

**TESTIMONY OF WILLIAM CLARK
TO THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
MARCH 5, 2008**

Mister Chairman and Committee members, thank you for the opportunity to address the subject of illegal trade in wildlife. I also thank 18 colleagues who helped me to prepare for this hearing. Nevertheless full responsibility for the accuracy of facts and the merit of opinions expressed in this testimony is mine.

My name is William Clark. I am employed by the Israel Nature and Parks Authority. The directors of Kenya Wildlife Service and of Lusaka Agreement Task Force have asked to be associated with this testimony. I have been actively involved with CITES since 1979. I have been assigned to Interpol Working Group on Wildlife Crime since 1994, and am currently its chairman. Other credentials are included in my written testimony.

I am convinced by abundant evidence that there are substantial links between organized crime and illegal trade in wildlife. I am further convinced that these links have resulted in serious corruption, violence, and instability worldwide. Illegal trade in wildlife today is a very sophisticated, high-profit global criminal enterprise that carries, in many jurisdictions, a disappointingly low risk. This illegal trade involves a diversity of offenders, from common criminals with records of drug trafficking and murder, to cosmopolitan merchants who control multi-national crime syndicates. It also involves violent militant groups, such as the Somali warlord factions and the Sudanese Janjaweed, lately associated with genocide in Darfur.

Specific cases are cited in the written text of my testimony. But it is important to bear in mind that all of these cases, which reflect a multi-billion dollar criminal industry, are anecdotal. A critical first step in meeting the challenges of wildlife crime is to define precisely what it is. We need to know the magnitude, structure and dynamics of this criminality. Today, Interpol's Ecomessage provides the only nominal database on international wildlife crime. Although Ecomessage has great potential, it needs more development. It also needs U.S. participation.

Violence, corruption and other criminalities are commonly associated with wildlife crime today because they facilitate illegal trade, making it less risky and more convenient. Illegal trafficking in wildlife is also linked to fraud, smuggling, conspiracy, robbery, health violations, drug trafficking and weapons trafficking. There is also significant money laundering involved and, of course, tax evasion and other financial crimes involving billions of dollars.

It is important to put the known facts into context, particularly with reference to causation and remedies. The proximate cause of most wildlife crime, and its consequences, is greed. The ultimate cause of most wildlife crime is simple vanity.

Remedies can be applied to the proximate causes – the greedy merchants behind the illegal trade. Improving capacity among wildlife agencies in developing countries is very important. More training programs and equipment are essential. The United States is already engaged in some of this. But the intensity and scope of poaching and trafficking today warrants significantly expanded efforts.

Applying remedies to proximate causes will be frustrated if the ultimate causes are not also addressed. The ultimate cause for most of wildlife crime is found in the lucrative consumer markets in industrialized countries, including the United States. That's where the money is. So long as wealthy consumers are prepared to pay good dollars, euros and yen to purchase protected wildlife, the fundamental financial incentives for wildlife crime will remain a powerful influence, and all the consequent problems of violence, corruption and instability will continue unabated.

Mr. Chairman, I have no doubt that most developing countries could provide effective protection for their native wildlife if they had to control poaching for their domestic markets only. But it is unreasonable, and unfair, to expect wildlife agencies in developing countries to withstand the sustained assaults of criminals motivated by the profit incentives of industrialized societies.

The solution is partnership. The United States should expand its efforts;

A. To assist wildlife law enforcement agencies in developing countries improve their capacities, and

B. To encourage other industrialized countries to pursue greater cooperation and more effective policies in efforts to suppress international criminal syndicates.

Specific recommendations are included in my written text.

Thank you.

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Introduction: Mister Chairman and Committee members, thank you for the opportunity to address the important subject of illegal trade in wildlife. I also want to thank 18 colleagues who helped me to prepare for this hearing. I nevertheless accept personal responsibility for the accuracy of facts and the merit of opinions expressed in this testimony.

My name is William Clark, and I am employed by the Israel Nature and Parks Authority, Division of Law Enforcement. Mr. Julius Kipng'etich, director of Kenya Wildlife Service (KWS) and Mr. E.S. Kisamo, director of Lusaka Agreement Task Force (LATF) have requested that their respective agencies be associated with this testimony. Both Mr. Kipng'etich and Mr. Kisamo extend their respects and greetings to this Committee. The text of a KWS report is attached to this testimony and headed "Nature of Illegal Wildlife Trade in Kenya."

I have been involved with nature conservation and wildlife law enforcement for more than 30 years including active involvement with CITES since 1979. I have been assigned to the Interpol Working Group on Wildlife Crime since 1994, and I currently serve as chairman of that Interpol Working Group. I hold a Ph.D. in wildlife conservation. I am a U.S. citizen and honorably discharged after six years service with the U.S. Marine Corps.

I have received a number of relevant voluntary appointments among governmental, inter-governmental and non-governmental organizations. A few of these include honorary pilot/warden for Kenya Wildlife Service, liaison officer for Lusaka Agreement Task Force, technical counselor for Senegal National Parks, and executive committee member for INECE (International Network for Environmental Compliance and Enforcement).

I hold several professional honors, membership in professional associations, and have published in prominent peer-reviewed journals. Details are available upon request.

Fundamental Challenges: Illegal trade in wildlife today is a very high profit enterprise that, in many jurisdictions, carries a disappointingly low risk. This illegal trade involves a broad diversity of offenders, from common criminals with histories of drug trafficking and murder, to very sophisticated merchants who control multi-national organized crime syndicates from the relative security of safe havens. It is also important to note that several militant groups, such as Somali warlord factions that have been accused of trafficking drugs and weapons, and Sudanese Janjaweed militias that have been implicated in the Darfur genocide, have also been linked to commercial poaching and illegal trade in wildlife.

Corruption, violence and other lawlessness are commonly associated with wildlife crime today because they facilitate illegal trade, making it less risky and more convenient. It is much easier to move several tons of ivory through customs control if there is a customs officer prepared to accept a bribe. It is much easier to defend a crooked dealer in court if potential witnesses for the prosecution are intimidated and too afraid to testify.

Illegal trafficking in wildlife is linked to many more crimes than just corruption and violence. There are also strong links to fraud, smuggling, theft, robbery, conspiracy, health and veterinary violations, drug trafficking and weapons trafficking. There is also significant money laundering involved and, of course, tax evasion and other financial crimes.

There are three main reasons why illegal trade in wildlife has achieved globally-important proportions:

- One reason is that wildlife law enforcement agencies in habitat countries, which for the most part are also developing countries, often do not have adequate enforcement capacity – in terms of training, structure and equipment – to meet the challenges by themselves. Habitat countries tend to have relatively weak enforcement capacity.
- The second reason is that the major markets for commercially valuable wildlife are in industrialized countries, including the United States. Industrialized economies provide very powerful financial motivations which sometimes eclipse a developing economy's power to resist. Market countries have relatively strong market incentives.
- The third reason is that illegal trade in wildlife is a very high-profit enterprise with exceptionally low risks. Despite the extremely serious nature of this criminality, most successful wildlife crime prosecutions result only in small fines. Prudent prosecutors sometimes ignore the wildlife offenses, knowing courts are unsympathetic, and seek convictions on related charges, such as smuggling or conspiracy.

The Honorable Bakari Mwapachu, Tanzania's Minister of Public Safety and Public Security, addressed the Interpol Working Group on Wildlife Crime at our meeting in September, 2007. In his opening remarks, Minister Mwapachu told the meeting that "organized criminal networks are engaged in a wildlife trade whose sophistication and scope surpasses the capacity and resources of enforcement agencies in the region."

This is a key to understanding an essential dynamic of illegal trade in wildlife today. Criminal syndicates are motivated by very substantial profits that can be made by acquiring commercially valuable protected wildlife in developing countries, and then selling this contraband in industrialized countries. The profit margin is so great that these syndicates can afford to invest in important measures designed to defeat and surpass the efforts of enforcement agencies in habitat countries.

To date, the response by the international community has been very disappointing. In all the world, there are only two officers employed full time to address the challenges of international wildlife crime. One of them is totally dependant upon voluntary NGO support.

Interpol provides an ageis for national wildlife agencies seeking to cooperate, but so far, the only available budget has been modest NGO contributions. National agencies normally support the participation of their own officers, and this works well for officers from industrialized countries. However, developing countries, which provide the most important habitat for commercially valuable species, have been under-represented simply because there is not adequate funding to support their participation.

Interpol has created Ecomessage, which today is the world's only nominal database on international wildlife crime. Although Ecomessage has great potential for being able to define the magnitude, structure and dynamics of international wildlife crime, it needs more development to reach the point where it is comprehensive and statistically reliable. It also needs U.S. participation.

Motivation: The underlying motivation for most of this criminal “sophistication and scope” is the market demand in industrialized economies. There are wealthy buyers with dollars, euros and yen who are prepared to pay premium prices for contraband wildlife products. This is mostly a vanity market where nearly all products are devoid of any substantive benefit for human health, welfare or security.

