



# UNITING THE RESPONSE?

CHALLENGES IN INTERNATIONAL LAW  
ENFORCEMENT COOPERATION IN  
WILDLIFE CRIME IN ASIA AND AFRICA



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Cover: Delegates attend the Convention on International Trade in Endangered  
Species on the opening day of the World Wildlife Conference CITES CoP19 in  
Panama City, November 2022. © Luis Acosta/AFP via Getty Images

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# ACRONYMS AND ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoP	Conference of the Parties
DRC	Democratic Republic of the Congo
EL PAcCTO	Europe Latin America Programme of Assistance against Transnational Organised Crime
Eurojust	European Union Agency for Criminal Justice Cooperation
ICCWC	International Consortium on Combating Wildlife Crime
LATF	Lusaka Agreement Task Force
LEAP Strategy	Law Enforcement and Anti-Poaching Strategy
MLAT	Mutual legal assistance treaty
MOU	Memorandum of understanding
OAS	Organization of American States
SADC	South African Development Community
SAWEN	South Asia Wildlife Enforcement Network
SOMTC	Senior Officials Meeting on Transnational Crime
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
WEN	Wildlife enforcement network
WCO	World Customs Organization
WCS	Wildlife Conservation Society



## EXECUTIVE SUMMARY

**T**he consequences of wildlife trafficking go beyond the threat it poses to ecological integrity and the survival of many wild species. Wildlife trafficking is also a public health threat, through its role in the emergence of zoonotic pathogens, and a national and local security threat, generating revenues for organized criminal groups and militias, and contributing to the breakdown in rule of law that exacerbates local conflict and undermines livelihoods.

Effective transnational communication, cooperation and coordination between law enforcement and criminal justice agencies and other stakeholders along illicit commodity chains are fundamental components of a successful counter-wildlife trafficking strategy. This could include many activities, but a priority is that front-line enforcement and judicial officers have the ability to share information and intelligence with their counterparts. This could be through joint investigations and prosecutions or in the form of coordinated strategic actions to prevent the operation of wildlife trafficking networks. Effective international cooperation must facilitate secure, accountable, fast and efficient communications. It must be durable and create continuity, not rely on single individuals who may change roles, and it must build trust between officers and agencies (see Figure 1).



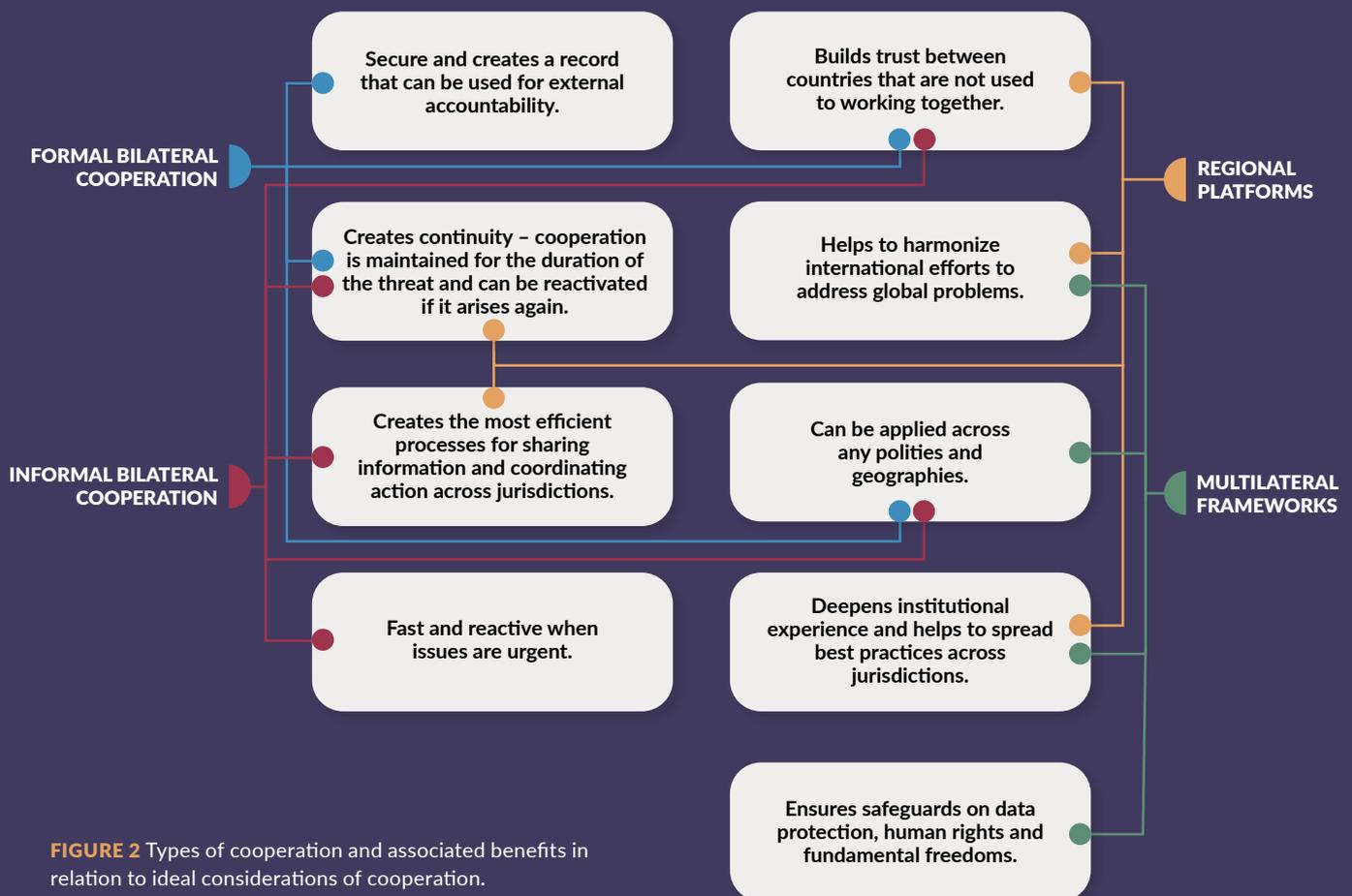
**FIGURE 1** Ideal characteristics of international enforcement cooperation.



Indonesian military police and park rangers reinforce patrols against illegal logging and wildlife poaching in the Ulu Masen ecosystem, Aceh province. © Chaideer Mahyuddin/AFP via Getty Images

Formal bilateral cooperation is hampered by the resource-intensive nature of negotiating and implementing mutual legal assistance treaties (MLATs); corruption; complex bureaucratic structures with language and cultural barriers; inadequate staffing levels; and a lack of training, awareness and incentivization of staff in the implementation of the treaties. Informal bilateral cooperation is increasingly used to exchange intelligence and coordinate strategies between people from counterpart agencies who trust one another. It provides a fast, efficient means of communication, with high response rates and often with reduced risks of involving corrupt officers. However, informal cooperation is fragile, as officers may change roles and thus lose contact. It also lacks transparency and accountability, and as it is outside of any formal legal mechanism, information shared cannot be used in a criminal case.

At the multilateral level, regional platforms are regarded with a lack of enthusiasm from front-line enforcement and judicial officers as well as NGOs. Such platforms are criticized as being expensive 'talk shops' with no compliance mechanisms, where member states air grievances without formulating effective responses. This can lead to varying levels of participation from member countries. Regional platforms also fail to involve all countries along illicit wildlife supply chains that are often global in nature. At the multilateral level, the United Nations Convention against Transnational Organized Crime (UNTOC), which incorporates a global MLAT, is having limited impact against wildlife trafficking on the ground. There is little awareness of the existence and scope of the UNTOC within agencies focused on wildlife crimes, and the MLAT is not often recognized by national agencies. INTERPOL and the World Customs Organization (WCO) are hampered by the reluctance of enforcement agencies to use their respective systems for sharing information. These systems are perceived to be slow, inefficient, unreliable and vulnerable to compromise, as front-line officers have multiple layers of command to go through before reaching national focal points.



**FIGURE 2** Types of cooperation and associated benefits in relation to ideal considerations of cooperation.

NGOs play a central role in the global response to wildlife trafficking. Government agencies are increasingly relying on NGOs to address enforcement and legislative gaps that result from the low political priority given to wildlife crime. NGOs help facilitate cooperation between states directly by assisting with information exchange, and indirectly by supporting efforts to build trust and relationships. In some cases, there are safety, security and legal risks involved with NGOs playing this mediatory role. There is also a risk of creating a dependency on NGOs, instead of national agencies developing the required capacity and commitment to lead such roles.

While there are significant frustrations regarding the current frameworks for cooperation, the characteristics for success are nevertheless present. It is possible within existing frameworks to facilitate effective bilateral and multilateral cooperation, but only if the frameworks are mutually reinforcing and harmonized. At a minimum, this will require:

- Increased national-level commitment to transnational cooperation and coordination on counter wildlife trafficking through
  - staff performance incentives;
  - additional resources for national agencies;
  - national-level inter-agency coordination bodies;
  - greater capacity to investigate wildlife trafficking; and
  - anti-corruption and integrity measures for enforcement and judicial officers.

- The promotion of secure, legal and ethical informal communication channels (including through NGOs) to share information and coordinate across jurisdictions by intergovernmental organizations (e.g. members of the International Consortium on Combating Wildlife Crime – ICCWC), NGOs, and regional and global platforms.
- The development and dissemination of standard operating procedures at the regional and multilateral levels to guide the activities and responsibilities of agencies in international cooperation within the scope of existing legal frameworks (i.e. MLATs and the UNTOC), intergovernmental agreements (e.g. the Convention on International Trade in Endangered Species of Wild Fauna and Flora – CITES, the WCO and INTERPOL) and regional agreements, such as the Association of South East Asian Nations (ASEAN) MLAT.
- That regional and multilateral platforms (e.g. the ASEAN Senior Officials Meeting on Transnational Crime – SOMTC, the UNTOC, the WCO and CITES) harmonize existing cooperation systems and procedures and regularly convene members to develop contacts, foster trust and share best practices.
- That any efforts to improve existing platforms or ensure effective communication and collaboration at a regional or multilateral level benefit from looking at the characteristics of successful efforts from platforms developed in other areas, such as the European Union Agency for Criminal Justice Cooperation (Eurojust), and work to understand what it is that makes these systems effective.



## INTRODUCTION

Illegal wildlife flows span geographical regions between source and consumption, making the trade in many species an inherently global problem. International enforcement cooperation is widely recognized as being crucial for an effective response. For the past 15 years, the focus on the criminal aspect of these flows has grown, leading to an emphasis on fostering law enforcement and criminal justice cooperation. This is one of many factors that has raised the level of international engagement on the issue, the resources assigned to it and, in some cases, the political commitment.<sup>1</sup> However, despite this, international cooperation is largely seen as weak, arduous and inadequate.

The disconnect between the efforts to improve international cooperation and the experience on the ground raises several key questions: Is the current cooperation regime suitable to respond to the threat posed by illegal wildlife trade? What are the barriers to effective cooperation at a practical level? And how can these barriers be overcome?

