

## DISMANTLING WILDLIFE CRIME: EXECUTIVE SUMMARY

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This is an executive summary extracted from a larger report by Akella and Allan that will be published by TRAFFIC at a later date. The executive summary is provided as a baseline to inform participants planning to attend the Fuller Science for Nature Symposium on Conservation Crime, in Washington DC on November 14<sup>th</sup> 2012. The thinking and information outlined herein will help with understanding of some of the fundamental challenges of wildlife crime and opportunities to dismantle that crime. It is hoped that this will enhance participants' appreciation of the presentations and debates at the Symposium.

### *THE CURRENT CRISIS*

In spite of decades of conservation efforts aimed at protecting critical habitats and specific species, some of the world's most recognizable and treasured wildlife are quickly careering toward extinction<sup>1</sup>. Habitat loss has long been the principal threat to protected wildlife, compounded by climate change, pressures from unsustainable hunting, human-wildlife conflict, and poaching for local and global wildlife trade. However, in the past decade the contribution of illegal capture and killing to declines in populations of threatened species has increased exponentially<sup>2</sup>. It has rapidly undermined previous advances in reducing the other threats to these species and efforts to stabilize their populations.

Severe population losses, shrinking ranges, extinctions of sub-species and enormous demand for trade characterize the current crisis<sup>3</sup>. Asian rhino populations are at historic lows<sup>4</sup>, pressure on African rhinos has now skyrocketed – in South Africa alone poachers killed 455 rhinos by October 2012, compared to only 13 in 2007. Elephant populations are likewise taking a beating, with 2011 seeing the highest levels of poaching and trafficking in ivory since the ivory trade ban in 1989. Tens of thousands of elephants were poached in 2011<sup>5</sup>, with 27,000 kg of ivory confiscated in the top 17 large scale ivory seizures alone. Some 300 elephants were killed in Cameroon alone in the first six weeks of 2012<sup>6</sup>. Tigers, whose global populations have fallen to roughly 3000 today from an estimated 100,000 in the early 1900s, are systematically being driven to extinction, even in protected areas meant to serve as sanctuaries<sup>7</sup>. In India, where the tiger population plummeted from roughly 3600 in 2002 to 1400 by 2008<sup>8</sup>, an estimated 51 individuals were poached in 2011<sup>9</sup>. These losses of charismatic and ecologically important species are mirrored by similarly dramatic trends in populations of less visible but equally threatened protected species of mammals, reptiles, fish and birds.

This unprecedented surge in wildlife crime reflects a fundamental shift in the structure and operation of the illegal wildlife trade over the past decade. Burgeoning demand, the entry of highly sophisticated and dangerous actors into the illegal wildlife trade arena, and globalization have proven a deadly combination for many species. Given this paradigm shift, the wildlife conservation community and cross sectoral partners must seek to focus their most urgent advocacy and efforts on highly targeted, adequately resourced interventions aimed at levers that can yield the most immediate impact on stemming the tide of wildlife crime. Developing this strategic focus will require honest examination of the scale and scope of the incentives and organizations driving illegal wildlife

<sup>1</sup> Bennett 2011

<sup>2</sup> US House Committee on Natural Resources 2008 - Testimony of Claudia A. McMurray

<sup>3</sup> Bennett 2011

<sup>4</sup> Sadly in 2011 the last Javan rhino in Vietnam was poached for its horn and it became extinct in that country. According to WWF, fewer than 50 Javan Rhinos and fewer than 200 Sumatran Rhinos are believed to exist in the wild, and many of their sub-species have gone extinct; only the population of the Greater one-horned Rhino has increased since 2007.

<sup>5</sup> Hemley and Milliken 2012

<sup>6</sup> Anon 2012

<sup>7</sup> Bennett 2011

<sup>8</sup> Dhar 2008

<sup>9</sup> Ghosh and Pinjarkar 2011

trade<sup>10</sup>. There needs to be greater understanding of the myriad potential impacts (beyond species loss), of allowing wildlife crime to continue unabated, and the success rates and effectiveness of past interventions. This must guide prioritization, to expand proven actions and effectively implement innovative activities that will have the most significant near-term impact.

### *DECONSTRUCTING DEMAND*

It is widely acknowledged in the literature and among wildlife conservation practitioners that East and Southeast Asia's seemingly insatiable demand for wildlife products is the single greatest driver of the ongoing and escalating illegal wildlife trade<sup>11</sup>. The use of wildlife products is deeply rooted in Asian cultural heritage. While population growth in Asian countries has long posed a threat to wildlife, increased affluence and disposable income resulting from economic development in Asia has led to a dramatic spike in wildlife product consumption, presenting the most urgent threat to dwindling populations of protected species<sup>12</sup>. This trend is most obvious in China, but is also seen across Southeast Asia – for instance in Thailand and Vietnam, which were mainly source and transit countries for illegal wildlife in the past, but have recently become major market destinations for wildlife products<sup>13</sup>.

The ethnic communities of Chinese, Thai, Vietnamese and other communities from Asian countries in the US, Europe, Africa, and Central America have globalized the consumption of protected wildlife products, and also the sourcing of wildlife products for Asian markets. Many sources have linked Africa's current rhino and elephant poaching crises to demand in Asia<sup>14</sup>, finding that it is often Asian nationals operating from Africa that purchase locally and export to Asia<sup>15</sup>. This globalization of the trade has been furthered by globalization in general, as infrastructure provides links to previously isolated areas to outside markets. Furthermore, telecommunications connect people easily and cheaply, increasing high-volume trade across regions and continents, and access to the relatively unregulated marketplace of the internet<sup>16</sup>.

### *THE CHANGING FACE OF WILDLIFE CRIME*

Wildlife crime has historically been seen, and treated as, a low-level offense, primarily carried out in an ad-hoc manner by subsistence hunters and the occasional small player looking for supplemental income. However, numerous sources have reported the increasing involvement of transnational organized crime networks in both sourcing illegal wildlife and trade<sup>17</sup>. Wildlife crime today encompasses everything from small-scale crimes of opportunity to organized large-scale criminal ventures involving corruption, money laundering, and exchange of illegal wildlife for other forms of contraband.