Markets in industrialized countries are the ultimate cause of most international wildlife crime. That’s where the money is. Most habitat countries could very easily contend with poaching and trafficking for the domestic market. But it is unreasonable, and unfair, to expect wildlife agencies in developing countries to withstand the sustained assaults of criminals motivated by the profit incentives of industrialized nations.

The United States is aware of this situation, and has made good-faith efforts to address it, via various grant programs to protect endangered species, the international law enforcement involvements of the U.S. Fish and Wildlife Service, and initiatives such as the Coalition Against Wildlife Trafficking. Despite the very admirable work done so far, it is nevertheless inadequate. There are clear indications that illegal trade in wildlife is on the increase, and outpacing efforts to suppress it. There are clear indications that the attractions of the U.S. economy are, in large part, responsible for this.

Criminals make enormous profit by cooperating shrewdly and extensively on an international scale. Illegal networks and syndicates work very closely with each other, often approaching the finesse of multinational corporations. Law enforcement is far behind, shackled by bureaucratic procedures, handicapped by inadequate budgets and resources, and stymied by shifting political priorities.

If law enforcement is to have any realistic chance of counteracting illegal trade in wildlife, there is no option other than to improve systems of international cooperation dramatically. There is need for industrialized countries, including the United States, to extend much greater cooperation and support to wildlife agencies in developing countries. There is need for industrialized countries, including the United States, to participate more vigorously within the international community, in a global effort to solve a global problem.

Organized Crime: Illegal trade in wildlife must be well-organized to be successful at the global level. Certainly there are many freelancers and minor operators, as with most other types of crime for profit. But lately there has been a conspicuous increase in the frequency of seizures of large consignments. Many of these seizures have been characterized by enforcement authorities as “the largest of this type in history.” During recent years, this phrase has been applied to seizures of coral, snake skins, conch shells, ivory, shahtoosh, abalone and other wildlife contraband.

The shift toward larger consignments being seized is a reflection of a trend toward larger consignments being entered into illegal trade. This, in turn, reflects the greater wealth and risk-taking proclivities of the criminal interests behind those consignments. Ultimately, it reflects a greater involvement of organized crime, which has the financial and organizational capacity to assemble large consignments of contraband and absorb the losses of an occasional large seizure.

Forensic evidence provides a very useful indication of the involvement of organized crime. Important work is being accomplished by Professor Samuel Wasser at the University of Washington, who has created a DNA “map” of African elephants. With this map, it is possible to assign a specific location of origin to any sample of ivory. This technology is now being applied by analyzing ivory from various seizures. The analysis identifies which populations of elephants were poached to provide that ivory.

These analyses are yielding important results. For example, one analysis of ivory sealed in a container in Malawi, exported via South Africa and seized in Singapore revealed that the ivory came from a specific location in eastern Zambia. DNA evidence indicates the elephants were closely related. Another analysis of ivory exported from Cameroon and seized in Hong Kong revealed the ivory came from a specific location in eastern Gabon and a neighboring part of Congo. Again, it produced evidence that all the ivory came from closely related elephants in a particular location. More analyses of other seizures are presently being conducted.

Conversely, there is no indication of any illegal dealers purchasing ivory opportunistically from scattered sources as a method of organizing a large commercial consignment. Rather, there is evidence of specific elephant populations being intentionally targeted to supply ivory for planned shipments. This indicates that poaching contractors are hired and they receive a “purchase order” for a specific quantity of ivory. The contractors then organize teams of poachers that work cooperatively to kill a particular number of elephants in a specific area. The contractors then arrange the logistics of transporting the ivory over long inland distances before export. This inland transport includes significant organized smuggling across national frontiers in Africa, so it can be exported from a country other than where the elephants were poached. This type of disciplined and careful planning is an indication of organized crime.

In the Cameroon-Hong Kong seizure, a total of three containers with false compartments were discovered by law enforcement agencies. As these false compartments have specific volumes, and as the seizure in Hong Kong had its false compartment packed to capacity, it is probable that the poaching gangs are given specific instructions regarding the precise amount of ivory they were to provide. The smuggler does not want to waste space, nor does the smuggler want to receive more ivory than can be packed into a particular consignment. This type of inventory management indicates the discipline of organized crime.

Professor Wasser’s DNA analysis also provides evidence that the country of poaching is different from the country of export. This is very likely a protective strategy used by the smuggler, who thereby distances himself from the country where the violence of intense ivory poaching is being conducted. This can be considered yet another mechanism indicative of organized crime.

Inspection of the containers themselves revealed a sophisticated hidden compartment system that required good planning and metallurgical know-how. False walls were deftly created and camouflaged, and inspectors standing inside empty containers were at first not aware they were within arm’s length of the hidden compartments. This level of care and preparation is indicative of organized crime.

Investigations of persons accused of being responsible for the Cameroon – Hong Kong seizure provide evidence of at least 15 containers having been shipped along the same route with the same declared contents during recent years. Further investigations link these persons to the export of at least 16 similar containerized consignments from Nigeria in the 1990s. There is also evidence that one of the Nigerian consignments contained 1,453 kg. of contraband elephant ivory, seized in Taiwan in 1998.

It is reasonable to assume that all 31 containers carried contraband ivory. If the average weight of the two seized consignments – 2,678 kilograms – is representative and is multiplied by 31 known containers, there is indication that this syndicate trafficked in more than 83 tons of contraband ivory (costing the lives of about 8,300 elephants). Using a modest wholesale rate of \$600 per kilogram, it is possible to estimate this syndicate alone trafficked in nearly U.S. \$50 million of contraband ivory during the past decade. A U.S. \$50 million criminal enterprise is another indication of organized crime.

Two seizures out of 31 consignments is consistent with estimates of many customs officers that current capabilities produce a seizure rate of less than 10% of “general goods” contraband in trade. Wildlife products are counted as “general goods.”

Recently, most ivory has been seized in transit. Authorities have seized ivory transiting Singapore, The Philippines, Taiwan, and Hong Kong. In Taiwan, a computer program sounded an automatic alarm when two containers passed through the port of Kaohsiung two times during the same voyage. That indicated something suspicious. Customs officers inspected the containers and discovered five tons of contraband ivory which was in the process of being re-exported to The Philippines. Containers are being shuffled back and forth across the ports of Asia in a kind of “shell game,” likely in an effort to obscure their trail, and this also suggests the involvement of organized crime.

This “shell game” is analogous to the “layering” stage of classical money laundering, a means of distancing the contraband from the source before entering the “integration” stage where the contraband is entered into a legitimate economy – another indicator of organized crime. Cases involving other species of commercially valuable wildlife share similar indications of organized crime. There are strong evidence of organized crime involvement in caviar, shahtoosh, exotic birds, traditional Asian medicines and other wildlife.

On 27th January 2008, a gang of five bird smugglers was arrested in Trinidad. Of those, four had prior convictions, mostly on drug and weapons offenses. Two of those arrested had outstanding arrest warrants for murder. This is yet another indication that persons implicated in wildlife crime are often career criminals who work cooperatively.

Much trade in traditional Asian medicines that contain prohibited wildlife ingredients reflects skilful organization. Investigations have revealed that this trade is often controlled by major Asian import companies that pack the contraband as part of larger, containerized consignments. The wildlife contraband is frequently concealed, misdeclared, or not declared at all. Enforcement authorities in New Zealand discovered important documents upon serving a search warrant at one such import company. These documents, when translated, were found to provide specific instructions to the exporter in China concerning how to conceal the contraband and what to write on the shipping documents. This provides further evidence of high-level of organization.

Organized structure is certainly important for the acquisition, transport and smuggling of large-consignment contraband. But it is also vital once such contraband reaches the market country. The August, 2006, seizure of 2.8 tons of elephant ivory in Osaka, Japan, is an example. This consignment involved the seizure of 2,409 kilograms of raw elephant ivory, plus 17,928 ivory hanko signature seals, weighing 385 kilograms. How can a smuggler retail this volume of contraband if not via well-organized criminal interests?

It is unlikely that the 17,928 hanko signature seal part of this consignment could have been entered directly into illegal retail trade only by the individual charged with smuggling. Rather, the marketing and retailing process certainly required a network – some organizational structure to get the contraband items from the smuggler’s premises to places where they could be sold to retail consumers. It is also unlikely that the smuggler attempted to import this volume of ivory on mere speculation that he would subsequently find a market. Rather, it is much more likely that the smuggler was already linked to an existing market capable of absorbing and processing this very substantial volume of contraband.

The 2,409 kilograms of raw ivory in this seized consignment presents a greater problem. A typical hanko signature seal, the most common ivory product in Japan, weighs about 20 grams. Even calculating a generous 25% wastage rate in the carving process, the 2,409 kilograms could have produced about 96,360 hankos, with a retail value of about U.S. \$9.6 million. This estimate is corroborated by Japanese Customs, which claims the consignment was worth one billion yen – about U.S. \$9.4 million.

