers, logistics specialists, traders and wholesalers²⁰.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the main international instrument on this issue, providing a framework to protect and regulate international trade in certain species. It accords varying degrees of protection to more than 36,000 species of animals and plants, to safeguard them from over-exploitation. Although it does not define wildlife crime as such, it strongly influences national legislation on wildlife crime, and provides a means for cooperation against trafficking²¹.

Figure 2: Generic flow of the illegal wildlife trade supply chain²²



²⁰ INTERPOL-UN Environment, 2016, *Strategic Report: Environment, Peace and Security – A Convergence of Threats*, p. 40

²¹ See the CITES website for more information: <https://cites.org/eng/disc/what.php>

²² Adapted from WWF/Dalberg, 2012, *Fighting Illicit Wildlife Trafficking: A Consultation with Governments*, p.

Case Study 1: Increasingly sophisticated concealment methods used in wildlife smuggling cases

Viet Nam: Customs officers at Cat Lai Sea Port in Ho Chi Minh City, Viet Nam, made a series of six major seizures of smuggled wildlife products in October and November 2016, including a total of almost 5 tonnes of ivory and 277kg of pangolin scales. The authorities conducted physical inspections of a series of timber shipments from Mozambique, which revealed the ivory tusks hidden inside hollowed-out blocks of timber, which were sealed with plaster and nailed together. According to initial investigations, these timber shipments were in transit for re-export to Cambodia, and the bill of lading showed the African consignor and a Cambodian enterprise as consignee. The ivory tusks amongst these shipments allegedly originated from Nigeria and Kenya.

Source: <http://customsnews.vn/customs-detected-the-6th-ivory-smuggling-case-through-cat-lai-port-1878.html>

Case Study 2: Increasingly sophisticated concealment methods used in wildlife smuggling cases

Viet Nam: A previous series of notable wildlife seizures in Viet Nam occurred in August 2015, when Customs authorities at Tien Sa Sea Port in Da Nang, Viet Nam, seized three shipments of more than three tonnes of ivory, 142kg of rhino horn, and four tonnes of pangolin scales. One shipment was declared as marble, but when officers searched the container they found the ivory and rhino horn secreted into plaster and made to look like marble. A second shipment of ivory was found concealed inside timber logs, and a third shipment was found hidden among sacks of red beans.

Source: <http://www.maritime-executive.com/article/da-nang-is-new-conduit-for-ivory-trafficking>

Vulnerabilities of the Legal Wildlife Supply Chain

Certain markets are more vulnerable to the infiltration of illegally sourced or trafficked wildlife than others. The most vulnerable points occur where²³:

- There is no international regulation: If the species involved are not CITES-listed, then illegally sourced wildlife products can be freely traded internationally once they have departed their jurisdiction of origin.
- Uncontrolled wild sourcing: If harvest controls are weak in the source jurisdiction, then illegally acquired wildlife may be introduced into the legal supply chain before export.
- Farm laundering: Captive breeding or wildlife farming operations can be used to launder illegally-caught wild animals.
- Use of fraudulent paperwork: As with some other commodities, the main proof of wildlife legality relies on a system of permits and paperwork. Fraudulent paperwork can transform wildlife contraband into seemingly legitimate merchandise, enabling it to be openly traded and evade interdiction. There are many schemes that criminals use to create fraudulent wildlife paperwork, including false declarations of captive breeding, purchasing paperwork from corrupt officials, forging paperwork, re-using or altering old permits, etc.

²³ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, pp. 16-19

Wildlife Crime is Serious Crime

Wildlife crime can no longer be seen purely as a conservation issue, as its adverse impacts are also threatening sustainable development, good governance, rule of law, and national security²⁴.

Transnational organised crime is found wherever money can be made from illicit dealings, and well-organised criminal groups have turned illegal exploitation of wildlife into a professional business with lucrative revenues²⁵. As profit-driven entities, criminal groups exploit gaps in legislation, law enforcement and the criminal justice system; and the generally weak legislation and inadequate law enforcement in wildlife protection across many jurisdictions has enabled wildlife criminal groups to flourish^{26,27}. The apparent high-profit, low-risk profile of wildlife crime has led to its rapid transformation into a serious, multi-layered international crime.

The transnational nature of wildlife crime, and particularly wildlife trafficking, means that these crimes often involve breaches of quarantine, customs and tax laws. The sheer volume of some shipments, and the complexity of shipping routes and concealment methods show that the criminal groups involved are very well organised and easily contravene domestic laws and international conventions set up to deal with organised crime.

The very high prices that products like ivory, rhino horn and others command in the black market also denote the existence of significant financial flows associated with wildlife crime, and therefore elements of serious financial crime, particularly money laundering.

Forgery, fraud, and corruption remain major facilitators of wildlife crime, enabling smugglers to subvert the regulatory systems and move shipments of wildlife products across borders. For example, from elephant surveys, seizure records, and particularly from DNA evidence, it appears that the majority of the world's illicit ivory supply comes from a few publically managed reserves located in jurisdictions of relative peace, such as Tanzania. This underscores the important role that corruption plays in facilitating elephant poaching and ivory trafficking²⁸.

It is in this context that wildlife crime poses a significant threat to state integrity, governance and human security, as concluded in a recent RUSI analysis of security threats stemming from wildlife poaching and trafficking in Africa:

“As criminals undertake these activities, the networks they form and the endemic corruption they engender progressively penetrate the state – the start of a slippery slope towards the hollowing of national institutions. Governments that lack the capacity to counter such penetration, or that submit to it, risk morphing into

²⁴ INTERPOL-UN Environment, 2016, *Strategic Report: Environment, Peace and Security – A Convergence of Threats*, p. 58

²⁵ UNODC, *Environmental Crime: The Trafficking of Wildlife and Timber*, 2012, http://www.unodc.org/documents/sustainable-livelihoods/TOC_Environment_FactSheet_UNODC2012.pdf

²⁶ INTERPOL-UN Environment, 2016, *Strategic Report: Environment, Peace and Security – A Convergence of Threats*, p. 40;

²⁷ RUSI, 2016, *Poaching, Wildlife Trafficking, and Security in Africa: Myths and Realities*, pp. 84-85

²⁸ UNODC, *World Wildlife Crime Report: Trafficking in Protected Species*, 2016, pp. 43-44

criminalised or ‘captured’ states. In these states, development is held back, governance is undermined, and public trust in institutions is broken down.”²⁹

There have been frequent assertions that wildlife crime is funding some non-state armed groups, such as ivory poaching and trafficking providing income to militia groups in certain African jurisdictions. A recent GABAC study on terrorism financing in the Central African region included a case from Chad where a group of poachers and several listed members of the Lord’s Resistance Army (LRA) were arrested in possession of elephant tusks. The same study also reported that investigations by Central African security forces have found some further evidence of links that ivory trade is contributing some financing to the LRA³⁰. However, several other studies have found that the evidence of any significant, direct links between wildlife crime and conflict or terrorist actors is limited, and that any involvement is likely to be opportunistic or exceptional rather than indicative of a trend^{31,32}.

²⁹ RUSI, 2016, *Poaching, Wildlife Trafficking, and Security in Africa: Myths and Realities*, p. 106

³⁰ GABAC, 2017, *The Financing of Terrorism in Central Africa*, pp. 46-48

³¹ RUSI, 2015, *An Illusion of Complicity: Terrorism and the Illegal Ivory Trade in East Africa*, p. 22

³² RUSI, 2016, *Poaching, Wildlife Trafficking, and Security in Africa: Myths and Realities*, pp. 105-106

Findings

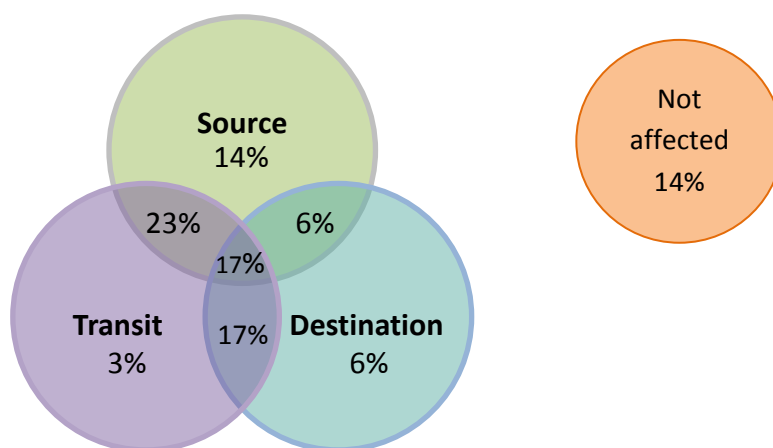
Due to the limited number of responses received, the imbalance in the geographic regions represented (European jurisdictions made up almost half of the respondents), and variation in the level of detail in the information provided by various jurisdictions, it must be noted that the following results provide an initial but incomplete representation of efforts being undertaken to detect, investigate and disrupt illicit financial flows from wildlife crime.

However, these findings do broadly align with those of other similar studies including ESAAMLG and RUSI, and also with recommendations of relevant CITES resolutions and assessments. They also nonetheless provide a basis from which examples of good practice, preliminary red flag indicators, and recommendations for action and further research can be drawn.

Finding 1: Most jurisdictions are affected by wildlife crime

Of the 45 jurisdictions that responded to the questionnaire, 86% reported that their jurisdiction is affected by wildlife crime - either as a source, transit, or destination location for illegal wildlife products. Notably, 17% of jurisdictions reported that they were affected by all three major phases of the wildlife crime supply chain, demonstrating that the supply chain phases are not mutually exclusive, and indicating that there is wide diversity in the locations where wildlife products are sourced, transshipped and consumed. This finding mirrors that of the UNODC's World Wildlife Crime Report, which showed that wildlife crime affects all regions and almost all jurisdictions.

