

POLICY RESPONSES TO TRANSNATIONAL WILDLIFE CRIME  
IN THE ASIA-PACIFIC

PART 1: GLOBAL AND REGIONAL POLICY CONTEXT AND A  
POTENTIAL FRAMEWORK FOR OPTIMAL NATIONAL POLICY

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TRANSNATIONAL ENVIRONMENTAL CRIME PROJECT

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## Transnational Environmental Crime Project

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The project investigates emerging trends in transnational environmental crime and examines the conditions for successful regulatory and enforcement responses. It focuses on three themes:

- advancing our understanding of the ways in which environmental commodities that are either sourced illegally or destined for illegal markets are traded and the ways in which profits are then laundered into the legal economy;
- applying conceptual tools to advance our understanding of the organisation of TEC and the asset structures that sustain illicit chains of custody and profit laundering; and
- mapping and analysing existing transnational and intergovernmental practices in the areas of policy-making, compliance and enforcement.

The Project is led by three Chief Investigators:

- Professor Lorraine Elliott, Department of International Relations, The Australian National University
- Professor Greg Rose, Faculty of Law, University of Wollongong
- Julie Ayling, Fellow, Regulatory Institutions Network, The Australian National University

The Project team also includes a Research Assistant and a PhD student funded by an Australian Postgraduate Award (Industry) scholarship and an ANU HDR Merit Scholarship. Five Partner Organisation Visiting Fellows will join the project team, based at the ANU, for a period of three months, each to bring specific policy and operational expertise to the research project.

## Working Papers

The TEC Project's Working Paper series provides access to the Project's current research and findings. Circulation of the manuscripts as Working Papers does not preclude their subsequent publication as journal articles or book chapters.

Unless otherwise stated, publications of the Transnational Environmental Crime Project and/or the Department of International Relations are presented without endorsement as contributions to the public record and debate. Authors are responsible for their own analysis and conclusions.

## Abstract

Transnational Wildlife Crime (wildlife crime) involves the trading and smuggling across borders of species in violation of the Convention on International Trade in Endangered Species (CITES). Globally, governments and international organisations have responded to the challenges of transnational environmental crime (TEC) in both operational and policy contexts. The policy context is defined as the suite of documents, plans, programs, regulatory schemes, and strategies that provide for a coordinated, coherent response to, and support for, the fight against wildlife crime. Current knowledge of this policy context, and particularly of policy responses at the national and agency levels, is poor. This paper is the first of two research papers intended to provide a preliminary analysis of the current wildlife crime policy context and its effectiveness in dealing with wildlife crime. This paper contains an overview of the high level (global and regional) policy context for the Asia-Pacific region as it applies to six Asia-Pacific countries: Australia, Fiji, New Zealand, Papua New Guinea, Thailand and Vietnam. The high-level policy context was summarised through desktop investigation of freely-available online material. The paper goes on to determine a potential set of ‘optimal’ requirements for wildlife crime policy at the national level based on existing literature. These requirements fell into four broad categories: the optimal wildlife crime policy response at the national level must be (1) proactive and intelligence based, (2) multifaceted, addressing many aspects of the problem, (3) multilateral, involving cooperation between several actors, and (4) monitored, evaluated, and adapted as necessary.

## About the author

Dylan Horne is currently employed as a Senior Compliance Officer in the TEC Project’s partner organisation, the Department of Sustainability, Environment, Water, Population and Communities. Dr Horne’s experience in this role has included policy development, and operational compliance and enforcement under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

## ABBREVIATIONS

APEC	Asia-Pacific Economic Cooperation
ARREST	Asia's Regional Response to Endangered Species Trafficking
ASEAN	Association of Southeast Asian Nations
ASEAN-WEN	Association of Southeast Asian Nations Wildlife Enforcement Network
CCPCJ	Commission on Crime Prevention and Criminal Justice
CITES	Convention on International Trade in Endangered Species
ECOSOC	United Nations Economic and Social Council
ICCWC	International Consortium on Combating Wildlife Crime
Interpol	International Police Organisation
PATROL	Partnership Against Transnational Crime through Regional Organized Law Enforcement
PILON	Pacific Islands Law Officers' Network
PTCN	Pacific Transnational Crime Network
TOC	transnational/organised crime
TEC	transnational environmental crime
UN	United Nations
UNCAC	United Nations Convention against Corruption
UNCTOC	United Nations Convention against Transnational Organized Crime
UNEP-ROAP	United Nations Environment Programme Regional Office for the Asia Pacific
UNODC	United Nations Office on Drugs and Crime



# Policy responses to transnational wildlife crime in the Asia-Pacific

## Part 1: Global and regional policy context and a potential framework for optimal national policy

DYLAN HORNE

### INTRODUCTION

#### Overview

Transnational Environmental Crime [TEC] involves the trading and smuggling across borders of species, resources and pollutants in violation of prohibition or regulatory regimes established by multilateral environmental agreements and/or in contravention of national law. TEC is argued to be one of the fastest growing areas of criminal activity, globally worth many billions of dollars to criminal syndicates around the world (Elliott 2011: 2).

Globally, governments and international organisations have responded to the challenges of TEC in both operational and policy contexts (Pink forthcoming). In his working paper in this series, Pink (forthcoming) considered the operational context by examining the issue of law enforcement responses as they relate to TEC. He focused on understanding the operational and policy challenges encountered by practitioners and managers within government regulatory and enforcement agencies and how this influences and impacts upon their ability to use law enforcement responses to combat TEC. Despite some consideration of the policy challenges, Pink's findings focused largely on the operational context. For example, while some of Pink's key national informants made reference to existing policy, no reference was made to specific policies, nor was there any assessment of what constitutes the 'TEC policy setting' or the relative strengths and weaknesses of particular policy approaches (Personal Communication Pink 2012). A more detailed analysis of the TEC policy setting would complement the work of Pink (forthcoming), and provide a more comprehensive understanding of existing transnational policy and operational law enforcement responses.