But some very considerable manufacturing lies between 2,409 kilograms of raw ivory and 96,360 finished hanko cylinders. This requires the existence of an illegal factory, or several factories, with many employees using power saws, lathes and polishing machines. The operation would have required a management team for the factory – control of inventory, a production department, a marketing department, delivery vehicles, and a sophisticated finance department capable of providing payment for illegal workers and laundering millions of dollars in criminal profit. These are all very strong indicators of crime with industrial organization.

The one person charged in this case received a small fine and a suspended sentence.

There are levels of sophistication, from disciplined poaching operations providing prescribed amounts of illegal products from specifically targeted wildlife populations, through the logistics of intra-regional smuggling in Africa so the contraband can be exported from a country other than the one where it was poached, and then through the “shell game” shuffle of multiple transit ports, all suggest a level of intricate planning and complex execution that is characteristic of organized crime. The smuggling of tons of contraband requiring the existence of illegal factories, marketing and money laundering systems also provide evidence of organized crime

Violence: About 100 rangers are killed in the line of duty every year in Africa alone.

In late December 2007, two Tanzanian rangers were killed in the line of duty in the Dodoma Region. At least 120 rangers have been killed in Virunga National Park in the Democratic Republic of Congo during recent years. More than 20 more have fallen in Zambia. Kenya has buried 37 of its own.

During 2007, Chad lost seven rangers in and around Zakouma National Park, the last significant elephant habitat remaining in that country. Abakar Zougoulou, Chad's wildlife director, told me that all of the killings were conducted by Janjaweed militias infiltrating from nearby Sudan. These are the same militias implicated in the Darfur genocide. Three of those rangers died in a 15 May 2007 during a Janjaweed attack that sought to capture Chad's national stockpile of seized and recovered ivory, which was being kept in a strongroom at Zakouma headquarters. The attempt failed and the attack was repelled, at the price of the lives of the three Chadian rangers. Chad's President Deby subsequently intervened by incinerating that one-and-a-half ton ivory stockpile, so that it could never again attract criminal attacks.

The same Janjaweed militias are accused by Chadian authorities of having been responsible for the slaughter of many hundreds of elephants around Zakouma during the past couple of years. Elephants are relatively secure inside Zakouma's 3,000 square kilometer boundaries. But they become extremely vulnerable when the seasonal rains arrive and the elephants scatter across the 50,000 square kilometer Salamat region outside the park. This scattering is important, as it provides the park opportunity to recover from heavy elephant browsing during the dry season. But Chadian rangers do not have the capacity to provide adequate protection once the elephants scatter. A patrol airplane would be useful.

Three nights after the Chadian rangers were killed, a unit of seven Kenya Wildlife Service rangers engaged a gang of Somali poachers at a Tana River crossing point. The poachers were very heavily armed and fired more than 300 rounds of ammunition in an intense, close-range battle at 1:00 a.m. Three of the KWS rangers were killed and another was seriously wounded. But the surviving rangers stood their ground, killing four of the poachers and forcing the remainder to retreat.

The surviving rangers reported that the poachers were very professional, using military deployment and small unit tactics as they approached the river crossing. The entire gang marched “in step” so as to make sound of only a single footfall as they walked. The KWS rangers did not have night vision equipment, nor did they have protective body armor, or any similar items that might have prevented or reduced their tragic losses. “Former generation” equipment, obsolete to the U.S. military, could have been a life-saver to the Kenyan rangers.

Given the assault weapons carried, the abundance of ammunition and the disciplined military field tactics, it is most likely that these poachers were working at the behest of one of Somalia’s warlords, just as there is evidence that many previous poaching gangs had links to these warlords.

One important incident occurred in Kenya’s Tsavo East National Park during 10 and 11 May 2003 when a gang of poachers from Somalia ambushed a KWS unit on patrol in the park. The gunfight ran for two days during which two KWS staff were killed; Corporal Maina Ngara (KWS serial number 5776) and Ranger Mohammed Sombwana (KWS serial number 7630). During that incident, KWS recovered two firearms from the poaching gang. One weapon was a German-made G3 NATO standard 7.62 mm assault rifle, serial number G844485. The second rifle was a U.S.-made M-16A1 rifle, serial number 5412260, along with 186 rounds of 5.56 mm. ammunition.

This particular M-16 had been supplied by the United States to the Somali Defense Ministry during the administration of President General Sa’id Barre in the 1980s. General Barre appointed his son-in-law, General Mohammed Sa’id Hirsi (aka General Morgan), as his Minister of Defense. After General Barre’s deposal in 1991, General Hirsi became a warlord using the remains of the Somali National Army to form the Somali National Front militia. It is very probable that this M-16, along with many others, was part of the arsenal that accompanied the transition. General Hirsi today remains a Somali warlord. A 2004 report of the Monitoring Group established by the U.N. Security Council pursuant to Resolution 751 (1992) and Resolution 1519 (2003) links General Hirsi to drug smuggling and weapons trafficking.

In yet another incident in Tsavo East National Park, a gunfight resulted in the death of the leader of a poaching gang from Somalia. A search of the gang leader’s belongings resulted in the discovery of a hand-written notebook which kept record of much of the gang’s activities, including which gang member was assigned which weapon and how much ammunition, how they had entered Kenya, their route of march and resting points, and various other details, including contact telephone numbers in both Kenya and Somalis. Notations in the journal clearly linked the poaching gang directly to General Hirsi and his militia. There is a hypothesis that warlords are using the profits of poaching to support their militias and their political ambitions.

Armed conflicts have had very serious impact on wildlife. The most serious impact came when the Soviet Union provided large numbers of Kalashnikov AK-47 rifles to various regimes. The Soviet Union has since collapsed and its satellite regimes have disintegrated – but most of those Kalashnikov rifles are still available, and many are being used to poach wildlife. Because of their availability and efficiency, the Kalashnikov is the “weapon of choice” for many rebel groups, militias and similar armed

organizations. Some of these groups have taken refuge in national parks and other wildlife habitats. Ugandan rebels now operate within Garamba National Park in the northeast of the Democratic Republic of Congo. Other rebel groups have repeatedly over-run Virunga National Park in eastern D. R. Congo.

Civil strife also creates refugees, and some of these unfortunate people also have a detrimental impact on wildlife. Angolan, Burundi and D.R. Congo refugees living in the Maheba Refugee Camp in Zambia are persistently implicated in poaching in West Lunga National Park. There are more than 280,000 refugees in 11 Tanzanian camps right now, and a TRAFFIC report in late January 2008 says many of them are engaged in severe bushmeat poaching.

Violence is clearly intrinsic to much wildlife crime. But sometimes the mere threat of violence is also a serious factor and obstructs justice. For example, in one wildlife case involving a persistent offender, at least three important Thai witnesses refused to travel to provide testimony to a New Zealand court because they feared for their personal safety after returning home to Thailand. Threats, blackmail, and intimidation are common techniques used by criminals involved in the illegal trade of wildlife.

Corruption: Corruption is frequently cited in cases involving illegal trade in wildlife. Corruption facilitates the illegal trade and protects the criminal trafficker. Corruption is very rarely prosecuted, and cases that do enter prosecution are frequently hush-up or simply left unresolved.

Wildlife law enforcement sometimes distinguishes between two types of corruption. One involves lower-level corruption – such as a ranger pocketing receipts at the gate of a park. There is a significant measure of this corruption around the world – people who handle money, or who are responsible for issuing various wildlife permits, or management of an agency's supply inventories or highway check points. Each act of corruption hurts the agency, as well as the wildlife it is charged to protect. Effective campaigns can be conducted against this type of corruption, and there are useful resources available for agencies with problems.

A more serious level of corruption involves senior officers and politicians. This level of corruption is much more difficult to stop. There are persistent reports of ministers and directors being involved in irregular issuance of wildlife permits, timber concessions and various other schemes. Some have been removed from office amid serious allegations, although those allegations are hardly ever prosecuted.

The former director general of Thailand's Royal Forestry Department was accused by Thailand's National Counter Corruption Commission of improper involvement in the transfer of 100 tigers to China. Allegations of corruption accompanied the suspension of a senior ports officer in Mozambique when 400,000 cubic meters of illegal timber had been improperly exported to China. In November 2006, the Department of Environment and Natural Resources of The Philippines filed a complaint against 21 persons linked to the "pilfering" of six tons of ivory seized in Manila Harbor. Thirteen of those accused are customs officers. In late January 2008, the director general of Peru's National Institute for Natural Resources (Inrena) was dismissed amid allegations of corruption. Shortly before, the Director of Forest Technology Administration and Wildlife was also dismissed under similar allegations. Allegations regarding corruption in the caviar industry sometimes seem inexhaustible. There are credible reports of corruption among senior officials in certain island nations of the Pacific, particularly the Solomon Islands, with compelling evidence of them facilitating illegal trade. There are numerous other examples.

High level officials often complain publicly about perceived corruption. For example, Malawi's environment minister complained vigorously about customs officers who authorized a 2002 export of 6.5 tons of illegal ivory, but were never prosecuted. And just this past November, Filipino Senator Juan Miguel Zubri protested that corruption was behind the illegal export of five tons of coral seized in Argentina.