An increasingly scarce supply of many protected species, combined with strong demand, has caused prices of wildlife parts and derivatives to rise markedly<sup>18</sup>. Some endangered wildlife products are worth more than their weight in gold<sup>19</sup>, with profits increasing substantially as wildlife contraband moves further along the smuggling chain toward destination markets<sup>20</sup>. These trends have created significant financial incentive for organized crime groups to become involved in the illegal wildlife trade, which a number of authors have calculated to be a \$5-\$20 billion dollar industry, although the clandestine nature of the trade complicates efforts to quantify it accurately<sup>21</sup>. Analysts agree that illegal wildlife trade is one of the top five largest illicit economies in the world<sup>22</sup>, with some

<sup>10</sup> UNODC 2011

<sup>11</sup> For example: Felbab-Brown 2011, TRAFFIC 2008, Wyler and Sheikh 2008, World Bank 2005.

<sup>12</sup> For example: Bennett 2011, Felbab-Brown 2011, UNODC 2010, TRAFFIC 2008, Wyler and Sheikh 2008, World Bank 2005

<sup>13</sup> Felbab-Brown 2011, UNODC 2010, TRAFFIC 2008

<sup>14</sup> TRAFFIC 2012b

<sup>15</sup> Bennett 2011

<sup>16</sup> Felbab-Brown 2011, Wyler and Sheikh 2008

<sup>17</sup> Bennett 2011, Felbab-Brown 2011, Wyler and Sheikh 2008, Sperling 2008, World Bank 2005, Zimmerman 2003

<sup>18</sup> See Table 1, drawn from Wyler and Sheikh 2008

<sup>19</sup> UNODC 2010

<sup>20</sup> Felbab-Brown 2011, Sperling 2008

<sup>21</sup> Haken 2011, Wyler and Sheikh 2008

<sup>22</sup> Wyler and Sheikh 2008

experts claiming it is ranked third after drugs and arms trafficking. A more recent report in 2011 by Global Financial Integrity ranks wildlife black markets as the fifth most lucrative in the world<sup>23</sup>.

The illicit and transnational nature of the illegal wildlife trade also makes it a logical addition to the portfolios of organized crime networks already adept at circumventing the law. Established supply chain and transportation networks used to smuggle drugs, arms, and humans frequently serve as conduits for wildlife contraband<sup>24</sup>. Globally, the relatively low priority of wildlife crime among law enforcement agencies, and the comparative paucity of resources dedicated to tracking and punishing it, make this a high-profit, low-risk means of supplementing income from other illicit activity<sup>25</sup>. INTERPOL and wildlife protection NGOs report that recent single seizures of illegal wildlife products have been the largest ever seen, clearly signaling the presence of highly sophisticated and organized criminals in the trade<sup>26</sup>.

The involvement of sophisticated transnational criminal networks, combined with the globalization of trade described above, has indelibly changed the dynamics of wildlife crime at the site level in source countries. As access to lucrative global markets for illegal wildlife has improved, actors in source countries, who also enjoy relative impunity because of weak law enforcement, have themselves become more sophisticated and organized. When protected species become increasingly scarce, less-skilled casual hunters tend to leave the poaching game, while remaining hunters either become more high-tech and professionalized, or are displaced or joined by professional hunters. In some African countries in particular, deadly, highly trained and heavily armed militias have been engaged in elephant, rhino, and illegal bushmeat poaching<sup>27</sup>, using the proceeds to finance their activities beyond wildlife crime.

The diaspora of destination country nationals to source and transit countries as middlemen is thought to play a key role in the expansion of wildlife crime and illegal wildlife trade. These traders, with connections in both source and destination countries, may actually be the lynchpin in the system – triggering the participation of marginalized communities in wildlife poaching and trade, catalyzing smuggling in new areas, brokering transnational deals, and trafficking in large volumes<sup>28</sup>. Their arrival invariably causes prices paid for illegal wildlife to go up, increasing local incentives to poach.

#### *COLLATERAL THREATS POSED BY WILDLIFE CRIME*

Biodiversity loss and species extinctions are the most widely acknowledged impacts of wildlife crime. Because wildlife crime and habitat loss occur simultaneously, it is difficult to precisely calculate wildlife crime's relative contribution to species decline. However, evidence suggests that sharp declines in populations of some protected species can be attributed to heavy exploitation of those species in the illegal wildlife trade. Although analysts agree that wildlife crime and the resulting loss of critical species from ecosystems can also have significant indirect impacts in those ecosystems, the exact nature and scope of these impacts are often poorly understood<sup>29</sup>.

Less widely acknowledged are a host of potential impacts that range far beyond concerns about species and ecosystems. In today's complex, globalized, and sometimes violent world, rampant wildlife crime poses a number of additional serious threats, which can significantly undermine interests and security at home and abroad, particularly for governments such as the United States in some of this activity.

#### *Security Threats*

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<sup>23</sup> Haken 2011

<sup>24</sup> Sperling 2008, Zimmerman 2003

<sup>25</sup> Haken 2011, Sperling 2008, World Bank 2005, Zimmerman 2003

<sup>26</sup> Fison 2011, Begley 2008

<sup>27</sup> This issue is discussed in greater detail under *Security Threats*

<sup>28</sup> UNODC 2010

<sup>29</sup> Wyler and Sheikh 2008

Substantial evidence points to the fact that unchecked illegal wildlife trade not only yields dire environmental consequences, but also has far-ranging ramifications for both global and national security, due to the involvement of militant groups, organized crime, and terrorist organizations.