The policy setting is defined as the suite of documents, plans, programs, regulatory schemes, and strategies that provide for a coordinated, coherent response to, and support for, the fight against wildlife crime. Examples of policy could include multilateral environmental agreements, regional strategies or plans, memoranda of understanding or relevant formalised arrangements between countries or agencies (e.g., Environmental Agencies, Customs, and Police), programs funded or coordinated by governments to fight wildlife crime (e.g., relating to education or awareness-raising, and demand reduction), or agency-specific policy or procedure documents (e.g., relating to compliance and enforcement, information sharing or cooperation with other agencies, investigations, monitoring, and prevention of corruption), among others. The important role that policy plays in the fight against wildlife crime was summarised eloquently by one of Pink's (forthcoming) key international informants who referred to the 'arrow analogy'. In this analogy, the feathers are the science (providing direction), the shaft is the management, policy and the legislation development (providing rigour and strength), and the arrow head is the operational law enforcement response (providing impact and penetration). In short, policy is the key step in translating knowledge about the problem into action for dealing with the problem. Policy is developed to address problems that already exist – problems that, in the absence of policy, are addressed in an ad hoc or uncoordinated manner. In this sense, policy can be considered as a mechanism for providing a coherent, consistent, strategic approach to a particular problem, and ensuring that the expenditure of resources is both justifiable and yields the maximum benefit.

Currently, there are 'no academic studies that map, investigate and analyse the multiple examples of regulatory, compliance and enforcement structures and strategies that have been adopted in efforts to address TEC' (Elliott 2011: 4). As such, existing knowledge of the aforementioned 'policy context' is

poor. Filling this knowledge gap would potentially provide many benefits to governments and organisations engaged in addressing TEC, including a base from which to assess and enhance policy outcomes. Two working papers (Parts 1 and 2) are intended to contribute towards filling this knowledge gap by providing a preliminary description and assessment of the policy setting around one commodity of TEC, wildlife smuggling.

### **Research objectives and scope of Part 1**

The overall aim of this research was to examine and analyse existing policy responses to transnational wildlife crime (wildlife crime) for six countries in the Asia-Pacific region (Australia, Fiji, New Zealand, Papua New Guinea [PNG], Thailand and Vietnam).

Part 1 had the following objectives:

- describe the wildlife crime policy context at the global and regional levels as it applies to the six case study countries; and
- identify potential requirements of an ‘optimal’ wildlife crime policy response at the national level.

The six countries were chosen because of a high-level commonality combined with lower-level diversity. In the first instance, the six countries all have legislation in the Convention on International Trade in Endangered Species (CITES) Category 1 (see below). This provides a general standardisation in terms of legislative frameworks. The six countries nevertheless represent a variety of economic conditions and settings for wildlife crime (e.g., species, trade routes, and offender types) across a spectrum spanning two regions—Southeast Asian and the Pacific/Oceania. Furthermore, although the extent and nature of wildlife crime in each region may vary, there is evidence to suggest that it exists in both (UNODC 2011b; PIFS 2011; PNG Customs, 2012). Descriptions of wildlife crime policy responses at all levels was undertaken using secondary data..

## **THE HIGH-LEVEL POLICY CONTEXT**

### **Global policy responses**

There is currently no specific treaty or other policy mechanism at the global level dealing comprehensively with the many aspects and facets of wildlife and forest offences, such as illegal logging, poaching, trafficking in fauna and flora, the possession and consumption of illegally traded plant and animal material, and associated offences such as money-laundering (ICCWC 2012). Several multilateral agreements exist, however, and constitute policy either directly or indirectly relevant to wildlife crime. Multilateral agreements that are directly relevant include CITES, the United Nations Convention on Transnational Organised Crime, and the United Nations Convention Against Corruption. Other relevant multilateral agreements include the Convention on Biological Diversity, and the Convention Concerning the Protection of World Cultural and Natural Heritage.

CITES came into force on 1 July 1975 and now has 175 member states. The aim of CITES is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. States who become a party to CITES are obliged to have an administrative and legal system in place to ensure that every provision of the convention is effectively enforced. The degree to which States’ legislation meets the requirements of CITES is measured by the CITES Standing Committee through classification in one of three categories: Category 1 legislation is believed generally to meet the requirements for implementation of CITES; Category 2 legislation that meets some, but not all, requirements; and Category 3 legislation does not meet the requirements to implement the convention. Currently, the proportion of member states with legislation in Categories 1, 2, and 3 is approximately 49 per cent, 28 per cent, and 23 per cent respectively (CITES 2012a). Beyond the convention itself, CITES (via, for example, the Conference of the Parties or the Standing Committee) issues new policy through the adoption of various decisions and resolutions. In recent years, such decisions have tended to move CITES from being purely a trade policy instrument to a treaty that actively addresses wildlife crime. While CITES mainly regulates international trade, various decisions and resolutions have continued to expand its role to regulate domestic trade, particularly in relation to elephants, rhinos and tigers. This is critical to ensure illegal domestic trade does not lead to international trade dynamics that undermine the conservation of these high-profile species (Nowell 2012). CITES has close ties with other international and regional

organisations, many of which have been formalised through memorandums of understanding. A full list of these has not been provided here, but some that are mentioned later in this paper include the United Nations Environment Programme, Interpol, the World Customs Organisation, and TRAFFIC International. The CITES Secretariat is also a party to the International Consortium on Combating Wildlife Crime (ICWC, discussed later).