The persistent reports of corruption associated with illegal trade in wildlife are impossible to ignore. However, the most typical response is to acknowledge the problem and do very little about it. Serious allegations only rarely become formal prosecutions. There is need for a global campaign against corruption. Suppressing corruption will very significantly enhance any efforts to suppress illegal trade in wildlife.

Conclusions:

1. Much wildlife crime, and particularly illegal trade in large volume consignments of commercially valuable wildlife, conforms to conventional definitions of organized crime. Involvement of organized crime is obvious. Other crime often associated with organized crime, e.g. violence, corruption, fraud and financial crime, are commonly associated with wildlife crime. (Also see Attachments 1, 4 and 7).
2. Wildlife crime exploits the many benefits of globalized trade and modern communications. It has made extensive use of the Internet and tourism as a means of diminishing risks associated with smuggling. (Also see Attachments 1, 2 and 3).
3. There is evidence that violent militant groups, including those accused of genocide, drug trafficking and weapons trafficking, have been involved in wildlife crime.
4. Wildlife crime tends to be exceptionally violent. Many park rangers are killed every year by very well organized and heavily armed poaching gangs. Violence is exacerbated by access to and use of military weapons. Violence, and the threat of violence, permeates many facets of wildlife, including even intimidation of potential witnesses for the prosecution.
5. "Organized criminal networks are engaged in a wildlife trade whose sophistication and scope surpasses the capacity and resources of enforcement agencies in the region." Many habitat countries do not have the capacity to counteract wildlife crime motivated by powerful financial interests of industrialized countries. (Also see Attachment 5)
6. Many industrialized countries consider wildlife crime to be relatively insignificant. The United States is unique as it has a record of passing substantive sentences to criminals convicted of wildlife crime. There is compelling need for the U.S. to persuade other consumer countries that they need devote greater resources to fight wildlife crime, and to impose penalties that are commensurate with the gravity of the crime. (Also see Attachment 4).
7. Legal wildlife trade is frequently used as a cover for illegal trade, and is sometimes difficult to distinguish from it. (Also see Attachment 9).
8. Both legal and illegal wildlife trade, for the most part, exploits Nature in developing countries to supply fashion and vanity demands of consumers in industrialized countries. This trade has negligible health, welfare or security benefit for society. Major profits of both legal and illegal wildlife trade are banked in industrialized countries. (Also see Attachment 8)

Recommendations:

1. The United States should be a more assertive and conspicuous leader in the global fight against wildlife crime. The United States has the diplomatic, professional and financial resources needed for such leadership. The United States should be actively engaged in helping to target major international criminals and criminal syndicates implicated in commercial-scale poaching and illegal trade in wildlife.
2. The United States should become substantially more engaged in assisting habitat countries in the developing world to improve their wildlife law enforcement capacities. Although some U.S. initiatives have been well-conceived and productive, they are not yet being conducted on a scale required to produce decisive impact.

U.S. assistance should include:

- a. Professional training, with particular emphasis on the basics of wildlife law enforcement, including investigations and intelligence. Such training should seek to establish a basic world standard for competency, professionalism and ethics.
- b. Advice, including the need for inter-agency cooperation, and “best practices” for organization, procedures and deployment of wildlife law enforcement agencies.
- c. Equipment for both uniformed field units as well as plain clothes investigation and intelligence units. Field patrol equipment is of particular importance as such patrols often are important for their deterrent value. Light aviation support is highly recommended. Much of this equipment can come as excess U.S. Government property.

Improving the capacities of habitat countries to protect their own commercially valuable wildlife from poaching and illegal trade should result in diminished pressures on U.S. enforcement. As a major consumer, the United States has a moral obligation to invest major resources in efforts to assist financially disadvantaged habitat countries to protect their wildlife from illegal exploitation.

3. The Congress should provide improved support for U.S. involvement in efforts to suppress illegal trade in wildlife at the international level by assuring a proper budget for its own wildlife law enforcement agencies.
4. The United States should devote some of its intelligence capacity toward determining more clearly the relationships between wildlife crime and militant organizations. Anecdotal evidence indicates such links exist, including to groups accused of inciting genocide, civil war and other violence. At present there is inadequate information concerning how profound the relationship is and how the illegal sale of contraband wildlife may be part of the financial support for such groups.
5. The United States should become more engaged in wildlife law enforcement operational cooperation at the international level, working in partnership bilaterally with individual countries, or multilaterally with regional agencies such as LATF or international organizations such as Interpol. Although there have been a number of encouraging recent successful international cases, such as with sea turtles and conch shells, there is conspicuous need to expand this cooperation.

The United States should cooperate with Interpol in developing Ecomessage, the worldwide database on wildlife crime. The U.S. should also participate in supporting the wildlife officer position at the Interpol General Secretariat.

The United States has a long and respected history of extending its efforts at suppressing criminality to locations far beyond its borders, indeed, “to the shores of Tripoli.” Cooperative initiatives, with friendly foreign law enforcement agencies, provide synergistic benefits that are good for society around the world. Thus, it is much better to cooperate with friends and reach even to the most distant lands in order to target drug production facilities in Asia or Latin America rather than wait for the contraband to be smuggled into schoolyards in the United States. The same concept applies also to the illegal wildlife trade.

6. The United States should do more in helping to create and support regional wildlife law enforcement agencies. Good work with ASEAN-WEN is a promising first step. But there is opportunity, and need, to do much more.

There is need to establish regional enforcement agencies in regions where they do not presently exist, such as the Caribbean. And there is also need to provide training, equipment and financial support to existing regional enforcement agencies, such as the Lusaka Agreement Task Force, with an emphasis on regions that have important wildlife populations but presently lack financial and technical resources. LATF in particular works without adequate equipment and resources in some of the poorest countries in the world.

7. It should be the public policy of the United States to discourage trade in animals and plants taken from the wild for frivolous purposes, such as fashion accessories or exotic pets. Progress is being made in this direction, such as with the provisions of the Wild Bird Conservation Act, Marine Mammals Act and others. But there is much more that can, and should, be done. Such policy would also address the ultimate motivation for wildlife crime, and seek to diminish the vanity markets that provide the financial incentives for trafficking.

8. The United States should create a special fund into which would be contributed all fines and other assets recovered from criminals involved with illegal international trade in wildlife. This fund could be used to assist wildlife law enforcement agencies in developing countries.

9. The United States should establish a system whereby repeat offenders who violate wildlife laws are not eligible to receive any export or import licenses, or to engage in wildlife trade domestically. The United States should propose a similar policy to the next meeting of the Conference of the Parties to CITES.

10. The United States should engage with other industrialized countries in an effort to share the burden of the capacity-building exercises recommended above. Particular effort should be made to enlist former colonial powers such as Britain, France, Netherlands, Belgium and Spain as many developing countries still have legal systems based on that of the former colonial power. Furthermore, many former colonies still have the language of the colonial power as their legal national language – an important consideration when planning enforcement cooperation and training programs.

11. The United States should engage with its own non-governmental organizations which have demonstrated interest in improving wildlife law enforcement capacities around the world. Many of these NGOs, such as IFAW, the International Fund for Animal Welfare, already have important and useful contacts in priority countries. They have existing programs that are able to support specific capacity building initiatives. They also have useful research capacities that could be directed toward particular initiatives such as seeking overviews of illegal trade on the Internet, or specific challenges of illegal wildlife sales to tourists traveling abroad. In fact, the NGO community presently supports most

of the wildlife law enforcement capacity building in developing countries today. NGOs, much more than government agencies, are providing important training, contributing supplies and otherwise supporting hard-pressed wildlife law enforcement agencies in countries which have the most serious problems.

12. Money laundering and related financial crimes are certainly integral to illegal trade in wildlife. The United States should provide financial crime and anti-corruption training and expertise to appropriate law enforcement offices in developing countries where wildlife crime is a serious challenge. Interest can be further stimulated by proposing cooperative initiatives that include sharing of recovered assets. In recent years, most countries have enacted new laws against money laundering. But training has mostly focused on countries where drugs have been the primary problem. Efforts should be expanded to embrace wildlife crime.

13. The United States should engage diplomatically with friendly foreign countries to encourage them to accept that illegal trafficking in wildlife is an international problem, in need of international solutions. U.S. diplomatic resources should encourage other countries to identify wildlife crime as a more serious priority. The U.S. should encourage other countries to prosecute wildlife crime more vigorously, including via creation of specialized prosecution units, as is done in the U.S. Efforts should be made to urge countries to apply penalties for conviction on wildlife violations that are commensurate with the gravity of the violations, similar to those defined in the U.S. Federal Sentencing Guidelines. Efforts should be made to urge countries that provide safe haven for persons accused of wildlife violations to be cooperative in finding solutions that are responsible and just. Efforts should be made to encourage all countries to require that their citizens report global income. Efforts should be made to overcome the negative consequences of diplomatic isolation.