Sources<sup>30</sup> have linked illegal wildlife poaching by heavily armed criminal gangs to militant groups, who have long relied on wildlife crime revenues to fund brutal genocides, civil wars, and insurgent activities. These groups travel across borders to wildlife hotspots, frequently poaching in protected areas. Armed with AK-47, M16 and G3 assault rifles, they have greatly accelerated the pace of slaughter of protected species, eclipsing typical small-scale poaching<sup>31</sup>. They then transport wildlife contraband across borders by bribing border guards or paying to use established smuggling channels of organized crime networks<sup>32</sup>.

Organized crime groups, whose participation in illegal wildlife trafficking has been described above, undermine rule of law and governance in the countries in which they operate<sup>33</sup>. To maintain and expand their sphere of influence, they act as a corrupting force, sparing no expense in bribing government and law enforcement officials to protect their activities, which allows them to continue the cycle of earning illegal revenue that can be used to buy impunity<sup>34</sup>. But sometimes law enforcement is so ineffectual, that these groups do not even need to bribe front-line staff as detection is so poor. Use of violence or threats against officials is cheaper than bribes and is an equally effective method used. Similarly, through establishing connections with ‘persons of power’, i.e. senior politicians, provincial governors, senior police and military figures, organized groups become ‘untouchable’. Front-line enforcement officials therefore have no motivation to take action.<sup>35</sup> This perversion of governance in already weak developing States imposes significant economic and structural damages in those countries<sup>36</sup>. It threatens national stability, subverts legitimate economies, weakens democracy by impeding the proper functioning of political and legal systems, and creates potential havens for other groups that operate beyond the law, including terrorist organizations.

As international terrorist groups explore models for financing terrorist activities, the lessons learned from observing organized crime and militia groups have led them to a variety of illicit enterprises, including wildlife trafficking<sup>37</sup>. Both the international community and US policymakers have been aware of the potential links between transnational wildlife crime and international terrorists for more than a decade. Although much of the publicly available information on terrorist involvement in wildlife trafficking remains anecdotal, Claudia McMurray, Assistant Secretary of State under George W. Bush, cautioned that “with the amount of money it would provide to terrorist groups, even anecdotes are cause for concern.”<sup>38</sup>

### *Other Threats*

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Illegal wildlife trade can have additional ramifications for human, economic, and environmental health. Trade in legal and illegal wildlife products can serve as a vector for the entry of animal-borne diseases<sup>39</sup>, leading to outbreaks that cause significant social and economic harm. Because zoonotic diseases can easily be transmitted to countries like the US via wildlife vectors, the illegal wildlife trade may also have bio-terrorism implications<sup>40</sup>.

The introduction of invasive species harmful to native ecosystems through illegal wildlife trade can also cause economic and environmental damage. Both the Endangered Species Act of 1973 and the US Lacey Act

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<sup>30</sup> For example: Haken 2011, Fison 2011, UNODC 2010, Felbab-Brown 2010, Wyley and Sheikh 2008, Begley 2008, Levy and Scott-Clark 2007

<sup>31</sup> Begley 2008

<sup>32</sup> Fison 2011

<sup>33</sup> Sperling 2008

<sup>34</sup> Zimmerman 2003

<sup>35</sup> Sellar, J. former CITES Secretariat Chief of Law Enforcement Support pers. comm. to Allan, C. October 11, 2012

<sup>36</sup> Haken 2011, Sperling 2008, Zimmerman 2003

<sup>37</sup> Wyley and Sheikh 2008, Zimmerman 2003

<sup>38</sup> Begley 2008

<sup>39</sup> Wyley and Sheikh 2008 cite the following sources: Karesh 2005, “Wildlife Trade and Global Disease Emergence”; Karesh et al. 2007, “Implications of Wildlife Trade on the Movement of Avian Influenza and other Infectious Diseases”; Daszak 2006, “Risky Behavior in the Ebola Zone.”

<sup>40</sup> Wyley and Sheikh 2008

recognize the impact of invasive species. In spite of efforts to limit these impacts through regulation, many invasives continue to enter the country, often via illegal channels.<sup>41</sup>

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#### FRAMEWORK OF FAILURES

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The Convention on International Trade in Endangered Species of Fauna and Flora (CITES), will celebrate its 40<sup>th</sup> anniversary in March 2013. Governments, the wildlife conservation community and the private sector have worked tirelessly to identify, test, and implement strategies to help fulfill the Convention's objectives of legal and sustainable trade that does not threaten the conservation of wildlife. While these efforts have yielded effective results for some species in some areas, lasting solutions spanning trade types, taxa and geographies have been difficult to achieve. Over the past decade, massive changes in the factors driving trade in CITES listed species have made existing strategies even less adequate in combating wildlife crime, pointing to the need for a paradigm shift in solutions that mirrors the paradigm shift in these problems. In order to ensure that the next generation of strategies are effective in meeting the present and future challenges of illegal wildlife trade, it is critical to assess the effectiveness of strategies implemented to date.

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#### *The Need for Integrated Approaches*

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An overarching challenge impeding efforts to reduce wildlife crime stems from a lack of integration within wider crime agendas and with agendas linked to economic development, poverty alleviation, humanitarian issues, governance, security, and even other types of environmental crime. These other agendas routinely fail to incorporate wildlife crime considerations into their priority setting and activity design processes. This oversight leads to both failures of omission – when opportunities for synergy and cohesive action across agendas are missed; and failures of commission – when activities designed to meet one agenda's objectives unintentionally undermine efforts to reduce wildlife crime.

Conservation groups devote considerable effort to lobbying for the inclusion of language and ideas related to the needs of the environmental and conservation agendas within existing or new projects, policies, regulations and laws. In an era of dramatic environmental impacts, changing climate and dwindling natural resources, it seems only logical that policies and initiatives with the potential to bring together holistic approaches and solutions should include environmental and conservation issues within their purview. While the benefits of exposing senior lawmakers to the need for integration may not be transparent initially, repeated exposure to the issue can have ramifications that emerge over time through government policy, resource allocations and new initiatives.