The United Nations Convention against Transnational Organized Crime (UNTOC) came into force on 29 September 2003 and has been ratified by 172 parties. States who ratify UNTOC are obliged to adopt legislation or other measures to establish criminal offences for transnational crime that falls into one of five general categories: serious crime (defined as a crime punishable by at least four years imprisonment); taking part in an organised group who commits a serious crime; laundering the proceeds of crime; corruption of public officials and civil servants; and obstructing the course of justice. The United Nations Convention against Corruption (UNCAC) came into force on 14 December 2005 and has been ratified by 162 countries. Among other measures, states that ratify UNCAC are obliged to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. Other multilateral agreements that are indirectly relevant to addressing wildlife crime include the Convention on Biological Diversity, the Convention Concerning the Protection of World Cultural and Natural Heritage, the Convention on the Conservation of Migratory Species of Wild Animals, and the Convention on the Conservation of Migratory Species of Wild Animals. These agreements provide for general protection of ecosystems and cultural and natural heritage (respectively) and set out principles and mechanisms that can be utilised for that purpose (ICWC 2012). For example, the Convention on the Conservation of Migratory Species of Wild Animals encourages the development of agreements or memorandums of understanding that include measures to reduce illegal hunting. Aside from these overarching multilateral agreements, other policy instruments at the global level include resolutions from UN bodies, policy initiatives launched by international consortiums and organisations, and profile-raising of wildlife crime at major international fora.

Various United Nations (UN) bodies have taken steps in the wildlife crime policy realm in the form of resolutions that sit under the broader umbrellas of UNTOC and UNCAC. In 2000, UN General Assembly resolution 55/25 directly linked UNTOC to wildlife crime by stating that UNTOC 'constitutes an effective tool and the necessary legal framework for international cooperation in combating such criminal activities as illicit trafficking of protected species of wild flora and fauna, in furtherance of the principles of the [CITES]'. In 2001, the United Nations Economic and Social Council (ECOSOC) agreed to a resolution urging member states to adopt legislative or other measures necessary for establishing illicit trafficking in protected species of wild flora and fauna as a criminal offence in their domestic legislation (ECOSOC Resolution 2001/12). A 2003 ECOSOC resolution further urged member states to cooperate with the United Nations Office on Drugs and Crime (UNODC), as well as with the secretariats of CITES and the Convention on Biological Diversity with a view to preventing, combating and eradicating trafficking in protected species of wild flora and fauna and to adopt, where necessary, preventive measures together with a review of their criminal legislation in order to ensure that the serious nature of these offences relating to trafficking in protected species is punishable by appropriate penalties (ECOSOC Resolution 2003/27). Further, in 2007 and 2008 resolutions, the Commission on Crime Prevention and Criminal Justice (CCPCJ) called for international cooperation (CCPCJ Resolution 16/1), and holistic and comprehensive national multisectoral approaches (CCPCJ Resolution 2008/25) to preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. In 2007, UN General Assembly resolution 62/98 called upon member states and others to enhance bilateral, regional and international cooperation to address illicit international trafficking in forest products through the promotion of forest law enforcement and good governance at all levels, as well as to strengthen, through enhanced bilateral, regional and international cooperation, the capacity of countries to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. In 2011, the CCPCJ recommended to ECOSOC the adoption of a resolution calling for UNODC to work with Member States on measures to prevent, combat, investigate and prosecute illicit trafficking in wild fauna and flora (CCPCJ Resolution 2011/36). Finally, wildlife crime was raised as an issue and discussed by world leaders at the most recent UN General Assembly in September 2012. Although not directly represented in any subsequent resolutions or other UN policy

instruments, this indicates a raised profile for the issue of wildlife crime at the highest level of intergovernmental debate and agreement.

Arguably the most promising recent wildlife crime policy development at the global level was the formation in November 2010 of the ICCWC, comprising the CITES Secretariat, International Police Organisation (Interpol), the UNODC, the World Bank and the World Customs Organisation. The objectives of the ICCWC include enhancing a collective effort to address wildlife crime by promoting data sharing, analysis, intelligence, enforcement techniques and resources among enforcement agencies, and working to raise the profile and awareness of wildlife crime among politicians, diplomats, policy-makers and decision-makers, as well as the judiciary. Given that ICCWC partners collectively deal with the entire global enforcement system, it is uniquely placed to influence the wildlife crime policy setting (Scanlon 2012) and is already contributing to the global fight against wildlife crime. In December 2011 the first international workshop on ‘Establishing a Network of Controlled Delivery Units for Forest and Wildlife Law Enforcement’ took place in Shanghai, organised by the World Customs Organisation. This was followed by a February 2012 workshop on ‘Asian Big Cats’ for heads of police and customs on tiger crime in Bangkok. Both workshops took place under the auspices of the ICCWC. Other capacity-building achievements of late include securing \$600,000 for the 2012–2013 fiscal year through the World Bank Development Grant Facility to strengthen national enforcement capacities to fight wildlife crime, and the launch of a Wildlife and Forest Crime Analytic Toolkit (UNODC 2012a). The aim of the latter is to provide comprehensive guidance in analysing administrative, preventative and criminal justice responses to wildlife and forest crime and other related offences in a given country (ICCWC 2012). The ICCWC, and specifically the various channels of information transfer made possible by the ICCWC, also played an operational role by delivering a real-time response to incidents of significant elephant poaching in Cameroon in February 2012, contributing to the interception of 50 elephant tusks coming from Nigeria and destined for Thailand on 3 March 2012 (CITES 2012b). It is important to note that the ICCWC partners have contributed individually to wildlife crime policy at the global level. For example, Interpol established their Environmental Crime Programme in 2009 and now promote wildlife crime as a priority in the Programme’s Strategic Plan 2011–2013 (Interpol 2011).

Finally, the inaugural International Chiefs of Environmental Compliance and Enforcement Summit in Lyon in March 2012 signalled the likelihood of further wildlife crime policy development at the global level. The summit brought together almost 230 delegates from nearly 70 countries and created a strong foundation to increase high-level political will across the global political, social, economic and environmental spectrums (Interpol 2012).

