

OTHER INTERNATIONAL DEVELOPMENTS

The Fight against Wildlife Crime – Enforcement v. Corruption –

by Yolanda Kakabadse*

The International Union for Conservation of Nature (IUCN) identifies five major drivers of biodiversity loss:

- Habitat loss and degradation;
- Introductions of invasive alien species;
- Over-exploitation of natural resources, *i.e.*, resource extraction, hunting and fishing for food, the pet trade, and medicine;
- Pollution and diseases; and
- Human-induced climate change.

Habitat loss or degradation, and the damage caused by invasive alien species, are both especially pervasive and indiscriminate in their effects. However, the severity of over-exploitation as a threat depends on the species being exploited and the value that is placed on it by consumers.

Wild species have been exploited throughout human history – for food, clothing, medicinal purposes, fuel and building materials. Some species – or their derivatives – have been valued as ornaments (often with strong cultural or ceremonial significance) or are prized by dedicated collectors. The pursuit – and capture or killing – of certain animals is considered by some as sport – falconry, angling or trophy hunting being examples.

It is not the purpose of this article to judge such uses other than from the point of view of their conservation impacts. It is true that certain cultures and religions have a strong presumption against some consumptive uses of wild resources (animals in particular). However, there is nothing intrinsically wrong with the use of such resources from a conservation perspective, as long as it is maintained at sustainable levels. In fact, were it not for the economic value of certain wild species, their habitats might have disappeared long ago, with much greater consequences for biodiversity and for humankind.

Nevertheless, without proper regulation and enforcement, it is all too easy for exploitation of wild resources to become unsustainable. This is especially true for those species for which wealthy elites are prepared to pay high prices, particularly when they are found in poorer regions of the world – and most of the world's biodiversity hotspots are in regions with high levels of poverty. Moreover, some of these – such as the Congo basin – have experienced violent conflict, resulting in further impoverishment and additional pressure on natural resources.

There are many such species – both plants and animals – where demand from wealthier consumers is fuelling their over-exploitation to the extent that it has become the main driver in their decline. Examples include bigleaf mahogany from Central and South America, sturgeons from the

Black Sea and Caspian Sea, pangolins from Africa and Asia, exotic animals and plants from Madagascar, and those marine turtles (primarily hawksbill turtle and green turtle) whose shells are valuable for the manufacture of *objets d'art*.

One species that illustrates the problem of over-exploitation is the humphead wrasse, or Napoleon fish. This long-living fish, which reproduces at a very slow rate, has long had important cultural associations in many Pacific island States, where its consumption was often reserved for kings or for important community festivities. However, the emergence of a wealthy middle class in China has dramatically increased demand for the species in recent decades, resulting in precipitous declines. Moreover, some of the fishing techniques used – such as cyanide and explosives – are extremely destructive to the coral reefs where the fish lives.

The animals affected to this extent by over-exploitation include some of the most iconic species on the planet, such as elephants, rhinos, tigers, great apes and marine turtles. These are among the species that WWF has characterised as “flagship species” – those that, by virtue of their popularity and cultural importance, can rally wider conservation efforts and can serve as a litmus test for the success of conservation activities. As such, much of the remainder of this article will use these species to illustrate the wider problems of over-exploitation and unsustainable wildlife trade.