Because the timber, fisheries and conservation agendas are most clearly linked to the wildlife protection agenda, strategic and functional integration across these agendas should be achievable in the near-term. Crimes in these sectors, as in the wildlife sector, are poorly addressed due to the same issues of lack of political will, limited awareness, failure of cooperation and coordination, and poor governance. Given the common underpinnings of weaknesses across these sectors, it makes sense for proponents of these agendas to merge their resources, expertise, and influence; magnifying them to increase the likelihood of finding and effectively implementing common solutions. Many organizations and institutions already view timber and fisheries trade as being subsets of wildlife trade in a broader application of the term.

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#### *CITES Implementation and National Government Policy Challenges*

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CITES aims to foster international cooperation in protecting threatened species from illegal and unsustainable trade, while respecting the territorial limits of sovereign States. Once States (Parties) accede to this multilateral treaty the text is legally binding. CITES is one of the few multilateral environmental agreements that has a 'sanction' system that allows for the recommendation of trade suspension between all CITES Parties and the non-compliant Party. However, the decision to follow CITES recommendations to suspend trade remains

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<sup>41</sup> Wyler and Sheikh 2008

voluntary<sup>42</sup>. CITES relies upon signatory governments' good-faith efforts to establish the structures and systems needed for the treaty to be effective within their borders<sup>43</sup>. This includes setting out specific violations for activities deemed illegal under the tenets of the Convention.

Unfortunately, the failures of some signatory countries to comply with these requirements severely undermine the effective implementation of CITES. The precise reasons for failures vary across countries, but generally encompass some combination of the following factors: poor capacity or insufficient resources to implement CITES, low priority afforded to CITES relative to other treaties, even other environmental treaties, and lack of political will to meet CITES obligations. This complicates the CITES decision-making process, as well as efforts to monitor trade and develop species- or region-specific recommendations on the basis of this information.

The effectiveness of CITES is also challenged by other factors related to resources and responsiveness. For instance, because meetings of the Conference of the Parties to CITES (COP) are convened every three years, CITES is less able to respond in a timely way to emerging threats that are accelerating very rapidly – such as the recent spikes in rhino and elephant poaching in Africa. While the CITES Standing Committee convenes annually, even that august body has not been able to respond as rapidly or strongly to the current 'crisis' as some conservation groups would like. The CITES Secretariat has not been able to maintain its required level of resources with which it can support the Convention to the extent that the Secretariat deems appropriate. However, the Secretariat enforcement support function has been bolstered recently in response to the illegal trade challenges.

In spite of these challenges, CITES has been widely ratified globally by 176 States and is effective in some arenas. CITES Resolutions, Decisions and Missions related to Tigers and Asian big cats, and rhinos have catalyzed the enactment of specific laws tightening controls related to these species in key signatory countries. The 1997 establishment of the ETIS (Elephant Trade Information System) and MIKE (Monitoring Illegal Killing of Elephants) information management systems has been another of CITES' most significant accomplishments. These two systems combined provide a scientific analysis of the trends in illegal killing of and trade in elephants, and while still evolving, this approach has revolutionized understanding of the complexities involved in the supply and demand dynamics and the relationship to CITES decision making.

#### *Impact of Specific Strategies to Counter Illegal Wildlife Trade*

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A number of specific strategies to stem the tide of illegal wildlife trade have been implemented over the last four decades, each with its own potential advantages and disadvantages. These strategies have had varying degrees of success, and often, a single strategy has had variable success when applied to different species or regions.

1. **Bans on Trade in Protected Wildlife Products:** Evidence suggests that overall, while bans are an important and necessary gesture both symbolically and as a basis for enforcement efforts, their effectiveness depends on too many factors<sup>44</sup> for them to truly be considered an effective solution in isolation.
2. **Legal Supply of Wildlife Products for Trade:** Evidence suggests that while legal supply arguments for threatened and endangered species trade are sound in theory, they are unreliable as a strategy for diminishing the illicit trade in such species, and are consequently a highly risky solution.
3. **Alternative Livelihoods to Wildlife Poaching and Trafficking:** Evidence suggests that, while efforts to reduce poverty and diversify livelihoods may be critical to meeting many goals related to conservation and development, they are unlikely to be effective in reducing wildlife crime.

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<sup>42</sup> Young 2003

<sup>43</sup> Reeve 2006

<sup>44</sup> For instance, from Felbab-Brown 2011: the level of capacity and political will to enforce the ban, how price elastic demand for the banned product is, how sensitive demand is to non-price drivers like environmental consciousness, the timing of the ban to coincide with successful demand reduction campaigns, and the value of other non-consumptive uses for banned species

4. Consumer Demand Reduction for Threatened Species Products: Evidence suggests that demand reduction strategies are most likely to be successful when they are: developed with continuous sensitivity to market changes like the expanding markets for exotic cat skins as luxury items<sup>45</sup>, targeted in finding levers relevant to each consumer group, and specialized in delivering the right messages using the right messengers for each targeted consumer group to shift behaviors and attitudes over time.<sup>46</sup>
5. Effective Wildlife Law Enforcement: Evidence suggests that enforcement activities, when implemented effectively<sup>47</sup>, can have a strong impact in deterring wildlife crime and illegal wildlife trade in the short-term<sup>48</sup>.

#### WILDLIFE PROTECTION AND ANTI-POACHING EFFORTS

Anti-poaching patrols and other frontline deterrence efforts are critical to preventing wildlife crime, although their impact on the larger illegal trade in wildlife is potentially limited given the drivers and trends that underlie the current crisis. In today's world, where sometimes sophisticated and heavily armed poaching gangs have links to well-funded and potentially dangerous criminal organizations, the effectiveness of conventional anti-poaching interventions alone is questionable.