### **Asia-Pacific regional policy responses**

The global policy context described in the previous section has provided a framework for the development of several regional policy instruments across the Asia-Pacific either directly or indirectly relevant to wildlife crime. Broadly speaking, the regional policy responses can be grouped under the headings of UN-led initiatives, Southeast Asian initiatives, and Pacific/Oceania initiatives.

#### *UN-led initiatives*

The UNODC is mandated to address wildlife crime within the framework provided by UNCTOC, UNCAC, and relevant resolutions of UN bodies (Section 2.1). In terms of its regional influence in addressing wildlife crime, the UNODC has described itself as holding an ‘emerging position as a relevant player’ (UNODC 2012b) and has developed some important policy responses. The UNODC’s ‘Regional Programme Framework for East Asia and the Pacific 2009–2012’ supports two broad thematic areas and associated challenges – rule of law, and health and development. The former is constituted by challenges that fall into three main pillars: illicit trafficking (i.e., responses to illicit trafficking are impeded by weak capacity of law enforcement agencies and patchy cooperation among member states), governance (i.e., insufficient institutional and procedural safeguards against corruption and lack of cooperation in recovery of stolen public assets), and criminal justice (i.e., lack of implementing legislation and inadequate legal frameworks, lack of adequately strong, independent and fair justice systems at the national level, as well as inadequate mechanisms to support effective cooperation in transnational organised justice) (UNODC 2009a). Beneath these three pillars sit a number of sub-programs intended to address various issues. The outputs of the sub-programs of illicit wildlife trafficking, for example, include: a regional strategy to prevent and suppress trafficking in

illicit natural resources and hazardous substances; effective environmental governance policies and regulatory frameworks established and implemented; informed and capable law enforcement and specialised officials; mechanisms established to promote cooperation between responsible agencies within and across borders; and producers and consumers effectively engaged in reducing demand for illegal natural resources and hazardous substances (UNODC 2009a). One of the higher-profile projects undertaken under this program is the Partnership Against Transnational Crime through Regional Organized Law Enforcement (PATROL) project, initiated in 2010 in collaboration with the United Nations Environment Programme Regional Office for the Asia Pacific (UNEP-ROAP) and other partners as a mechanism to combat transnational organised crime, including wildlife crime (UNODC 2011). The PATROL project aims to expand cross-border cooperation in the fight against transnational organised crime, the scope of which now includes wildlife crime. Central to the project is cross-border cooperation through the use of border liaison offices located close to recognised border crossings and acting as centralised clearing houses for information received from the vicinity of those border areas (UNODC 2009b).

#### *Southeast Asian initiatives*

The Association of Southeast Asian Nations (ASEAN) has developed many regional wildlife crime policy responses (although, as Horne [2013] indicates, the implementation of those responses is likely to differ between nations). Arguably the most significant, however, was derived from the 'ASEAN Regional Action Plan on Trade in Wild Fauna and Flora (2005–2010)'. The Action Plan was developed and adopted by the Special Meeting of the ASEAN Experts Group on CITES in May 2005 (ASEAN-WEN 2012a), and among other things established the Association of Southeast Asian Nations Wildlife Enforcement Network (ASEAN-WEN). Comprised of law enforcement agencies from the 10 ASEAN members, ASEAN-WEN is the largest environmental enforcement network in the world. The network operates at the national and regional levels. On the national level, each country operates an inter-agency task force comprised of police, customs, and environmental officers. Task forces form the backbone of a regional network dedicated to battling wildlife crime (ASEAN-WEN 2012b). ASEAN-WEN features prominently in the current 'ASEAN Regional Action Plan on Trade in CITES Wild Fauna and Flora, 2011–2015', particularly in achieving the objective relating to the promotion of networking amongst relevant law enforcement authorities. Other objectives relate to the development of CITES legislation, promoting research, monitoring and information exchange, promoting compliance of stakeholders with CITES legislation, supporting capacity building, encouraging greater regional cooperation, and seeking technical and financial assistance through collaborative initiatives (ASEAN 2011). An important policy response involving ASEAN-WEN is the five-year Asia's Regional Response to Endangered Species Trafficking (ARREST) program, funded by the United States Agency for International Development and implemented by the FREELAND Foundation. The ARREST program is intended to address wildlife crime by reducing consumer demand, strengthening law enforcement, and strengthening regional cooperation and anti-trafficking networks (USAID 2011). At the September 2012 33rd General Assembly of the ASEAN Inter-Parliamentary Assembly, a resolution on strengthening law enforcement and regional cooperation to combat wildlife crime in partnership development with ASEAN-WEN, ARREST and FREELAND was approved (Res33GA/2012/Org 07). Among other things, the resolution specifically endorses the efforts of ASEAN-WEN and the ARREST program, including authorising the ASEAN Inter-Parliamentary Assembly to enter into joint agreements in the promotion of a green legislative agenda.

Other regional policy has been developed outside the auspices of ASEAN. An example is the 'Manifesto on Combating Wildlife Crime in Asia', developed at the International Technical Workshop on Arresting Wildlife Depletion in Asia, held in Pattaya, Thailand, in April 2009. The manifesto includes 15 recommendations focusing on initiatives for the prevention of poaching, reduction in global demand for illegal wildlife and derivative products, as well as increasing public awareness (ASEAN-WEN 2009). Tiger-specific wildlife crime policy has been developed by collaborations of tiger-range countries (which include Vietnam and Thailand). Examples include the 'Hua Hin Declaration on Tigers', which among other things pledges to implement anti-poaching efforts and outreach activities; and the 'St. Petersburg Declaration on Tiger Conservation', which contains a number of measures to strengthen law enforcement, collaboration and awareness-raising, as well as the official adoption of the 'Global Tiger Recovery Program 2010–2022'.