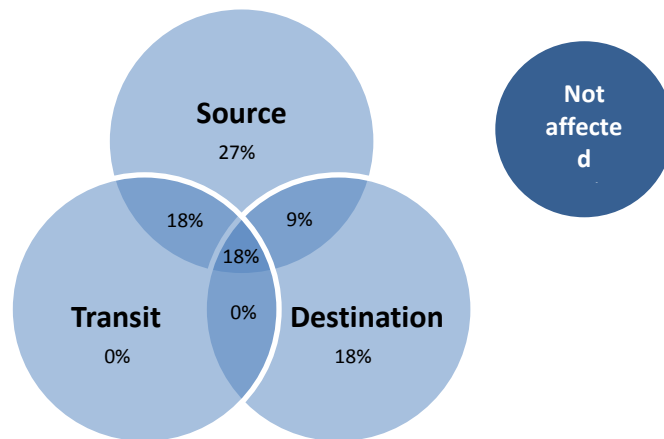
Figure 3: Breakdown of how jurisdictions reported being affected by wildlife crime



As shown in Figure 4, within the Asia-Pacific region more specifically, jurisdictions reported themselves to be affected mostly as source and destination locations for illegal wildlife products, with the largest group being as source only (27%). However, this result is likely to be somewhat skewed by the lack of Southeast Asian jurisdictions represented in this study, many of which are known from seizure data to be high-risk transit locations³³.

³³ C4ADS (Miller, Vira, Utermohlen), 2015, *Species of Crime: Typologies and Risk Metrics for Wildlife Trafficking*, p. 9 – From seizure data, transit jurisdictions that have been identified as being 'high risk' for wildlife trafficking include Malaysia, Singapore, Sri Lanka, and Viet Nam. Additional key transit jurisdictions identified include Cambodia, Lao PDR, the Philippines, and Indonesia.

Figure 4: Breakdown of how Asia-Pacific jurisdictions reported being affected by wildlife crime



Information and data from 432 wildlife crime cases was reported in the study, contributed by 19 jurisdictions from 2005 to the present date (98% of cases were from 2012 to the present date). These cases involved a wide variety of wildlife species, and an overview of these is as follows:

- 96 cases (22%) involved reptiles such as turtles, tortoises, snakes, lizards, crocodiles, and alligators, and often in significant quantities. For example, one case from Senegal involved 2600 skins from various snake and lizard species; one case in Comoros involved 1014 live radiated tortoises; and a case in India involved 5000 live Indian soft shell turtles.
- A total of 25 cases involving elephant ivory were reported, including raw ivory tusks as well as carved ivory products. Many of these cases involved seizures of hundreds of carved ivory products, such as a case in Senegal involving 451 ivory bracelets. Among the largest cases reported was a shipment of 110kg of raw ivory discovered by Australian customs in an examination of air cargo on a flight from Malawi, and destined for Malaysia; and a seizure of almost 488kg of raw ivory discovered by police in New Delhi, India, which was uncovered as a result of further investigation into an elephant poaching case in Kerala, India. No jurisdictions in this study reported seizures of large shipments of raw ivory (>500kg).
- A total of 25 cases involved rhino horn, including real horn, fake horn, powdered horn, and other rhino parts (skin and hoofs). Rhino horn cases generally involved small quantities, typically between 1 to 6 horns. Eight jurisdictions reported rhino horn cases, representing all geographic regions: Australia, India, Ireland, Liberia, Mali, Nepal, Sweden, and United States.
- 41 cases involved birds of various species: 14 of which were eggs, 21 involved live birds, and the remaining cases involved dead birds or other bird parts. Some cases involved significant quantities of products, such as one case reported by Sweden involving 16,000 bird eggs.
- Locations of seizures: Where jurisdictions specified the type of location of the seizure, it was found that 70 cases were seized at international airports; 37 cases seized at land border crossings or checkpoints; 23 cases were detected at post offices and international mailing centres; 30 cases were detected at ports, shipping container freight stations, or other marine-related area; and 202 cases were detected during the regular inspections, patrols and routine surveillance of law enforcement agencies.

Finding 2: Wildlife crime is not widely considered to be a money laundering threat

As discussed in the previous section on Wildlife Crime in Context, the number of wildlife crime incidents is increasing across the world and there are considerable profits involved in wildlife trafficking, particularly at the high-value consumer end of the supply chain. This suggests that for jurisdictions that are heavily affected by wildlife crime, especially those that are end destinations, wildlife crime could present a significant money laundering risk. This money laundering risk should be assessed and adequate measures applied to ensure that the risk is mitigated, according to FATF Recommendation 1.³⁴

However, as displayed in Figures 5 and 6, only 35% of respondents reported that wildlife crime is recognised as a money laundering risk in their National AML/CFT Risk Assessment; and 71% of respondents do not regard wildlife crime to be a key money laundering threat in their jurisdiction³⁵.

These responses indicate that wildlife crime could potentially be under-estimated or overlooked by some jurisdictions in their NRA, which presents some serious concerns that it may therefore be insufficiently addressed and mitigated as a money laundering threat.

Figure 5: Is wildlife crime recognized as a risk in your national AML/CFT risk assessment?

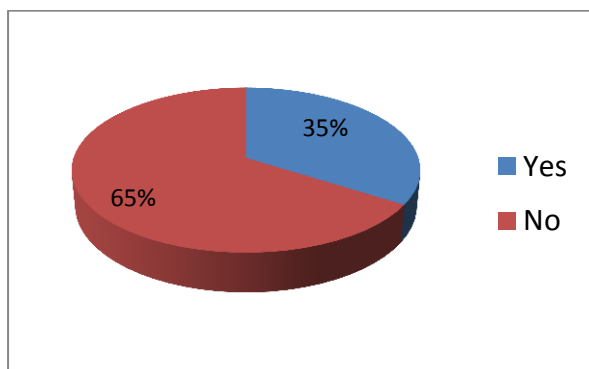
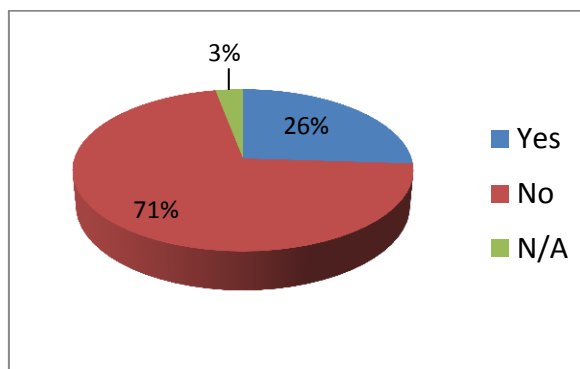


Figure 6: Is wildlife crime considered to be a key money laundering threat in your jurisdiction?



³⁴ FATF Recommendation 1 states that “Countries should identify, assess and understand the money laundering and terrorist financing risks for the country, and should take action...to assess risks, and apply resources, aimed at ensuring the risks are mitigated effectively.”

³⁵ Regarding the N/A response in Figure 6 – this refers to a jurisdiction which reported that its national threat assessment for money laundering is based on the risks posed by money laundering channels and methodologies, rather than predicate crimes, and therefore does not distinguish the source of the proceeds of crime. This jurisdiction nonetheless noted that environmental crime (including wildlife crime) is recognised as a risk in its national organised crime threat assessment of this jurisdiction.

Finding 3: Insufficient financial investigations are conducted for wildlife crimes

The financial aspects of wildlife crime may present themselves in at least two distinct ways³⁶:

- Wildlife crimes are driven by financial gain. In addition to the initial investment necessary to commit the offence, the ongoing management of the proceeds of the crime and the laundering and movement of the profits are essential parts of wildlife offences.
- If wildlife offences are conducted regularly, they can become a lifestyle crime. Lifestyle pursuits such as travel, luxury items (for example cars, jewellery), and leisure activities (for example, restaurants and casinos), all require means and methods of purchase³⁷.

As demonstrated in Case Study 3, the investigation of financial transactions and the analysis of the results can provide important information that can be used to ensure that the operation progresses efficiently. Financial investigation techniques can substantially enhance wildlife crime investigations by:

- Providing additional information that can be the basis for the allocation of surveillance resources, and can often help to identify other members of the criminal network;
- Identifying the profit from wildlife crimes, allowing seizure and confiscation of the criminal proceeds and related assets; and
- Providing additional evidence to support the predicate wildlife offence.

However, only 26% of jurisdictions reported conducting financial investigations for wildlife crime cases³⁸, such as asking financial questions in the interview of suspects, analysis of shipping cost payments, travel costs, enquiries with FIUs, financial institutions, customs, asset recovery networks, etc.

Due to the clear lack of financial investigations carried out in wildlife crime cases, there was very little known about payment methods that are being used to transmit money along the trafficking chain. Where information did exist, this included cash and bulk currency smuggling via cash couriers, informal systems such as hawala or hundi systems, payments made via Western Union, prepaid cards and store value cards, and Crypto currencies such as Bitcoin.

Unfortunately no additional specific or detailed information on payment methods was received in the study, and attempts to follow up with jurisdictions that did share the above-mentioned basic information were not fruitful.

³⁶ UNODC, 2013, *ICCWC Wildlife and Forest Crime Analytic Toolkit*, p. 98

³⁷ For example, reports have been published on signs of wealth appearing in the poor Massingir district of Mozambique within the last few years, such as large houses and expensive cars, with anecdotal evidence that these are financed through rhino poaching in the adjacent Kruger National Park in South Africa: <http://oxpeckers.org/2017/03/mozambiques-poaching-castles-crumbling/>

³⁸ The questionnaire asked jurisdictions to share examples of recent wildlife crime cases. It then asked whether any financial investigation had been carried out as part of those cases – of which 26% of respondents answered ‘yes’. Some respondents also provided examples.

Case Study 3: Financial investigation unveils wildlife and timber smuggling network in Thailand

Thailand: Mr. K and his wife were initially arrested carrying 4.7 million Thai Baht in cash (approximately US\$134,000) on a trip to allegedly buy rosewood in the Khao Yai forest area of Korat, north-east from Bangkok.

Meanwhile, Mr. K's sister, Ms. D, was the owner of the Star Tiger Zoo in the Chaiyaphum province in north-eastern Thailand. Due to the remote and non-touristic location of the zoo, the counter-wildlife trafficking NGO Freeland had suspected links between the zoo and tiger trafficking from Malaysia and Thailand into Viet Nam via Lao PDR.

