

# ILLICIT WILDLIFE TRADE AND THE ROLE OF CUSTOMS

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## I. WORLD CUSTOMS ORGANIZATION (WCO) AND CUSTOMS

The WCO is an intergovernmental organization specialized in Customs matters with 180 members that cover 98% of world trade.<sup>1</sup> Over the years, the mission of Customs has evolved from its traditional task of collecting revenue at borders to a wider range of tasks, including facilitating trade, improving economic competitiveness, ensuring security at borders, and protecting society from illicit trade.<sup>2</sup> To assist its Members in discharging their responsibilities in an efficient and effective manner, the WCO develops and maintains standards for Customs procedures, promotes international cooperation in sharing information and best practices and provides technical and capacity building assistance. The vision of the WCO is “Borders Divide, Customs Connects.”<sup>3</sup> However, it

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<sup>1</sup> *WCO in Brief*, WORLD CUSTOMS ORG., <http://www.wcoomd.org/en/about-us/what-is-the-wco.aspx> (last visited Dec. 13, 2016).

<sup>2</sup> *WCO Mission Statement*, WORLD CUSTOMS ORG., [http://www.wcoomd.org/en/about-us/what-is-the-wco/mission\\_statement.aspx](http://www.wcoomd.org/en/about-us/what-is-the-wco/mission_statement.aspx) (last visited Dec. 13, 2016).

<sup>3</sup> *WCO Vision Statement*, WORLD CUSTOMS ORG., [http://www.wcoomd.org/en/about-us/what-is-the-wco/vision\\_statement.aspx](http://www.wcoomd.org/en/about-us/what-is-the-wco/vision_statement.aspx) (last visited Dec. 13, 2016).

should be emphasized that Customs should connect and facilitate only legitimate goods and serve as the first line of defense against the cross-border movement of prohibited or controlled goods. Modern Customs procedures employ technology and risk management techniques to integrate the dual Customs functions of trade facilitation and protection of society.

Since global trade represents vast sources of income, opportunists often disregard national laws in order to reap additional earnings. Such opportunists include criminal organizations and, reportedly, terrorist groups. Consequently, illicit trade is often the preferred means for criminal organizations to gain illegal profit in a systematic way, as they can easily exploit differences in legal systems, cultures, and people caused by the division at borders. The commodities most commonly trafficked include narcotics, cigarettes, fake medicines and other counterfeit trades; however, wildlife crime has recently gained prominence in the global agenda. In fact, the majority of illegal goods are seized at borders as it can prove extremely difficult to trace these goods once they have entered the domestic market. As a result, Customs authorities are increasingly called upon to contribute toward the fight against illicit forms of trade by expertly managing evolving and emerging risks at borders.

## **II. THE IDENTIFIED GAPS IN EFFECTIVE BORDER CONTROL**

Through its activities in improving the performance of Customs administrations, the WCO has identified several gaps in effective border control over illegal wildlife trade.

Firstly, awareness or prioritization of governments with respect to the protection of wildlife is often lacking, and consequently, the issue is not accorded priority status. As Customs administrations are an integral part of the government, they naturally follow priorities set by government. Furthermore, it is difficult for Customs and law enforcement agencies to assume their function if there is no understanding or support from the public on the need to conserve biodiversity and wildlife. It is therefore essential to raise awareness amongst not only governments, but also citizens and consumers, in order to change the government policy in wildlife protection, as governmental priorities usually reflect those of international and local communities.

Secondly, another common shortfall is the lack of capacity among border control officers. As all consignments are accompanied by commercial documents, Customs should analyze data, evaluate the risk associated with regard to consignments, and determine the best way to intervene—whether goods can be released immediately, or if they require further documental or physical inspection. The use of information technology greatly enhances the capability of Customs to process the ever-growing volume of trade. This requires knowledge on how to analyze the trade data to target suspicious consignments and identify the goods in infringement of wildlife protection. Consequently, it becomes necessary to provide adequate training to Customs officers on the use of information technology to manage data and carry out risk profiling and targeting. Investment in human resources and technology would be helpful.