Moving further into the Pacific region, the Asia-Pacific Economic Cooperation (APEC) forum has developed policy in relation to corruption as well as recently making direct reference to wildlife crime. In March 2011, APEC's Anti-Corruption and Transparency Experts' Task Force, which was established in 2004 as a result of the 'Santiago Commitment to Fight Corruption and Ensure Transparency', was upgraded to 'working group' status. Particularly noteworthy achievements of the Task Force relevant to the fight against wildlife crime were the 2009 endorsement by APEC of the 'Singapore Declaration on Combating Corruption, Strengthening Governance and Enhancing Institutional Integrity', reaffirming the commitment of APEC economies towards creating a framework of transparency and accountability to strengthen governance and institutional integrity, and the 'APEC Guidelines on Enhancing Governance and Anti-Corruption' (APEC 2012a). In a promising development for the regional/international profile of wildlife crime, the Leaders' Declaration directly cites escalating illicit trafficking in endangered and protected wildlife, and the associated economic, social, security, and environmental consequences, as a concern, and commits APEC leaders to addressing both the illegal supply and demand for endangered and protected wildlife through capacity building, cooperation, increased enforcement, and other mechanisms (APEC 2012b).

#### *Pacific/Oceania initiatives*

Compared to Southeast Asia, wildlife crime has received far less direct attention in Pacific/Oceania policy spheres, tending to be addressed indirectly (and to different extents) through responses to other issues. Such issues include biodiversity conservation, environmental sustainability, economic development or transnational/organised crime (TOC). For example, the 'Pacific Plan for Strengthening Regional Cooperation and Integration', endorsed by leaders of member countries at the Pacific Islands Forum Meeting in October 2005, includes overarching measures to improve regional security and governance as well as direct reference to transnational crime and the need for strengthened law enforcement capacity (PIF 2005). Similarly, the Secretariat of the Pacific Regional Environment Programme's 'Strategic Action Plan 2011–2015' establishes strategic priorities relating to various environmental issues, with an additional focus on environmental monitoring and governance, but does not specifically address any form of environmental crime (SPREP 2011).

The most promising policy response regarding wildlife crime in the Pacific region appears to be in the form of a response to the broader threat of TOC. For example, the Pacific Islands Law Officers' Network (PILON), established in 1982 and consisting of senior public law officers from Pacific Island countries, focuses on common legal issues within the Pacific region (PILON 2012a). The issue of transnational crime has been raised at recent annual PILON meetings (PILON 2012b). Arguably the most promising policy response to TOC in the Pacific region occurred in 2002 with the establishment of the Pacific Transnational Crime Network (PTCN). The PTCN was established under the auspices of the Pacific Islands Chiefs of Police Conference and was sponsored by the Australian Federal Police and the United States Department of Defense Joint Interagency Task Force West as part of a regional approach to combat transnational crime in the region. The PTCN consists of Fiji, Samoa, Tonga, Vanuatu, PNG, Micronesia, Solomon Islands, Australia, New Zealand, and other partners. The initiative is geared toward recognising and raising members' law enforcement capacities and in particular assists partners to develop transnational crime units linked with others throughout the Pacific. Such units have been established in Fiji and PNG (US Department of State 2009; PTCN 2012). The potential proliferation of TOC has been recognised more recently as a security issue in the Pacific region (Boister 2005; PIF 2008; McKusker 2006; PILON 2012b). As further evidence of this, the Pacific Islands Forum Secretariat publishes an annual Pacific Transnational Crime Assessment. Although appearing to be afforded a lower priority than other forms of crime (such as drugs, corporate crime, and terrorism), wildlife enforcement was identified as an issue warranting a response (PIFS 2011). TOC has since been considered at the Forum Regional Security Committee of the Pacific Islands Forum. Drawing together representatives from member countries and all regional law enforcement networks and secretariats, among others, the Committee is the principal regional forum on political security and governance issues and was integral in the development of the 'Human Security Framework for the Pacific 2012–2015'. One of five elements addressed by the framework is political security, and an example of an objective under this element is 'strengthening integrated law enforcement, criminal justice and preventive regulatory responses to transnational organised crime' (PIF 2012).

A final indirect policy response to wildlife crime in the Pacific/Oceania region is the Coral Triangle Initiative Regional Plan of Action, formalised in 2009 by six countries, one of which is a case study country (PNG). While primarily aimed at biodiversity conservation and sustainable management, it also provides limited measures for addressing wildlife crime as it applies to marine life. The relevant elements include recognition and enforcement of laws and regulations to combat illegal, unreported and unregulated fishing and trafficking of threatened marine species as transnational organised crime (Coral Triangle Initiative 2009). Other important policy responses in the Pacific region have been led by individual countries (notably Australia) and are considered in that section.

### **POTENTIAL REQUIREMENTS OF AN OPTIMAL POLICY RESPONSE**

There are no standardised and/or accepted criteria for determining an ‘optimal’ wildlife crime policy response. Possible elements of such a response, however, could be determined by consolidating lessons from sources that present theories on best practice approaches to compliance and enforcement, that have discussed potential weaknesses and/or areas for improvement in current policy responses, or from novel policy responses that appear to have had some success in various settings. Many examples of these can be found in the literature, and in light of the fact that wildlife crime continues to proliferate (see Elliott 2011; CITES 2012d; Nowell 2012; Scanlon 2012), it stands to reason that current wildlife crime policy responses would potentially be improved by incorporating some of the lessons. The following sections summarise the suite of potential policy lessons in an attempt to identify the potential requirements of optimal or ‘ideal type’ policy response. Those requirements can be broadly classified into four related categories: the optimal wildlife crime policy response must be (1) proactive and intelligence based, (2) multifaceted, addressing many aspects of the problem, (3) multilateral, involving cooperation across borders between several actors, and (4) monitored, evaluated, and adapted as necessary.