Respectfully submitted,

William Clark

ATTACHMENTS

1. Attachment Regarding Globalization: Wildlife traffickers have exploited the globalization and liberalization of legal international trade. They use the most modern commercial and technological developments to expand and improve the efficiency of their own operations. Globalization has facilitated international criminals who are today increasingly professional and successful. These criminals are highly competent and exploit all available resources to get their contraband into the markets of industrialized countries.

Wildlife traffickers abuse new policies that facilitate the rapid trans-border movement of goods and passenger traffic. They exploit the increased volumes and flow of trade, as well as modern techniques of containerization, courier companies and sophisticated packaging. They exploit the communications revolution. All this makes it increasingly difficult to profile and target suspect goods and individuals. There are clear indications that the flow of contraband has intensified. Seizures of contraband reptiles, birds, elephant ivory, sea turtle products, and other protected wildlife are becoming increasingly frequent – without significant increases in law enforcement capacity. Not only are seizures increasingly frequent, the amount of contraband in each consignment is increasing – suggesting a shift toward more financially secure criminal organizations.

Much illegal trade in wildlife is conducted by conventional means. Airline passengers with live birds stuffed in their luggage, shipping containers with elephant ivory buried under legitimate trade goods, or concealed in hidden compartments, courier company packets with young poisonous snakes concealed within a common video cassette, air freight boxes crammed with live lizards or bundles of contraband skins, beluga caviar packed into rubbish bags and smuggled through a military airfield, dozens of tortoises concealed under the spare tire in the trunk of a car, live scorpions posted via ordinary air mail – these have become everyday occurrences. Coupled to these, enterprising traders are increasingly using other modern techniques to get their goods from the habitat countries of the developing world to the consumer countries of the industrialized world.

2. Attachment Regarding the Internet: There is persuasive evidence that the Internet is now being used as yet another vehicle for illegal international trade in wildlife. Internet vendors can be almost anonymous, sometimes operating from third countries, and protected by a panoply of cyber-electronic shields. They ship their contraband via express parcel service or simple air mail to individual consumers, thus obviating the risk of major seizures and resulting headlines. For example, one current case involves a Las Vegas man who pleaded guilty on 30th January to selling exotic, and highly poisonous snakes, including green mambas and spitting cobras, over the Internet. U.S. Fish and Wildlife Service agents seized 48 snakes while searching the dealer's home. Sentencing is scheduled for 22nd April.

Internet trade is almost inconspicuous. Yet several studies conducted by prominent NGOs indicate a very large volume of wildlife is being traded. A large part of this trade suffers from inadequate regulation, sometimes because appropriate regulatory legislation does not exist. The spectacular profits made by several legitimate Internet companies should serve as a warning that this trade vehicle is also attracting the interest of less scrupulous merchants.

3. Attachment Regarding Tourism: The sharp increase in tourism over recent years has brought millions of tourists from industrialized countries to holiday in habitat countries – where they are sometimes accosted by dealers selling sea turtle shell jewelry, ivory bracelets and python skin wallets. Bird dealers are selling rare macaws and toucans to wealthy American yacht owners visiting Caribbean

islands. Trafficking syndicates abused Australia's ten kilogram limit for individual exports of abalone by persuading individual members of large tour groups to legally carry out their limits and then consolidating a large consignment once the abalone was out of Australia.

Most shahtoosh, a type of scarf made from the wool of the Tibetan antelope, and sold for prices up to \$35,000 apiece, appears to be sold in boutiques associated with upscale tourist hotels. Between six and eight of these endangered, CITES Appendix I antelopes, are killed to produce each shahtoosh scarf.

Why should a wildlife dealer risk smuggling contraband into or out of the United States, Australia or Europe when he can let tourists carry the contraband across borders for him? In 2006, British customs seized 163,000 items of contraband wildlife. The vast majority were single items carried by tourists.

These are among the mechanisms of what the Tanzanian Minister called "sophistication and scope" which together often overwhelm the capacities and resources of wildlife law enforcement agencies.

4. Attachment Regarding Penalties: One important reason why wildlife crime is so attractive to criminal syndicates is the near impunity that criminals enjoy in certain jurisdictions. This is particularly worrisome in cases involving major market countries. The situation in Japan is an interesting example.

Japan normally exercises a relatively vigorous and strict prosecution of violators that its enforcement authorities catch. For example, U.S. national Gary Sherwood Small was caught and convicted of smuggling several handguns and one rifle into Japan in the 1990s. Japanese courts put him into prison for five years. In April, 2002, British national Nicholas John Baker was caught and convicted of smuggling about 10 pounds of drugs – ecstasy tablets and cocaine – into Japan. A Japanese court sentenced him to 14 years in prison plus a substantial fine. The prison term was reduced to 11 years by an appellate court. Baker remains in Japan's Fuchu Prison today.

According to the Judicial Statistics compiled by the Japanese Court of Justice, the most typical sentence for a narcotics conviction is three to five years, with more than 1,100 persons presently imprisoned for such offenses. And there are numerous other examples of Japanese courts imposing serious prison sentences following smuggling convictions. It is important to note that courts are required, by legislation, to impose at least an established minimum penalty. For example, conviction for commercial trafficking in narcotics carries a minimum penalty of three years in prison, and a maximum sentence of life in prison. A penalty fine can also be added to the sentence.

But Japan has no specific minimum penalty for smuggling wildlife. Rather, in such cases, the Foreign Exchange and Foreign Trade Law, and the Customs Law are applied for unauthorized importations. These laws establish maximum penalties of three and five years in prison and fines not to exceed three times the value of the contraband. But there is no minimum penalty.

In April 2000, Yoichiro Ishida and Yao Cock Lam were caught and convicted of attempting to smuggle 492.3 kg. of contraband ivory into Osaka, Japan. Mr. Ishida certainly knew the consequences of his act as he was a board member of the Tokyo Ivory Arts and Crafts Association, and he had been a Japanese government-authorized observer to the CITES meeting of the Conference of the Parties in Harare, Zimbabwe, in 1997. Mr. Ishida was convicted in "summary legal proceedings" of violating Section 112 of the Japan Customs Act and fined 300,000 yen, the equivalent of U.S. \$2,700 at the time. This fine was less than 2% of the wholesale value of the consignment he attempted to smuggle. Mr. Yao received a suspended sentence.

In a case previously noted in this testimony, Mr. Hiroyuki Tada was caught in August, 2006, and subsequently convicted of trying to smuggle 2,409 kg. of contraband raw ivory, disguised as “artificial marble,” plus 17,928 hanko signature seals (385 kg.) also into Osaka, Japan. Japanese Customs reported that consignment’s retail value to be about 1 billion yen (about U.S. \$9.4 million). Upon conviction, Mr. Tada was fined 800,000 yen – about U.S. \$7,500, and a suspended prison sentence. The fine represented less than one-tenth of one percent of the value of the contraband.

Had Mr. Tada been convicted in the United States of the same crime, the federal sentencing guidelines would have placed him in a range of 46 to 78 months imprisonment (assuming he had no prior criminal history), with a fine range of \$10,000 to \$125,000 dollars. Even though the Guidelines are now “advisory,” U.S. courts routinely follow them in wildlife cases, resulting in frequent sentences of substantial incarceration for these crimes. Imprisonment creates a deterrent factor that no fine alone can match.

One of the justifications for imposing sentences that are commensurate with the gravity of a crime is that they do serve as a deterrent to persons who might contemplate similar crimes. But when prison sentences are suspended and fines are reduced to less than a city sales tax rate, the concept of deterrence becomes superfluous. Indeed, such penalties could be interpreted as being an encouragement to other criminals.

As a comparison, consider the approach of Zambia’s courts which in April 2006, convicted Cheng-Lung Ting of attempting to smuggle 70 kilograms of contraband ivory. He was sentenced to six years in prison at hard labor. A year later, in July 2006, a Zambian court convicted Geofry Lubinda and Brian Chingama of illegal trade in 39.4 kilograms of contraband ivory. Both of them were sentenced to prison for five years at hard labor.

One influencing factor in this disparity may be that Zambia has seen more than 20 of its own rangers killed by ivory poachers in recent years and perhaps is more sensitive to the broader implications of this criminal trade.

5. Attachment Regarding Inadequate Capacity: If wildlife agencies in developing countries had to contend only with poaching for their in-country markets, virtually all of these agencies would be able to counteract poaching and trafficking with available resources. Serious problems occur when the poaching is motivated and financed by markets in industrialized countries.

The wealth of America, Europe and the Far East attracts criminals intent upon illegal exploitation of wildlife. The more this illegal trade can be stopped in the habitat countries, the less contraband that will be smuggled into industrialized economies. There is an important measure of cost-effectiveness in this approach as once the contraband is entered into developed countries, law enforcement costs increase significantly.

Wildlife agencies in most countries of the developing world do not have adequate law enforcement training. In particular, they lack the training required for the creation of intelligence and investigations units, although their national laws would authorize the creation of such units. As a consequence, these agencies typically refer criminal cases to the national police. The national police, however, commonly assign wildlife cases to a very low priority – below all of the murder, robbery, drug and other criminal cases they must handle. Wildlife cases, if they are assigned at all, often go to the least experienced or least competent investigators. This results in inadequate investigations, failed prosecutions, and a disservice to both justice and conservation.