Difficulties in international cooperation in the wildlife-crime sphere echo broader challenges facing the global response to transnational organized crime, resulting from globalization, digitalization, ease of movement<sup>2</sup> and the perceived decline in the relevance or effectiveness of international forums.<sup>3</sup> At a time when greater multilateral cooperation is called for, there is a growing view within the international community that multilateral frameworks are no longer suitable to address geopolitical realities.<sup>4</sup> These challenges are compounded by the return of geopolitics and the rise of protectionism, unilateral sanctions, treaty withdrawal, and economic and military coercion.<sup>5</sup>

However, some of the challenges stemming from wildlife crime are unique. First, the wide diversity of traded flora and fauna is not uniformly criminalized across species or at geographical levels, which often results in conflicting legislation dependant on species and jurisdiction. Second, the convergence of legal and illegal trades increases the number of regulatory actors with possible, and sometimes overlapping, mandates. Third, the dynamic nature of the supply chains, which regularly shift, means that new jurisdictions are engaged as origin, transit and final destinations. And finally, despite the rising number of high-level political agreements and the growing profile of wildlife crime internationally, there continues to be difficulty translating resolutions into practical implementation.

This last challenge stems from the low political priority placed on wildlife crime at the national level, which impedes efforts to combat wildlife crime (and environmental crime, more broadly) both



In March 2015, Kenyan President Uhuru Kenyatta set fire to a pile of elephant ivory, vowing to destroy the country's entire stockpile of illegal tusks by the year's end. © Carl de Souza/AFP via Getty Images

nationally and internationally. For example, at the national level, this affects the resources that law enforcement actors have available to engage in the complex and often transnational investigations required to combat the crime, and at the international level by nation states influencing multilateral organizations based on national priorities and interests. The different approaches by countries come from widespread and divergent ideas about the role the environment plays in their national development and social security.

In an effort to identify the current view on cooperation with an aim to developing solutions for a system that seems to be failing to address transnational wildlife crime, the Global Initiative Against Transnational Organized Crime (GI-TOC) and the Wildlife Conservation Society (WCS) conducted research into the challenges facing international law enforcement cooperation regarding this issue. In the past decade, NGOs have come to play a more central role in the fostering of these relationships. NGOs have assumed this role despite major international conventions, agreements and organizations (e.g. the WCO and INTERPOL) existing to facilitate cooperation. NGOs playing an intermediary role, amid the broader headwinds against transnational cooperation on organized crime, has raised questions about the long-term trajectory of international cooperation and whether a different, more constructive, course can be charted.<sup>6</sup>

The research set out to investigate the practical realities of international cooperation and understand why there is a disconnect between the ideal mechanisms for cooperation and what happens in practice. This was with the aim of providing a set of recommendations for the future, geared towards

how individuals, organizations and state representatives looking to foster effective cooperation can enhance prospects of success.

We focused on enforcement and investigative activities that are necessary to successfully disrupt or prosecute a wildlife crime network, including the sharing of evidence and intelligence, the conducting of joint investigations and the arrest and extradition of suspects. However, as enforcement cooperation is not restricted to solely collaborative enforcement activities but also involves 'soft' processes that precede and enable them, these were also considered. This included the development of trusted interpersonal relationships, creation of suitable frameworks to facilitate cooperation and appropriate incentives to drive cooperation.

As international cooperation is predominantly driven by governments, we explored the range of different attitudes relating to wildlife crime (and organized crime in general) that influence a state's motivation to cooperate. These included the perception of organized crime as solely a national issue instead of an international issue, the presence of corrupt and state-embedded actors that can undermine cooperation, and national political priorities and geopolitics influencing the positions of governments.<sup>7</sup> Furthermore, the tendency of governments to 'securitize' their responses to organized crime often serves to exacerbate both the problem and existing vulnerabilities, highlighting the need for safeguards to protect human rights and fundamental freedoms of individuals as outlined in the UN charter.<sup>8</sup>

## Methodology

This report is the result of a combination of desk research and semi-structured interviews. The desk research involved the review of academic papers, government reports, civil society research, journalistic articles, bilateral agreements and international treaties. The semi-structured interviews were conducted between July and September 2022 and involved 23 people from a variety of backgrounds with experience in law enforcement cooperation, including NGO staff; current and past law enforcement officers; and people with experience supporting investigations, capacity building and negotiating agreements.

The geographical focus of our research was Africa and Asia, as these are two regions connected by major illicit wildlife flows. The illegal trade in rhino horn, elephant and hippopotamus ivory, African pangolins, lions, animals for the exotic pet market, South African abalone and, increasingly, protected plants such as succulents show the predominantly west-to-east illicit flows from source countries in Africa to consumer markets in Asia.

We explored the role of different frameworks and agreements concerning cooperation in wildlife crime, including bilateral agreements between countries, regional platforms and multilateral treaties. For bilateral cooperation, we explored both the formal approach through MLATs and memorandums of understanding (MOUs) and the informal approach where information is shared outside formal structures. For regional cooperation, we analysed platforms that convened law enforcement from neighbouring countries around wildlife crime issues, and for multilateral frameworks we looked at the effectiveness of international instruments and bodies responding either specifically to the illegal wildlife trade or to organized crime more broadly, including the UNTOC, INTERPOL and CITES.

## Ideal characteristics of cooperation

In preparation for analyzing the status of international enforcement cooperation on wildlife crime, we considered what the ideal characteristics of effective and efficient cooperation are to long-term solutions to a threat. The ideal characteristics that help to ensure effective, enduring and evolving international cooperation should ensure practical means for the fast and secure exchange of information to assist with investigations and prosecutions, while also helping to develop long-term solutions that address global problems through harmonization of legislation and priorities (see Figure 1).

Interviewees noted that the attributes of ideal cooperation varied depending on the form the cooperation takes, whether bilateral, regional or multilateral. For example, the benefits associated with bilateral cooperation are primarily concerned with facilitating communication and information sharing between two states, while multilateral frameworks predominantly help to harmonize institutional efforts, deepen institutional experience and help to spread best practices across jurisdictions. These attributes often overlap with the benefits of each form of cooperation, depending on the type of cooperation (see Figure 2). ■



Delegates visit Keo Seima wildlife sanctuary in 2016 as part of a bilateral meeting on combating illegal wildlife trade in Cambodia and Vietnam. The forest area of Keo Seima, which runs along the border between the two countries, has been the site of successful conservation efforts since 2002.  
© Wildlife Conservation Society



## BILATERAL COOPERATION

**B**ilateral cooperation on wildlife crime enforcement was often identified by the interviewees as the preferred means of cooperation when sensitive information is involved, such as the sharing of evidence or the coordination of law enforcement activities, as it brings considerable benefits over regional platforms and multilateral frameworks (Figure 2).

Bilateral cooperation includes both formal and informal channels. Formal cooperation involves the use of international agreements and treaties or letters rogatory, while informal cooperation involves communication outside of formal structures, for example the use of everyday communication channels including email, instant messaging services, telephone conversations or in-person meetings. Formal and informal methods of bilateral cooperation facilitate enforcement cooperation in divergent ways and have different realities and varying strengths and weaknesses.

### Formal bilateral cooperation

Formal bilateral agreements (see box: Types of formal agreement) provide a legal foundation for international cooperation by establishing frameworks between national enforcement agencies.<sup>9</sup> Without such agreements in place, states must rely on either informal cooperation (described below) or on traditional tools for international cooperation, such as the use of letters rogatory, where a judicial authority of one state will send a formal request to the judicial authority of another, usually through diplomatic channels.<sup>10</sup> This can take between six months and a year, which is a lengthy process given this may be part of a time-sensitive criminal investigation into a complex, adaptable organized criminal group.

As bilateral agreements tend to be negotiated on an individual basis, they are developed depending on the needs of the individual states involved and can overcome complex issues associated with enforcement, such as dual criminality and human rights concerns related to the use of the death penalty, while maintaining the sovereignty of each signatory. There is no restriction on the polities, geographical regions or legal system they can cover and are generally intended to bring considerable advantages for enforcement cooperation by facilitating fast, efficient, secure and documented communication channels between the mandated agencies of each state. Thus, they allow for long-term continuity, which, due to the ever-changing trade routes used by wildlife traffickers and frequent staff changes within agencies, allows states to utilize them whenever the need arises.

Furthermore, as MLATs, and in some instances MOUs, can cover all crime types instead of focusing on one (such as wildlife crime), there is space for greater reciprocity between states. The agreements often define the obligations and expectations of both parties, which should lead to greater certainty that the opposite party takes the necessary action when a request for legal assistance comes through.

Some interviewees reported that, in certain instances, these formal agreements have a positive effect on cooperation in practice. One NGO staff member in Cambodia described that without such agreements in place, officers (especially those in middle-management and above) are reluctant to speak to countries due to the political dimensions associated with communicating with foreign states.<sup>11</sup> When in place, agreements can make the process more effective, as another interviewee from Vietnam explained:

Bilateral frameworks are the most effective [form of cooperation]. Before these were in place, [enforcement agencies] would have to go through embassies and the ministry of foreign affairs to exchange information. Now agencies can communicate directly, removing this need.<sup>12</sup>

## Types of formal agreement

Formal bilateral agreements usually take the form of an MLAT or MOU. MLATs are treaties registered with the UN that provide the legal basis for the law enforcement authorities of signature countries to cooperate on criminal matters. Alternatively, countries may opt to use MOUs that can outline their commitments for cooperation without necessarily being legally binding on either government. This lack of legal enforceability, however, means that MOUs can be too weak to facilitate action from the other party. Unlike MLATs, countries are not required to register MOUs with the UN, thus allowing the agreements to be kept confidential.

These agreements allow the party states to agree in advance what legal assistance they will offer each other. This can include:

- Gathering evidence or taking statements from individuals;
- Effecting service of judicial documents;
- Executing searches and seizures and freezing assets;
- Forensic examination of objects and sites;
- Providing information, evidentiary items and expert evaluations;
- Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- Identifying or tracing proceeds of crime, property, instrumentalities, or other things for evidentiary purposes;
- Facilitating the voluntary appearance of persons in the requesting state party; or
- Any other type of assistance that is not contrary to the domestic law of the requested state party.<sup>13</sup>

The Nong Khai Customs Boundary Post at the border crossing between Thailand and Laos. The Thailand–Laos border, which stretches 1 845 kilometres, poses significant law enforcement challenges.  
© Panumas Sanguanwong/AFP via Getty Images



An interviewee from the Nigeria Customs Service, who has been involved in international enforcement cooperation, expanded on the utility of bilateral agreements by explaining that without a formal agreement in place the process can stall.