#### **Proactive and intelligence based**

The first major requirement for a best practice wildlife crime policy response is that it must be proactive and intelligence based. In his most recent book, distinguished political scientist Malcom Sparrow advocated the following approach to regulation: ‘Pick Important Problems, and Fix Them’ (Sparrow 2008: 5). Sparrow uses this beguilingly simple statement as an introduction to a regulatory approach that is proactive, strategic, and intelligence-based. This approach, Sparrow states, seeks to unravel intractable problems that cannot be addressed in a reactive, case-by-case manner. Given that the recent growth of wildlife crime has occurred despite the existence of a regulatory regime intended to prevent it (i.e., CITES), it is appropriate to consider it an ‘intractable problem’ that may benefit from such an approach. This sentiment is shared by a number of authors who have identified a lack of proactive approaches as a weakness with some current wildlife crime policy responses and/or advocated the use of more proactive responses (Ayling 2012; Pink forthcoming; Pires and Moreto 2011; Schneider 2008; Sparrow 2008; Wellsmith 2011; Williams and Godson 2002). Taking a more proactive approach is largely predicated on sufficient knowledge of the problem to be addressed. Ayling articulated this requirement in stating that ‘it is difficult to design an effective policy to deal with wildlife crime without having a good knowledge of the networks involved in and driving that crime, which will be specific to the geographical area and species’ (2012: 5). Effective intelligence gathering and use of that intelligence to develop a strategic response is therefore crucial. Intelligence gathering need not be restricted to desktop research or monitoring by law enforcement officers. For example, Dongol (2011) emphasized the importance of developing and maintaining informant networks, and at least one example shows that such networks may have had success in addressing wildlife crime (Nowell 2012). If informant networks operated effectively, they could potentially provide a much more efficient way of facilitating intelligence-based proactive enforcement – i.e., the enforcement agency could retain a relatively passive and reactive role, but would undertake this role based on more up-to-date information and under a regime of increased likelihood of detecting illegal behaviour. The importance of proactive regulatory approaches to dealing with transnational crime is not a new concept. For example, Williams and Godson (2002) previously provided a useful proactive tool by developing models that could be used by governments to yield indicators of, and hence warnings about, future manifestations of organised crime.

### **Multifaceted, addressing many aspects of the problem**

The second potential requirement of an optimal wildlife crime policy response is that it must be multifaceted, employing a range of responses that target different aspects of the problem. The reason for this is that combinations of complementary policy instruments generally work better than reliance on a single instrument (Australian Public Service Commission 2009). In relation to wildlife crime, this requirement is also linked to the complexity of the problem: wildlife crime is characterised by a complex range of environmental, economic and social factors, and a complex range of networked actors (Ayling 2012; Wyatt 2011). To be effective, policies to curb wildlife crime therefore need to address the diverse and actor-specific drivers of illegal wildlife trade (Ayling 2012). Put another way, a policy response that addresses as many elements of the problem as possible will inevitably be the most effective. Similar to the proactive requirement, good intelligence is crucial because it is impossible to target particular drivers without knowing what those drivers are, and impossible to prioritise efforts without knowing their relative importance. Potential policy responses can be developed to target issues and opportunities on both the offender (i.e., on-the-ground) side and government/regulator side. While many examples are given below, it is likely that many more could be identified.

Policy responses targeting ‘on-the-ground’ aspects of the wildlife crime problem are commonly focused on enforcement staff (e.g., through increasing operational capability of enforcement staff; see CITES 2011a, 2011b, 2012d, 2012e). Other potential policy instruments to increase enforcement capability that could be (and in some cases are being) implemented include developing databases, expanding detection programs to include the use of sniffer dogs, training for enforcement staff to improve their ability to identify CITES-listed specimens, the use of forensic techniques to assist investigations, advanced investigation techniques such as controlled deliveries, increasing the perception of enforcement presence by increasing patrols, or increasing the likelihood of detecting illegal activity by developing and enhancing informant networks (CITES 2012c; Dongol 2011; Elliott 2008; Hilborn *et al.* 2006; Leader-Williams and Milner-Gulland 1993; Nowell 2012). As noted earlier, the latter could potentially form part of a proactive approach and could be done by providing incentives for people to provide information (Dongol 2011). While enforcement-side policy responses are certainly important, a much wider range of potential interventions are also candidates for a multifaceted policy response. For example, market reduction strategies seek to reduce and disrupt stolen goods markets in addition to reducing theft levels by making it more risky for thieves to sell stolen property (Schneider 2008). Schneider (2012) provides a framework for the development of such a strategy by advocating the need for a careful, species-by-species analysis of steps in the trading chain. The analysis may make it possible to develop an approach involving opportunity-reducing interventions that are tailored to fit the particular nature of the species (or their parts) traded, the species natural habitats, the staging points in the trade, and the distribution points in destination countries (Schneider 2012). Pires and Moreto (2011) advocate a similar approach involving a combination of making it more difficult to poach (i.e., situational crime prevention) and providing incentives for locals to abstain from poaching. Wellsmith (2011) believes that measures to prevent wildlife crime from occurring (e.g., minimising the incentives of people to participate) should be the primary weapon against wildlife crime in addition to increasing enforcement capability. The common theme with all these approaches, however, is that they involve multifaceted interventions targeted at different points along the wildlife crime chain.