This situation could be improved by providing professional training required to enable wildlife agencies to create their own intelligence and investigation units. Such units would make wildlife crime their highest and only priority. This would consequently improve wildlife law enforcement in the habitat countries, and thereby diminish the challenges faced by the industrialized consumer countries.

Support for field units in habitat countries is also an important imperative. I have been working in many African countries for more than a quarter-century, and I repeatedly see motivated and disciplined ranger units marching off on dangerous patrol work with terribly inadequate equipment. I have seen rangers sleep on the ground, with neither pancho nor mosquito net, during the rainy season – it is no wonder that malaria is the most common reason for sickness and absenteeism. I have seen rangers drink from polluted rivers because they did not have water bottles for carrying clean drinking water – it is no wonder that dysentery is also a very serious medical problem. Basic field equipment is urgently needed by many ranger units assigned to the protection of commercially valuable wildlife.

Another serious requirement is firearms. A few years ago, a ranger in a West African country presented me with the weapon that was issued to him. He told me that this was a MAS-36, and with this very rifle, the entire French Army lost every battle of 1940. Some national parks and wildlife ranger units are still equipped with such firearms. Commercial poaching gangs today have widely acquired Kalashnikov AK-47 rifles. There are even G3s and M-16s available to them. Some poaching gangs carry Rocket Propelled Grenades (RPGs) – not for use against wildlife, but rather to shoot at ranger units. Thus, poaching gangs sometimes have weapons of superior range, accuracy and firepower than those carried by ranger units. This could account for some hesitancy on the part of otherwise well-motivated and disciplined units. The United States, like any other responsible country, can be properly concerned about supplying even more weapons to a continent that is already flooded with firearms. But this concern can be alleviated by negotiating agreements with friendly foreign governments that would require the destruction of several existing firearms in exchange for each new firearm provided to a wildlife protection unit.

Ultimately, any effort to combat wildlife crime should seek deterrence. There are abundant benefits in preventing a crime from being committed rather than applying law enforcement to catch and prosecute criminals. In wildlife conservation, this is particularly important, because society's interests lie in protecting natural resources.

If drugs, weapons or other types of contraband are intercepted anywhere along the chain of criminality – whether producer, smuggler, dealer, etc. – the interests of society are fundamentally satisfied. The drugs don't reach the drug abuser, and the weapons don't reach the robber. But with wildlife conservation, if wildlife products reach the producer, smuggler or dealer – it is already too late. The animal is already poached. Society's interests lie in maintaining the wild animal in its natural habitat. Thus, protection from poaching should be a priority. Therefore, deterrence is of particular importance for matters of wildlife law enforcement.

One of the best deterrents that I know of is aerial patrol. When used above suitable habitats, a conspicuous aerial patrol has the same impact as a conspicuous police patrol does on an interstate highway – it strongly discourages people from violating the law. It is an excellent deterrent because potential violators know their risks of being caught increase greatly. Anecdotal information from colleagues in several countries indicates that poaching is diminished by 80% to 90% when there are aerial patrols conducted just once or twice a week.

Patrol aircraft are valuable for many other purposes, and are highly valued by wildlife agencies that acquire them. They are very important in providing critical reconnaissance information to enforcement commanders during contact operations against poaching gangs. They deliver vital supplies to ranger units operating in remote areas. Light aircraft also evacuate sick and injured persons rapidly from remote areas. They resupply ranger posts that are cut off by seasonal flooding. They provide park authorities with information about the shifting distribution of wildlife herds – information authorities use to deploy ranger units as effective screens to protect those herds. And they provide many other useful services in a rapid and cost-effective manner.

The best aircraft for patrol are light airplanes with a high wing – Piper Super Cub or similar. The United States seizes several of this type of airplane every year from a variety of persons – from drug traffickers to “same day” hunters. Some of these seized aircraft could be safety-checked and then donated to wildlife agencies in countries with habitats that can be effectively patrolled from the air.

There are also other techniques for achieving deterrence. These include a good community relations program, which can be particularly useful among traditional communities living in the vicinity of important wildlife habitat. Persuade the village elders to strongly reject poaching, and most of the community will abide faithfully by their guidance. Positive inducements, such as vigorous anti-malaria campaigns in villages near national parks, would support deterrence and cultivate improved relations with wildlife agencies.

Inadequate capacity is not restricted to habitat countries in the developing world. One of the most basic inadequacies is associated with industrialized countries – and this is the ignorance of the general public concerning legal restrictions on much trade in wildlife today. Enormous volumes of contraband wildlife are purchased by well-meaning but uninformed citizens of industrialized countries. There is a need for governmental intervention to educate its own citizenry, much as the Surgeon General is active in educating citizens about risks associated with tobacco.

6. Attachment Regarding Abuse of Diplomatic Immunity: There are persistent problems with diplomats abusing their immunities as a means to smuggle contraband.

One memorable example is the 2001 case of Lt. Col. Muhammad Masud Khan. Colonel Khan was a Pakistan Army officer posted as the Senior Liaison Officer with the United Nations, attached to MONUC, Kigali, Rwanda. His responsibilities involved peace-keeping monitor in the Democratic Republic of Congo. On 8 February 2001, his luggage was X-Rayed while transiting Kenyatta International Airport in Nairobi, Kenya. His four suitcases were found to contain 27 large pieces of ivory and one leopard skin. He was detained despite claiming diplomatic immunity. The Makadara Law Court in Kenya determined that his immunities applied in Rwanda and D.R. Congo, but not in Kenya. The contraband was seized. Examination of his passport indicated he had made the same journey – Rwanda – Dubai – Pakistan – at least 11 times during the previous 12 months. The United Nations terminated Col. Khan’s services, and requested the Pakistan government to take appropriate legal measures. There has been no information if this has been done.

There have been numerous other cases of persons with diplomatic privileges abusing their status. Some of these have involved embassy staff using embassy grounds and vehicles to facilitate trafficking in contraband wildlife. Other cases involved soldiers or civilian returning from various international missions sponsored by multi-national organizations that provide them with credentials and varying degrees of diplomatic immunity.

7. Attachment Regarding Diplomatic Isolation: Diplomatic isolation contributes to the profitability of illegal trade in wildlife and the destruction of natural resources. Among several examples, Taiwan is the most conspicuous, and also the most serious. Diplomatic isolation stymies Taiwan's participation in international organizations such as Interpol and CITES, and thus the wildlife law enforcement interests of these organizations – such as rapid information exchange, and participation in operational initiatives – suffer as a consequence. Diplomatic isolation also means extradition treaties are extremely limited. Criminals exploiting wildlife are aware of this, and exploit the situation to their own advantage.

The case of Mr. Teng Yen-Shan is a case in point. Mr. Teng operated business interests in Nigeria from 1994 to 1998. During this period, he shipped at least 16 shipping containers from Nigeria to Taiwan. In 1998, one of his consignments was inspected by Keelung Customs in Taiwan and found to have nearly 1.5 tons of ivory concealed behind a shipment of lumber. But, in part because of diplomatic isolation, Taiwan prosecutors were unable to acquire sufficient evidence for a successful prosecution, and the case was dismissed. Around 2002, Mr. Teng started working from Cameroon. He exported at least 15 containers from Cameroon to Hong Kong before July 2006 when Hong Kong authorities x-rayed a container said to carry lumber and discovered a hidden compartment which contained 3.9 tons of ivory. Two other shipping containers on his premises in Cameroon were also found to have hidden compartments, with small chips of ivory on the floor, indicating previous use. Cameroon has issued an arrest warrant. But, because of diplomatic isolation and no extradition treaty, extradition is unlikely.

Taiwan authorities are cooperating as best they can under unfavorable conditions. They are providing samples of ivory they have seized for DNA analysis at the University of Washington. They are preparing to send one of their scientists to the University of Washington and also to the U.S. Fish and Wildlife Service's National Wildlife Forensics Laboratory in the coming months to participate in analyses and also to learn techniques that can be used to produce forensic evidence in wildlife cases. Taiwan is being cooperative by informally providing useful information about seizures and suspects. And Taiwan is exploring alternate enforcement mechanisms in an effort to seek justice.

Nevertheless, diplomatic isolation causes the absence of regular and reliable law enforcement cooperation, and this hampers efforts to pursue persons accused of violating wildlife laws.

8. Attachment Regarding the Costs of Wildlife Crime: The costs of wildlife crime are devastating. Thousands of wildlife law enforcement officers and rangers have been killed. Most have been killed in developing countries where wildlife agencies cannot afford insurance. Consequently, most fatalities leave impoverished widows and children. Most fatalities occurred because the rangers were poorly trained and poorly equipped. Most fatalities occurred because rangers were obstructing poaching motivated by demands from industrialized consumer countries.

The biological cost of wildlife crime is disproportionate because the greatest profits are generated by commerce in the rarest species. These are the most vulnerable animals and plants. These are the species that the community of nations has agreed to protect under CITES and other agreements.