Thirdly, collaboration with other law enforcement agencies and judicial authorities is frequently insufficient in ensuring a consequence phase is enacted following the seizure of goods in infringement of wildlife protection. While Customs administrations have expertise in identifying goods that represent a deviation from normal practice, exhibiting risks of illegality in trade, police and other law enforcement agencies have expertise in criminality and criminal organizations. Equally important is collaboration with judicial authorities, as adequate comprehension of the issue among judges and prosecutors is indispensable in bringing consequence to criminals and criminal networks. Collaboration would, for that reason, provide a good opportunity to link the seizure of goods to the arrest of criminals and bring justice. Moreover, judicial cooperation at the international level is a powerful tool in dismantling the international criminal supply chain.

Fourthly, the enhancement of cooperation with business represents a key area of focus. Modern Customs operations are based on Customs-business partnerships because the effectiveness of Customs control relies on the compliance of businesses. Compliant business receives benefits with increased facilitation from Customs but also reputational recognition. As illegal wildlife trade involves logistics and other commercial sectors, it would be crucial to raise awareness and engage with the private sector to partner with them in raising compliance and preventing the movement of illicit wildlife goods.

### III. THE WCO'S APPROACH

The WCO takes a pragmatic approach in addressing the abovementioned gaps through raising awareness, providing training and communication tools, partnering with the private sector and coordinating operations.

Recognizing the important role Customs plays in a coordinated manner, the WCO joined the establishment of the ICCWC (International Consortium on Combating Wildlife Crime) in 2010 together with CITES, Interpol, UNODC, and World Bank.<sup>4</sup> Since then, the five international organizations work in close cooperation in bringing coordinated support to national wildlife law enforcement agencies and regional networks. In 2012, the ICCWC launched the Wildlife and Forest Crime Analytical Toolkit<sup>5</sup>, which was developed to provide a comprehensive overview on issues related to wildlife and forest crime aimed at government officials in wildlife and forestry authorities, as well as Customs and other relevant agencies.

In response to its Members' needs, in 2012 the WCO launched the Environmental Programme to contribute to the combat against environmental crime, in particular, illegal wildlife trade, illegal trade in hazardous and other waste, ozone depleting substances (ODSs) and the illegal trade in timber.<sup>6</sup> The Illicit Trade Report provides further information on each component of the Programme on an annual basis.

In addition to the different tools and instruments offered by the WCO to its Members, ENVIRONET<sup>7</sup> —a real-time communication tool for information exchange among all competent

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<sup>4</sup> *The International Consortium on Combating Wildlife Crime*, CONVENTION ON INT'L TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA, <https://cites.org/eng/prog/iccwc.php>, archived at <https://perma.cc/C34P-XZBY> (last visited Sept. 27, 2016).

<sup>5</sup> United Nations Offices on Drugs and Crime [UNODC], *Wildlife and Forest Crime Analytic Toolkit—Revised Edition*, CONVENTION ON INT'L TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (Nov. 2012), [https://cites.org/common/resources/pub/ICCWC\\_Toolkit\\_v2\\_english.pdf](https://cites.org/common/resources/pub/ICCWC_Toolkit_v2_english.pdf), archived at <https://perma.cc/8LL5-WDG5>.

<sup>6</sup> *Environmental Programme*, WORLD CUSTOMS ORG., <http://www.wcoomd.org/en/topics/enforcement-and-compliance/activities-and-programmes/environmental-programme.aspx> (last visited Dec. 13, 2016).

<sup>7</sup> *Environet: Real-Time Global Communication Tool for Environmental Issues*, WORLD CUSTOMS ORG., <http://www.wcoomd.org/~media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/environmental-crime/environment/concept-note-en.pdf?la=en> (last visited Sept. 27, 2016).

national authorities, international organizations and regional networks—and CLiKC, the WCO e-learning facility containing training courses on environmental crime, are of particular importance.