Based on these suspicions and Mr. K's arrest, the Thai Anti-Money Laundering Office (AMLO) opened a financial investigation of the zoo's operations and Mr. K. AMLO sought assistance from Viet Nam's FIU to help in unveiling Mr. K's complex network of businesses, Vietnamese associates, and multi-jurisdictional money transfers.

It transpired that Mr. K had a significant network to smuggle protected Thai Rosewood into China, as well as other networks involved in smuggling elephant ivory and live pangolins. Authorities also discovered that the Star Tiger Zoo was used as a front for the smuggling and money laundering. It was estimated that Mr. K's network laundered as much as US\$35 million between 2011 and 2014 using different methodologies such as investing in a car dealership business, a zoo and resort, land, jewellery, etc.

AMLO seized a significant quantity of Mr. K's assets including women's luxury watches, 29 cars that were at the car dealership, and approximately 6 million THB in cash (approximately US\$171,000). AMLO also seized 24 plots of land owned by members of Mr. K's smuggling ring. They seized the Star Tiger Zoo and appointed an expert to manage the zoo's pending forfeiture.

Mr. K and his wife were charged with conspiracy to illegal logging and trafficking of Siamese rosewood, attempting to bribe officials, and money laundering; while Ms. D was charged with money laundering.

Finding 4: Inadequate legal frameworks and institutional arrangements create challenges for jurisdictions to “follow the money”

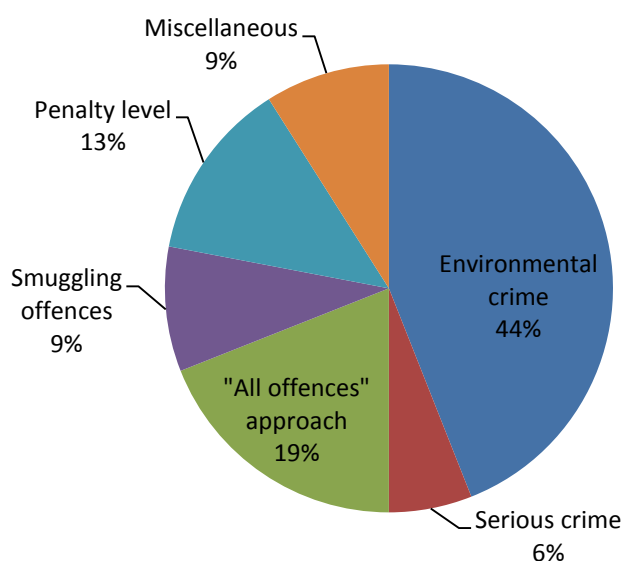
Wildlife crime can generate vast amounts of profit that need to be laundered to disguise their illegal origin. It is not disputed that wildlife and forest crime is linked to money laundering and to the avoidance of currency control and other financial regulations. However, as discussed at Finding 3 of this section, there are insufficient financial investigations conducted, and few attempts by jurisdictions to “follow the money” trail. This study identified a number of aspects relating to legal frameworks and institutional arrangements that clearly create challenges for jurisdictions to “follow the money” in wildlife crime cases.

Legal frameworks: Although most jurisdictions now have laws against money laundering that directly or indirectly criminalise the transferring, receiving, concealing and possession of proceeds of a crime; in some jurisdictions these laws are not well developed, and are overlooked as a tool to prevent and suppress wildlife crime. For example, 22% of jurisdictions reported that wildlife crime is not a predicate offence for money laundering in their national legislation. This is a significant

shortcoming in the legal frameworks of those jurisdictions that prevents the application of the AML system to wildlife crimes.³⁹

Where wildlife crime is regarded as a predicate to money laundering, jurisdictions reported a variety of approaches to this as illustrated in Figure 7 below. For example, almost half of the respondents (44%) reported that it was classified as an environmental crime within a defined list of predicate offences, 9% of jurisdictions could classify it as a smuggling offence, and 6% of jurisdictions could classify it as a serious crime. In 19% of responding jurisdictions, the domestic legislation enables all offences to be considered predicate offences; while in 13% of jurisdictions, any crime punishable with a certain penalty level (such as one year or more in prison) could be considered to be a predicate offence. The remaining 9% reported taking some other approach.

Figure 7: How jurisdictions determine wildlife crime as a predicate offence

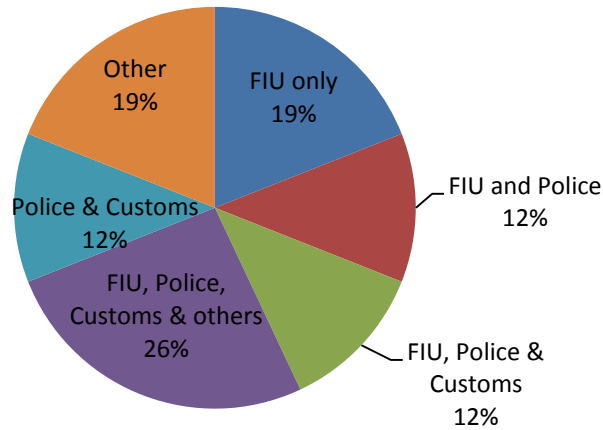


Institutional arrangements and practices: In terms of institutional arrangements, the majority of respondents reported that more than one agency in its jurisdiction had the mandate and capability to conduct financial investigations. This is a positive finding, indicating a reasonably wide competence for financial investigations. Figure 8 below depicts the agencies in each jurisdiction that have financial investigation capability.

However, only 16% of jurisdictions reported that the FIU or relevant financial investigation authority was consulted or involved in the investigation of the wildlife crime cases reported, which also aligns with Finding 5 that FIUs are rarely included in the multi-agency approach for investigating wildlife crimes, and the scant evidence available to indicate that financial investigations for wildlife crimes are routinely taking place.

³⁹ CITES Resolution Conf. 11.3 on *Compliance and Enforcement* was revised at the CITES COP17 meeting in September 2016, and provision 13 (e) also recommends that all CITES parties review and amend national legislation to ensure that all offences connected to the illegal wildlife trade are treated as predicate offences for money laundering: <https://cites.org/sites/default/files/document/E-Res-11-03-R17A.pdf>

Figure 8: Agencies in each jurisdiction that have financial investigation capacity



MOUs: A supplementary issue regarding institutional arrangements is that in some cases there is a lack of MOUs between the FIU and other law enforcement agencies. Thirty-five percent of respondents reported that they did not have such MOUs in place, which is likely to create challenges for these jurisdictions to mobilise effective multi-agency cooperation between the FIU and other agencies. Although MOUs are not legally binding, they do carry a degree of seriousness and mutual obligation, and are very useful tools to formalise cooperation and partnership agreements between signatory agencies.

Systems to detect suspicious transactions: Financial institutions are required to exercise care in the conduct of financial transactions, and to report suspicious transactions to the FIU and/or another designated government agency. While there are certain practices that financial institutions should be undertaking to verify their customers’ identity, keep accurate records, and conduct due diligence, in the jurisdictions that responded there are currently no specific systems in place to detect suspicious financial activity associated with wildlife crime⁴⁰. Sixty-two percent of respondents identified this as a barrier. Again, the lack of financial investigations conducted for wildlife crimes means that very little is known about patterns of behaviour relating to the financial flows, particular scenarios to be aware of, or indicators to help identify suspicious transactions.

When considered together, these findings suggest that there is a variety of challenges involving inadequate legal frameworks, institutional arrangements and practices, which may be hindering many jurisdictions’ ability to “follow the money” in wildlife investigations.

⁴⁰ To address this issue, a preliminary set of general red flag indicators has been identified to assist financial institutions to detect suspicious transactions that may be associated with wildlife crime. Please refer to Annex 2 of this report for further details.

Finding 5: FIUs are rarely included in a multi-agency approach for wildlife crimes

Wildlife crime is a cross-cutting crime type that often converges with fraud, corruption, tax evasion, customs breaches, money laundering, and/or other financial crimes, multi-agency cooperation is an essential approach to enable an effective response to wildlife crimes at the domestic level, and should be a common practice. Good multi-agency cooperation should involve all actors of the criminal justice system including police, customs, prosecutors, and judicial authorities, as well as FIUs and financial regulators, anti-corruption authorities, environmental authorities, and relevant civil society entities such as specialist wildlife crime NGOs.

A very positive finding in the research was that 88% of jurisdictions reported that multi-agency cooperation for wildlife crime cases was a common practice. Jurisdictions also provided various examples of cooperation models and mechanisms that are in place, such as:

- National strategies for combating wildlife trafficking that set the framework for a multi-agency approach;
- Dedicated multi-agency wildlife crime units, in which officers from each of the relevant authorities are embedded;
- Inter-agency MOUs and service agreements between responsible agencies;
- Wildlife Enforcement Networks (WENs), joint task forces, joint investigations, and joint anti-poaching patrols.

However, effective multi-agency cooperation can be difficult to implement in practice, particularly to the extent of sharing information and intelligence between agencies. While the findings of the research are very positive in this regard, it must be acknowledged that they may not necessarily be an accurate reflection of practices on the ground.

Many jurisdictions also identified challenges and barriers that can prevent multi-agency cooperation, particularly inefficient networks and lines of communication between agencies, conflict of interest or differing priorities between responsible agencies, and corruption.

A significant gap that emerged regarding cooperation was that even in those jurisdictions that do take a multi-agency approach; only 21% reported that it included their FIU. This finding indicates that unlike other serious crime types, FIUs are rarely engaged in wildlife crime investigations. These investigations are therefore generally lacking the specialised information and intelligence that FIU analysis can produce to help map criminal networks and trace assets.⁴¹ This finding identifies a gap that helps to explain why so few financial investigations are carried out for wildlife crimes; and the lack of FIU involvement may be both causing and reflecting a lack of focus on the financial aspects of wildlife crime.⁴²

⁴¹ CITES Resolution Conf. 11.3 on *Compliance and Enforcement* was revised at the CITES COP17 meeting in September 2016, and provision 13 (f) also recommends that all CITES parties bring wildlife trade and money laundering expertise together, including financial intelligence units, for more effective prosecutions of these crimes: <https://cites.org/sites/default/files/document/E-Res-11-03-R17A.pdf>

⁴² Refer to Finding 3 for further results and discussion on this aspect.