Poaching and trafficking is cruel, and cruelty is also a cost. Poachers commonly use techniques and tools such as bird lime and wire snares that often are prohibited by law. Transport conditions for live animals being smuggled are almost universally far below international standards as codified in the IATA Live Animals Regulations.

The preservation of healthy ecosystems, including the richness of biological diversity, is very important for the earth's capacity to support life. Each unnatural exploitation of wildlife, especially any frivolous

or gratuitous removal of an organism from its natural milieu, is an insult to the biological integrity of the planet, and this should also be counted as a cost of wildlife crime. There is academic debate concerning the earth's capacity to absorb such injury; whether the ultimate response will be gradual and proportionate, or dramatic and catastrophic. But there is little debate over the proposition that destruction of biological diversity will ultimately have a negative impact.

The presence of populations of wild animals in a habitat is dynamic and often there are important relationships that are disrupted when particular species are exploited for trade. Commercially valuable monitor lizards, snakes and raptors provide natural controls for rodent populations that otherwise have a negative impact on agriculture and human nutrition. Butterflies interesting to collectors and traders are important to the pollination of certain plants. Elephants improve the patchiness of many habitats, thus contributing to its biological diversity. The value of a wild animal is often expressed in its activities as part of a dynamic ecosystem. When that animal is removed for legal or illegal trade (to benefit a consumer in an industrialized society), its value to the ecosystem (in a developing country) is lost.

There is also a cost to human health. A biologically diverse ecosystem tends to be a healthier place to live. Disruptions can sometimes have tragic impact. A few years ago, one country in southern Asia engaged in significant trade in frog legs to satisfy the appetites of connoisseurs in Europe. The profits made were small. But when frog population declined, mosquito populations expanded dramatically and within months, the country's hospitals were overflowing with malaria cases which imposed a cost far exceeding the profits earned by the frog leg business. Ebola, among the deadliest viruses, is zoonotic. Avian influenza (H5N1) is a highly pathogenic virus with potentially catastrophic impact on human health and economies. The epidemiology of both ebola and bird flu are partially linked to trade in wild animals. Often, the most serious impacts of these diseases occur in developing countries.

There are also financial costs associated with wildlife crime. Two conspicuous costs include:

A. Criminality. There is abundant evidence of corruption associated with wildlife trade, both legal and illegal. Certainly bribes are paid by smugglers. But bribes are also paid by some "legal" traders in exchange for particular concessions, quotas and other favors – costs of doing business. Each act of corruption parasitizes society and undermines legitimate economies. Virtually all wildlife crime is done for profit, and the consequent money laundering, tax evasion and other financial crimes also parasitize society and undermine legitimate economies.

B. Costs of enforcement. Developing countries are burdened with very substantial costs of protecting their wildlife, mostly from persons seeking to steal it for sale in other economies. Often, their budgets are inadequate. Various aid programs designed to assist with wildlife law enforcement in developing countries remain small and inadequate. Legal wildlife trade bankrolls billions of dollars a year, but it does not pay a fair share of the cost of protecting the resources that it depends upon.

There are many other costs of illegal wildlife trade, most of which are unfairly borne by developing countries. There is the cultural cost of losing national heritage – Senegal has only 10 elephants left.

9. Attachment Regarding Legal Trade: It is time to question the concept of sustainable use of wildlife. After decades of experience with trade based on this concept, some people are coming to realize that, with few exceptions, this premise is not working. It is all too commonly superseded by human myopia, greed and vanity. Traders exploit particular species until they are so diminished that they become candidates for the CITES appendices. When such species are listed on CITES, traders then focus attention on other species and exploit them until they, in turn, become CITES concerns.

It is important to note that legal trade in wildlife is sometimes used as a cover for illegal trade. Some years ago, a U.S.-based trader wanted to sell some amphibians to be exhibited in the Jerusalem zoo. I had some concerns and made a background check. I learned that the U.S. trader had, through previous years, accumulated a record of 54 convictions for violation of U.S. wildlife laws. Six of the convictions were felonies. The harshest penalty imposed was a modest fine of \$600. The trader remained in business and continued to acquire legal export permits. This situation was not unique. Because of insignificant and unpersuasive penalties, many dealers buy and sell both legally and illegally – knowing that the biggest profits are made with illegal transactions, but legal trade is necessary at least to provide a cover, the image of legitimacy. Legal trade is also useful for justifying a trade infrastructure, and for developing trade contacts. But the most lucrative profits involve illegal trade in protected species. Greed trumps legitimacy. Illegitimacy has infiltrated an unknown percentage of the legal trade. The distinctions between legal and illegal, and between sustainable and unsustainable have in many cases become blurred, and the trade itself has made no conspicuous efforts to resolve this dilemma.

Is it in society's interest just to halt the trends toward extinctions and the degradation of biological diversity? Or should we be seeking a more positive relationship with the earth by actively protecting and restoring the processes of natural selection? Merely stopping the destruction of the biosphere is not enough. The biosphere is life. Life is dynamic. There is need to restore and revitalize the dynamics of biological diversity.

One obvious step is to discourage the exploitation of Nature for gratuitous or frivolous purposes. There is no superfluous "surplus" in Nature that we can exploit to satisfy our own superfluous vanities. The dynamics of natural selection require abundances greater than mere sustainability. For in such abundances exist the potential for conspecific competition, and this is the essence of natural selection. We have been meddling with natural selection, and we have intensified this meddling to an unconscionable degree. The consequences of this interference are unknown, but probably not healthy.

Apologists for legal trade in wild-caught specimens often claim their trade provides fundamental livelihood benefits for developing economies. This often is an exaggeration. Wild caught caiman and python skins used to create fashionable garments and accessories selling for many hundreds of dollars almost always were purchased from the hunter at one or two percent of the retail price. A similar percentage holds for wild-caught birds and reptiles entered into the pet trade. About 98 percent of the value added is banked in accounts of industrialized societies. The legal 20 gram ivory signature seal purchased for \$100 or more in the Far East earned the legal African exporter no more than \$2.

Major profits from wildlife trade, legal and illegal, are made and banked in industrialized countries. Developing countries receive only a very small share of the economic benefit, and this is very often off-set by enormous costs and irreparable losses.

10. Attachment Regarding Regional Responses: There are two multilateral cooperative mechanisms useful for addressing illegal trade in wildlife crime. One is an international approach, such as Interpol. The other is a regional approach. Optimally, both approaches provide synergistic benefits when used together.

There are several regional wildlife law enforcement agreements around the world today. The North America Wildlife Enforcement Group (NAWEG) provides good coordination for the wildlife agencies of the United States, Mexico and Canada. In Europe, the European Union has a wildlife coordinating group that serves a similar function.

The United States has been instrumental in assisting in the creation of ASEAN-WEG, a Wildlife Enforcement Group among the Southeast Asian nations. This regional group has conducted some training and has identified several priorities for regional enforcement cooperation. It is a good initiative with much promise. In late January, eight countries of South Asia agreed to create the South Asia Wildlife Trade Initiative (SAWTI) with the intention of cooperating regionally in efforts to suppress illegal trade in wildlife. It is another promising initiative. In Africa, the Lusaka Agreement Task Force brings enforcement resources from six countries together for cooperative enforcement initiatives. LATF has been functioning for eight years, and has an excellent track record for intelligence and investigations.

But there are two conspicuous problems with regional enforcement initiatives. One is, not all regions have such arrangements, and where they do exist, not all relevant countries have acceded to the agreement. The Caribbean, Latin America, Middle East, Central Asia, Far East and Oceania would all benefit from regional wildlife law enforcement cooperation, and LATF would become much more effective if more African countries joined that agreement.

Another conspicuous problem is resources. Industrialized countries in North America and Europe can easily support their own regional cooperation agreements. But LATF in Africa is hard-pressed to maintain even a modest budget. The basic cost of membership is the most frequently cited reason why most African countries have not elected to join – they simply cannot afford even a modest annual contribution. United States involvement in creating new regional groups, and support of existing groups in economically disadvantaged parts of the world would be an important contribution toward suppressing illegal trade in wildlife.

11. Attachment Regarding Interpol's Response: Interpol, the Interpol Criminal Police Organization, has responded to the challenges of illegal trade in wildlife with several initiatives.

1. Working Group on Wildlife Crime: The Interpol General Assembly created an Environmental Crimes Committee, presently chaired by Andrew Lauterback of the U.S. Environmental Protection Agency. This Committee has two operative working groups, one on pollution crime and the other on wildlife crime. The Working Group on Wildlife Crime, which I presently chair, currently has a membership of 116 wildlife law enforcement officers from 52 countries. The Working Group is now engaged in several substantive projects aimed at creating an international database on wildlife crime, improving capacity within developing countries, and coordinating activities aimed at counteracting wildlife crime.

2. Interpol staff officer: One priority of the Wildlife Group was to create an Interpol staff position for wildlife crime. This was accomplished in 2006 when Peter Younger, of the New Zealand Wildlife Enforcement Group was contracted. This position provides a key link between numerous wildlife law enforcement initiatives and the many resources available at the Interpol General Secretariat. NGO funding that provides support for this position will end in March, 2009. It is time for governmental agencies to support this key position since law enforcement is essentially a governmental responsibility.