If China wants to get information from Nigeria [...] the request will not ever be attended to, not because of hiding of information, but because of the bureaucratic nature of the system. The number of stages required causes the file to get stuck in one area.<sup>14</sup>

The interviewee went on to explain that:

Agencies need to have the appropriate mandates to act. Having a legal mandate to make it binding on Nigeria will help the Nigeria Customs Service to take more action. The lack of legal mandate has not been specific to Nigeria and the lack of one makes it more difficult to operate.<sup>15</sup>

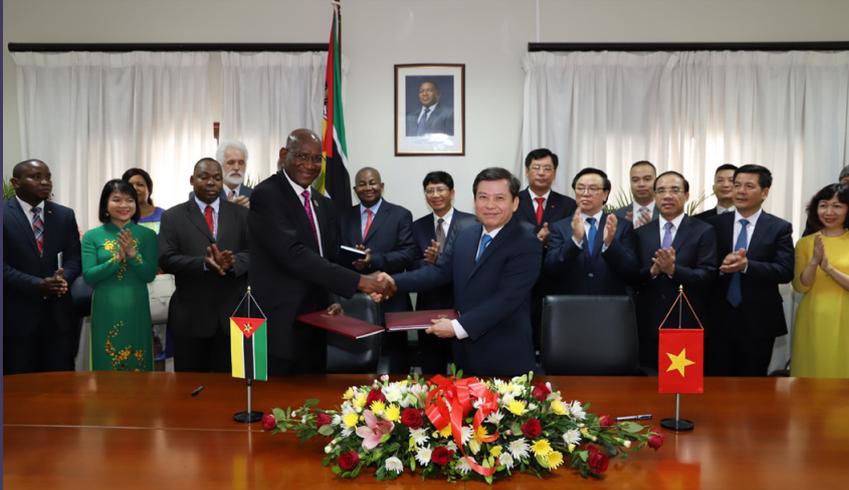
These insights highlight that bilateral frameworks not only result in more efficient cooperation, but also provide the necessary legitimacy for officers and officials to cooperate without requiring additional authority from bureaucratic structures or complex hierarchies.

## Negotiating bilateral agreements

Despite the demonstrable advantages of having formal agreements in place, experience has shown that there are considerable difficulties associated with their development and implementation.

Past attempts at negotiating, drafting and agreeing bilateral agreements have shown that the process is often extremely costly and time consuming, with the time needed to negotiate such agreements being upwards of several years. This was seen in 2018 when the governments of Mozambique and Vietnam ratified an MLAT (see box: Mozambique–Vietnam MLAT agreement) after more than three years of diplomatic engagement. However, there is no guarantee that such negotiations will produce results, as seen in the efforts by Nigeria and Cameroon to develop an MOU that still has not been signed after 10 years of work.<sup>16</sup>

## Mozambique–Vietnam MLAT agreement



Le Minh Tri, Prosecutor General of the Supreme People's Procuracy of Vietnam, and Joaquim Verissimo, Minister of Justice, Constitutional and Religious Affairs of Mozambique, sign a mutual legal assistance treaty in Maputo, 3 December 2018.

*Photo: Supreme People's Procuracy of Vietnam*

On 3 December 2018, the governments of Mozambique and Vietnam finalized an MLAT at a signing ceremony in Maputo, Mozambique, following more than three years of diplomatic engagement between the two countries. The development of the MLAT was linked to the Mozambican government's desire to target Vietnamese networks trafficking wild-life products (including ivory, rhino horn and lion body parts) from Mozambique to Vietnam, and the Vietnamese government's desire to improve cooperation and intelligence sharing with African countries to assist prosecutions in Vietnam.

The overall goal of the initiative around which the MLAT was developed was to reduce the illegal wildlife trade between the two countries. To determine the success of the initiative, a review of the MLAT and its implementation was conducted to ascertain what had changed because

of the treaty and what needed to be improved for better results. This process revealed that, although the MLAT had been successfully developed and signed, the follow-up law enforcement had not happened, largely for two main reasons: a lack of high-level political will and focus from Vietnam and an institutional weakness within the Mozambican Prosecutor-General's Office.<sup>17</sup>

However, despite these issues, the initiative should not be viewed as a wasted effort, as the MLAT is now in place as a permanent treaty, which can be used when the political will, agency interest and capacity within the two countries are better aligned. Secondly, the process of developing the MLAT has brought about new relations between the enforcement agencies of the two countries, which could lead to closer personal relationships that may facilitate informal cooperation. ■

The process of developing bilateral agreements places considerable strain on government agencies that may not possess the necessary skillset or capacity to conduct negotiations of this nature.<sup>18</sup> Rigid bureaucratic structures and the involvement of multiple agencies and government ministries can hinder negotiations and increase the risk of the process stalling. The high turnover of ministers in some countries has also been identified as a problem that can result in the loss of political will to finalize the agreement.<sup>19</sup>

## **Effectiveness on the ground**

Although formal bilateral agreements can bring considerable benefits, there is no guarantee that they will have a positive impact in all instances. This is due to the nature of these agreements, which can be laborious, complex and bureaucratic to use, and the environment in which they operate, which often involves bureaucratic structures with language and cultural barriers, inadequate staffing levels, and a lack of training and awareness. This means that requests for assistance can still take several months despite the existence of an agreement. Furthermore, the ever-present risk of corruption (or even the perception of corruption), along with the involvement of state-embedded actors in illegal wildlife markets, as seen in the GI-TOC's Global Organized Crime Index,<sup>20</sup> can lead to limited trust between the parties to an agreement, directly impacting its effectiveness over time.

Adding to this complexity is the issue of mandated authorities, which varies between countries and regions. For example, countries within Asia tend to mandate enforcement cooperation to law enforcement agencies, while in Africa it tends to be led by prosecutors.<sup>21</sup> This is likely to be a contributing reason as to why, despite having signed seven MLATs with countries in Africa,<sup>22</sup> China does not apply them sufficiently and instead relies on MOUs to facilitate police cooperation.<sup>23</sup> However, the lack of MLAT use may also be due to the Chinese central government not prioritizing cooperation on criminal matters involving Chinese citizens that do not occur in China.<sup>24</sup>

Issues relating to limitations of the mandated authorities are not restricted to incompatibility with international counterparts. The importance of domestic collaboration for effective international cooperation was highlighted by a staff member from the Nigerian Customs Service, who said:

It is important for all national agencies to know the importance of working together and assisting each other. Bureaucracy slows down work on illegal wildlife trade. The Nigerian government has low awareness and interest, therefore is slow to act and provides poor funding.<sup>25</sup>

The conviction that international cooperation is hindered by weak domestic collaboration due to poor capacity and capability was highlighted by interviews with NGO members with law enforcement experience. Staff shortages and a lack of understanding can lead to agencies avoiding international cooperation due to the demand it places on limited resources. It is therefore important that national governments provide the necessary funding and resources for the implementation of these agreements and throughout the lifetime of the agreement.

Owing to the high levels of corruption associated with wildlife crime, there is an inherent risk of corruption at multiple levels of government as a barrier to support.<sup>26</sup> The agencies mandated to implement these agreements must therefore be aware of this threat, not only across multiple agencies, but also within their own management structures and among their own officers.

If the full potential of bilateral agreements is to be realized, the officers and officials mandated to implement the agreements must be properly incentivized.<sup>27</sup> Such incentives can take a variety of

forms, from ensuring that staff understand the purpose of the agreement and how it will assist them in their roles, to incorporating cooperation as a metric to determine the performance of individual staff or an agency. It could also include recognition, with honours or bonuses linked to successful use of cooperation in the arrest and prosecution of criminal actors. Without such incentives to motivate staff, there is a risk that individuals will resort to old and trusted ways of working, thus negating any potential benefit.

Language was repeatedly identified as a significant barrier to cooperation. Most of the interviewees based in South East Asian countries reported it as hindering cooperation,<sup>28</sup> while those based in Africa said it was predominantly a problem when communicating with Asian countries.<sup>29</sup> Although interviewees focused on this issue between Africa and Asia, it is also commonly recognized as an issue within regions and bilaterally. The nuance of language and the need to ensure correct translation often adds to the time and cost involved in developing these agreements, and although they regularly specify the language to be used in communications, the requirement to translate requests adds an additional step in the process, which consumes time and resources, often discouraging an agreement's use or hindering its implementation.

Despite being a more efficient and reliable process than the use of diplomatic channels, the issues with formal bilateral agreements can result in excessively slow replies to requests for assistance, or in such requests going unheeded. This negates one of the main benefits of these agreements and can make them unsuitable for investigations into wildlife crime, which are often time sensitive. Although such agreements can include time limits for assistance, many do not.<sup>30</sup> It is therefore unsurprising that enforcement officers and investigators have, where these agreements are impractical, fallen back on informal means of cooperation to exchange intelligence with their counterparts.

## **Informal bilateral cooperation**

Informal cooperation describes the use of communication channels that exist outside those created by formal bilateral agreements, regional platforms or multilateral frameworks, such as MLATs, INTERPOL or the WCO. This mainly includes the use of email, telephonic communication and instant messaging services (e.g. WhatsApp), as well as in-person meetings. Informal channels of cooperation and communication are used in multiple ways to help facilitate enforcement cooperation, with associated benefits relating to trust and eliminating corruption and hazards associated with their vulnerability to staff turnover and limited options for transparency and accountability.

Despite their use being discouraged in certain quarters, our research revealed that informal cooperation and communication channels are in practice the most used form of cooperation, as they enable enforcement officers to share information directly without relying on more formal systems. As a wildlife trafficking researcher based in Mozambique explained:

Informal cooperation is more effective and quicker, for if they [enforcement officers] need something from Vietnam, for example, they can talk through WhatsApp and get feedback. The formal way is a long process, with documents, via ministers, then through ministries of international affairs.<sup>31</sup>

This understanding that the use of informal channels is not only faster but more effective was consistent across our interviews with NGO staff and law enforcement officers. As this form of communication involves the use of everyday channels, officers have ready access to the necessary technology, letting them bypass often time-consuming and resource-intensive processes or the use of systems



Law enforcement agencies from Laos and Thailand communicate using mobile phone-based messaging services to share real-time intelligence regarding criminal activity along the Mekong River. © Luke Duggleby/Bloomberg via Getty Images

with which they are not familiar. This allows for the near-instant exchange of information and, as the officers are usually known to one another, better response rates. Many of these channels also allow for translation of messages, thus overcoming language barriers. The resulting information can be used to inform effective enforcement responses in time-sensitive conditions, such as when a person or shipment is entering a country or when intelligence is received about the location or travel plans of a known trafficker.

An example of effective informal cooperation can be seen along the Thailand–Laos border, which stretches 1 845 kilometres, half of which runs along the Mekong River. Law enforcement agencies from both countries are regularly in contact using WhatsApp or mobile phone-based messaging services, sharing real-time intelligence with their counterparts regarding criminal activity along the river.<sup>32</sup> This real-time information sharing allows law enforcement agencies to take a more proactive approach to policing, leading to more efficient and targeted use of their resources while increasing the chance of success.

However, it is important to note that informal cooperation existing outside of formal structures cannot be used to facilitate cooperation akin to an MLAT (see box: Types of formal agreement). Instead, in an ideal scenario, it allows for the sharing of intelligence to inform police actions, including the arrest of suspects, surveillance operations or the use of disruption tactics that can create an environment hostile to criminal networks.<sup>33</sup> Where evidence needs to be shared for use in a prosecution, enforcement officers and prosecutors must rely on formal structures.