Nonetheless, ensuring that anti-poaching patrols are established for the long-term, staffed with committed rangers who work with the support of local communities, and afforded the salaries, vehicles, and equipment needed to do their jobs well, is indispensable<sup>49</sup>. The poachers have diversified and developed specialized skills and techniques too. They target different species using methods and tools that are distinct, tailored to the species of choice. In some countries different ethnic groups will specialize in hunting/poaching different species. Aside from providing the visual deterrent of a protective force, anti-poaching patrols are critical to the removal of snares and poisoned bait, the use of which can be devastating to a wide range of species and not just the target species. Furthermore, these efforts can be made more effective if they are bolstered by additional measures, such as use of Law Enforcement Management systems (LEM) and establishment of anti-poaching informant networks.

#### ENFORCEMENT EFFECTIVENESS

Numerous international institutions, governments and wildlife conservation groups have long been acutely aware of how crucial effective enforcement is to shifting the low-risk/high-profit incentive structure that drives actors at every level of the illegal wildlife trade supply chain. INTERPOL defines 'effective enforcement' in the environmental realm as enforcement that "secure[s] convictions that act as a deterrent to environmental criminals, with meaningful sentences, fines and the recovery of assets and proceeds of crime, and the generation of intelligence that leads to the disruption of transnational criminal networks through international communication and cooperation."<sup>50</sup> Presently, enforcement of wildlife crime in some source, transit, and destination countries almost always fails to meet this standard of effectiveness. Not surprisingly, some countries like the US (thanks to the efforts of agencies such as US Fish and Wildlife Service (USFWS) and US Department of Justice), have consistently shown that they rise above this standard<sup>51</sup>

A great deal of thought and effort have been devoted to aptly identify the causes and ramifications of weak enforcement in the realm of wildlife crime, conceptualizing and recommending strategies for mitigating them, and implementing those strategies where possible. [An excellent recent example is the *Wildlife and Forest Crime Analytic Toolkit* by the International Consortium on Combating Wildlife Crime (ICWC)<sup>52</sup>]. Although this clear articulation and concerted effort has advanced and fine-tuned thinking on enforcement issues while yielding

<sup>45</sup> EIA 2010

<sup>46</sup> Zain 2012

<sup>47</sup> This issue is discussed in greater detail under *Enforcement Effectiveness*

<sup>48</sup> Bennett 2011

<sup>49</sup> Bennett 2012

<sup>50</sup> INTERPOL 2011b

<sup>51</sup> Sellar, J. former CITES Secretariat Chief of Law Enforcement Support pers. comm. to Allan, C. October 11, 2012

<sup>52</sup> UNODC 2012

some successes on the ground, by and large the pace and extent of wildlife crime continue to far outstrip the ability of enforcement systems to keep up with them. In part, this is due to the sea change in the magnitude of the problem that growing scarcity, exploding demand, and organized crime involvement have generated. Even under the old paradigm, existing enforcement systems were only sometimes successful in deterring wildlife crime; under the new paradigm, they are even less equipped to do so. But equally significant are a series of underlying challenges that have plagued enforcement efforts for decades, hampering the wildlife conservation community's ability to consistently implement – across sites, countries, and global illegal wildlife supply chains – the strategic actions that could make enforcement effective in turning the tide of wildlife crime.

### *Persistent Challenges*

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Efforts to make enforcement effective are persistently undermined by the following challenges<sup>53</sup>:

- *Lack of political will*: Decision makers at the local, regional, national, and transnational levels frequently lack the interest and motivation to strengthen enforcement performance, even when faced with significant evidence and justification.
- *Lack of resources*: The inadequacy of budgets, personnel, and equipment - across sites, countries, and agencies - significantly compromises the ability of enforcement systems to function effectively.
- *Lack of capacity*: Detection agents, investigators, prosecutors and judges frequently lack the technical skills, tools, forensics and expertise needed to ensure that wildlife crime laws are adequately enforced.
- *Lack of interagency cooperation*: Poor cooperation and integration between jurisdictions and responsibilities impede enforcement efforts at every level – in specific sites, within countries, and between countries.
- *Lack of transparency*: The very nature of wildlife trade makes it susceptible to corruption, as it often requires official permits and clearances to meet regulatory requirements and laws – at the source, transit and market levels.
- *Lack of performance monitoring*: In most countries, the individual agencies responsible for each function in the enforcement chain do not consistently maintain the data needed to track wildlife crime cases from detection through to penalty, and do not routinely calculate performance indicators or monitor their own performance in any systematic way on the basis of such data. Perhaps more importantly, these agencies as a group do not work together to monitor their effectiveness as an integrated enforcement system.

### *Strategic Implementation Priorities for Effective Enforcement*

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Making enforcement effective in combating wildlife crime is not a matter of developing new strategies. Rather, it is one of actually **implementing strategies that have already been conceived, with enough consistency and coverage that wildlife crime cannot leak to the areas where enforcement is weak**. Within countries, enforcement systems need to be strong and integrated enough to detect, prosecute, and punish the smaller players – like poachers, middlemen, and couriers, whose profits are relatively small – increasing risks to such an extent that these lawbreakers are deterred from engaging in wildlife crime. Across the illegal wildlife trade supply chain, enforcement systems need to be strong and integrated enough to investigate, prosecute and punish the big players that drive the supply side of the trade – like transnational organized crime groups and individual kingpins that profit the most from wildlife crime – increasing the risks of engaging in wildlife trafficking so that they are on par with those of trafficking in drugs, arms, or humans.

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<sup>53</sup> Bennett 2011, Felbab-Brown 2011, EIA 2008, Sperling 2008, Wyler and Sheikh 2008, Allan 2004, Akella and Cannon 2004

Achieving these objectives will require, above all, a holistic view that aims to remedy key weaknesses in all agencies involved in all parts of the enforcement chain, while facilitating cooperation between them. Enforcement systems, because of their interdependencies, are only as strong as their weakest links<sup>54</sup>. For instance, outstanding achievements in detection and investigation are virtually meaningless in deterring wildlife crime if prosecutions are rarely successful, or if judges rarely apply meaningful penalties. In the reverse, competent prosecutors and committed judges cannot effectively punish offenders if detection agents and investigators fail to collect the thorough and compelling evidence needed to bring strong cases to court.