Case Study 4: Successful multi-agency cooperation is bringing down rhino horn and ivory smuggling syndicates

United States: The following case was part of Operation Crash – a large-scale, multi-agency enforcement initiative targeting rhino horn and elephant ivory smuggling syndicates, which is led by U.S. Fish and Wildlife Service, and U.S. Department of Justice.

On June 24, 2014, Ning Qiu, an appraiser of Asian art, pleaded guilty to participating in an illegal wildlife smuggling conspiracy in which rhino horns and objects made from rhino horn and elephant ivory worth nearly US\$1 million were smuggled from the United States to China.

The defendant admitted to being one of three antique dealers in the United States paid by Zhifei Li, the admitted “boss” of the conspiracy, to help obtain wildlife items and smuggle them to Li via Hong Kong. Li played a leadership role in the conspiracy by arranging the financing to pay for the wildlife, purchasing and negotiating the price, directing how to smuggle the items out of the United States, and obtaining the assistance of additional collaborators in Hong Kong to receive the smuggled goods and then smuggle them into mainland China.

Upon purchasing the items, Li transferred funds directly into Qiu’s bank accounts in the US and in China. After acquiring the items for Li, Qiu arranged for them to be smuggled to a location in Hong Kong, which was provided by Li. Between 2009 and 2013, the defendant purchased and smuggled into Hong Kong at least five raw rhinoceros horns weighing approximately 20 pounds. Qiu smuggled the raw rhino horns by wrapping them in duct tape and hiding them in porcelain vases. Customs and shipping documents were falsified by labelling the contents as vases or handicrafts.

Finding 6: Very few wildlife crime cases result in serious penalties

Nearly all transnational wildlife crime meets the definition of organised crime, as set by the United Nations Convention against Transnational Organized Crime (UNTOC)⁴³. UNTOC also defines serious crimes as those offences punishable with four years or more in prison. As discussed in the Wildlife Crime in Context section of this report, the nature of wildlife crime is often transnational, serious, and organised; and also frequently involves elements of other serious crimes such as breaches of quarantine, customs and tax laws, financial crime, corruption, fraud, counterfeiting, etc. As such, it is important that domestic legislation criminalises wildlife crime, and proportionate and dissuasive sanctions which meet UNTOC requirements for serious crime are applied to convicted persons.

However, the domestic legislation in only 67% of the jurisdictions that participated in the study has maximum penalties for wildlife crimes of four years imprisonment or more; meaning that one third of jurisdictions do not appear to have penalties that allow for lengthy prison sentences or which are proportionate and dissuasive for wildlife criminals. In some cases this can lead to the imposition of administrative sanctions only, which is a key weakness that contributes to the ‘high-profit, low-risk’ perception of wildlife crime. There is also often a preference of enforcement institutions to use

⁴³ UNTOC defines organized crime as a structured group of three or more persons, acting with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

administrative law on the grounds that the money received as an administrative fine goes to the local authority dealing with the case, which is not the same in criminal proceedings⁴⁴.

Yet even where domestic legislation does enable sufficient penalties to be applied, a general lack of awareness of the seriousness of wildlife crime amongst law enforcement, prosecutors and judicial authorities, results in serious penalties rarely being applied. In general, the deterrence factor for criminal offences is significantly lessened if courts cannot or do not impose realistic forms of punishment.

Examination of the wildlife crime cases that jurisdictions shared in the study demonstrates this point. Jurisdictions were asked to share information from recent transnational wildlife crime cases that had occurred within their jurisdiction, and data was received from 19 jurisdictions on a total of 432 cases involving a wide range of species. The vast majority of these cases (98%) were from 2012 to the present date, with seven older cases dating back to 2005-2012. Analysis of the combined cases showed that:

- In 326 cases, offenders were arrested, representing 75% of reported cases.
- 47 cases were successfully prosecuted, representing 11% of all reported cases.⁴⁵
- In 28 cases, a conviction with a prison penalty was obtained, representing 7% of all reported cases.
- Only 4 cases had serious penalties of four years or more in prison, representing just 1% of reported cases. (See Case Study 5 for details of these)

Figure 9: Analysis of 432 wildlife crime cases from 19 jurisdictions



⁴⁴ EU Directorate General for Internal Policies, 2016, 'Wildlife Crime' study, p. 101, accessed 28 February 2017, [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/570008/IPOL_STU\(2016\)570008_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/570008/IPOL_STU(2016)570008_EN.pdf)

⁴⁵ It is noted that this finding may be incomplete, as the information provided in some cases was insufficient to clearly determine if that case proceeded to prosecution or not.

Low or inadequate sanctions may also restrict the use of investigative techniques such as surveillance, the interception of communications, access to bank accounts and other financial records, and controlled deliveries, which in general are only applicable to serious crimes⁴⁶.

The discrepancies among jurisdictions regarding penalties imposed can also create challenges in multilateral efforts to effectively combat wildlife crime. Jurisdictions with comparatively lower sanctions may be seen as soft targets and may thus be more vulnerable to illegal activity. A higher degree of harmonisation of sanctions across jurisdictions may be an effective way to deter wildlife criminals.

Apart from the legislation itself, there are various other factors that also generally contribute to a low rate of prosecution and even lower rate of conviction with high penalties, several of which are discussed further at Finding 8 of this report.

Case Study 5: Four wildlife crime cases were reported to have received serious criminal penalties

- United Kingdom – On 4 April 2016, seven members of a 14-strong gang known as the ‘Rathkeale Rovers’ were sentenced to prison for an ‘extremely sophisticated conspiracy’ involving the theft of rhino horns and high-value Chinese artifacts worth €70 million from a series of museum raids across Europe, and trafficking the goods into China. The seven members were each handed sentences ranging from 4 years and up to 6 years and 8 months for the men found to play a ‘leading role’.
- United States – On 27 May 2014, Zhifei Li, the owner of Overseas Treasure Finding in Shandong, China, was sentenced to serve 70 months incarceration and forfeited US\$3.5 million in proceeds from his criminal activity as well as several Asian artefacts. Li admitted to being the organiser of an illegal wildlife smuggling conspiracy in which 30 raw rhinoceros horns (worth approximately US\$3 million) were smuggled from the United States to China.
- United States – On 19 September 2016, Vu Johnnie Nguyen faced a maximum sentence of five years’ prison and US\$250,000 fine for unlawfully trafficking in gall bladders and other parts of American black bears. The conviction arose from a year-long investigation into Nguyen’s unlawful purchase, sale and transportation of American black bear parts.
- United States – On 7 August 2008, Tania Siyam, a Canadian citizen, was sentenced to five years’ incarceration and a US\$100,000 fine for illegally smuggling raw ivory from Cameroon into the United States. Siyam had operated art import and export businesses in Canada and Cameroon that were fronts for smuggling the ivory and other products from endangered and protected wildlife species.

⁴⁶ UNODC, 2013, *ICCWC Wildlife and Forest Crime Analytic Toolkit*, p. 45

Finding 7: Alternative offences are rarely used to pursue wildlife crimes

Where available in domestic law, the use of alternative offences to pursue wildlife crime cases (such as tax evasion, fraud, racketeering, corruption, illicit enrichment, money laundering, etc.) provides law enforcement officials with additional tools in the fight against wildlife crime, and also increases the possible penalties that can be applied.⁴⁷

The study found that this is an under-utilised strategy, as only 55% of respondents reported using or being able to use alternative offences in this way. However, more than one quarter of these jurisdictions (27%) also reported that although their legislation enabled the use of alternative offences, they had not yet done so in practice. This therefore indicates that in reality, only 41% of jurisdictions may be actively using this strategy.

Some examples of the most commonly reported types of alternative offences used included tax evasion, fraud, and smuggling. A more unusual example provided by Australia was “using a telecommunications network with intent to commit a serious offence”. Some jurisdictions such as Sweden reported that although they cannot use their legislation in this way, they are currently considering legislation changes that would permit the use of alternative offences to pursue wildlife crimes.

With specific regard to money laundering offences, it must be highlighted that only four of the 432 wildlife crime cases shared in this study explicitly referred to instances of money laundering investigation, charges or prosecution (1% of cases). While this finding may be incomplete due to insufficient information provided in some cases to clearly determine if a money laundering investigation took place or charges were laid; it is nonetheless apparent that money laundering in particular is rarely used as an alternative offence to pursue wildlife crimes.

Case Study 6: Using money laundering as an alternative offence to prosecute wildlife crimes

Nepal: In 2011, the Central Investigation Bureau (CIB) of the Nepal Police arrested a Chinese national in possession of illegal medicinal plants, 29,500,000 Nepalese rupees in cash (approximately US\$275,000), and an illegal car. CIB sent the case to the district Forest Department office in Kathmandu to handle the violation involving the illegal plants, and then the Department of Money Laundering Investigation (DMLI) also investigated for a money laundering offence. The case eventually went to trial on a money laundering charge filed by the DMLI. It was successfully prosecuted and the court imposed a fine of 46,500,000 Nepalese rupees (approximately US\$434,000).

⁴⁷ CITES Resolution Conf. 11.3 on *Compliance and Enforcement* was revised at the CITES COP17 meeting in September 2016, and provision 13 (h) also recommends that all CITES parties use a combination of relevant legislation which carry appropriate penalties to prosecute those involved in wildlife crime: <https://cites.org/sites/default/files/document/E-Res-11-03-R17A.pdf>

Finding 8: Insufficient further investigations are conducted after wildlife seizure and arrest

The suspects initially arrested in wildlife crime cases are often low-level poachers or couriers; while many seizures of large wildlife shipments at sea ports do not have any suspects or arrests associated with the preliminary case. For this reason, further investigations after a wildlife seizure occurs are essential to develop a strong evidence base and identify wider members of the criminal network, and especially the high level organisers and financiers of the crime.