3. Ecomessage: Interpol's Ecomessage database currently is the only international nominal wildlife crime database that exists. Ecomessage is a useful facility today, and its value can be even greater tomorrow. Today, Ecomessage has two benefits. First, it provides a repository for wildlife crime data. This data can be analyzed. Three analytical projects – on trade in reptiles, primates and ivory – have already been accomplished. These analytical projects provide guidance for intelligence-led law enforcement, and operations that subsequently target the identified criminal syndicates.

The second current benefit of Ecomessage is that it can be used for international interrogation. Thus, if the United States arrests someone and suspects he or she might have a criminal record abroad, or be wanted by a foreign government, an Ecomessage with that person's details will be screened against Interpol's very large database to see if there are any matches. If there is a match, the U.S. would be informed immediately. This screening also provides information about prior convictions, a matter of keen interests to prosecutors and courts.

My hope, however, is that Ecomessage will grow to where it will be able to produce an annual wildlife crime intelligence estimate, a report that reflects in detail the magnitude, structure and dynamics of wildlife crime worldwide. This would be an extremely valuable tool as the most effective law enforcement is that which is led by good intelligence.

Today, the Ecomessage database has two shortcomings:

1. It is too small. Although efforts have improved the submission rate five fold over the past few years, the Ecomessage database still has not achieved the overall level of statistical significance that we need. It has achieved some useful results in specific areas, such as with illegal trade in elephant ivory. But there is need to improve it, and in this regard, I would encourage the United States to file Ecomessages at least on major cases that have international involvements.
2. It is not yet "user friendly." The current Ecomessage system requires data input effort that some agencies consider too time-consuming. The Interpol General Secretariat is presently working on this problem, and is creating a secure, internet-based system that includes abundant drop-down menus and similar time-saving applications that should reduce the time for preparing an Ecomessage to just a few minutes.

But even today, Ecomessage is producing useful benefits in efforts to address illegal trafficking in elephant ivory. Important traffickers and syndicates have been identified, their relationships, routings and *modus operandis* have been detected. Cooperative responses are being planned.

4. Other projects: Interpol is applying other important resources to the struggle against wildlife crime. Capacity building and training programs have already been conducted in developing countries – some involving the participation of U.S. officers. And more are being planned. Interpol has also made substantive contributions to supplying law enforcement equipment to wildlife agencies in developing countries – such as a patrol aircraft to Kenya Wildlife Service. Perhaps most importantly, Interpol provides a venue, a forum, where wildlife law enforcement officers from around the world can gather and share important and useful information on matters of mutual interest, matters which have direct relevance to the effectiveness and the efficiency of their efforts to suppress wildlife crime.

Respectfully submitted,

William Clark

12. Attachment: NATURE OF ILLEGAL WILDLIFE TRADE IN KENYA

(Prepared by Kenya Wildlife Service)

1.0 INTRODUCTION: The illegal taking, trafficking and trading in wild animals, plants and their parts and derivatives is a global phenomenon that has serious implications for biodiversity, ecosystems and national economies. Illegal wildlife trade is one of the primary threats for the survival of plants and animal species in Kenya and thus affects a large number of species in Kenya. The trade is conducted discreetly, and involves wild plants, species of birds, animals and its products, which are of special and high monetary value.

This illegal trade is fueled by unchecked demand for exotic pets, rare foods, trophies, and traditional medicines. This demand is driving many species to the brink of extinction. Most hit species on commercial scale are elephants, rhinos, plain game for bush meat and plant species such as East Africa Sandal Wood (*Osyris lanceolata*) and indigenous tree species for timber. The trade is demand driven targeting rare, protected and highly endangered species of wildlife. The economic value of the specimen lost through this illicit trade has been established but an indicative estimate is given here below.

Fighting wildlife crime is a challenging undertaking and KWS law enforcement personnel have been exposed to dangerous encounters with armed and organized gangs which have resulted in some cases to loss of lives and injuries to our personnel.

Some of the factors that contribute to illegal trade in wildlife and their products are:-

- Proliferation of small arms and light weapons from neighbouring war-torn countries like Somalia and Sudan, which are used in wildlife poaching and pose threat to tourists.
- The Porous Kenya-Somalia border in particular has provided opportunity for armed Somali poachers to cross into Kenya on poaching missions. Well organized gangs who are highly skilled and with superior firepower cross over into Kenya to take refuge in largely remote wildlife protected areas neighboring the border which serve as safe havens. In some cases Somalia militias flushed out from their territories of influence and control take refuge in these protected areas as they reorganize and return for counter attacks. These militias are involved in wildlife poaching.
- The ever-increasing demand for wildlife trophies and other products from consumer countries (Asia and Middle East) stimulate wildlife poaching and illicit trophy trade. This has also resulted to Bio-piracy where East Africa Sandal Wood (*Osyris lanceolata*) is illegally extracted and shipped to Asian countries through Tanzania. There is also a high demand of charcoal in Asia market, which is shipped through Somalia. This leads to environmental degradation with adverse effects such as climate change, global warming and water scarcity.
- The motivating factors which are the key drivers in this trade includes-;
 - Lenient penalties (not deterrent)
 - High profits returns
 - Limited capacity particularly on prosecution and wildlife intelligence within the law enforcement agency
 - Organized criminal syndicates with strong funding basis.

2.0 ANALYSIS

Trafficking of wildlife could be linked to other serious crimes such as drug trafficking, human smuggling and document counterfeiting. It is often cited as a means to finance the more violent and destructive activities of criminal and terrorist organizations because of the major financial benefits derived from relatively minimal time, investment, low risks of detection and lack of serious punishment. The huge profits made from illicit wildlife trade acts as an incentive to organized crime networks which are very attractive to criminals.

Some possible links between illegal wildlife trade and organised crime:

The illegal wildlife trade is often linked to organized crime and involves many of the same culprits and smuggling routes as trafficking in arms, drugs, and persons. Some of the possible links are:-

1. The use of legal shipments of wildlife or their products to conceal drugs. There is likelihood of illegal drug shipments being combined with wildlife.
2. The parallel trafficking of drugs and wildlife along shared smuggling routes. Organized criminal gangs involved in wildlife trafficking are using existing smuggling routes for illegal commodities such as small arms and drugs to trade in wildlife. The drug cartels could be using their covert distribution networks to profitably trade in wildlife species as well as drugs.
3. The money from wildlife trafficking and drug dealing is also laundered through setting up of legal enterprises.
4. Wildlife products are used as a currency to 'barter' for small arms and light weapons, drugs, and to launder drug traffic money. For example ivory and rhino horns have been exchanged for firearms and livestock in Somalia. Proceeds from illegal trade are also believed to support illegitimate activities of militias in Somalia and this could have a possible link with terrorist organizations.

3.0 CHALLENGES FACED IN COMBATING ILLEGAL WILDLIFE TRADE

- Weak wildlife legislation and policy
 - Treatment of most wildlife cases as petty crime
 - Meting out of very lenient sentences by courts of law
- Porous international border - Ethiopia, Somalia, Tanzania, Uganda, Sudan
- Proliferation of small arms
- Inadequate capacity to deal with the vice
 - Inadequate specialized equipments
 - Inadequate communication network
 - Outdated strategies & techniques
- Global terrorism

4.0 WAY FORWARD

Some of the actions needed to combat the organised illegal wildlife trade

- Identify illicit markets
- Identify people and networks within the criminal organizations (gather vital information on markets, criminals and networks)
- Hinder criminals by creating stronger legislation and enhanced enforcement and closing legal loopholes. At present, minimal punishments under wildlife trade laws do not act as a deterrent to criminals.
- Investment in wildlife law enforcement (capacity building, equipment, enforcement operations)
- Strengthening regional and international cooperation (more funding support to regional and international institutions)
- Strict custom regulations and better policing of the long and porous international borders

Trophy recoveries & Estimate value (2002-2008)

TROPHY TYPE	QTY		ESTIMATED VALUE US \$
	PCS	KGS	
Cheetah skins	73	N/A	8,760.00
Leopard skins	336	N/A	50,400.00
Lion skins	7	N/A	700.00
Serval cat skins	37	N/A	1,850.00
Snake skins	273	N/A	21,840.00
Ivory	942	4612	92,240.00
Rhino Horn	18	34	6,800.00
Game Meat	1775	24512	245,120.00
Charcoal	4428 bags	N/A	177,120.00
East Africa Sandal Wood	N/A	410448	2,052,240.00
Primates	22	N/A	1,200.00
Reptiles	424	N/A	200.00

Source: KWS Security Database

Weapons and explosives recoveries (2002-2008)

TYPE	NO.	ESTIMATED VALUE IN US \$
Assorted Firearms	102	100,200.00
Assorted Ammos	2956	3,000.00
Rifle Propelled Grenade	1	200.00

Source: KWS Security Database