Core strategies that, if widely implemented, could improve the performance of agencies across enforcement chains and increase enforcement effectiveness are presented below.

### 1. Stronger Front-Line Deterrence: More Patrols with Increased Efficiency

Field detection agents, rangers and guards are the first line of defense in deterring perpetrators of wildlife crime, and highly-trained and well-equipped patrols are critical to securing the core areas in which endangered and critically endangered charismatic species are making their last stand<sup>55</sup>. Empirical evidence from Africa and Asia demonstrates the marked impact that intensive anti-poaching patrols by armed guards have had in stabilizing populations of protected species and other wildlife, compared to steep population declines that have occurred in areas left unprotected<sup>56</sup>. The use of Geographic Information System (GIS) and Global Positioning System (GPS) technologies has allowed forest patrols to become more systematic, improving coverage and efficiency in a way that causes would-be poachers to think twice or risk being arrested<sup>57</sup>. These technologies have also enabled the adoption of ‘smart patrol’ techniques, such as Management Information System Technology (MIST) and the Spatial Monitoring and Reporting Tool (SMART), in which patrolling rangers collect and record not only information on signs of poaching activity that can be used as intelligence, but also evidence of protected species and their prey that can be used to gauge wildlife distribution for patrol and management purposes. To achieve these successes, national governments in source countries have often required technical and financial support from NGOs, developed country government agencies such as the US Agency for International Development (USAID) and US Fish and Wildlife Service, and multilateral institutions, to ensure that personnel are paid, trained, and equipped. But where such support has been provided consistently over the long term, the results on the ground in the vast majority of cases are undeniable.

### 2. Proactive Law Enforcement Action: Intelligence-Led Detection and Investigation

At current and feasible resource levels, traditional detection efforts that focus on field patrols and seizures of wildlife contraband can only detect a small percentage of actual wildlife crimes committed. Protected areas, Customs agencies, and wildlife authorities do not have sufficient personnel to monitor every potential poaching hotspot or smuggling route, especially since perpetrators of wildlife crime are extremely agile in shifting their operations to circumvent enforcement efforts<sup>58</sup>. Furthermore, traditional detection efforts generally only identify wildlife crime that has already occurred, once protected species have already been removed from their habitats or killed. While seizures may temporarily disrupt trade, criminal networks quickly learn from such interceptions, moving to source new contraband, and there is no lasting impact<sup>59</sup>. Additionally, there is often limited effective follow-up to seizures and governments should follow guidance on wildlife and forest crime from the World Customs Organization (WCO), using techniques such as Controlled Deliveries<sup>60</sup>.

A related factor that limits the effectiveness of these efforts in impacting illegal wildlife trade is that they only target the lowest-level players in the supply chain – poachers, retailers, and couriers. While bringing these perpetrators to justice is a critical part of creating an effective deterrent, it does little to alter the incentive

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<sup>54</sup> Akella and Canon 2004

<sup>55</sup> Bennett 2011

<sup>56</sup> Bennett 2012, Anon 2009

<sup>57</sup> Anon 2009

<sup>58</sup> Bennett 2011, EIA 2010

<sup>59</sup> EIA 2010

<sup>60</sup> WCO 2011

structure of the high-level players that are profiting most from wildlife crime, and who consequently have the strongest incentives to keep the trade active and to keep recruiting low-level players<sup>61</sup>. Traditional detection efforts are certainly critical, and must be bolstered and expanded. However, they will only be truly effective if they are complemented by intelligence-led investigative efforts that go beyond sporadic seizures, aiming to systematically uncover and document the links and financial flows between the low-level and high-level players so that the latter can also be prosecuted and punished for their crimes. Using intelligence data from investigations, raids, profiling, and informants to guide enforcement efforts allows limited resources to be allocated more effectively, by focusing them on targeted actions that can actually break up criminal networks and have wide-ranging impact<sup>62</sup>.

Implementing intelligence-led enforcement activities may be difficult for wildlife enforcement agencies, given their budgetary constraints and the specific technical capacity required. To overcome these challenges, INTERPOL, the CITES Secretariat and NGOs have recommended the formation of specialized multi-agency wildlife crime enforcement task forces that incorporate personnel from national agencies regularly engaged in wildlife crime enforcement – like police, customs, forest and wildlife departments – optimally on a full-time basis. Some countries and regional networks are integrating this approach into their enforcement frameworks. China, as an example, established the “National Inter-Agencies CITES Enforcement Coordination Group (NICECG)” to enhance efforts by China’s responsible government agencies to combat smuggling and illegal wildlife trade in China.<sup>63</sup>

### 3. Closing the Loopholes and Leakages: Meaningful Multi-Agency Collaboration

The inability or unwillingness of enforcement agencies to work together at the site or national level, utilize existing international resources and intelligence that would help build stronger cases, or cooperate across borders so that national-level intelligence can be pooled to uncover and track the transnational criminal networks controlling the trade, are significant impediments to effective enforcement<sup>64</sup>.

Within countries, interagency rivalries and perceived hierarchies make the multiple agencies whose mandates or capabilities relate to wildlife crime enforcement reluctant to work together. In failing to collaborate in a way that leverages the relative technical, jurisdictional, and informational advantages of various national agencies, enforcement systems compromise their own efficiency and effectiveness in fighting wildlife crime.

Across borders, wildlife crime in one country frequently leaves evidence or generates impacts in other countries. Yet, national enforcement agencies consistently fail to see or are averse to the multiplier effect that collaborative efforts with enforcement authorities in other countries can have. Collaboration can make investigations and prosecutions in all involved jurisdictions more effective, and can reveal the wide-ranging criminal enterprises that no single government entity acting in isolation is likely to expose<sup>65</sup>. Without this type of cooperation, illegal wildlife traffickers will continue to routinely exploit the loopholes created by weak deterrence and inadequate coordination among enforcement agencies and technical experts, with the agility and persistence that are their hallmark.