However, jurisdictions reported conducting further investigations after seizure and arrest in only 11% of cases. This represents a significant problem not only because it is a missed opportunity to identify other actors involved in the offence, but also because insufficient or inadequate further investigations leads to a weak evidence base for the case, and can hinder or even prevent law enforcement agencies from being able to bring the case to court. The high rate of dismissals and acquittals of wildlife crime cases in courts is frequently due to insufficient evidence. Ultimately, seizures of wildlife contraband and low-level arrests alone will not have any impact in reducing or preventing wildlife crime, and conducting further and follow-up investigations for these offences is critical.

Depending on the nature of the crime, further and follow-up investigations could include forensic examination (fingerprints, DNA samples), conducting technical and personal surveillance, undercover investigations, use of informants, extracting and analysing information from seized electronic devices (computers, phones, tablets, etc.), financial investigation, and if the case is appropriate, controlled delivery. Case Study 7 provides an example of the benefits that can be gained from conducting further investigations.

Case Study 7: The value of conducting further and follow-up investigations

India

Indian authorities detected two cases of trafficking in tiger parts in January 2015 in Uttar Pradesh state in northern India, which included tiger bones, meat, teeth, and claws, as well as other wildlife products. The seizures were made after conducting follow-up investigations from tiger seizures that had been previously made in Nepal, and following the connections back to two separate groups of suspects in Uttar Pradesh. The investigations lead to the arrest of a total of 13 Indian suspects in relation to tiger poaching and trafficking incidents. *(Further information was not shared on the outcome of these arrests.)*

Finding 9: Inadequate international cooperation in handling wildlife crime cases

Effective international cooperation among law enforcement agencies in other jurisdictions is essential to combat any transnational crime. Yet for wildlife crimes, which often transcend national borders, this is still not a common practice. Of respondents completing the questionnaires, 47% said that international cooperation with law enforcement agencies of other jurisdictions did not occur for wildlife crime cases, including requests to share information, conducting joint investigations, or cooperation for other processes during the handling of cases.

Comprehensive, multi-agency and flexible cross-border cooperation is crucial to ensure the appropriate investigation and prosecution of wildlife crimes, and although it is often difficult, it should be seen as an opportunity rather than an obstacle. If implemented properly, cooperation can open avenues to obtain additional evidence, access information, recover proceeds, freeze funds, confiscate property, and arrest and return fugitives that would otherwise be immune to prosecution⁴⁸.

Many jurisdictions identified challenges and barriers to international cooperation at a more formal level; particularly slow response times and delays on information requests, and a lack of cooperation mechanisms such as Mutual Legal Assistance Treaties (MLATs), MOUs, or other formal agreements with jurisdictions.

However, it must be emphasised that bilateral MLATs are not the only option for formal cooperation mechanisms. There are several multilateral conventions that can serve as the basis for mutual legal assistance when bilateral agreements are not in place, and some respondents reported having used these instruments successfully. These include the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC), as long as both jurisdictions are parties to the convention. Given that almost all States are parties to both UNTOC and UNCAC; these are important tools that should be considered.

UNTOC in particular, apart from providing international cooperation mechanisms, can also serve as a legal basis for law enforcement cooperation, advanced investigative techniques and information sharing. Investigators or prosecutors seeking to use formal channels such as UNTOC and UNCAC as a legal basis for a formal MLA request should obtain prior specialist advice from their jurisdiction's central authority dealing with international cooperation matters.

Results for the use of informal networks for international cooperation were much stronger, with 73% of jurisdictions reporting the regular use of informal networks for information sharing such as CENComm (the World Customs Organization's secure communication platform), FIU to FIU channels, and Asset Recovery Networks such as CARIN, ARIN-AP and ARIN-SA. INTERPOL and Europol are important networks that can be used for information requests of both a formal and informal nature. Several jurisdictions also reported using Police/Customs overseas liaison officers as important channels for informal information sharing. Some examples are provided in Case Studies 8 and 9.

Informal networks are valuable channels to make fast, preliminary requests for information or verifications, as a precursor to lodging a formal Mutual Legal Assistance request through an MLAT,

⁴⁸ UNODC, 2013, *ICCWC Wildlife and Forest Crime Analytic Toolkit*, p. 103

MOU or other formal channel. In this way, practitioners can receive the required information to inform their investigations with fewer delays, and follow up as necessary with requests through formal channels for information and evidence that is presentable in court.

Case study 8: Informal information exchange helps secure a successful prosecution with a serious penalty

Fiji: In 2011, a German national arrived on holiday in Fiji, and was later caught with eight critically endangered crested iguanas in his hotel room after hotel staff had noticed and reported the incident to police.

Police released him and confiscated the iguanas, and submitted a passenger alert to Customs authorities. When the suspect was later departing Fiji, Customs checked his luggage and found a pregnant crested iguana concealed inside. The offender was charged and fined \$15,000.

Six months later in 2012, he was caught in Galapagos attempting to smuggle endemic land iguanas again. Galapagos Customs contacted Fiji Customs over the phone and by email for information exchange, without having a formal MOU or MLAT in place. Using the information from the offender's previous case in Fiji, Galapagos was able to issue the maximum penalty for the offence of 4 years imprisonment.

[Note: Information about this case was shared during a presentation at the 2015 APG Typologies and Capacity Building workshop held in Nepal]

Case study 9: Effective information sharing through informal networks results in high-level conviction and seizure of assets

South Africa-Thailand: A South African court sentenced Thai national Mr. C to a record 40-year prison sentence for an elaborate fraud to ship poached rhinoceros horns to Asia after the animals were killed in pseudo "hunts". Mr. C had taken advantage of the fact it is legal for foreigners to hunt rhinos in South Africa and ship horns overseas as personal trophies. He had paid Thai prostitutes about US\$800 each to go to game farms, take a few shots with small-calibre rifles and then pose next to the rhinos which were actually killed by someone else.

Between October 2010 and May 2011, more than 24 rhinos were killed on licensed "hunts" arranged by Mr. C. The horns were mounted as trophies and sent abroad, according to copies of international air waybills and export certificates. They were sent to Mr. V, the owner of a wildlife trading firm called "X" Trading Export-Import in Vientiane, Lao PDR. Mr. V operated this firm in partnership with Mr. M. In 2011, Mr. C signed a deal with the South African owner of a hunting reserve requesting horns from an additional 50 rhinos, with a street value of about US\$20 million.

Thailand's Anti-Money Laundering Office (AMLO) started a financial investigation on Mr. C. Following the money trails, it was found that Mr. C received a large number of wire transfers from Mr. M's wife. AMLO seized his assets such as bank accounts and house, and the court decided that all assets would be vested in the State.

South Africa and Thailand used the Asset Recovery Inter-agency Network for Southern Africa (ARIN-SA) in this case to share information and secure the seizure of Mr. C's assets in Thailand. It was an excellent example of good practice in information sharing through informal networks.

Finding 10: Asset forfeiture is under-utilised in wildlife crime cases

Effective action against wildlife crime must include measures to deprive perpetrators of the proceeds of crime, especially if the specimens involved have a high market value. Asset forfeiture is a powerful tool to adjust the risk/reward equation of wildlife crime, by taking away the expected rewards of crime, and sending a message to criminals that this is not a high-profit activity. It also reduces the risk of criminal proceeds being re-invested in further criminal activities.

However, just 30% of jurisdictions reported using asset freezing or asset forfeiture techniques to recover the proceeds of wildlife crime, representing a significant gap and missed opportunity in the criminal justice process for wildlife crimes.

Most jurisdictions have mechanisms to enable the tracing, freezing, seizing and confiscation of assets and proceeds of crime. However, in many jurisdictions the active use of asset forfeiture provisions in wildlife crime cases is not common policy, and there is a lack of awareness and expertise amongst practitioners in how to use these mechanisms. This is likely to be a key factor in the under-utilisation of asset forfeiture techniques in relation to wildlife crime cases.

Furthermore, the proceeds of the related offences, and the property or instrumentalities used in their commission are frequently located in two or more jurisdictions. As such, international cooperation for the purpose of confiscation is an essential tool. In these cases, it is very important that jurisdictions agree in advance about how any confiscated assets would be recovered or shared.

Requests for international cooperation for the purposes of confiscation are essentially mutual legal assistance requests. A number of international instruments, including UNTOC and UNCAC, establish comprehensive regimes that permit asset recovery across borders, and can be used as platforms for mutual legal assistance between ratified parties of the conventions.

The United States was one of the few jurisdictions that provided examples in this regard, and reported that recovered proceeds from wildlife crimes are deposited into a special account which can then be used to pay for the costs relating to wildlife disposal, repatriation, rescue and care, and rewards to members of the public for providing information leading to the arrest and conviction of wildlife criminals. As can be seen in the case study below, asset forfeiture from wildlife crime cases can yield sizeable financial resources which could be directed back into various law enforcement or conservation initiatives.

Case Study 10: Effective use of asset forfeiture can recover substantial proceeds of wildlife crime

United States: On May 27, 2014, Zhifei Li, the owner of Overseas Treasure Finding in Shandong, China, was sentenced to serve 70 months' incarceration. Further, he forfeited a substantial US\$3.5 million in proceeds from his criminal activity, as well as several Asian artifacts.

Li sold raw rhino horns to factories where they were carved into fake antiques and then resold. Li acquired and then smuggled horns across international borders and hid them using a variety of means, including wrapping them in duct tape, hiding them in porcelain vases that were falsely described on customs and shipping documents, and labelling them as porcelain vases or handicrafts.

In January 2013, Li was arrested in Florida on U.S. Federal charges. Li pleaded guilty to conspiracy to smuggle and to violate the Lacey Act, six smuggling violations, one Lacey Act trafficking violation, and two counts of making false wildlife documents. Li admitted to being the organiser of an illegal wildlife smuggling conspiracy in which 30 raw rhinoceros horns (worth approximately US\$3 million) were smuggled from the United States to China.

Recommendations

Despite the limited information received in this project pertaining to the financial flows from wildlife crime, it is nevertheless possible to make the following recommendations.