An issue that is receiving increased attention is the strong link between the proliferation of wildlife crime and demand for illegal products, and consequently the crucial importance of demand reduction strategies in preventing wildlife crime (ASEAN-WEN 2009; Broad and Damania 2009; CITES 2012e; Milliken and Shaw 2012; Nowell 2012; TRAFFIC 2012a, 2012b). Despite this, demand reduction strategies have received far less attention than legal and enforcement measures over the past two decades (Broad and Damania 2009), possibly due to the complexity of and perceived difficulty in successfully implementing them – demand reduction strategies must be carefully crafted and culturally relevant (TRAFFIC 2012b). Potential mechanisms for demand reduction in relation to tiger products were considered at a workshop held in Hong Kong in November 2011. The ideas put forward echoed the earlier recommendations of Broad and Damania (2009), and included making enforcement consistently credible, talking to the unconverted (i.e., strategically targeted communication), and the need to monitor progress, in terms of both poaching rates at the source and behavioural change at the destination. Another example of a ‘behavioural change’ measure intended to change attitudes towards over-exploitation of

forest resources is a project currently underway in Ecuador. It is interesting that the project highlights the potential benefits of working with a wider range of people than simply poachers. Instead of a traditional approach targeting male hunters, TRAFFIC and project partners are instead working through existing womens' groups in indigenous communities to reduce the illicit trade in wild meat that is threatening many of the region's wildlife species. By working with local women, the project is helping to empower them and strengthen opportunities for reflection and decision-making, which in turn improves governance at the organisational and community levels (TRAFFIC 2011).

Aside from addressing issues on the side of the offender or 'on-the-ground', issues on the side of the government/regulator can erode their capacity to undertake successful compliance and enforcement. Such issues may be candidates for one facet of a multifaceted policy response. For example, while perhaps not a 'driver' of wildlife crime *per se*, poor governance and corruption amongst government officials are commonly associated with (and in many cases are said to be a primary factor facilitating) the proliferation of wildlife crime (Albanese 2011; Wellsmith 2011; Nowell 2012; *New Zealand Herald* 2012). Albanese (2011) believes that because corruption is central to all forms of transnational and organised crime, the future of transnational crime depends to a large extent on the effectiveness of anti-corruption efforts. Another less insidious factor on the 'government side' is a general view that current penalties for wildlife crime are too low, in terms of both maximum penalties available under legislation and penalties set by the judiciary in cases where a prosecution is successful (Dongol 2011; Wellsmith 2011; Nowell 2012; Pink forthcoming). As an example, the maximum fine for CITES-related offences under Thailand's *Wild Animal Reservation and Protection Act B.E.2535 (1992)* is the equivalent of approximately US\$1,300. On the other hand, a kilogram of rhino horn has a market value upwards of US\$50,000 (Wyler and Sheikh 2008). The main consequence of this is that the penalties do not have sufficient deterrent value. In those cases, awareness-raising amongst legislators and the judiciary may be a candidate for a policy response. Other issues on the government side relate to policy development and implementation. For example, several enforcement practitioners have reported that wildlife crime policy is often developed without consideration of operational realities, or without sufficient consultation with relevant operational staff (Pink forthcoming), resulting in policy that has many practical issues with implementation. A final internal issue relates to staff culture and the issues associated with the adoption of the 'enforcement' role by environmental regulatory agencies who have hitherto been policy and program focused (Bricknell 2010; Pink forthcoming). There is evidence to suggest that some agencies have struggled to make the transition to these new roles and that many are still negotiating the regulatory culture (Bricknell 2010).

Generally speaking, the opportunities and issues identified in the preceding paragraphs were restricted to those most likely within the capacity or mandate of environmental law enforcement agencies to address. There are, however, a range of other issues that contribute to the proliferation of wildlife crime for which any attempt to address would likely be beyond this capacity or mandate. These include poor infrastructure, socioeconomic problems, economic instability, weak banking systems, inappropriate channels for receipt of foreign aid, ambiguous property rights, and negative economic incentives for conservation due to human-animal conflict (Conrad 2012; McKusker 2006; Williams and Godson 2002). Resource constraints and other government priorities make it unrealistic to expect that a policy response developed for wildlife crime alone could address such issues. Nonetheless, the fact that they have been linked to wildlife crime makes it interesting to consider the possible benefits of implementing a multifaceted policy response to wildlife crime at a whole-of-government level.

### **Multilateral, involving cooperation between several actors**

The third potential requirement of an optimal wildlife crime policy response is that it must be multilateral, involving cooperation and collaboration between different nations, agencies and actors. Environmental crime, and especially transnational environmental crime, poses many challenges that are not present in 'traditional' law enforcement settings (Bricknell 2010; Clifford and Edwards 2012; Pink forthcoming). One such challenge in the case of domestic environmental crime is that it commonly falls within the jurisdiction of two or more core agencies (e.g., those with environmental regulatory functions, and those with traditional law enforcement functions; Pink forthcoming). If not recognised and managed appropriately, this jurisdictional overlap can result in an uncoordinated response or agency conflict (Pink forthcoming), and ultimately poorer outcomes. This difficulty is amplified in the case of transnational environmental crimes where cross-border interaction means that differing legislative frameworks and issues of sovereignty must also be negotiated. Such challenges

have resulted in widespread recognition that effective environmental law enforcement is not possible in the absence of a multilateral response, that is, cooperation and coordination between agencies at the national level and between nations at the regional/global level (; Clifford and Edwards 2012; Dongol 2011; Loader and Walker 2007; Pink forthcoming; Scanlon 2012; Sperling 2008; UNODC 2011b; Willis and Bricknell 2012). A broad range of policy instruments could provide for cooperation, and include bilateral agreements or memorandums of understanding incorporating arrangements for information-sharing, communication, joint policy development, joint operations, extradition arrangements, mutual legal assistance, capacity-building, and harmonisation of legislation and legal processes, among others.