The Institutional Response to Unsustainable Wildlife Trade

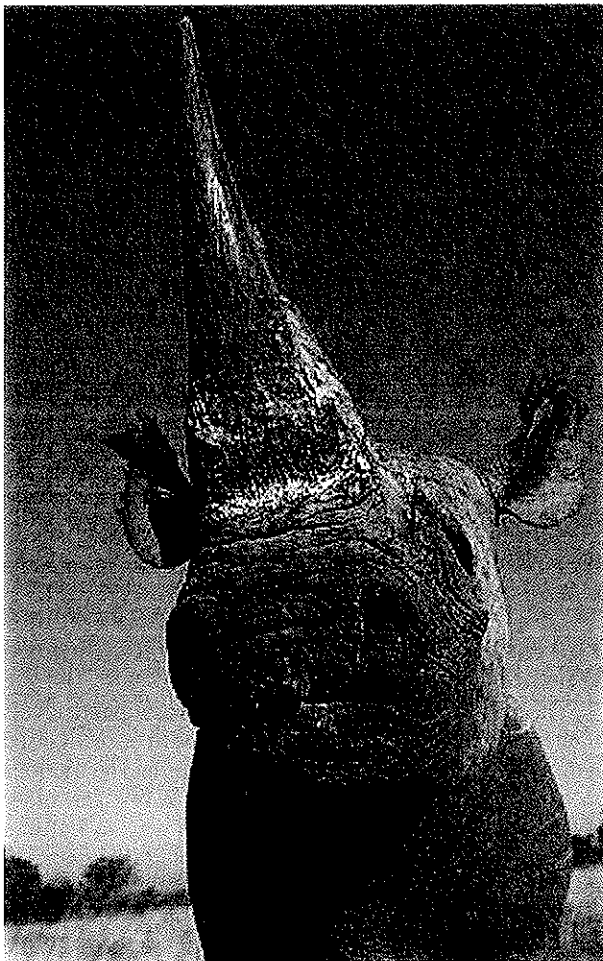
The gravity of the threat posed by unsustainable levels of international trade in some species came to be recognised in the early 1960s. Already, many countries had restrictions on exports of their native wildlife but WWF and other organisations, recognised that the only way to enforce these was to secure the cooperation of potential importing countries. With this in mind, members of IUCN, meeting in Nairobi in 1963, adopted a resolution calling for an international treaty to regulate wildlife trade. In 1972, the United Nations Conference on the Human Environment, held in Stockholm, called for a meeting of Government representatives to agree such a treaty. That meeting was held in Washington in 1973 and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was born. It entered into force in 1975. Today, 175 countries are Parties to CITES and even those that are not are largely bound by its provisions in practice when they trade wildlife internationally.

In 1976, a year after the entry into force of CITES, WWF joined forces with IUCN to create the TRAFFIC

* President, WWF International.

programme, as a reliable and impartial source of expert advice on all matters pertaining to wildlife trade. TRAFFIC now has over 100 staff in roughly 30 countries and has earned the respect of governments and international organisations, including the Secretariat of CITES, as a major contributor to the knowledge base that is fundamental to the fight against wildlife crime.

The flagship species mentioned above are among those listed on Appendix I of CITES; that is to say, they are considered to be so threatened as to be unable to sustain any commercial trade in specimens taken from the wild. Tigers, gorillas, orang-utans, Asian elephants and four of the five species of rhinoceros were listed on Appendix I at the outset. Chimpanzees, bonobos and black rhinos were added in 1977, while all marine turtles were on Appendix I by 1981. African elephants were added in 1989



Black rhinoceros (*Diceros bicornis*)

Courtesy: WWF

(some southern African countries have subsequently had their elephant populations downlisted to Appendix II to facilitate concessionary ivory stockpile sales in 1999 and 2008; however, to all intents and purposes, an on-going ban on the commercial ivory trade remains in place). For the most part, the range countries for these species have adopted national laws that prohibit or severely curtail commercial exploitation of these species.

The CITES Secretariat itself has been tireless in its

efforts to address illegal trade, especially in respect of the aforementioned flagship species (all of them are covered by special Resolutions adopted by CITES Parties that endorse additional measures, such as regulation of domestic trade). Late last year, the CITES Secretariat joined forces with Interpol, the United Nations Office on Drugs and Crime (UNODC), the World Bank and the World Customs Organization to form the International Consortium on Combating Wildlife Crime (ICWC) to coordinate the efforts of these bodies in tackling the problem.

The Crisis Remains

These measures, however, have not been sufficient to stop illegal exploitation and trading of these flagship species. While habitat loss and human-elephant conflict are the main threats to Asian elephants, poaching of African elephants is rampant in Central Africa, fuelled by demand for illegal ivory – mainly from China and Thailand.

Rhino horn has long been used in traditional Chinese medicine, primarily because of its reputed efficacy as a treatment for fever. This has resulted in the extinction of one subspecies of black rhino and one of white. While rhino populations in southern Africa have increased steadily in recent decades, this achievement is now at risk because of an upsurge in poaching, due to the opening of a new market for horn in Viet Nam, where no tradition of use previously existed but where it has acquired an unfounded reputation as a cancer remedy.

In the past, the skin trade was the main driver of tiger hunting. However, in recent decades, the primary motivation for trade has been the use of tiger bones and other organs – once again – as traditional Chinese medicines. Although some sub-populations have held their own, overall, the trend in numbers has been relentlessly downward, to the point where tiger range countries themselves last year recognised the gravity of the situation and adopted in Saint Petersburg a plan to double tiger numbers in the wild (currently at approximately 3,200) by 2022.