1 National legislation should enable wildlife crime to be treated as serious and organised crime according to UNTOC, with penalties of four years or more in prison. Sentences should punish the offender to an extent that is justified by the circumstances, and be comparable with sentences applied to other serious crimes. Sentences should provide conditions that will help the offender to be rehabilitated, deter the offender and other persons from committing the same or a similar offence, and make clear that the community denounces the sort of conduct in which the offender was involved.

2 Legislation should allow the use of alternative offences to pursue wildlife crimes, such as fraud, corruption, bribery, tax evasion, racketeering, etc.; and practitioners should be encouraged to use these alternative provisions.

3 Legislation should enable wildlife crime to be considered a predicate offence for money laundering, so that anti-money laundering tools can be used. Governments should review their criminal legislation to ensure that law enforcement agencies are fully authorised to follow the financial flows related to wildlife crime and to prosecute money laundering offences.

4 Domestic multi-agency cooperation should be common practice for wildlife crimes, involving police, customs, environmental authorities, FIUs, prosecutors, and other relevant domestic agencies for sharing information, intelligence, and conducting joint investigations where appropriate. Joint investigative teams which include FIUs are essential to target criminal networks and not just low-level offenders, and have long been used successfully to address other serious crime types.

5 Information exchange between law enforcement agencies, FIUs, financial institutions, and civil society should be encouraged, to share knowledge, identify targets and patterns of behaviour, and more effectively mitigate wildlife crime risks.

6 Further and follow-up investigations should be conducted after every major wildlife seizure, to develop a strong evidence base and identify members of the wider criminal network. Law enforcement and intelligence agencies should be able to use a range of special investigative techniques, including controlled delivery, intercepting communications, undercover investigation, and accessing information from digital devices.

7 As a matter of course, jurisdictions should conduct parallel financial investigations alongside those into the predicate wildlife offence. This would enable compliance with FATF Recommendation 30 and generally accrue three operational benefits including: identifying additional evidence to support the prosecution of the predicate offence; identifying others involved in the wider criminal network; and identifying the profit from the crime, enabling successful restraint and eventual confiscation of the proceeds.

8 **Improve the investigation of wildlife crime and the related financial flows through international cooperation**, given the level of involvement of transnational criminal networks. Governments should support and encourage law enforcement authorities to cooperate internationally.

9 **The use of informal networks for international information sharing should be common practice.** Information sharing platforms such as the Asset Recovery Inter-agency Networks are especially useful and important.

10 **Ensure that FIUs are provided with adequate resources and institutional arrangements to perform their responsibilities effectively**, including following the financial flows relating to wildlife crime and working effectively with other law enforcement agencies and the private sector.

11 **Where appropriate, National AML/CFT Risk Assessments should reflect the fact that wildlife crime is a high risk area for money laundering**, in compliance with FATF Recommendation 1. The risk should be assessed and adequate measures applied to ensure that it is mitigated.

Encourage law enforcement to work cooperatively with financial institutions to track financial crime related to wildlife crime. To aid successful identification and management of suspicious financial activity linked to wildlife crime, financial institutions and other parties would benefit from receiving information and guidance from law enforcement and relevant agencies relating to:

- 12
- Jurisdictions involved in the wildlife supply chain (e.g. source, transit and destination jurisdictions, payment methods, payment routes)
 - Identified and emerging typologies and risk indicators to aid financial institutions when undertaking customer risk assessment, due diligence or transaction monitoring
 - Names of individuals or legal entities known to the authorities as being involved in criminal activity linked to wildlife crime
 - Timely feedback to financial institutions from the authorities in response to suspicious transaction reports submitted.⁴⁹

13 **Asset freezing, seizing, and confiscation measures should be used in wildlife crime cases whenever possible**; and jurisdictions should ensure that they take prompt action to respond to overseas requests to identify, freeze, seize, confiscate and repatriate assets and proceeds of crime, in compliance with FATF Recommendation 38.

⁴⁹ Adapted from the recommendations of the ISU Experts Group on Wildlife Crime and Money Laundering, on 'How Governments, Financial Institutions and Others Can Contribute to a More Effective Response to Wildlife Crimes and Related Financial Flows'.

Operational recommendations for law enforcement authorities and FIUs include the following actions:

- Always think about a financial profile when questioning couriers and other wildlife crime suspects;
- Examine how the shipment or transportation was paid for;
- Work with FIUs and other partners both at home and abroad;
- 14** - Work with the financial sector to identify indicators for suspicious transactions by:
 - o Identifying opportunities to enhance the relationships between wildlife and forest crime investigators and officials in both public and private sectors involved in the transportation of wildlife products (such as customs authorities, port authorities, airlines, shipping companies, financial intelligence units and financial institutions); and
 - o Routinely carry out financial investigations to follow the money trail.

15 **Further financial investigations relating to wildlife crimes are needed as a matter of priority** in order to identify typologies for financial flows related to wildlife crimes and develop financial risk indicators.

16 **Capacity building support** that is available in the field of financial investigation and anti-money laundering should be drawn upon to the fullest extent possible.

Conclusions

With the exception of a small number of cases in a few jurisdictions, the principal findings from the research show that financial investigation, anti-money laundering techniques, and the general concept of “following the money” are rarely used by jurisdictions attempting to combat wildlife crime. Investigations into wildlife crime are often conducted in isolation without domestic cooperation with other agencies or the exchange of intelligence with other partners such as financial intelligence units. Wildlife crime is also often regarded as a less serious crime compared to others such as drug trafficking, which is reflected by the often scant deployment of resources to investigate wildlife crime cases, and the limited number of cases that receive serious penalties.

In addition to the lack of focus on financial flows, officials engaged in combating wildlife crime often lack the skills or the experience necessary to conduct financial investigations or appreciate the benefits that accrue from financial intelligence. Investigations that do take place are often hampered by a lack of international cooperation and little use is made of the numerous informal platforms for information sharing such as the Asset Recovery Inter-agency Networks, FIU to FIU channels, and overseas law enforcement or legal attaché posts within Embassies.

Drawing on the findings of this research, a number of good practices, red flag indicators, and recommendations have been highlighted to enhance the work of jurisdictions in the detection, investigation and disruption of illicit financial flows from wildlife crimes. It is envisaged that these recommendations, good practices and risk indicators can continue to be developed as more financial investigations are conducted, and further information and experience come to light.

Annex 1: Examples of Good Practice

Nepal: A model for multi-agency cooperation including the FIU, use of information sharing channels, and serious penalties for wildlife crimes

Nepal has formed one of the most successful models for multi-agency law enforcement cooperation that specifically targets wildlife crime, which has achieved remarkable results in this jurisdiction. Nepal is a source and transit location for wildlife products, and yet has achieved zero poaching of rhinos in 2011, 2014, and 2015, at a time when wildlife crime continues to escalate in most other parts of the world. In fact, in 2014 Nepal was the first country in the world to achieve zero poaching of all three of its flagship species: rhinos, tigers and elephants. Its success is the result of strong political will and cooperation at all levels.

Prior to Nepal's peace deal with Maoist insurrectionists in 2006, and the abolition of the monarchy in 2008, an average of 38 rhinos per year were being poached. However, since this time, institutional and societal cooperation have progressed rapidly, particularly in the area of wildlife protection.

Recognising the value of wildlife conservation for the environment, cultural heritage and the national economy; in 2014 Nepal established the national Wildlife Crime Control Coordination Committee which provides multi-agency coordination and cooperation at the policy level involving the highest levels of Government. It is chaired by the Minister of Forests and Soil Conservation, and other members include the Chief of the Nepal Army, Chief of the Nepal Police, Chief of Armed Police, Chief of Central Investigation Bureau, Secretaries of the Ministries of Forests and Soil Conservation, Law and Justice, Defence, and Finance; as well as the Director General of the Department of National Parks and Wildlife Conservation, and two NGOs.

To facilitate multi-agency cooperation and coordination at the operational level, Nepal has also created the Wildlife Crime Control Bureau (WCCB), which is a multi-agency bureau of law enforcement agencies. It consists of the Police, Army, Customs, Immigration, Attorney General's Office, Financial Intelligence Unit, the Department for Money Laundering Investigation (DMLI), and other agencies. The WCCB operates through Rapid Response Cells which are located in 16 hotspot districts for wildlife crime, primarily close to key national parks and border crossings. The multi-agency approach also involves national park offices working with Army Intelligence and Community-Based Anti-Poaching Units to conduct joint patrols and engage communities in the response.

Until the creation of the WCCB, Nepal Police did not deal much with wildlife crime issues. However, now they have established the Central Investigation Bureau (CIB) and a separate cell within CIB which deals specifically with wildlife crime. This crime type is prioritised within all levels of Nepal Police as much as other serious crime types.

In other good practices, Nepal Police make effective use of INTERPOL channels to share information and coordinate with other jurisdictions in pursuit of wildlife criminals, and national legislation enables the issuance of strong penalties for serious cases. For example, in December 2013, Nepal issued an INTERPOL Red Notice for rhino horn trafficker Rajkumar Praja. Praja was convicted in absentia and sentenced to 15 years in prison, after Nepalese authorities dismantled a rhino horn trafficking network earlier that year. Thirteen months later, in January 2015, Praja was arrested in Malaysia, where he was found trying to use a fake passport, and was extradited to Nepal.

To address transnational organised crime elements through formal cooperation channels, Nepal has signed an MOU with China, and a resolution with India on biodiversity conservation and addressing illegal wildlife trade control. Nepal is now looking to expand formalised ties for international cooperation Asia-wide.

Nepal noted that prior to 2010, wildlife crime was a money laundering threat, but the risk has since decreased due to improvements in law enforcement and reduced rates of wildlife crime. However it has still recorded some successful investigations and prosecutions of money laundering offences related to wildlife crimes (see Case Study 4), and the involvement of the FIU and the DMLI within the WCCB presents an effective model of good practice⁵⁰.

United States: Integrating multi-agency cooperation into national strategies to combat wildlife trafficking

Having a specific national strategy to combat wildlife trafficking can help to not only institute a multi-agency cooperation approach, but it can also help to clearly identify the roles and responsibilities that each relevant agency could have in this area. The United States and more recently South Africa have both developed this type of dedicated national strategy to combat wildlife trafficking.