Within the framework of the Environmental Programme, the WCO works consistently to broaden the scope of partnerships with other organizations working in the area of the fight against environmental crime. Throughout the past few years, the WCO signed Memoranda of Understanding (MoUs) with the CITES Secretariat<sup>8</sup> at the international level and the Lusaka Agreement Task Force<sup>9</sup> at the regional level, in addition to TRAFFIC<sup>10</sup> and the Wildlife Conservation Society,<sup>11</sup> NGOs active in the area of trade in plants and wild animals in the context of sustainable development and biodiversity conservation.

Having worked tirelessly to ensure that policy makers' attention is drawn toward the issue of environmental crimes, the WCO gained additional momentum in June 2014. The WCO Council—consisting of 180 Members—adopted the “WCO Declaration on the Illegal Wildlife Trade”<sup>12</sup> demonstrating the commitment of the global Customs community to address these crimes in a timely, coherent and coordinated manner. This Declaration urges Customs administrations to prioritize the issue of combating wildlife crime and urges governments to invest financial, human and technological resources in Customs to enable them to strengthen their capacities to protect wildlife. Results from a WCO

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<sup>8</sup> *Memorandum of Understanding between the World Customs Organization and the Cites Secretariat*, WORLD CUSTOMS ORG. (July 4, 1996), [http://www.wcoomd.org/~media/wco/public/global/pdf/about-us/partners/mou/034\\_mou.pdf?la=en](http://www.wcoomd.org/~media/wco/public/global/pdf/about-us/partners/mou/034_mou.pdf?la=en).

<sup>9</sup> *Memorandum of Understanding Between the World Customs Organization and the Lusaka Agreement Task Force*, WORLD CUSTOMS ORG. (Feb. 8, 2008), [http://www.wcoomd.org/~media/wco/public/global/pdf/about-us/partners/mou/158\\_mou.pdf?la=en](http://www.wcoomd.org/~media/wco/public/global/pdf/about-us/partners/mou/158_mou.pdf?la=en).

<sup>10</sup> *WCO and TRAFFIC Sign MOU to Build the Enforcement Capabilities of Customs Frontline Officers in the Fight Against Illicit Trafficking in Wild Fauna and Flora*, WORLD CUSTOMS ORG. (Oct. 21, 2013), <http://www.wcoomd.org/en/media/newsroom/2013/october/wco-and-traffic-sign-mou.aspx>.

<sup>11</sup> *WCO and WCS to Collaborate on Illegal Wildlife Trade*, WORLD CUSTOMS ORG. (Jan. 7, 2016), <http://www.wcoomd.org/en/media/newsroom/2016/january/wco-and-wcs-to-collaborate-on-illegal-wildlife-trade.aspx>.

<sup>12</sup> *Declaration of the Customs Co-Operation Council on The Illegal Wildlife Trade*, WORLD CUSTOMS ORG. (2014), <http://www.wcoomd.org/en/about-us/legal-instruments/~media/BC96FE063BF848AD83E3ADB56B0A79BE.ashx>.

research questionnaire<sup>13</sup> conducted prior to the 2014 WCO Council show that while Customs administrations are well-positioned to fight against illegal wildlife trade, the priority accorded by them to the fight against wildlife crime is lower than for other types of smuggling. The research maintains that most Customs administrations, however, share the notion that illegal wildlife trade is a global concern against which the global Customs community should strongly contribute. It concludes that most Customs administrations around the world aspire to tackle illegal wildlife trade activities more actively, and none indicated they want to de-emphasize combating illegal wildlife trade.

In March 2016, the WCO signed the “United for Wildlife Transport Taskforce Buckingham Palace Declaration”<sup>14</sup> in London. The Declaration, which was developed by the United for Wildlife Transport Taskforce to crack down on illegal wildlife trafficking routes, is the result of a year of work carried out by leaders from the global transportation industry, conservation organizations, and several international organizations at the request of HRH The Duke of Cambridge, President of United for Wildlife. The WCO contributed to the work with its expertise on, and partnership with, transport companies active in the global supply chain. The Declaration contains eleven commitments under four distinct headings, each representing concrete steps for transport companies to ensure that they are not involved in illicit wildlife trade.