Some recent regional and international initiatives that have emerged in response to this persistent problem include:

- Coalition Against Wildlife Trafficking (CAWT)
- Regional Wildlife Enforcement Networks (WENs), such as ASEAN WEN, South Asia WEN (SAWEN)
- International Consortium on Combating Wildlife Crime (ICWC)

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<sup>61</sup> EIA 2010

<sup>62</sup> Sellar, J. former CITES Secretariat Chief of Law Enforcement Support pers. comm. to Allan, C. October 11, 2012; EIA 2010

<sup>63</sup> TRAFFIC 2012c

<sup>64</sup> Wright and Banks 2012, Bennett 2011, Felbab-Brown 2011, EIA 2010, Sperling 2008, Wyler and Sheikh 2008, Allan 2004

<sup>65</sup> Sperling 2008

- Regional wildlife law enforcement action plans that define a cohesive regional strategy of collaboration, such as PAPECALF<sup>66</sup> in Central African countries

These initiatives have been widely viewed as a positive development, although they have not yet proven to be a solution. They formalize international and national enforcement agency commitments to working together, in recognition of the inherently transboundary nature of illegal wildlife trade that is the main driving factor of wildlife crimes<sup>67</sup>. But how effective they can be will depend on the extent to which source, transit, and destination country governments and agencies make use of them and are willing to coordinate and cooperate. Mandating their use as a means of monitoring compliance with funding arrangements or legally binding conventions could be critical to ensuring their effective application. Building more formalized structures that also allow civil society participation and support for activities has been shown to have numerous benefits, such as provision of expertise and new resources.

#### 4. Punishing the Perpetrators: Successful Prosecutions and Appropriate Penalties

Investments in patrols, intelligence-led enforcement, and multi-agency enforcement task forces will be ineffective in deterring wildlife crime, and essentially wasted, if cases are not successfully prosecuted, or if appropriate sentences and sanctions commensurate with the crimes are not applied when convictions are achieved<sup>68</sup>. Low conviction rates are an epidemic in wildlife crime cases, and even when cases are successfully prosecuted and convictions are achieved, weak penalties can again undermine the deterrent impact of wildlife crime enforcement efforts, reinforcing the low-risk/high-reward incentive structure that draws poachers, middlemen, couriers, kingpins and organized criminal enterprises to perpetuate wildlife crime. Asset recovery mechanisms are less often applied for wildlife crimes but these punitive measures should be utilized wherever feasible to recover the physical assets acquired from criminal activities, such as vehicles, houses etc.<sup>69</sup>

This highlights the critical importance of legislative and judicial reform that strengthens laws and regulations, encourages collaboration among agencies across the enforcement chain, and builds the will and capacity of prosecutors and judges to effectively prosecute and appropriately adjudicate on wildlife crime cases. Because increasing collaboration, awareness and capacity for all prosecutors and judges in source, transit and destination countries can be a daunting endeavor, some groups have recommended the establishment of specialized courts and prosecutorial services that would focus on environmental crime writ large, or on wildlife crime in particular<sup>70</sup>. Others contest that using specialized courts pushes wildlife crime into a niche separated from other crimes and therefore again reinforces the view that these are not mainstream crimes<sup>71</sup>.

### INNOVATIVE STRATEGIES FOR DEMAND REDUCTION<sup>72</sup>

The fact that demand for protected wildlife products continues to thrive, and grow, indicates that although there are some good examples of impactful demand reduction strategies to date, these efforts have failed overall. To some extent, this failure can be ascribed to the fact that demand reduction efforts have not been implemented at a large enough scale to have a lasting impact, as the level of resources devoted to them has been limited, as have their intensity and duration. However, it also reflects the fact that these efforts have not always incorporated state-of-the-art thinking about how to influence and shape consumer preferences and behaviors.

The next generation of efforts to design demand reduction strategies must not jump directly to message development and campaign ideas. Rather, they must use a marketing mindset – basing messages and campaigns for different target audiences on a clear understanding of the attitudes and behaviors that need to be changed,

<sup>66</sup> *Plan d'action sous-régional des pays de l'espace COMIFAC pour le renforcement de l'application des législations nationales sur la faune sauvage* (PAPECALF)

<sup>67</sup> Wylter and Sheikh 2008

<sup>68</sup> Akella and Cannon 2004

<sup>69</sup> INTERPOL (2011)

<sup>70</sup> EIA 2010

<sup>71</sup> Pendry, S. TRAFFIC International pers. comm. to Allan, C. October 11, 2012

<sup>72</sup> This section drawn from: TRAFFIC 2012a, *Creative Experts' Meeting on Messaging to Reduce Consumer Demand for Tigers and Other Endangered Wildlife Species in Vietnam and China: Meeting Report* and Zain 2012.

the factors that influence them<sup>73</sup>, and the triggers that can shift them. In order to approach the challenge in this way, the methodology for designing demand reduction efforts must be revamped to encompass these iterative steps:

1. Identifying and redefining behaviors
2. Understanding the influences that lead audiences to such behavior
3. Developing new models of influences for positive behavior change
4. Building a ‘marketing’ strategy to trigger the desired behavior:
5. Developing a communications strategy and campaign to support that strategy

A workshop on endangered wildlife consumer demand reduction organized by TRAFFIC in 2011 in Hong Kong galvanized the thinking of some 25 experts in disciplines related to Asian consumer trends, enforcement deterrence, wildlife trade, advertising, marketing, and psychology among others. This generated a strategy and actions to leverage the greatest impact on shifting consumer behaviors. The strategy is entitled “Behavior Change We Can Believe In: Towards a Global Demand Reduction Strategy for Tigers”<sup>74</sup>.