### **Trust and mitigating the risk of corruption**

Corruption 'walks hand in hand with wildlife crime and is a major hindrance to prosecution', to use the words of one law enforcement specialist interviewed for this research.<sup>34</sup> It presents a significant

barrier facing officers and officials looking to cooperate, as the presence, or belief of the presence, of corruption within enforcement agencies and government ministries, especially at the middle and upper levels, discourages officers from reaching out to counterparts in other agencies or countries. This can lead to stalled or even failed investigations and prosecutions, making it essential that all officers involved in intelligence sharing or investigations trust one another.<sup>35</sup>

An interviewee based in an NGO in India expanded on this point, explaining that because corruption is a problem within India (especially at the borders), law enforcement officers 'only work in a personal capacity with those they know, as they do not trust other officers'.<sup>36</sup>

Even when there are only suspicions of corruption, it is often enough to lead to a lack of trust, which will negatively affect cooperation. Because of this, enforcement officers in some countries reportedly avoid formal mechanisms and instead rely on informal channels to work directly with those known to them in a personal capacity and whom they have confidence in.<sup>37</sup> This avoids the risk of involving corrupt officers who could jeopardize an investigation. However, this reliance on informal channels restricts the interventions available to enforcement officers, as it may not be possible for the evidence necessary for a successful prosecution to be shared through informal channels.

This highlights how interpersonal relationships are the foundation for informal cooperation and are regularly formed between officers with a shared understanding of wildlife crime and the motivations to combat it.<sup>38</sup> As with formal cooperation, which relies on the relevant agencies being connected, informal cooperation relies on the correct people fostering an effective working relationship based on mutual respect and trust.<sup>39</sup>

### **Lack of structure, transparency and accountability**

Despite these advantages, informal cooperation lacks structures, transparency and accountability, which raises several concerns. These include its vulnerability to staff turnover because of its reliance on individuals, risk of human rights abuses due to sharing of information with certain countries, and a general lack of regulatory oversight to hold practitioners to account.

The reliance on the relationships of individual officers can pose considerable problems for cooperation over time, especially when the bureaucratic structures of enforcement agencies are not designed to facilitate effective cooperation. A regional counter-trafficking advisor who has experience in international cooperation within Africa explained that:

Informal cooperation is the only thing that makes cooperation work. Complex procedures and protocols need to be usurped if there is to be successful cooperation. [...] You must rely on officers to have the wherewithal and the will to usurp procedures in order to get things done. Only when you find people willing to cut procedural corners, that's when legitimate investigations occur.<sup>40</sup>

Since most forms of informal cooperation are based on the relationships of individuals and trust built over time, they also tend to be transitory in nature, moving when staff move, and do not offer the continuity needed to respond to emerging cases or threats. The high turnover of officers due to promotion or internal transfers means that informal cooperation channels are regularly in flux. This may cause communication channels to close when individuals leave their posts.<sup>41</sup> As this kind of cooperation often involves officers acting outside formal structures and hierarchies, there is little guarantee that such channels would reopen. This unpredictability means that informal frameworks alone cannot be a long-term solution to the problem of international cooperation.

As discussed above, informal cooperation is seen as the most effective form of cooperation. However, due to its existence outside formal structures, there is also a lack of transparency and accountability surrounding its use. This makes it difficult to objectively quantify its success, especially as information gained from informal cooperation is primarily used to inform further enforcement action, such as the deployment of surveillance or intelligence-led disruption tactics. Since surveillance and disruption tactics are rightly not reported in crime reports, statistics, the media, NGO reports or donor reports, their effective use in relation to information gained from informal channels is difficult to quantify.<sup>42</sup>

In addition to transparency, there is also a lack of regulatory oversight to ensure that personal data and sensitive enforcement-related data pertaining to ongoing investigations and prosecutions does not fall into the wrong hands. The issue of personal data confidentiality is particularly pertinent, as 65% of the world's population is expected to be covered by modern personal data privacy legislation by 2023, up from 10% in 2020.<sup>43</sup> Therefore, the current use of informal channels may become legally unsustainable, requiring enforcement agencies to develop means of sharing sensitive data after such legislation comes into effect.

Despite these issues, informal cooperation between law enforcement personnel is essential if there are to be effective cross-border responses to wildlife crime. The importance of personal relationships and trust cannot be overstated, nor can the effectiveness of real-time communication. However, this does not make informal collaboration an alternative to formal cooperation frameworks. Rather, informal channels complement formal channels by allowing for the trusted exchange of information in real-time. Where action is required for which informal channels are ineffective, such as formal requests for action (see box: Types of formal agreement), formal channels and mechanisms can be used. Therefore, formal and informal cooperation should be seen as being mutually reinforcing.



## REGIONAL PLATFORMS

**H**armonizing national and international frameworks is often a key component of effective international cooperation.<sup>44</sup> This was recognized during the drafting of the UNTOC, Article 18 of which is devoted to mutual legal assistance and provides a legal framework and guidance for signature states to cooperate with one another. Article 18 was not designed to replace the need for MLATs, but rather compliments these bilateral agreements by providing guidance on how signatories can cooperate when MLATs are in place. It also assists with guidance to facilitate cooperation when MLATs are not in place, recommending the creation of agreements ‘that would serve the purpose of, give practical effect to or enhance the provisions of this article [Article 18]’.<sup>45</sup>

The United Nations Office on Drugs and Crime (UNODC), which recommends the use of the UNTOC, also recognizes the importance of bilateral agreements, while accepting the impracticality of all countries having agreements with one another. The UNODC therefore recommends the development of regional agreements that can help coordinate and facilitate cooperation among several countries that share similar enforcement challenges.<sup>46</sup> The need for wider agreements that encompass several countries within a region highlights the importance of ensuring the effectiveness of the agreements themselves but also the need for regional platforms or bodies to support the negotiation, implementation and operation of such agreements. These agreements are seen in South East Asia, Europe and the Americas, with the ASEAN MLAT, the EU’s MLAT and the Organization of American States (OAS)’s MLAT, respectively.<sup>47</sup>

Although regional MLATs avoid the need for multiple separate agreements between countries and can help harmonize enforcement responses within a region, the negotiation and implementation of such agreements face the same challenges as a bilateral agreement but at a larger scale. To overcome the logistical and political challenges associated with the multiple countries involved, a strong and capable bureaucratic system is required to coordinate the various actors while also maintaining the necessary momentum. This means that political and economic unions, such as ASEAN, the EU and the OAS, may be best placed to facilitate these agreements. Yet, even when such bureaucracies are in place, the process remains a long one, as seen with the ASEAN MLAT, which was conceived in 2002 but only came into force in 2013, after 11 years in development.<sup>48</sup>

However, the time-intensive nature of the process is not a reason to avoid exploring the possibility of developing agreements, especially since the time necessary to negotiate multiple individual agreements will often far exceed the time and effort needed for a regional MLAT. In regions where such agreements could bring considerable value to the law enforcement response and where the necessary

bureaucratic structures are in place, effort should be made to explore their feasibility while drawing on the experience of successful efforts, such as Eurojust, to help understand the characteristics that enable them to be effective. Although it is unlikely that Eurojust could be simply transposed onto another region (not least because of the size of its budgets), lessons learned from its history could be drawn upon to help develop a version suited to a different region.

One such region suitable for exploratory work in this regard is Africa, due to the existence of the African Union (AU), which comprises all 55 African states. However, the AU is not the only regional group within Africa. There are eight regional economic communities (including the South African Development Community, SADC, described below) and two regional mechanisms, meaning that most countries are part of more than one bloc. This stretches capacity and leads to confusion, divided loyalties and weak functioning.<sup>49</sup> Although the AU envisages 'incremental integration' to streamline the regional blocs, progress has been slow.

Regional enforcement cooperation is important as countries within regions often share similar wildlife crime enforcement challenges, for example, if the region (rather than a specific country) is a source, transit point or destination for a particular wildlife product (e.g. Africa for rhino horn, elephant ivory and African pangolins). Criminal networks regularly operate within several countries in a region and move wildlife products from a source country to another country within the region to evade detection. When enforcement activity is tightened, these networks can shift their operations. This was seen with the so-called Shuidong syndicate, a major ivory trafficking network, which shifted the base of its operations over several years from Tanzania to Mozambique and more recently Nigeria to evade law enforcement closing in on its operations.<sup>50</sup>

Effective cooperation between enforcement agencies and governments within a particular region can, in theory, lead to flexible and rapid responses to individual cases as well as emerging trends in wildlife crime. Unlike formal bilateral agreements, cooperation at the regional level can go beyond activities that primarily involve enforcement activities and can help deepen institutional experience and spread best practices within a region while harmonizing regional efforts and legislation to respond to the threat.

**In 2017, the Indonesian navy successfully thwarted a horseshoe crab trafficking operation at the port of Krueng Geukueh. Over 10 000 horseshoe crabs are reportedly smuggled out of Indonesia each week.**

© Maskur Has/SOPA Images/LightRocket via Getty Images



Many regional platforms have been created to facilitate such cooperation. There are numerous platforms within Asia and Africa that have a common aim of reducing wildlife crime by promoting law enforcement cooperation on wildlife trafficking. For this research, we focused on three of these platforms: the Lusaka Agreement Taskforce (LATF);<sup>51</sup> the SADC Law Enforcement and Anti-Poaching (LEAP) Strategy;<sup>52</sup> and wildlife enforcement networks (WENs), such as the South Asia WEN (SAWEN) and the ASEAN<sup>53</sup> Working Group on CITES and Wildlife Enforcement (AWG-CITES & WE), which replaced the ASEAN-WEN.<sup>54</sup>

Although these three platforms share the common aim of combating wildlife crime, they operate with different mandates and within different legal frameworks. The LATF, for example, is a permanent intergovernmental taskforce created by the Lusaka Agreement.<sup>55</sup> It has a law enforcement dimension that is mandated to conduct joint investigations and enforcement actions regarding wildlife crime in collaboration with national agencies.<sup>56</sup> The LEAP Strategy, on the other hand, aims to reduce wildlife crime within the SADC region through the strengthening of law enforcement, management and governance, with one of the four goals being improved cooperation within SADC.<sup>57</sup>

Lastly, wildlife enforcement networks, such as SAWEN, bring together various enforcement agencies on a regional platform, including CITES authorities, mandated enforcement agencies, prosecutors and other relevant agencies. Largely supported by project funding, the WEN platforms aim to support the sharing of information, best practices regarding wildlife crime, and the development and implementation of wildlife protection legislation within a region. ASEAN-WEN was the initial platform, which later became the WEN model that was replicated in several other regions with the aim of creating regional or sub-regional networks of national agencies responsible for wildlife crime enforcement. The WENs also aim to provide a platform for enabling collaboration and communication between members at regional and global levels.<sup>58</sup>

## Practical experience of regional platforms

Regional platforms have a wide scope for facilitating cooperation that goes beyond solely enforcement activities normally seen with MLATs. Their ability to assist at a regional level with capacity building and harmonizing of efforts and legislation brings advantages that formal bilateral agreements do not regularly provide. However, the experience of enforcement officers and NGOs on the ground differs greatly from the ideal picture of regional platforms described above.