The United States' Presidential Task Force on Wildlife Trafficking was established in 2013, is led by the Departments of State, Justice, and the Interior, and includes 14 additional federal departments and agencies. The Task Force developed a government-wide National Strategy to Combat Wildlife Trafficking and an associated Implementation Plan, which was the first multi-sector, interdisciplinary strategy of its kind. The strategy sets three priorities: strengthening domestic and global enforcement; reducing demand for illegally traded wildlife at home and abroad; and strengthening partnerships with international partners, local communities, NGOs, private industry, and others to combat illegal wildlife poaching and trade.

The power of this approach is demonstrated by the success of a large-scale, ongoing, multi-agency criminal law enforcement initiative called "Operation Crash," which is conducted within the framework of the United States' Presidential Task Force and the National Strategy. This Operation targets the illegal trade in rhinoceros horn and elephant ivory in response to international poaching and smuggling syndicates, and is led by the U.S. Fish and Wildlife Service (FWS)' Office of Law Enforcement and the U.S. Department of Justice (DOJ)'s Environment and Natural Resource Division (ENRD).

Thanks to its multi-agency approach, investigations and charges filed have extended beyond wildlife violations to also include charges related to conspiracy, smuggling, money laundering, international money laundering, mail fraud, tax evasion, bribery, and falsification of documents. As of June 2016, Operation Crash has led to 41 arrests, 30 convictions, and the seizure of smuggled tusks and horns with a street value in excess of US\$75 million. Defendants in these cases have been sentenced to

⁵⁰ Sources for the Nepal good practice model included Nepal's questionnaire response, as well as the following articles (accessed on 6 March 2017): <http://tigers.panda.org/news/achieve-zero-poaching/>, <https://news.mongabay.com/2016/12/nepals-extraordinary-devotion-to-preserving-its-rhinos/>, <http://annamiticus.com/2016/05/02/nepal-celebrates-two-consecutive-years-zero-rhino-poaching/>

significant terms of imprisonment and the forfeiture of millions of dollars in cash, gold bars, rhino horn, luxury vehicles and jewellery.

South Africa: Integrating multi-agency cooperation into national strategies to combat wildlife trafficking

In South Africa, the National Integrated Strategy to Combat Wildlife Trafficking is a new initiative and the country's first strategy to take a whole-of-government approach to the wildlife trafficking issue. Its objectives are to improve law enforcement and combat wildlife trafficking as a transnational organised crime, to detect and prevent wildlife trafficking, and to increase national, regional and international law enforcement collaboration and cooperation. It involves a range of departments such as the Police, Customs, FIU, the State Security Agency, various environmental authorities, Department of Justice and Correctional Services, and others.

Australia: Detection of wildlife crime, conducting routine and targeted screenings of shipments

As it is possible to physically inspect only a small fraction of the enormous volume of shipments and number of people crossing international borders every day, it is important that Customs and other border control agencies operate on a targeted risk management basis by acting on information or suspicions that suggest that illegal commodities are being shipped. This approach requires comprehensive data and intelligence systems, and timely information exchange among agencies and with other jurisdictions.

It is important to use x-ray machines and conduct routine and targeted screenings of shipments at ports of entry and exit to detect smuggled wildlife products. This should be done not only at seaports and airports, but also at international mail centres and land border crossings.

For example, in Australia, almost half of the wildlife crime cases shared in the questionnaire (21 out of 50 cases) were detected at international mail centres through routine screenings of post packages. These cases involved a range of wildlife species and products including bird eggs and live and dead specimens of fish, snakes, lizards, turtles, tortoises, and others. Australia also has the ability to activate passenger alerts at airports and mail monitors at mailing centres to help detect any future illegal imports by previous offenders or persons of interest.

Other good practice examples to aid detection include the use of specially trained detector dogs to identify concealed illicit wildlife products. In parts of Africa, a native species of rat is also being trained and used in this way⁵¹.

South Africa: Using informal networks for international information sharing

South Africa reported using the Asset Recovery Inter-agency Network for Southern Africa (ARIN-SA) in the wildlife crime case to share information with authorities in Thailand about a Thai citizen who

⁵¹ Blair, E. (2016) "African rats to turn sensitive noses against poaching", <http://www.reuters.com/article/us-africa-wildlife-poaching-idUSKBN13D12D>, accessed November 2016

was convicted of wildlife crime in South Africa (see Case Study 9 for details). This cooperation resulted in the Thai authorities seizing the offender's assets in Thailand, including a house and bank accounts, which were vested to the State.

This is an excellent example of good practice in information sharing through informal networks, and all jurisdictions are encouraged to become members of their relevant regional Asset Recovery Inter-agency Network⁵². The ARINs are informal networks of experts and practitioners in the field of asset tracing, freezing and confiscation. Each member state is represented by a law enforcement official and a judicial expert as the national contact points, and the aim is to increase the effectiveness of its members' efforts, on a multi-agency basis, to deprive criminals of their illicit profits.

Informal networks are valuable channels for fast information verification or requests, as a precursor to lodging a formal Mutual Legal Assistance request through an MLAT, MOU or other formal channel. In this way, practitioners can receive the required information to inform their investigations with fewer delays, and follow up as necessary with requests through formal channels for information/evidence that is presentable in court. Investigators or prosecutors seeking to use formal channels such as UNTOC and UNCAC as a legal basis for a formal MLA request should obtain prior specialist advice from their jurisdiction's central authority dealing with international cooperation matters.

Thailand: Law enforcement authorities and civil society working together to strengthen intelligence development and investigations

The investigation of wildlife crime is a challenge for the whole community, and is not limited to law enforcement agencies. It should involve a great variety of government departments, private industry and civil society organisations, each of which helps to bring an additional dimension to the response. It is crucial that key stakeholders consult one another and build partnerships to combat wildlife offences effectively.

Civil society and NGOs in particular are useful stakeholders that often have extensive data, information, intelligence and evidence that can support law enforcement agencies to conduct investigations. However, in some jurisdictions law enforcement agencies may be reluctant to work with civil society organisations due to differing priorities or because of legal constraints (for example, in the case of classified information or data protection). Nonetheless, it is good practice to build these partnerships between law enforcement authorities and civil society, which may be ad hoc, informal and based on a needs basis, or may be formalised in an MOU.

Several jurisdictions reported sharing wildlife seizure information with NGOs such as TRAFFIC, which is a good practice that enables the information to be recorded in specific international databases and global information systems. This kind of cooperation is important to collate global information and improve our overall understanding of wildlife crime.

NGOs can also help to spark connections between wildlife law enforcement agencies and FIUs, and share valuable research and data to support intelligence development and investigations. The Case

⁵² Asset Recovery Inter-agency Network – Asia Pacific is the relevant network for the APG region. Visit <http://www.arin-ap.org> for more information.

Study 3 from Thailand is a good example of this, where the NGO Freeland shared information and intelligence they had been collecting on Star Tiger Zoo with the Thai Anti-Money Laundering Office and the Royal Thai Police, and provided support to develop the investigation and resolve the case.

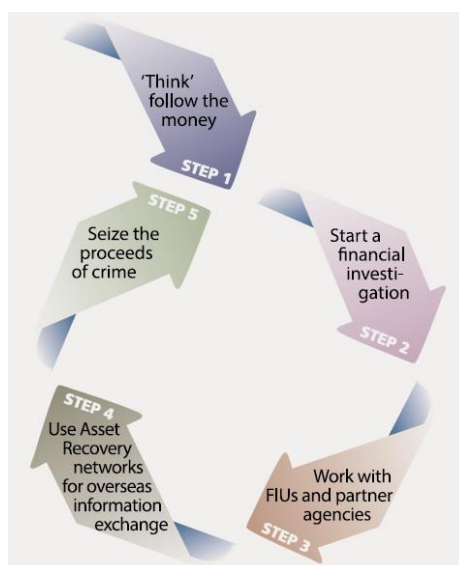
General: Conducting parallel financial investigations

Understanding how the criminal enterprise has been funded, who paid for the shipments or couriers, and how the proceeds of crime are moved, will significantly enhance the chances of success in combating wildlife crime. Consequently, it is recommended to establish parallel financial investigations as part of any investigation into wildlife crime. The benefits of doing this can include securing additional evidence of the predicate crime, identifying other criminal associates, and tracing the proceeds of crime enabling subsequent confiscation.

Coordination between investigators, the financial intelligence unit (FIU) and prosecutors is the key to success. The use of informal networks for the exchange of information involving cross border investigations is also crucial and is to be encouraged long before the consideration of mutual legal assistance. These informal mechanisms can include the Asset Recovery Networks such as CARIN, ARIN-SA and ARIN-AP (Asset Recovery Inter-Agency Network - Asia Pacific), Police to Police (Overseas Police Liaison posts), and the FIU to FIU mechanisms.

Financial Investigation and the use of 'following the money' techniques will not only bring added value to the criminal investigation itself, but it will also help jurisdictions to meet international standards on anti-money laundering. The inter-governmental Financial Action Task Force (FATF) sets the international standards for combating money laundering and terrorist financing, and FATF Recommendation 30 specifically addresses the need for jurisdictions to carry out parallel financial investigations alongside those of the predicate crime.

Figure 10: Recommended good practice steps to 'follow the money trail'⁵³



⁵³ UNODC, 2015, 'Financial Flows from Wildlife Crime' brochure

Annex 2: Red Flag Indicators

Financial institutions need typology information, risk indicators and better intelligence linkages in order to identify suspicious transactions relating to wildlife offences. This will help in the reporting of information to competent authorities to detect laundering of proceeds of wildlife crimes.

Due to the limited financial information available in this study and the few financial investigations carried out relating to wildlife crimes, it is difficult to identify specific red flag indicators or high-risk areas.

With reference to other literature on this topic,^{54,55, 56} the following section sets out some general and preliminary indicators that can be associated with wildlife crimes. It is anticipated that as further financial investigations are conducted into illicit financial flows from wildlife crime, these indicators can be further developed to be more specific and targeted.