Within the domestic context, the jurisdictional overlap that commonly exists for environmental crimes means that agencies who address it have tended to cooperate or collaborate on an ad hoc or case-by-case basis (Schlegel 2000; Pink 2010). For example, Schlegel (2000) believed that communication between agencies is often limited to informal, reactive solicitation of information with regards to a specific case by individual officers who have established a relationship, and argued that efforts should be made to establish formalised channels of consistent communication that include measures for training, resources, and information-sharing. Recognising that jurisdictional overlap issues are common in Australian environmental regulatory agencies, Willis and Bricknell (2012) described an idea for a nationally structured framework for addressing environmental crime that would make it possible to determine the roles and responsibilities of different agencies, identify functional overlaps, and gain a better understanding of the effectiveness and degree of coordination of agency activities. In a broader sense, the importance of collaboration and cooperation in dealing with domestic and transnational environmental crime has resulted in a growing focus on the importance of networks (Elliott 2011; Sperling 2008; Pink 2011; Slaughter 2004), and the establishment of networks can be considered an important policy response at the regional and international levels (e.g., ASEAN-WEN). Ideally, policy responses at the national and agency levels should encourage or facilitate involvement in such networks.

Looking beyond just government, many have advocated the potential benefits of empowering third parties (i.e., non-government actors) to play a role in government policy (Australian Public Service Commission 2009; Wyler and Sheikh 2008). Such engagement can contribute to quality policy design by incorporating expertise, perspectives and ideas of those directly affected, helping policy-makers balance opposing interests, identifying unintended effects and/or practical problems, providing a quality check on any assessment of costs and benefits, and identifying interactions between any existing policy instruments (OECD 1995). Applying this view to wildlife crime policy, there may be benefits by recognising the potential input of those who live or work in areas where wildlife crime occurs or who are otherwise affected by it in some way, and a lack of such engagement has been identified as a policy weakness in some instances ( Ha et al. 2008). Particularly in developing countries, many programs seeking to reduce wildlife crime are being implemented by non-government organisations (e.g., ARREST; See *Southeast Asian initiatives*). Allowing such organisations to provide input into policy development, or play a role in policy implementation, would increase the multilateral nature of the policy response and may yield benefits by incorporating additional resources and/or knowledge.

#### **Monitored, evaluated and adapted as necessary**

The final potential requirement of an optimal wildlife crime policy response is that it must incorporate measures for ongoing monitoring and evaluation, and must be updated as necessary. At the national and agency levels in particular, there are two potential sources of change. The first is through changes to conventions, such as CITES decisions or resolutions (via, for example, the Conference of the Parties or the Standing Committee) that represent incremental changes to its mandate. Even though resolutions and decisions are adopted and approved by States Parties, such changes are not always mirrored by policy changes at the national level. In some instances this has resulted in policy and/or legislation effectively 'falling behind' the convention (Pink forthcoming). The second potential source of policy change, and arguably one more difficult to manage, is through changes to the nature of wildlife crime itself. Some have stated that a problem with some policy approaches is that they have limited capacity to take account of such change (Ayling 2012; Pink forthcoming). Given the dynamic nature of wildlife crime in terms of rapid changes to targeted species, trade routes and methods of concealment (UNODC 2011b; Ayling 2012), this should be of great concern.

Ayling (2012) provides a strong rationale to monitor, evaluate and potentially adapt policy responses to wildlife crime by highlighting the resilience of transnational crime networks. She argues that such networks are inherently resilient to attempts by law enforcement authorities to intervene and will adapt when faced with a particular intervention. In the absence of monitoring and evaluation, it is possible that any such adaptation would go unnoticed and the policy response would therefore be less effective. As may be expected, the requirement for monitoring and evaluation of a policy approach is intrinsically linked to the other three requirements. Monitoring and evaluation provides data and intelligence which can be used to inform future priorities and means of intervention. In Schneider's (2008) market reduction approach (see *Multifaceted*), for example, data on the type of stolen goods market operating, and on the type of property stolen, is used to reveal the impact of interventions. Given that resources devoted to addressing wildlife crime are commonly public funds, monitoring and evaluation is also an essential part of demonstrating that a particular policy approach constitutes appropriate use of resources.

## CONCLUSION

The high-level wildlife crime policy context for the six case study countries includes various instruments at the global and regional levels. Policy at the global level is primarily derived from CITES and any subsequent resolutions or decisions, as well as resolutions from relevant UN bodies. Other multilateral agreements (e.g., on biological diversity or corruption) also play an indirect role. Arguably the most promising influence on wildlife crime policy at the global level has been the formation in November 2010 of the ICCWC, comprising the CITES Secretariat, Interpol, the UNODC, the World Bank and the World Customs Organisation. Policy at the regional level can be grouped under the headings of UN-led initiatives, Southeast Asian initiatives, and Pacific/Oceania initiatives, and consist of various programs, action plans, cooperation agreements and treaties. Policy responses at the national and agency levels include various strategies, plans, memoranda of understanding or relevant formalised arrangements between agencies, and programs funded or coordinated by governments to fight wildlife crime.

There are no standardised and/or accepted criteria for determining an optimal wildlife crime policy response. Possible elements of such a response, however, were determined by consolidating lessons from sources that present theories on best practice approaches to compliance and enforcement, that have discussed potential weaknesses and/or areas for improvement in current policy responses, or from novel policy responses that appear to have had some success in various settings. The potential requirements for such optimal policy are numerous, but can be broadly classified into four related categories: the optimal wildlife crime policy response must be (1) proactive and intelligence based, (2) multifaceted, addressing many aspects of the problem, (3) multilateral, involving cooperation between several actors, and (4) monitored, evaluated, and adapted as necessary. The fact that wildlife crime continues to proliferate (Elliott 2011; CITES 2012d; Nowell 2012; Scanlon 2012) suggests that policy responses to this point have had limited success in preventing wildlife crime, and questions follow as to why this may be the case. The second working paper on this topic (Horne 2013) attempts to address such questions in a preliminary sense by considering the degree to which existing policy responses at the national and agency levels fulfil the four broad requirements of an optimal policy response (proactive, multifaceted, multilateral, and monitored, evaluated and adapted as necessary), as well as presenting some observations on related issues (including but not limited to policy implementation) and offering some recommendations.

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