This was summed up by one NGO-based interviewee in Africa, who said:

These platforms do not appear to be on anybody's [enforcement officers'] radar. If you were to ask an officer about a regional body, they are unlikely to have heard of them. The Lusaka Agreement Taskforce [...] has had successes in southern Africa [though] they still experience the same frustrations [as nation states] getting things done internationally. Apart from that, there have been none that have made any difference, including ASEAN.<sup>59</sup>

This lack of enthusiasm for regional platforms was a common feature during our interviews, with several interviewees reporting that there is a disconnect between the purpose of these platforms and the perception of them from officers operating on the ground. Where there has been knowledge of their existence, they are often perceived as not adding value to the response to wildlife crime, being described as 'repetitive talking shops' where member states air their grievances instead of formulating effective solutions.<sup>60</sup> This appears to be due to the limited mandates and capacity behind some of these platforms making them unsuitable to facilitate effective cooperation.



Since 2011, the joint Mekong River patrol has been enforcing security in the Mekong river basin with the cooperation of law enforcement from China, Laos, Myanmar and Thailand. © Du Xiaoxiao/China News Service via Getty Images

This issue was highlighted by one interviewee based in Thailand, who explained how these platforms are incapable of combating the growing threat:

Special economic zones in the Greater Mekong Subregion are causing a rise in environmental crime. There is a lack of political will to address the issue. The whole of ASEAN is built on slow-paced consensus and is aimed at non-interference. Information trickles down from technical meetings, hampered by lack of capacity and knowledge. ASEAN [is] very reluctant to intervene in domestic cases.<sup>61</sup>

The structure in which the ASEAN-WEN operated led many practitioners to question its role as a suitable response to a complex and time-sensitive law enforcement issue such as wildlife crime.<sup>62</sup> Since WENs, as with other regional platforms, can only advise governments to act, they are unable to ensure compliance with agreed approaches or actions. This results in varying levels of participation from member countries, especially when regional interests conflict with national priorities. Interviewees in Laos identified this as a problem often linked to the failure of states to participate in the agenda setting for regional meetings, which can lead to the discussions, and resulting decisions, of these meetings being irrelevant to the problems on the ground.<sup>63</sup>

Despite these issues identified with regional platforms, the LATF was described as having a practical impact due to the law enforcement dimension of the platform. Unlike SADC and WENs, the LATF is mandated to instigate and conduct its own investigations regarding wildlife crime in partnership with national agencies, thus allowing it to coordinate enforcement action across the relevant region. It also has MOUs with INTERPOL and CITES to facilitate the exchange of information to and from the multilateral level,<sup>64</sup> although there is still the need for better collaboration with international bodies.

There also remain concerns relating to the LATF's ability to facilitate inter-regional cooperation. The dependence of the LATF on contributions from member states to ensure the financial sustainability of its operations has been affected by delayed, partial or non-payment of contributions by some member states. This annual fiscal obligation is also believed to be contributing to the LATF's slow membership expansion and its limited continental network.<sup>65</sup> Furthermore, the existence of weak and

outdated wildlife legislation in many African states hinders the effectiveness of the L ATF, the plague of corruption within the wildlife crime sphere and the existence of an information gap meaning that information on the ground is not being used by policymakers as part of the decision-making process.<sup>66</sup>

Although concerns about the L ATF remain, it is still seen as a valuable tool for regional cooperation.<sup>67</sup> This is in addition to other dimensions of cooperation within the L ATF, including capacity building, coordination of regional strategies and partnerships with international organizations, which also feature in both the SADC LEAP Strategy and the WEN model.

## **Benefits of regional platforms**

Despite the issues described above, regional platforms can help strengthen cooperation and responses to wildlife crime both directly and indirectly. Some regional platforms have been developed with the specific mandate to combat wildlife crimes, and so they can develop long-term strategies to address the complex drivers of these crimes. This is seen with SADC's LEAP Strategy, a project-based initiative covering 10 years. Strategies developed for such a considerable time frame can allow member states to make more effective use of their limited resources by incentivizing them to focus on the long-term goals and objectives, which have been agreed by all parties to the strategy. This can assist agencies to overcome the short-termism linked to project-based funding, which usually ignores the socio-economic factors behind wildlife crime. Platforms such as this can also act as intermediaries between government agencies and multilateral bodies, helping to facilitate information sharing and cooperation. This is seen with the L ATF, which has developed MOUs with multilateral institutions, including CITES and INTERPOL.

A number of interviewees explained that in countries where governments do not prioritize wildlife crime, regional bodies can provide the necessary motivation for national enforcement officers.<sup>68</sup> This is in addition to the provision of training, which can help increase the capability of enforcement agencies that lack institutional knowledge, thus achieving one of the ideal outcomes of international cooperation (see Figure 1). The combination of increased motivation and capability can lead to positive outcomes for cooperation at the bilateral level, either through formal or informal channels.

Although the regional meetings these platforms often involve warrant criticism due to their limited ability to cement change and cooperation, there are indirect benefits from the opportunities for relationship-building between officers. These opportunities are especially important for building trust, which was commonly mentioned as the essential basis of successful cooperation. This relationship building is a prerequisite for any law enforcement cooperation that may involve the sharing of sensitive information between agencies, as countries often prefer to conduct such exchanges at the bilateral level instead of the regional or multilateral levels.



## MULTILATERAL FRAMEWORKS AND INSTITUTIONS

**A**s discussed above, the transnational nature of wildlife crime demands an international response. However, for such a response to be effective, there needs to be a coherent international effort to address global problems regarding enforcement cooperation. This has led to the development of multilateral frameworks and institutions aimed at helping coordinate the response while also assisting with building the capacity and capability of national enforcement agencies along with the harmonization of legislation.

The need for such bodies was recognized as far back as 1923 with the founding of INTERPOL, but it was not until the 1970s that such an approach was seen as necessary to help protect endangered species through trade restriction leading to the establishment of CITES.<sup>69</sup> The realization of the growing threat from transnational organized crime in the 1990s led to the adoption of the UNTOC in 2000. Together, these three bodies provide some of the key legal frameworks and structures through which international cooperation on wildlife crime is, or should be, conducted.

Despite the existence of these and other multilateral organizations, during the first decade of the 2000s, there was a growing recognition of the inadequacy of the global response to wildlife crime fuelled in part by transnational organized criminal groups. This led, in part, to the founding of the ICCWC in November 2010, with the mission to 'strengthen criminal justice systems and provide coordinated support at national, regional and international level to combat wildlife and forest crime'.<sup>70</sup>

The consortium brings together five intergovernmental organizations, namely, CITES, INTERPOL, the UNODC, the World Bank Group and the WCO,<sup>71</sup> to support efforts to strengthen the front-line response to wildlife crime. These organizations bring wide-ranging expertise encompassing law enforcement, financial services, international trade and global policy.

It is important to note that multilateral cooperation in the wildlife crime sphere is not immune to the wider challenges facing multilateralism in general, resulting from geopolitical tensions, the rise of protectionism, unilateral sanctions and economic and military coercion.<sup>72</sup> There is an emerging belief within the international community that the current multilateral frameworks are no longer fit for purpose, no longer serve countries' national interests, have become overly complex and are financially draining. There is therefore the risk of countries retreating from multilateral forums in preference of bilateral or unilateral approaches without much consideration for the long-term consequences.<sup>73</sup>

To understand the challenges associated with multilateral cooperation, this section explores the experience of such frameworks on the ground and the associated strengths and weaknesses compared to the ideal characteristics. We focused on three multilateral frameworks/institutions that contribute to cooperation efforts at the multilateral level: the UNTOC, CITES and INTERPOL.

## UNTOC

The UNTOC is the main international instrument for the fight against transnational organized crime.<sup>74</sup> It entered into force in 2003 with the aim of unifying the international response by requiring member states to take a series of measures against transnational organized crime. This includes legislating against specific criminal offences, the creation of frameworks for extradition, mutual legal assistance and law enforcement cooperation, in addition to training and capacity-building programmes.<sup>75</sup> The convention is supplemented by three protocols that target specific manifestations of organized crime, namely, around the trafficking in persons, smuggling of migrants and the manufacture and trafficking of firearms.

In the absence of any independent oversight or sanctions to monitor and ensure the implementation of the convention, the effectiveness of the UNTOC is dependent on the actions of member states, which, in the sphere of international enforcement cooperation, means robust legislation, appropriately mandated domestic enforcement and judicial agencies with the necessary capacity and capability to conduct international investigations and prosecutions. However, there is a disconnect between the aims of the UNTOC and its almost universal adherence by states and the lack of evidence of its impact on the ground, which is reflected in the perceptions of front-line staff and those tasked with responding to transnational wildlife crime.

### Perceptions of the UNTOC

During the research for this paper, it became apparent that there was very little awareness of the existence of the UNTOC among front-line staff responding to wildlife crime, and where they were aware, they did not regard the convention as a relevant policy tool in the sphere of wildlife crime. As the UNTOC relies on actions taken by member states to be effective, any lack of awareness of its existence or understanding of its purpose means that the convention is limited in its ability to fulfil its role in driving political action within member countries. Without such action, the aims of the UNTOC regarding the facilitation of international cooperation cannot be realized.

A capacity gap appears to have developed between the policy level and those working on the front line as a result of poor implementation of the UNTOC and a lack of resources at the national level.<sup>76</sup> This view was echoed by one interviewee from the Democratic Republic of the Congo (DRC), who explained that:

Implementation of multilateral instruments is the problem, not the lack of them. Strong governments should receive less UN attention, while weak governments should receive more to help with implementation.<sup>77</sup>

This suggests that despite the ambitions of the UNTOC, its implementation appears to have had limited impact on the ground regarding wildlife crime. However, it has not been possible to measure its effectiveness and implementation, as the review mechanism for the convention was only passed in 2018, and no country has completed its first review cluster yet in the context of slow progress,

lack of resources and political will.<sup>78</sup> Poor implementation of the convention can affect several areas, including the harmonization of legislation; despite an increasing amount of legislation aimed at combating wildlife crime, much of it does not meet the standards required by the UNTOC.<sup>79</sup>

## Opportunities for the UNTOC

Despite the poor perception of the UNTOC on the ground, one interviewee from Africa explained that 'conventions are useful for defining an idea, [as they] give a framework for officers and politicians to refer to'.<sup>80</sup> In a 2021 publication, the director of the LATF explained that it is enforcement and implementation that is lacking in the fight against wildlife crime, and therefore we need to:

Explore opportunities in the existing UN bodies/protocols such as under UNTOC or CITES and revise them to be more practical in enforcement and implementation to tackle organized wildlife crime.<sup>81</sup>

There have been regular discussions by the international community on how the UNTOC should be used in relation to wildlife crime. At the 11th session of the UNTOC Conference of the Parties (CoP), held in Vienna in October 2022, recommendations were made to make 'crimes that affect the environment' serious crimes as defined by the UNTOC in order to facilitate international cooperation.<sup>82</sup>

Better incorporation of the convention into domestic legislation, along with the requisite training on information sharing and cooperation, could help bridge the gap between the aspirations of the UNTOC and the experience on the ground while simultaneously providing the necessary tools for effective cooperation. Furthermore, this would help develop the personal connections between law enforcement officers and agency officials that are essential to successful cooperation. Since governments are struggling with developing the necessary frameworks, the UN should offer assistance and training to help bring such legislation in line with the UNTOC.<sup>83</sup>

However, for this to be effective, there needs to be greater awareness of the effects of wildlife crime and increased political support for conventions and frameworks aimed at responding to it. Such proposals include the creation of a fourth protocol to the UNTOC for the illicit trafficking of wildlife. There were mixed views among our interviewees regarding the value of such an approach. On the



Held in Vienna in October 2022, the 11th session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime saw a resolution adopted to facilitate international cooperation against environmental crime. © UNODC/via Twitter

one hand, it would put wildlife crime on par with the other crime types in the first three protocols (described above), thus leading to greater awareness and political prioritization,<sup>84</sup> which could lead to new frameworks that encourage law enforcement agencies to cooperate better nationally and internationally.<sup>85</sup> On the other hand, such an approach would be a distraction without addressing the main issues regarding weak enforcement, lack of resources and poor implementation.