1. Know Your Customer / Due Diligence

- Have appropriate risk management systems to determine whether the customer is affiliated with the wildlife supply chain;
 - Obtain senior management approval for establishing business relationships with such customers;
 - Take reasonable measures to establish the source of wealth and source of funds; and
 - Conduct enhanced ongoing monitoring of the business relationship.
- Wildlife crimes frequently occur on the sidelines of legitimate business. Therefore financial institutions doing business with individuals or legal entities operating in environmental/natural resource fields, antique trade, or transport logistics providers should apply additional due diligence and KYC measures. This could include businesses related to supplying, producing or distributing forestry resources, hunting, exotic/wild animal keeping or breeding, traditional medicine, animal bone carving, furs/skins for the fashion industry; or shipping, trucking, container-leasing, warehousing companies, etc.
 - Be aware of the general scale of the client's legitimate operations; and
 - Be properly suspicious when transactions are conducted that are inconsistent with the client's normal, customary and legitimate business operations.
 - Wildlife criminals frequently establish shell companies to serve as shipping agents to send and receive illicit wildlife products, in order to obscure the beneficial ownership and source of the contraband. Financial institutions should:
 - Verify the identity of their customers; and
 - Take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts.

⁵⁴ C4ADS (Miller, Vira, Utermohlen), 2015, *Species of Crime: Typologies and Risk Metrics for Wildlife Trafficking*, pp. 10-19

⁵⁵ UNODC, 2013, *ICCWC Wildlife and Forest Crime Analytic Toolkit*, pp. 51-53

⁵⁶ Republic of Namibia Financial Intelligence Centre, 2017, *Rhino and Elephant Poaching, Illegal Trade in Related Wildlife Products and Associated Money Laundering in Namibia*, pp. 47-49

2. Payment methods

- Wildlife poaching networks appear to operate largely as cash-courier businesses.
- In contrast, transnational wildlife trafficking networks appear to maintain multi-country accounts and conduct financial transfers across geographic boundaries.
- Informal systems such as hawala or hundi systems are commonly used, as evidenced in cases from India and Nepal.
- Payments to individuals in foreign jurisdictions are often made via Western Union and PayPal.
- There was reported use in the study of prepaid cards, store value cards, and crypto currencies such as Bitcoin; however, limited information is available on these methods.

3. Payment routes

- United States and European Union financial institutions may be particularly exposed to risk, as many African and Asian banking institutions denominate or clear in dollars or Euros and maintain correspondent relationships with U.S. and EU banks; suggesting that illicit wildlife transactions may be clearing through U.S. and European financial systems.

4. Payment behaviour

- The transaction appears to be inconsistent with the customer's regular business activities.
- The transaction does not appear to be economically viable.
- The transaction appears to entail the receipt of payments from third party entities with no apparent connection to the transaction.
- False or inadequate information on customs and shipping documents, such as consignor, consignee, or ownership information.
- The transaction includes significant discrepancies between the description or value of the commodity in customs and shipping documents and invoice, relative to the actual goods shipped.
- Multiple cash deposits and withdrawals.
- Possession of large amounts of money without explanation.
- Source of funds is unknown.
- Requests to purchase, or in possession of, high denomination bank notes.

Annex 3: List of Jurisdictions Participating in Research

Asia-Pacific	Australia
	Cook Islands
	Fiji
	India
	Korea
	Lao PDR
	Macao
	Mongolia
	Myanmar
	Nepal
	New Zealand
	Republic of the Marshall Islands
	Africa
Cabo Verde	
Comoros	
Ghana	
Guinea Bissau	
Liberia	
Mali	
Senegal	
South Africa	
Americas	Grenada
	Saint Vincent and the Grenadines
	United States
Europe	Austria
	Belgium
	Bulgaria
	Croatia
	Cyprus
	Czech Republic
	Denmark
	Estonia
	Finland
	France
	Germany
	Greece
	Ireland
	Latvia
	Lithuania
	Netherlands
	Norway
	Portugal
	Slovakia
Slovenia	
Sweden	

Annex 4: Questionnaire Sample

The following is a full sample of the questionnaire that was distributed to jurisdictions as part of this research project.

SECTION A: INTRODUCTORY/GENERAL

1. Is your jurisdiction impacted by the illegal wildlife trade?
 - a) If yes, please indicate whether it is as a source, transit, or destination jurisdiction in the illegal wildlife trade chain?
2. Is wildlife crime in particular or environmental crime in general, recognised as a risk in your National AML/CFT Risk Assessment?
3. If your jurisdiction has not completed a formal AML/CFT risk assessment, in your professional opinion, do you consider wildlife crimes to be one of your jurisdiction's key money laundering threats?
4. Which wildlife species/parts/products are most commonly involved in illegal wildlife trade in your jurisdiction?

5. Please indicate in the table below, case details of all seizures of illegal wildlife species, parts or products that have occurred in your jurisdiction from 2012 to present date.
 Responses should focus on wildlife crime cases that have a transnational aspect (for example: cases involving trafficking to or from another jurisdiction; species from another country; foreign nationals; etc.).

Please add additional rows to the table, as appropriate.

Wildlife species/ parts/ products	Date of seizure	Location of seizure	Quantity involved	How was the case detected?	Origin of products / trafficking route (if known)	Nationality of offenders involved	Offenders arrested and prosecuted?	Offenders convicted and penalties issued? (Please provide brief details)	Was any further investigation conducted? (Please provide brief details)

SECTION B: LEGAL FRAMEWORKS

6. Which activities relating to protected wildlife species are defined as wildlife crimes in your national legislation? (e.g. hunting, keeping, transporting, smuggling, trading, etc.)
7. Does your national legislation also protect wildlife from other countries? (e.g. species listed in CITES⁵⁷ Appendices I, II and/or III)
 - a) If yes, does your national legislation prohibit possession of wildlife that was illegally harvested in, or illegally traded from, other jurisdictions?
8. What is the maximum penalty for wildlife crimes in your national legislation?
9. Is wildlife crime a predicate offence for money laundering in your national legislation?
 - a) If yes, how would this be determined, i.e. environmental crime, serious offence, etc.?
10. Does your jurisdiction ever use alternative offences to pursue wildlife crime cases, such as tax evasion, fraud, racketeering, corruption, illicit enrichment, money laundering, etc.?
 - a) If yes, please give examples.

⁵⁷ The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is recognized as the principal international legal instrument to ensure legal trade and combat illegal trade of endangered animals and plants. CITES designates protected species in three appendices which provide for different levels of protection and regulation (Appendix I, Appendix II, Appendix III)

SECTION C: WILDLIFE CRIME DETECTION AND INVESTIGATION

11. If you would wish to improve your jurisdiction's response to wildlife crime (including Police, Customs, Prosecutors, and/or Financial Intelligence Unit), what would be your priorities? (For example, improving financial and/or human resources, equipment, technology, training, etc.)
 - a) Where do you see your main challenges in responding to wildlife crime?
12. Which is the lead agency responsible for investigating wildlife crimes in your jurisdiction?
13. Is multi-agency cooperation a common practice in your jurisdiction for handling wildlife crime cases?
 - a) If yes, which other agencies would typically be involved, and describe what cooperation mechanisms are in place?
 - b) If no, please explain some of the main challenges that prevent multi-agency cooperation.
14. Describe any risk management systems in your jurisdiction to:
 - a) Detect suspicious shipments that maybe smuggling illicit wildlife products
 - b) Detect suspicious financial activity associated with illegal wildlife trade
15. In any of the above cases (provided at Question 5), did law enforcement agencies cooperate with counterparts in other jurisdictions to request or share information, conduct joint investigation, or other process of handling the case? If yes, please give examples.
16. If the answer to question 15 above was no, what would you consider to be the main challenges for international cooperation?

SECTION D: WILDLIFE CRIMES AND FINANCIAL FLOWS

17. Jurisdictions can share information informally (for example, through Asset Recovery Networks, FIU to FIU, Interpol, Overseas Police Liaison posts, UNODC, and NGOs such as Freeland and TRAFFIC). What informal mechanism/s did your jurisdiction use in any of the above cases? Please give examples where appropriate.
18. In any of the above cases (provided at Question 5), was a more formal approach used for the exchange of information or evidence, such as mutual legal assistance or MOU? Please provide examples.
19. In the case of seized wildlife products, what is the policy of your Government to dispose of the confiscated goods? (e.g. Auction off the products, repatriate products to jurisdiction of origin, put into storage/stockpiles, destroy products, etc.). Please provide an example.
20. Which agencies in your jurisdiction have a financial investigation capability? (for example: Police, Customs, FIU)
21. In your jurisdiction, are MOUs in place between the Financial Intelligence Unit (or relevant financial investigation authority) and other law enforcement agencies, such as Police, Customs, etc.?
22. Does your jurisdiction routinely carry out financial investigations for all predicate crimes, money laundering and terrorist financing offences, in compliance with FATF Recommendation 30? ⁵⁸
 - a) If yes, does this include wildlife crime?
23. In any of the cases provided at Question 5, was a financial investigation carried out? For example, financial questions in the interview of suspects, analysis of shipping cost payments, travel costs, enquiries with FIUs, financial institutions, customs, asset recovery networks, etc.
 - a) If so, please provide brief details.
24. In any of the cases provided at Question 5, was the Financial Intelligence Unit (or relevant financial investigation authority) consulted or involved in the investigation?
 - a) If yes, please provide brief details.

⁵⁸ Financial Action Task Force (FATF) Recommendation 30 is the requirement to carry out parallel financial investigations into predicate crimes, money laundering and terrorist financing cases

25. If financial investigations were conducted, were you able to identify any methods of payment that were used by persons or organised criminal syndicates involved in the crime?
- a) If yes, what payment methods have been identified in your jurisdiction?
26. Have there been any examples in your jurisdiction of asset freezing or forfeiture related to wildlife crime cases?
- a) If yes, please provide details.
27. How does/would your government utilise recovered proceeds from wildlife crime?
28. Please note here if your jurisdiction does not wish to be attributed to the information provided in this questionnaire.

Annex 5: References

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