#### IV. COORDINATION OF OPERATIONS

The WCO coordinates international operations to build the capacity of Customs administrations in combating against illicit wildlife trafficking. These operations are aimed at raising awareness, providing training on the evaluation of risks and use of intelligence, and enhancing communication and collaboration with other wildlife enforcement agencies and business.

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<sup>13</sup> Chang-Ryung Han, *A Survey of Customs Administration Perceptions on Illegal Wildlife Trade*, WORLD CUSTOMS ORG. (2014), [http://www.wcoomd.org/~media/wco/public/global/pdf/topics/research/research-paper-series/34\\_wildlife\\_han\\_en.pdf?la=en](http://www.wcoomd.org/~media/wco/public/global/pdf/topics/research/research-paper-series/34_wildlife_han_en.pdf?la=en).

<sup>14</sup> *WCO Signs United for Wildlife Transport Taskforce Buckingham Palace Declaration*, WORLD CUSTOMS ORG. (Mar. 15, 2016), <http://www.wcoomd.org/en/media/newsroom/2016/march/wco-signs-united-for-wildlife-transport-taskforce-buckingham-palace-declaration.aspx>.

### A. *WCO Operations in Africa*

In 2010 the WCO launched project GAPIN, which stands for “Great Apes and Integrity,” aiming at raising awareness and building the enforcement and integrity capacity in fourteen African countries in implementing the CITES (The Convention of International Trade in Endangered Species of Wild Fauna and Flora) Convention. The project’s particular focus was combating illicit trafficking of great apes (chimpanzees, gorillas, and bonobos) and other animals in danger of extinction.<sup>15</sup> The initial training in Mombasa, Kenya, consisted of identification of goods, risk management techniques, and methods on how to detain animals and their products. It also emphasized the integrity aspect, as criminals often target officers from Customs and other border agencies to bribe them to ensure that illegal goods pass through the border. Once the training courses were completed, a two-week operation was carried out in early 2011 with the support of twenty-five Customs administrations in Asia and Europe, as well as many international and regional organizations, including the CITES Secretariat and WCO Regional Intelligence Liaison Offices. The operation resulted in over 100 seizures covering more than thirty-one species of protected wildlife.<sup>16</sup>

Subsequently, the WCO moved to the second phase of the GAPIN project in 2012, where the training activities were considerably expanded, and introduced the concept of an ownership approach by developing a pool of local experts by employing the train-the-trainer method. In a similar vein, those involved in the first phase of the project were nominated as GAPIN ambassadors and dispatched to neighboring countries to advocate their participation in the project. Another two-week operation was organized in 2012, which became an operation of global and inter-disciplinary proportions with the participation of forty-one Customs administrations in Africa, Asia and Europe. The operation also had

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<sup>15</sup> *Project GAPIN Against Illicit Trafficking in Wildlife*, WORLD CUSTOMS ORG. (2010), <http://www.wcoomd.org/~media/WCO/Public/Global/PDF/Topics/Enforcement%20and%20Compliance/Activities%20and%20Programmes/Environmental%20Crime/GAPIN/GAPIN%20factsheet%20EN%20copy>.

<sup>16</sup> *Debriefing Meeting for Operation GAPIN*, WORLD CUSTOMS ORG. (Mar. 1, 2011), <http://www.wcoomd.org/en/media/newsroom/2011/march/debriefing-meeting-for-operation-gapin.aspx>.

the support of the CITES Secretariat, Interpol, and the Lusaka Agreement Task Force, as well as CITES management authorities of some countries, wildlife enforcement agencies and police. The two-week operation in 2012 resulted in the seizure of 2100 items, including two rhino horns, fifty-three rhino skins, 450 kg of raw ivory and 150 kg of bush meat.<sup>17</sup> Moreover, the project sought a wider target audience of the local and international public in raising awareness through press conferences and thus leveraging increased political support.