It is important not to regard a fourth protocol as a silver bullet, but instead as an additional way of supporting the response to wildlife crime. The time taken to negotiate the Implementation Review Mechanism, and its delays in progress and lack of transparency and accountability, for the UNTOC is testament to the difficulties associated with achieving the required consensus. Any attempt to negotiate a fourth protocol would be a resource- and time-intensive endeavour, making it unlikely to be implemented, or have any impact on the ground, in the short or medium term.

## CITES

CITES is the principal international instrument governing the trade in endangered species of flora and fauna by regulating trade in species threatened by this trade and prohibiting international trade in species significantly threatened by this trade. The convention regulates, and in many cases documents, international trade in endangered wildlife and has played an important role in restricting the illegal wildlife trade.<sup>86</sup>

CITES functions through states designating one management authority, which administers a trade licencing system, and at least one scientific authority, which works alongside the management authority to monitor the impact of trade on a species.<sup>87</sup> With the total number of parties to the convention currently standing at 184, there is a near global network of national level CITES authorities.<sup>88</sup>

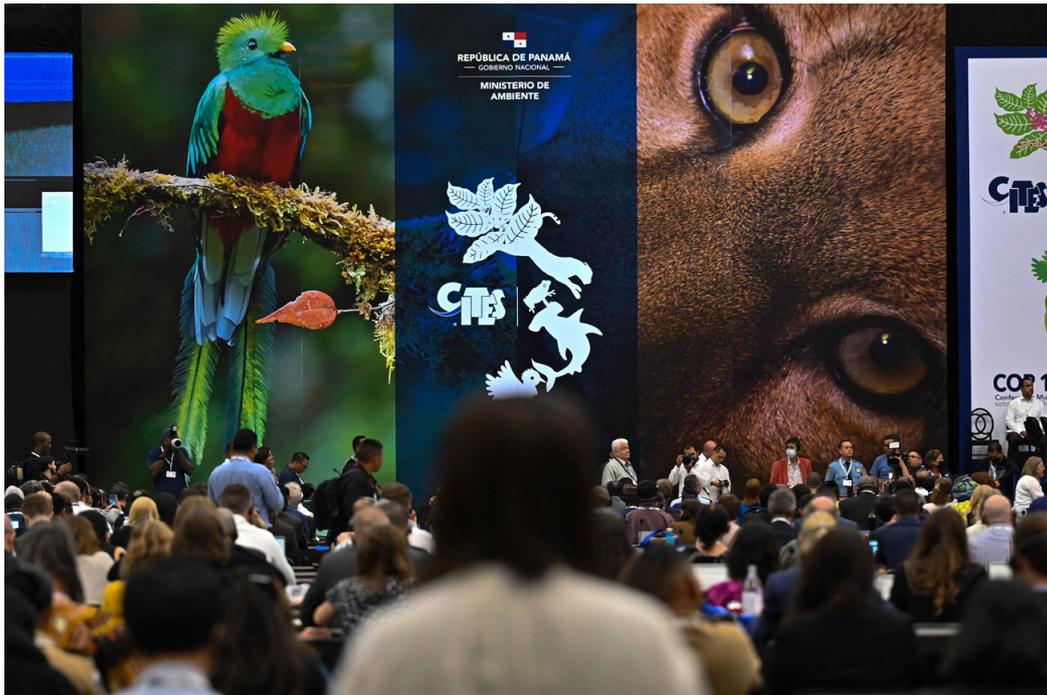
One interviewee based in China explained the benefits of CITES, saying:

From a legal point of view, it is very important, as it creates CITES counterparts at the national level. It also helps raise the profile of flagship species, for example, pangolins. It is ok that it is a trade-based treaty though, as it is there to regulate trade in endangered species, not to stop it. It is powerful because it brings countries together, which other multilateral treaties do not do.<sup>89</sup>

CITES can therefore benefit developing countries, which may be suffering disproportionately from the illegal wildlife trade but have limited resources to mount an effective international response.<sup>90</sup> It also gives countries a platform for discussing wildlife crime issues, including seizures of endangered species. This point was highlighted by an interviewee working in India, who said:

India is trying its best to contribute to the CITES effort with law implementation such as the Indian Wildlife Act Amendment Bill. CITES is a great platform for discussing illegal wildlife trade issues and to discuss the conservation status of certain species. But collaboration does not always happen. Multilateralism works best when countries have an agenda, because it creates debate and discussion within the relevant forums.<sup>91</sup>

Although CITES is legally binding for signatory parties, it is not self-executing, and parties are required to enact domestic legislation to implement and enforce the convention.<sup>92</sup> Where this has not happened (or has been on a restricted basis by, for example, only referring to native species) it has given rise to the situation in which individuals found trafficking CITES-listed species within a country may be found not have broken national laws.



Delegates attend the Convention on International Trade in Endangered Species on the opening day of the World Wildlife Conference CITES CoP19 in Panama City, November 2022. CITES has limited capacity to respond to the illicit trade in wildlife in any meaningful way. © Luis Acosta/AFP via Getty Images

A staff member at the Nigeria Customs Service explained how the issues with CITES within Nigeria are not due to the convention but instead issues within Nigeria, including funding issues, which have resulted in the convention not being implemented properly.<sup>93</sup> The dependence of CITES on national agencies to implement the convention leaves it vulnerable to capacity and capability restrictions at the national level. Without the necessary resources and training, the effectiveness of the management authorities, which are the backbone of cooperation for CITES, suffers.

National capacity alongside funding constraints often lead to a lack of awareness of CITES by front-line officers tasked with ensuring compliance of international trade in endangered species. In addition to lack of awareness, the current system gives rise to numerous opportunities for corrupt practices relating to the issuing of permits or certificates and inspections at border crossings. Although the role of corruption in CITES document abuse is difficult to estimate, the diversity of detections indicates that it is a global problem severely impacting the effectiveness of the convention.<sup>94</sup>

When analyzing the strengths and weaknesses of CITES, it is important to remember that it is a 50-year-old convention developed during a poaching crisis to ensure that trade does not negatively impact the conservation of species. Often viewed as a trade-related convention with a focus on the regulation of legal trade in listed species, it has limited capacity to respond to the illicit trade in a meaningful way. Although CITES has become the principal instrument to govern trade in wildlife, it does not provide the necessary international legal framework to facilitate a coordinated response at the global level. It is also limited in the number of species it protects, covering only 40 900 species of flora and fauna out of an estimated 8.7 million.<sup>95</sup> Furthermore, there remain concerns relating to the implementation of CITES at the national level due to the limited capacity of governments to adequately implement legislation and to issues relating to weak and/or outdated wildlife laws.

The international community recognizes many of the limitations of existing international legal frameworks relating to wildlife crime and passed a resolution at the Commission on Crime Prevention and Criminal Justice in May 2022.<sup>96</sup> This resolution invites member states to provide the UNODC with their views on possible responses (including the potential for a fourth protocol under the UNTOC, as described above) to address gaps in the international legal framework. Although there is by no means consensus between member states on the best way forward, the process will require governments to seriously assess what is needed to strengthen the international legal frameworks to respond to wildlife crime.<sup>97</sup>

Any steps taken to strengthen the international legal framework are expected to be part of a multi-year process. There therefore remains an immediate need to address issues relating to the implementation of CITES at the national level. Unlike the UNTOC, whose review mechanism is non-intrusive and non-punitive, thus giving it little power to enforce change,<sup>98</sup> Article XIII of the convention gives CITES parties the powers to propose remedial action when the provisions of the convention are not being effectively implemented.<sup>99</sup> This action can include the suspension of trade in all CITES-listed species. As of 27 March 2023, there were 31 countries subject to a recommendation to suspend trade.<sup>100</sup>

There remains an opportunity for parties, with the support of ICCWC members and civil society organizations, to improve the capacity of national CITES authorities to facilitate cooperation on enforcement matters, with the secretariat, other parties and stakeholders, as outlined in Article IX of the convention.

## INTERPOL

INTERPOL comprises 195 member countries each of which hosts a National Central Bureau (NCB) that facilitates a country's national police force to communicate with the law enforcement agencies of other countries along with INTERPOL's General Secretariat,<sup>101</sup> using INTERPOL's I-24/7 communication system. This can be particularly advantageous in instances where there are no formal bilateral agreements or diplomatic relations between countries, allowing national police forces to communicate directly without the need to go through foreign ministries.

Alternatively, requests for cooperation can be made using an INTERPOL notice, which is issued by the General Secretariat at the request of an NCB. There are seven colour-coded notices plus a special notice relating to individuals or organizations sanctioned by the UN Security Council.<sup>102</sup> The most well-known of the coloured notices is a 'red notice', which is a request to law enforcement worldwide to 'locate and provisionally arrest a person pending extradition, surrender or similar legal action'.<sup>103</sup> When investigations are ongoing, law enforcement can request that a 'blue notice' be issued to obtain information on a person suspected of a crime. Although this is an effective system for facilitating enforcement cooperation, it has not been without its controversies, especially regarding the potential for human rights abuses in relation to red notices.<sup>104</sup>

Despite being a well-known international organization, interviewees reported that INTERPOL is not widely seen as an effective structure through which countries regularly share information on wildlife crime. This is despite INTERPOL identifying wildlife crime as a particular concern and having established a Wildlife Enforcement team. The effectiveness of the Wildlife Enforcement team is limited by the capacity of NCBs, the low prioritization of wildlife crime at a national level, and a lack of resources within INTERPOL's secretariat for wildlife crime, leading to an overreliance on donor funding.

Although INTERPOL provides a framework to facilitate international law enforcement cooperation, there is a reluctance of national police forces and other enforcement agencies to make use of this system due to their experiences of it being inefficient and unreliable.<sup>105</sup> Although this is in part due to issues at the national level regarding administrative processes, such as within China, where cooperation through INTERPOL adds more bureaucratic layers than direct engagement with a country,<sup>106</sup> respondents also described issues relating to the use of INTERPOL's I-24/7 communication system. The difficulties in using the system and poor response rates from other NCBs have pushed officers towards informal channels, which they deem more practical and efficient. The poor response rate from NCBs in other countries, be it through I-24/7 or other formal communication channels, has been identified as an issue that will hinder attempts at future cooperation.<sup>107</sup>

A lack of trust between certain countries has further constrained cooperation through INTERPOL. An interviewee with experience of law enforcement matters within Africa said that African countries are not taken seriously on the Asian side, giving an example of China not acting on INTERPOL blue notices from Africa.<sup>108</sup> They also described a lack of trust between the respective law enforcement agencies due to perceived corruption within certain countries. The availability of sensitive information within NCBs means that it is unsurprising that law enforcement agencies are hesitant to cooperate where there are perceptions of corruption. Corruption has resulted in suspects being alerted to foreign police activity in exchange for payment, leading to intelligence not being shared between police forces, hampering investigations or giving suspects the necessary time to escape.<sup>109</sup> This has led enforcement officers to rely on informal cooperation, based on personal relationships built on trust, to avoid risks of investigations being compromised by corrupt officers working in individual NCBs.



# THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

**N**GOs play a central role in the global response to the illegal wildlife trade (perhaps more so than for any form of transnational organized crime), with many having close relationships with government and enforcement agencies. There has been a growing reliance on NGOs from governments and national agencies to address enforcement and legislative gaps that are the result of the low political priority governments place on wildlife crime, and environmental crime more generally.<sup>110</sup> This section explores the activities that NGOs are doing on the ground to help facilitate cooperation, along with the associated benefits and risks associated with their involvement.

## Benefits of NGOs as facilitators of cooperation

NGOs can help facilitate cooperation in a variety of ways, which fit into four broad categories, namely, networking, capacity building, advocacy and accountability, and investigation and enforcement (see Figure 3).

<b>NETWORKING</b> <ul style="list-style-type: none"> <li>■ Facilitation of meetings between agencies</li> <li>■ Cross-border relationship building and development</li> <li>■ Assistance with cross-border communications</li> <li>■ Help develop international agreements</li> </ul>	<b>CAPACITY BUILDING</b> <ul style="list-style-type: none"> <li>■ Develop training materials</li> <li>■ Share technical expertise</li> <li>■ Provide necessary funding</li> </ul>
<b>ADVOCACY AND ACCOUNTABILITY</b> <ul style="list-style-type: none"> <li>■ Campaign for increased government priority</li> <li>■ Drive for the use of multilateral forums</li> <li>■ Push for governmental accountability</li> <li>■ Building resilience to corruption</li> </ul>	<b>INVESTIGATION AND ENFORCEMENT</b> <ul style="list-style-type: none"> <li>■ Intelligence gathering and dissemination</li> <li>■ Support LEAs with investigations</li> <li>■ On-the-ground coaching</li> </ul>

**FIGURE 3** NGOs and international cooperation.

According to an officer within the Nigeria Customs Service, who has had experience working with NGOs:

NGOs are our greatest asset. Governmental organizations are slow to act and slow to get projects moving. NGOs have wider scope on a particular mandate.<sup>111</sup>

The potential benefit of such collaboration is seen with the partnership between the Nigeria Customs Service and the Wildlife Justice Commission, which has resulted in multiple seizures and arrests, most recently in February 2022, with the arrest of four suspects and the seizure of 839.4 kilograms of pangolin scales and 154 kilograms of elephant ivory.<sup>112</sup>

As mentioned previously, the negotiation and implementation of formal bilateral agreements is a time- and resource-intensive process that places considerable strain on the relevant government agencies, which may not have the necessary skillset or capacity to act. This has resulted in governments shying away from such agreements due to lack of capacity or political will. It has therefore fallen on NGOs to advocate for the development of bilateral agreements, the process for which will involve additional skills related to networking and capacity building. This has led to a strong reliance on NGOs to both initiate the process and assist governments through it, as seen with the Vietnam–Mozambique MLAT.

NGOs are well placed to extract lessons learned from past initiatives and help integrate them into existing frameworks and develop new actions supporting enforcement cooperation for wildlife-related crimes. This is important across all forms of cooperation, but it is of particular importance for regional and multilateral cooperation. Since enforcement agencies prioritize other crime types over the illegal wildlife trade, successes may need to be found in other illegal trades, such as the drugs trade, for example, as well as from sectors beyond law enforcement. Where past initiatives have proven unsuccessful, there is an opportunity to understand the underlying reasons for this and thus avoid future occurrences.

An interviewee from an NGO in China explained the importance of trust regarding NGOs working alongside government agencies, explaining how it takes a long time to build relationships, to know where to pass information and how NGOs need knowledge of the countries where they are operating in order to be effective.<sup>113</sup> This further highlights the importance of trust and relationships in all types of effective cooperation. This relationship also works in reverse, with personal relationships between NGOs and government officials or enforcement officers being necessary to avoid the risk of NGOs engaging with corrupt officers. However, high levels of corruption can force an NGO to stop sharing any information with government partners due to risks to their staff.<sup>114</sup>

Outside of developing formal or informal bilateral relationships, NGOs can assist with the exchange of information by acting intermediaries between governments, leveraging their ability to communicate across borders without a mandate.<sup>115</sup> It is often locally embedded NGOs supporting national law enforcement or government agencies that have access to the necessary contacts and have proven to be most successful in this regard.<sup>116</sup> As liaisons, NGOs can help facilitate cooperation by introducing individuals from one country to their counterpart in another, allowing them to share information relevant to an investigation without needing to use formal channels.<sup>117</sup>

A common form of assistance offered by NGOs is capacity building, where NGOs share their technical knowledge and expertise with national law enforcement agencies to help develop their institutional knowledge. When such programmes are conducted within a geographical region in order to bring

together multiple jurisdictions, they can help harmonize regional cooperation while facilitating the sharing of best practices.

However, not all NGOs believe that training sessions or workshops are the best approach for capacity building, instead preferring to work directly with law enforcement agencies to help develop skills of individual officers by giving them practical experience in investigating wildlife crime. This is not always possible, as several countries, such as China and India, have placed restrictions on what activities NGOs can conduct within their borders.<sup>118</sup> Where this is not the case, as with the countries in West and central Africa, for example, NGOs can conduct their own investigations and work closely with law enforcement. This is seen with the EAGLE Network,<sup>119</sup> an NGO that assists local law enforcement with the investigations, arrest and prosecution of crimes related to the illegal wildlife trade.

There have been efforts by some UN member states to diminish the role of NGOs in UN policy making bodies, as seen at the UNTOC CoP11 in October 2022. Although this attempt failed, it revealed worrying dividing lines of opinion within UN member states regarding the contribution of NGOs. In the wildlife crime sphere, where NGOs play a central role in developing policy and facilitating action, any attempt to shrink the space in which they can operate will bring immediate negative consequences. However, outside of the UNTOC, there appears to be continued, and possibly growing, support for NGO participation, as seen at the 19th CITES CoP held in Panama in November 2022.

## **Risks associated with NGO involvement**

NGOs face a variety of risks in carrying out their work. Depending on their activities, these risks can involve moral, ethical and legal issues as well as reputational harm, or, in extreme instances, threats of violence towards their staff or associates. There is also a dilemma relating to the extent of NGO involvement in traditional government roles and the long-term impacts of this on development. These issues can have a negative impact on an NGO's ability to help foster long-term international cooperation within governments and enforcement agencies.

Partnerships between NGOs and law enforcement agencies can unify different skill sets and capabilities, which can produce results beyond what a single organization would have been able to achieve, as seen with the partnership between the Nigeria Customs Service and the Wildlife Justice Commission, described above. However, in certain instances, low levels of police enforcement for wildlife crime have driven NGOs to assume more 'police-like' tactics, including engaging in undercover operations, setting up 'stings' to disrupt trafficking and gathering intelligence leading to police investigations or the use of evidence for prosecution.

These activities bring moral, ethical and legal risks for NGOs, especially when there are human rights violations by a state or corruption within law enforcement agencies that leads to criminals being alerted to an investigation.<sup>120</sup> This result in NGOs having to curtail their activities, as seen with an NGO in Cambodia, which, according to the programme manager in the country, no longer shares wildlife crime data with government agencies due to the lack of trusted partners and the risk of harm to staff.<sup>121</sup>

However, in other jurisdictions, governments have placed restrictions on NGO activities – for example, in India, where the government discourages NGOs from assisting with investigative and enforcement action due to the possibility of them stepping into law enforcement territory without the mandate to do so. This has led to NGOs in India being limited to training and capacity-building activities.<sup>122</sup>

Outside of enforcement activities, one interviewee from the DRC highlighted how NGOs fill the capacity gap left by a lack of government resources, but that the time-limited nature of NGO projects means that they are not the long-term solution to address this shortage.<sup>123</sup> This emphasizes an important dilemma facing NGOs and their donors relating to how often short-term funding can achieve the best long-term impacts. One of the ideal characteristics of international enforcement cooperation (see Figure 1) is continuity over time, allowing for cooperation to be maintained for the duration of the threat and, where the threat has subsided, be reactivated if the need arises. Donors looking to help facilitate enforcement cooperation, especially to NGOs, will need to ascertain whether direct funding to law enforcement agencies, paired with training and capacity-building programmes, is best suited for long-term results.



## DISCUSSION

**T**he often transnational and fast-moving nature of wildlife crime with its disregard for national borders presents considerable challenges for law enforcement agencies tasked with mounting a response. Although the need for effective and efficient cooperation within and between national agencies is widely accepted, long-standing barriers relating to capacity, resources and the low political prioritization of wildlife crime as an enforcement issue have had negative impacts at the bilateral, regional and multilateral levels.

Overall, there appear to be significant frustrations regarding the current frameworks for cooperation due to requests for cooperation going unanswered, the time-consuming nature of the processes and the lack of trust that communications are secure. This is the result of a combination of the complex nature of the process and a lack of resources and capacity at the national level, leading to these agreements becoming under-utilized. The same issues likewise plague international frameworks that rely on national offices, such as management authorities in the case of CITES, to facilitate cooperation. These difficulties have pushed individuals to increasingly rely on informal channels to share information with international counterparts. Despite having limited scope due to their informal nature, informal communication channels have become the backbone of international cooperation due to their speed and efficiency.

Despite these issues, effective cooperation is possible but requires different types of collaboration working together. It is therefore necessary to understand how these different levels interrelate and how it is only with their *combined* use that they can have the necessary impact. This ideal scenario is seen in Figure 1, which outlines the benefits of each form of cooperation in an ideal situation. In general, bilateral (and to an extent regional) cooperation is better suited to direct enforcement cooperation, while regional and multilateral frameworks can help harmonize the global response while also building capacity, thus making cooperation more effective and efficient in the long term.

The ability to realize the ideal scenario is hindered by the capacity of individual states, which dictates the effectiveness of cooperation at all levels. This includes the bureaucratic and hierarchical structures that stymie attempts at facilitating cooperation, lack of resources both in terms of staff and funding, absence of training and poor incentivization of staff. These issues stem from the political level, with the lack of prioritization of wildlife crime, which may itself stem from poor understanding of the threat or lack of capacity to follow through on the necessary changes. Therefore, if there is to be effective cooperation at the international level, barriers at the national level must first be addressed.