It is also worthwhile noting that sometimes illicit products are simply fashionable because they are underground and risky, in the same way that illegal drugs can be part of a subculture that relishes the mystique. Often people demand things that others cannot attain and that makes them stand out with their peers. This is a difficult behavior to change and is at the heart of the demand reduction strategy.

There are many ways to influence behavior and the ability to detect crime and the risk of being ‘caught’ are potentially significant deterrents. Without adequate detection in the first place, those involved in illicit trade and consumption of illegal products will feel safe in the knowledge that their activities pose few personal risks.<sup>75</sup>

#### *THE ROLE OF INFLUENTIAL NATIONS: UNITED STATES POTENTIAL*

Due to the recent growth in demand for illicit wildlife products among wildlife consumers in Asia, it is logical that blame for the quickly expanding crisis of wildlife crime be directed toward them. However, it is important to note that neither Asian crime gangs nor Asia’s wealthy are singular drivers of the current crisis. Source countries, which expedite illicit flows with corrupt practices, or lack the resources needed to protect their wildlife from poaching also play an important role. Furthermore, some blame must fall on developed world consuming nations, demand from which also contributes to poaching and trade in illicit wildlife, and which have a responsibility to influence and support those nations less able to resolve their challenges.

The United States is one of world’s largest consumers of wildlife<sup>76</sup>, absorbing a significant market share of legal and illegally sourced wildlife. The US’ ‘footprint’ role and influence as a consumer has been recognized by the US government, which has provided more support globally than any other single nation to the most comprehensive efforts to protect wildlife from illegal extraction and trafficking. The US has the potential to play an even greater role in solving some of the problems related to the global wildlife crime crisis, and current US efforts should be reviewed to determine what further impacts could be achieved.

The text of the 2011 US Strategy to Combat Transnational Organized Crime<sup>77</sup> clearly presents the US’ plan for using its resources, technical capacities, and influence to break up the organized criminal networks that are thriving in today’s globalized world and generating significant threats to US and global security. Implicit in the strategy is the conviction that by taking the right actions and making the right investments, the US can be successful in achieving this objective. The strategies laid out include, for instance:

<sup>73</sup> These include: (a) factors in the wider and local environment – such as legislation, governmental policy, governance, enforcement effort, supply and price; and (b) social and personal factors – such as group norms, values, beliefs, trends and dynamics. Social and personal factors have the strongest influence on consumer preferences, and should be a primary focus, however, they are also the most challenging to impact.

<sup>74</sup> Zain 2012

<sup>75</sup> Sellar, J. former CITES Secretariat Chief of Law Enforcement Support pers. comm. to Allan, C. October 11, 2012

<sup>76</sup> Wyler and Sheikh 2008

<sup>77</sup> Office of the President of the United States 2011

- Enhancing intelligence and information sharing
- Strengthening interdiction, investigations, and prosecution
- Building international capacity, cooperation, and partnerships

These strategies, and many of the specific activities outlined in the document, are directly applicable to the work that needs to be done in order to effectively combat the loss of wild animals and plants for the illegal wildlife trade, which falls in the purview of transnational organized crime. The trade therefore must also be recognized as a major area of concern for the US, and US-based efforts to fight transnational organized crime must integrate strategies for fighting wildlife crime. The U.S. government has major influence in intergovernmental organizations such as CITES, INTERPOL and WCO. It can help encourage such bodies to give greater priority, and core funding, to combating wildlife crime. The State Department is increasingly using its influence around the world by raising the profile of wildlife crime and encouraging its embassies to give more attention to the subject at the country level. The US has many legal attachés in its embassies around the world. Their focus is currently mainly terrorism, drugs and human trafficking but wildlife crime should be included in their remit.

The following provides examples of key actions that the US government - and other governments in countries that are involved significantly in global wildlife crime – can take on wildlife crime issues:

1. Encourage countries to meet appropriate legislative standards and apply the approach set by effective laws such as the US Lacey Act<sup>78</sup>
2. Strengthen inspection, investigation, and prosecution through capacity building, resource allocation, application of new technologies and awareness of the serious implications of some wildlife crimes
3. Expand provision of strategic technical and financial support through foreign assistance and partnerships
4. Use multilateral instruments to promote needed reforms in policies, regulations, cooperative agreements and integration of efforts to tackle wildlife, forestry and fisheries crimes (for example by CITES listings of timber and fisheries species)
5. Supporting the strengthening of CITES Resolutions and Decisions on illicit trade in endangered species.

#### *THE FUTURE OF WILDLIFE CRIME*

This paper has laid out a brief synopsis of some key elements of the emerging crisis of criminal exploitation of wildlife, and has summarized some of the efforts to date to combat it. With this information as a baseline, it is now vital that the agenda move forward to a level where there is broad recognition of the wider socio-economic implications of conservation crimes and the linkages to serious and organized crime groups. Efforts to combat the most significant poaching and trafficking must be integrated within existing law enforcement and intelligence systems – mainstreaming the fight against wildlife crime in recognition of the fact that wildlife is one of the top five global illicit commodities – with concordant levels of dedicated effort and resources.

If wildlife remains relegated to the bottom rung of the crime fighting priority ladder, it is likely that the massive expansion of targeted poaching and trafficking, largely driven by expanding wealth in Asia, is just the start of a new paradigm of devastating criminal exploitation of nature. As the global populace grows and climate change shifts leave people bereft of natural resources and space, it is inevitable that nature and wildlife will be hit hard in the coming decades. Strategies to divert and soften the worst of the blows that are hammering wildlife must be deployed now, urgently, in order to sustain populations, ecosystems, livelihoods and the very fabric of the many societies that rely upon nature. The wakeup call is ringing, and we must listen and react with urgent solutions that are synergistic and sustainable. There is hope that the challenges of wildlife crime can be overcome. We must pursue the opportunities evolving from an increased high level awareness by governments like the US, to collaborate in generating the best thinking, action, and resources we can marshal. Failure is unthinkable and too costly for nature to bear.

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<sup>78</sup> USFWS 2012

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