In recognition of the success in operational capacity building shown by the GAPIN project, funded by Sweden, a multi-donor INAMA (meaning “wild animal” in the language of Zambian Bemba tribe) project administered by the WCO was launched in 2014. The on-going project will support Sub-Saharan Customs administrations with institutional assessment, intelligence training and inter-agency cooperation in implementing the CITES Convention, funded by CITES, Germany, Sweden and the United States.<sup>18</sup> The project is expected to provide further encouragement to African governments to raise the policy priorities for wildlife protection.

### B. *WCO Operations in Other Regions*

The WCO has been active in combating illicit wildlife trade in other regions as well, including in South America and Mexico. The WCO Regional Intelligence Liaison Office in South America, located in Chile, coordinated operation FLYAWAY in 2015, focused on air passengers, air cargo, and postal and express courier shipments in fourteen countries either as origin (South America and Mexico), transit, or destination (United States and Europe).<sup>19</sup> In addition to the seizure of over 775 animal specimens, such as live tortoises, parrots and monkeys and 2000 timber logs, the operation

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<sup>17</sup> *Criminals Trading in Protected Wildlife Targeted in Global Customs Enforcement Operation*, WORLD CUSTOMS ORG. (Nov. 22, 2012), <http://www.wcoomd.org/en/media/%20newsroom/2012/november/operation-hope.aspx>.

<sup>18</sup> *The WCO—INAMA Project*, WORLD CUSTOMS ORG. (Oct. 2015), <http://www.wcoomd.org/en/topics/capacity-building/activities-and-programmes/cooperation-programmes/wco-sweden-programme/the-wco-inama-project.aspx>.

<sup>19</sup> *Multi-agency Efforts Disrupt Wildlife Trafficking*, WORLD CUSTOMS ORG. (July 15, 2015), <http://www.wcoomd.org/en/media/newsroom/2015/july/multi-agency-efforts-disrupt-wildlife-trafficking.aspx>.

resulted in twenty-three arrests in an effort to dismantle the criminal supply chain by mobilizing Customs, police, and wildlife authorities at the national level.<sup>20</sup>

C. *Collaboration with ICCWC Partners*

As part of a tangible joint activity, the ICCWC organized operation Cobra to combat wildlife crime and bring criminals to justice since 2013. The Cobra III operation, organized in 2015, resulted in 139 arrests and more than 247 seizures of items, such as elephant ivory, rhino horns, rosewood, and other plant and animal specimens.<sup>21</sup> The ICCWC describes the success as follows:

Key successes during the operation included the arrest of a Chinese national believed to have been coordinating rhino horn smuggling from Namibia, the arrest of a notorious elephant poacher in India, and the seizure of 340 elephant tusks and 65 rhino horns in Mozambique. Over 50,000 illegal wildlife items were seized in the United Kingdom, as well as an additional 10,000 in Austria and 5,000 in Germany, which included large volumes of illegal supplement capsules containing wildlife products. Other countries where large numbers of illegal items were seized include China, Singapore and South Africa. In total, thirty-seven countries reported seizures and/or arrests during the operation. CENcomm, the WCO's secure and encrypted communication tool, was deployed during the operation, as it is systematically during all Customs operations. The tool enabled investigators to exchange real-time intelligence and information, and to target and track suspicious cargoes, poachers and traffickers of endangered species.<sup>22</sup>

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<sup>20</sup> *Id.*

<sup>21</sup> *Successful Operation Highlights Growing International Cooperation to Combat Wildlife Crime*, CONVENTION ON INT'L TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (June 18, 2015), [https://cites.org/eng/news/pr/iccwc\\_press\\_release\\_cobra\\_III](https://cites.org/eng/news/pr/iccwc_press_release_cobra_III), archived at <https://perma.cc/42C9-28Z3>.

<sup>22</sup> *Id.*

## V. CONCLUSION

The international Customs community has progressively strengthened the fight against illicit wildlife trade through the WCO. Fortunately, in the past few years, there has been growing recognition and support from the international community on the role Customs have to play in this field. At the same time, collaboration with other law enforcement agencies and business has gained significant momentum of late. Joint efforts in protecting wildlife have only recently commenced, however, and we need to continue our collaborative efforts.