Thai authorities seized local and exotic birds worth US\$122 000 in a raid in October 2018 carried out as part of a government campaign against illegal wildlife trade. © Madaree Tohlala/AFP via Getty Images



These issues also affect states partaking in and contributing to regional and multilateral forums, thus restricting their value. As the success of these platforms depends on member states willingly cooperating with other parties and providing the necessary resources to fulfil their obligations, when these are withdrawn, the benefits of these platforms begin to diminish. The reasons for member states reducing support are varied, including supposed economic necessity, deteriorating relations with partner countries and perceived lack of national benefits.<sup>124</sup>

The lack of engagement at regional and multilateral levels directly impacts a country's ability to respond to wildlife crime. For example, issues relating to incompatible legislation (such as if a CITES-listed species has not been protected under national legislation) are a significant barrier, and countries may need support from multilateral bodies to assist with the drafting and implementation of necessary legislation. Without meaningful engagement with these platforms, along with the necessary political drive, there is little chance of these legislative gaps being closed.

NGOs play an essential role in this regard by advocating for change and accountability, instituting capacity-building programmes, developing international networks and assisting with enforcement actions. However, as discussed previously, states cannot rely on NGOs to fulfil the enforcement gaps left by government agencies. Instead, NGOs must focus their resources to help develop sustainable cooperation structures to ensure that states have the necessary capacity and capability to cooperate internationally in the long term, without the assistance of NGOs.

Outside of these direct considerations, there are additional challenges that threaten the ability of countries to cooperate, namely, the prevalence of corruption within the wildlife crime sphere and geopolitical challenges that hamper diplomatic relations between countries.



## CONCLUSION

**T**his research set out to investigate the practical realities of international cooperation in law enforcement related to wildlife crime between Africa and Asia, and to understand why there is a disconnect between proposed ideal mechanisms for cooperation and their implementation. The research has highlighted a wide range of challenges facing international enforcement cooperation, which have led to its under-utilization due to impracticality and inefficiency of formal mechanisms, pushing cooperation activities away from formal structures to informal channels.

Although this research has focused on international cooperation from the perspectives of Africa and Asia, it is expected that many of the challenges discussed in this paper will be present to different degrees in other regions. In Latin America, for example, there is evidence of nascent cooperation on illegal wildlife trade both within the region and between Latin America and Europe, due in part to the EU-funded EL PAcCTO<sup>125</sup> programme (Europe Latin America Programme of Assistance against Transnational Organised Crime).<sup>126</sup>

At the national level, the main barriers to effective cooperation stem from a lack of resources, expertise, and capacity, which have led to several issues that hinder, and in some cases, prevent, effective cooperation. First among these is the lack of harmony in wildlife legislation, which is partly the result of inconsistent implementation of the UNTOC and CITES conventions creating a patchwork of legislation. Second, the limited capacity of law enforcement and government agencies, often within developing countries, which, in many cases, are disproportionately affected by wildlife crime while also being home to a significant number of the world's biodiversity hotspots. Limited capacity then constrains the ability of these countries to cooperate internationally, despite their greater need to do so. Third, a lack of trust, which is a direct consequence of high levels of corruption, leads to an unwillingness to cooperate outside trusted circles or connections. Fourth, the poor incentivization of staff to cooperate with international counterparts due to inefficient bureaucracies and complex hierarchical structures that subsequently hinder the ability of governments to negotiate formal agreements and for individuals to utilize such agreements effectively. And lastly, operational issues, such as translation of requests and time limits for responses, are related to lack of clarity surrounding roles and responsibilities at both the national and international levels leading to a breakdown of communications.

There have been attempts to address some of these problems, through NGO efforts, and initiatives under the CITES and UNTOC conventions, both of which have worked to build capacity, ensure effective national legislation and encourage international cooperation. For example, CITES has made significant progress since 2002, when at least 50% of parties had national legislation that was assessed

to be non-compliant with the convention. However, a significant amount of work is still necessary to achieve an effective cooperative framework.

A similar situation is seen at the regional level. Although regional platforms are predominantly viewed as being ineffective, they do provide the bureaucratic structure necessary for facilitating dialogue and cooperation between countries within a geographical region that are often experiencing similar enforcement challenges. This presents an opportunity to develop the requisite legal frameworks to further intra- and inter-regional enforcement cooperation. If these regional platforms were to have the same legal framework as an MLAT, for example, they would remove the need for individual negotiations of formal agreements. At the same time, they would provide a forum for harmonizing efforts and creating continuity, while avoiding the time and resource intensive task of negotiating multiple individual agreements.

There are also opportunities at the multilateral level to help facilitate and encourage international cooperation. These do not necessarily require changes to multilateral instruments, such as the UNTOC, but instead the prioritization of cooperation from intergovernmental organizations, such as the WCO. The WCO, with its 12 regional intelligence liaison offices covering the six WCO regions, could be a powerful tool to encourage countries to develop the necessary structures, procedures and attitude to facilitate and incentivize action.

Although there is often criticism and scepticism of the use of informal channels of communication and cooperation, the efficiency and effectiveness of these for assisting with intelligence sharing resulting in disruption activities or other enforcement actions, along with the development of trusted inter-personal relationships, makes them a necessity in any ideal cooperation framework. The easy access to digital communication globally allows for international communication in real time and the



An officer from Kenya's wildlife service holds one of the elephant tusks used as evidence against ivory kingpin Feisal Mohammed Ali. Ali was arrested by INTERPOL agents in Tanzania in December 2014 and extradited to Kenya to stand trial. © *Stringer/AFP via Getty Image*

use of trusted connections, through secure communication channels, often removes the perceived threat of corruption as well as often cumbersome and time-consuming formal channels.

Finally, the importance of NGOs in helping to facilitate effective cooperation, either as a channel for cooperation or with the development of relationships and formal structures, cannot be understated. The lack of prioritization from governments on wildlife crime has meant that NGOs have had to step in. It is important that NGOs do not act as replacements for government agencies but instead help assist governments to develop the necessary structures and processes to ensure long-term success and continuity.

## Recommendations

The recommendations developed through this research are aimed at individuals, organizations and state representatives looking to foster effective cooperation. They aim to do so by helping create a more effective system that is based on the ideal characteristics of international enforcement cooperation (see Figure 1) and are informed by the responses of interviewees. The recommendations are built on what has worked in the past and what has not, with the objective of enhancing current frameworks while also highlighting areas where institutional changes, both nationally and globally, may facilitate improved outcomes.

The recommendations are based on our understanding of the barriers to effective cooperation and are designed to provide practical ways for these to be overcome. They cover four broad themes:

- Promote more effective use of existing institutions through improved procedures and capacity.
- Explore and develop new cooperation mechanisms based upon the successes of current frameworks.
- Focus on how necessary resources can be allocated effectively to facilitate cooperation.
- Ensure adequate safeguards against risks to human rights and fundamental freedoms.

### Bilateral cooperation

- The development and dissemination of standard operating procedures at the regional and multilateral levels to guide activities and responsibilities of agencies in international cooperation within the scope of existing legal frameworks and intergovernmental agencies (i.e. MLATs, the UNTOC, CITES, the WCO, INTERPOL or regional agreements such as the ASEAN MLAT). This will overcome the practical challenges associated with international cooperation (especially where language, cultural and procedural barriers exist) that can severely hinder the ability of an MLAT to be an effective tool for facilitating cooperation.
- As concerns relating to human rights and fundamental freedoms can act as a barrier to countries negotiating bilateral agreements with those with different systems of government, steps must be taken to identify and mitigate such risks on a case-by-case basis. This will help facilitate cooperation and therefore help build an effective global response to transnational wildlife crime along an illicit supply chain while protecting human rights as outlined in the UN charter.
- Relevant institutions and NGOs should encourage the use of secure, legal and ethical informal cooperation channels to share information and coordinate across jurisdictions. The already extensive and effective use of these channels demonstrates how technology can provide fast, reliable and secure channels of communication, allowing law enforcement officers and government officials to coordinate action in a time-sensitive manner.

## Regional platforms

- Any efforts to improve existing platforms or ensure effective communication and collaboration at a regional or multi-national level would benefit from looking at the characteristics of successful efforts from other areas of work (such as Eurojust) and work to understand the characteristics of such systems that enable them to be effective.
- Opportunities to develop regional MLATs where there are the necessary bureaucratic structures should be explored to provide a harmonized regional system of enforcement cooperation. This will allow for improved law enforcement cooperation, especially in regions experiencing similar enforcement challenges, where illegal activities span national borders or where criminal actors move their activities across borders to evade enforcement action.
- Regional platforms should include access to expertise, as they often provide a concentration of knowledge on wildlife crime that may be missing at the national level. Such platforms could act as intermediaries, encouraging partnerships between stakeholders, including governments and technical experts. The expertise for combating international wildlife crime exists, but it is often scattered across multilateral bodies, NGOs, national enforcement agencies and academic institutions, making it difficult for states to reach out for technical and capacity-building assistance.

## Multilateral frameworks and instruments

- Options to translate the enthusiasm seen within multilateral frameworks and institutions to tackle wildlife crime into action at the national level are needed to communicate and prioritize the threat posed by wildlife crime. This would help lead to further action and resources at a national level, as the political will and prioritization of wildlife crime at this level is broadly insufficient. This could include exploring the potential pros and cons associated with the development of a fourth protocol to the UNTOC and how this would impact the response within member states.
- CITES decisions and recommendations should make effective international cooperation an element of compliance with the treaty. Effective implementation of the convention depends on the ability of enforcement authorities to regulate and prevent the trade in Appendix II- and Appendix I-listed species. Although this requires effective international enforcement cooperation between parties, there has been little focus on facilitating improved cooperation between management authorities and law enforcement agencies, despite them being responsible for communication with the CITES secretariat and other parties in relation to CITES issues, as described in Article IX.
- Regional and global level multilateral platforms (e.g. the ASEAN SOMTC, the UNTOC, the WCO and CITES) should harmonize existing cooperation systems and procedures and regularly convene members to develop contacts, foster trust and share best practices.

## NGOs and donors

- NGOs supporting current cooperation frameworks or exploring options to develop initiatives for regional or multilateral cooperation should analyze frameworks and platforms that have successfully supported cooperation from other criminal issues and from sectors beyond law enforcement. The lessons learned from these initiatives could then be integrated into existing frameworks and new initiatives supporting enforcement cooperation for wildlife-related crimes. Where efforts have not been successful, NGOs should take steps to understand the underlying reasons, so that lessons can be learned from such failures and recurrences avoided.
- NGOs must continue to identify opportunities where bilateral agreements will strengthen the enforcement response to wildlife crime and advocate for their development. Where the relevant government agencies lack the necessary skill set or capacity, NGOs should offer to provide the

requisite skills and resources to assist governments initiate and navigate the negotiation and implementation processes.

- There are greater opportunities for donors to incentivize states to cooperate better. This can be achieved by making it a requirement of their direct funding while also supporting initiatives concentrated on improving frameworks and procedures that facilitate national and international cooperation, including clear outcomes that focus on improving a state's capacity to cooperate internationally.
- NGOs operating within the enforcement sphere should implement mandatory safeguarding and human-rights centric approaches, enabling them to identify and mitigate risks and ethical challenges. They should consider collaborating with human rights NGOs to help guard against inadvertent breaches of human rights or fundamental freedoms when working with law enforcement agencies.



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