In the case of great apes, the drivers are different on their respective continents. African great apes are exploited for their meat but this is not a subsistence trade – rather, once again, it is fuelled by the rise of an urban middle class in some Central African cities that seeks to demonstrate its status by offering bush-meat at important meals. In Asia, the primary driver of orang-utan exploitation is an urban pet trade (although here, as with Asian elephants, habitat loss is also a major contributor to declining numbers).

Marine turtles face a variety of threats, including by-catch, the effects of climate change on their nesting sites, illegal harvesting of the eggs (at both subsistence and commercial level) and continuing illegal trade in hawksbill and green turtles for ornamental purposes.

Why Have We Not Been More Successful?

It has not been a uniformly bleak picture. As already indicated, there have been successes in some regions – elephants and rhinos in southern Africa, mountain gorillas in Rwanda, tigers in Siberia (and, apparently, more recently in India). While the argument is sometimes

made that without the laws in place and the collective efforts of recent decades these species might have already disappeared, this is of little consolation. At least some of them could disappear in our lifetimes if we do not address the setbacks that have attended our efforts thus far. Why is it that, despite legislation being in place and the efforts of many dedicated local people and international organisations, poaching and illegal trade continue?

An analysis that was undertaken last year into illegal killing of elephants (under the programme entitled "Monitoring Illegal Killing of Elephants" – or MIKE,

Spurred on by the plight of a captured chimpanzee he found in a village, he put together a network of informants and sympathetic enforcement personnel in an attempt to take on bush-meat dealers and other wildlife traffickers. Inevitably, however, the criminals would evade punishment, while the confiscated contraband often found its way onto the black market. The methods that Drori used to tackle this problem were: firstly, to assign teams to shadow suspects at all times as they made their way through the legal process; and, secondly, to use the media and the donor community to shine a spotlight on cases (including congratulating



Bonobo (*Pan paniscus*) at the Lola Ya Bonobo Sanctuary, Kinshasa, Democratic Republic of Congo

Courtesy: WWF

managed by the CITES Secretariat) hinted at one possible cause. The primary purpose of this analysis was to establish whether or not the 2008 one-off ivory sale from Southern Africa contributed to increased poaching levels. Because of the short lapse of time between the date of the sale and the finalisation of the analysis, there were insufficient data to prove or disprove the existence of such a link. However, in looking to other factors that might correlate with poaching levels, one that emerged as a strong negative correlation at the country level was Transparency International's Corruption Perception Index (CPI).

While the analysis was hedged with caveats (some of which can be lifted as more data become available), it reflected the experience of WWF and other organisations. Indeed, many of the places that WWF prioritises in its work – such as Madagascar, the Coral Triangle of Southeast Asia, the Congo Basin, the Eastern Himalayas, the Amur-Heilong region, the Mekong complex, Borneo and Sumatra – are under jurisdictions with relatively low CPIs. Moreover, all of these lie within the ranges of the flagship species discussed thus far in this article.

Tackling Corruption

In Africa, WWF came to recognise the importance of corruption as an issue in combating wildlife crime largely thanks to the way shown by other NGOs. One such NGO whose story encapsulates the struggle is the Last Great Ape Organization (LAGA), founded in Cameroon by Israeli journalist Ofir Drori. He came to Cameroon in 2003 to investigate the plight of primates in the Congo Basin.

the authorities when they made arrests, thus supporting officials who wanted to do the right thing and making it difficult for the suspect to evade justice subsequently). Within seven months of the foundation of LAGA, the first ever prosecution for a wildlife crime in Cameroon's history took place. His approach has shown the way to others, and led to the foundation of similar NGOs in other countries in the region, such as AALF (*Appui à l'Application de la Loi sur la Faune*) in Gabon. Recently, these NGOs, working in concert, were successful in breaking up a wildlife smuggling ring that spanned four countries (Cameroon, Gabon, the Central African Republic and the Republic of Congo). At time of writing, Drori has, deservedly, just been awarded the Future for Nature Foundation Award.

It might be argued that it is because Drori's approach brings corruption out into the open that it has been successful. Corruption flourishes where there is a lack of transparency and accountability. In fact, another way that WWF is tackling corruption is by advocating and encouraging multi-agency enforcement operations – including wildlife patrols. One enforcement agency is less likely to be "on the take" when another is looking over its shoulder and it becomes more difficult for poachers and traffickers if they have to buy off several agencies.

The value of publicity as a weapon against corruption is also illustrated by the case of Anson Wong, a wildlife trader based in Penang, Malaysia, whose activities had drawn the attention of TRAFFIC, as well as the dogged journalist Brian Christy, who wrote a book about the case entitled *The Lizard King* (followed by an article in

National Geographic magazine). This attention did not, apparently, harm the relationship of Anson Wong with the Malaysian authorities. In fact, when he was approached by an undercover agent of the US Fish and Wildlife Service who posed as a buyer, he boasted about his alleged contacts in customs and in the Department of Wildlife and National Parks (*Perhilitan*). He could access specimens from as far afield as Peru, Madagascar and New Zealand (some of the specimens he was offering, such as Komodo dragon and tuatara, were very rare Appendix I specimens). Ultimately he was caught by the US authorities and, after a long extradition battle, spent 71 months in jail (with a \$60,000 fine). However, his wife ran his business in his absence. In the meantime, the Perhilitan official who had routinely signed his permits rose to number two in the organisation. Not surprisingly, he was able to resume business upon his return to Malaysia in 2003. Ultimately, it was his sense of impunity that proved his undoing last year, when a bag belonging to him burst open on a conveyor belt in Kuala Lumpur International Airport, revealing 95 boa constrictors, two vipers and a rare turtle. Subsequent raids of his properties yielded many more animals, including two live tigers.

It was then that the value of transparency in the fight against corruption was truly demonstrated. The subsequent media campaign, thanks to the efforts of TRAFFIC, Christy and others, ensured that the case went to trial and, when a six-month sentence was handed down, the authorities were forced to appeal the sentence, which was increased to five years (Anson Wong is currently engaged in a counter-appeal). Another factor that contributed to this outcome was the revision of Malaysia's wildlife law, following a joint campaign by WWF and TRAFFIC. Prior to this, judges had difficulty in meting out stiff sentences, even where they had reason to conclude that corruption was involved. Anson Wong's licences – and those of his wife – have been revoked and their collections have been dispersed, while key staff in Perhilitan who dealt with him have been transferred to other duties.

These are just two stories that illustrate the long, hard – and often dangerous – struggle that must be waged by those in the front line of the fight against corruption in wildlife crime. It is a war of attrition, where battles are frequently lost as well as won. However, those who fight this war deserve our unremitting respect and gratitude.

Conclusion

Wildlife crime is only one facet of the corruption problem with regard to environmental governance and crime. Carbon credit fraud, illegal logging, fisheries crime, illegal waste disposal and other pollution crimes all flourish wherever corruption is highest. Moreover,

corruption – as in direct or indirect buying of votes and influence – can block progressive outcomes in international environmental politics (these allegations surface frequently in the International Whaling Commission). Consequently, we in the conservation community must face up to the scale of this problem or we will ultimately fail in our endeavours.

The environmental impacts are only one facet of the harm caused by corruption. Although it frequently benefits wealthy elites – including, sometimes, international concerns, corruption impedes the conduct of legitimate business and weakens national economies. Moreover, by undermining the rule of law, it negatively impacts the most vulnerable members of society.

The conservation community is not alone in the fight. Human rights organisations, aid and development institutions and NGOs, and many others, face corruption on a daily basis. Some NGOs, such as Transparency International, focus on the issue in a more specialised way. The Access Initiative is a network of organisations (including WWF in the case of their Madagascar project) that also addresses corruption by seeking to ensure that people have the right and ability to influence decisions about the natural resources that sustain their communities.

The time has come for the conservation community to reach out in a more strategic way to others involved in the struggle against corruption. Indeed, just prior to the drafting of this article, with technical support from



Common green turtle (*Chelonia mydas*)

Courtesy: WWF

LAGA, WWF took the unprecedented step in launching a fourth replication model in the Central African Republic, RALF (*Renforcement et l'Application de la Loi Faunique*), focusing not only on backing traditionally supported field-level anti-poaching efforts, but also aimed at providing advisory support throughout the entire legal process. Moreover, WWF is now hiring legal experts to work with government partners on wildlife law enforcement, following cases from field-level arrests to ensuring that court sentences are handed down, meanwhile tasked with combating corruption throughout this entire, often tenuous process.

Through this article, I appeal to all stakeholders with an interest in combating either corruption or environmental crime to unite in our efforts.

