

Annex to G20 Leaders Declaration

G20 High Level Principles on Combatting Corruption Related to Illegal Trade in Wildlife and Wildlife Products

In the Implementation Plan for the G20 Anti-Corruption Action Plan 2017-18, the G20 commits to focusing its attention on corruption related to the illegal trade in wildlife and wildlife products.

Worth an estimated 8 to 20 billion Euro annually,¹ illegal trade in wildlife and wildlife products² is, due to high demand, one of the largest and most profitable forms of organized cross-border crime³ with links to financing armed conflicts and possibly terrorism.⁴ It not only threatens the very survival of many protected and endangered species and the biodiversity of this planet, but has negative impacts on the economic development in many countries and represents a threat to health and safety, security, good governance and the sustainable development of states.⁵ The 2015 UN Sustainable Development Goals thus call “to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products.”⁶

¹ European Parliament, Study: EU trade policy and the wildlife trade, 2016: “The EU estimates that the global illegal wildlife trade is worth between EUR 8 billion and EUR 20 billion annually, but the range of estimates from different agencies value it between US\$7-23 billion annually”.

² For the purpose of these High Level Principles the terms “wildlife and wildlife products” have the same scope as in UNEA Resolution 1/3 of 27 June 2014 on “Illegal trade in wildlife”; reference to “illegal trade in wildlife and wildlife products” includes domestic and cross-border trade, as well as all illegal activities linked to such trade, including the poaching of wildlife.

³ UNODC, World Wildlife Crime Report: Trafficking in protected species, 2016.

⁴ For the link of illegal wildlife trade to armed conflicts see for example the 2016 Report of the UN Secretary General “Tackling illicit trafficking in wildlife” to the UN General Assembly (A/70/951) with reference to UN Security Council resolutions 2262 (2016) and 2198 (2015); Christy, B. (2015): How Killing Elephants Finances Terror in Africa, National Geographic; the link of illegal wildlife trade to terrorism is for example suggested in the G7 Leaders Declaration of 2015 (Elmau) and in the EU Action Plan for strengthening the fight against terrorist financing (COM(2016) 50/2). For the possible link with terrorism, further see FATF on Central and West Africa www.fatf-gafi.org/media/fatf/documents/reports/Terrorist-Financing-West-Central-Africa.pdf.

⁵ See UN General Assembly Resolution A/69/L.80 Tackling Illicit Trafficking in Wildlife, 2015.

⁶ Sustainable Development Goal Target 15.7.

Illegal trade in wildlife and wildlife products is facilitated by high levels of corruption. Over recent years, this linkage has been increasingly recognized by the international community and corruption has been identified as a key enabling factor for illegal trade in wildlife and wildlife products in range, transit and destination countries. It facilitates the establishment of an illegal market and the mixing of illegal with legal products, reduces opportunities for legitimate revenue generations and livelihoods, undermines enforcement efforts to curb poaching and trafficking, and hinders attempts to apprehend and prosecute perpetrators.

The extremely high value of some of the illegally traded wildlife and wildlife products makes their trade highly profitable and thus fuels and incentivizes corruption at all levels. Illegal trade in wildlife and wildlife products is therefore often still a low-risk, high reward sector.⁷

In addition, illegal trade in wildlife and wildlife products often involves organized criminal groups⁸ with large transnational networks, resources and access to information and institutions throughout the supply and demand chains. For these groups, illegal trade in wildlife and wildlife products is one business opportunity amongst other forms of illicit trade.

A variety of potential entry points for corruption arises from the participation of many actors from different sectors, as well as from the possibility to misuse the complex cross-border and permit-based system under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)⁹, including through bribing officials to illegally issue permits that make it appear as if the illegal wildlife product was sourced and traded legally.¹⁰

Oversight in protected areas and at borders can be insufficient due to corrupt officials (e.g. bribery, misuse of power and office). Corruption can be used as a means to influence the effectiveness of investigation and prosecution of offenders.¹¹ Furthermore, even where anti-corruption laws for illegal trade in wildlife and wildlife products exist, they are not always applied effectively, due to, inter alia, governance gaps, weak enforcement capacities and often

⁷ OECD, *Illicit Trade: Converging Criminal Networks*, 2016. [http://www.keepeek.com/Digital-Asset-Management/oecd/](http://www.keepeek.com/Digital-Asset-Management/oecd/governance/charting-illicit-trade_9789264251847-en#.WHZJ2k32aos#page77)

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⁸ INTERPOL, *Environmental Crime and its Convergence with other Serious Crimes*. Environmental Security, 2015.

⁹ CITES provides the legal framework for the regulation of international trade in more than 35,000 listed species. CITES generally prohibits trade in species threatened with extinction and regulates trade in species that may become threatened if trade is not strictly regulated. A number of CITES-listed species are high-value items targeted by organized crime groups, which also make these permits a target for wildlife traffickers.

¹⁰ E.g. through misclassification of species, origin or volume.

¹¹ E.g. through corruption-induced tip-offs ahead of searches, weak sentences and lenient bail terms as well as deliberate mistakes in evidence gathering and case management.

little incentives for integrity and transparency.¹² Finally, cases of illegal trade in wildlife and wildlife products are often investigated and prosecuted under the sourcing/trafficking aspect only, while neglecting the underlying corruption.

For several years, a number of international conferences on illegal trade in wildlife and wildlife products¹³ as well as international treaty bodies¹⁴ have urged countries to “prohibit, prevent and counter any form of corruption that facilitates illicit trafficking in wildlife and wildlife products,”¹⁵ and to “promote and implement policies of zero tolerance towards all illegal activities including corruption associated with the illegal trade in wildlife.”¹⁶ Most recently, the CITES Parties adopted a resolution¹⁷ making reference to “all points of the trade chain, in source, transit and market countries” and calling on its members to ensure the implementation, enforcement and effectiveness of CITES by “adopt[ing] measures to [...] detect and counter instances of corruption”.

In light of the global, cross-border, and organized nature of corruption linked to illegal trade in wildlife and wildlife products, international cooperation, coordinated policy responses, and strong leadership are needed. The G20, representing three quarters of international trade and two thirds of the world’s population, is uniquely placed to take action and lead by example.

Building on its existing work regarding asset recovery, denial of safe haven, asset disclosure by public officials, beneficial ownership transparency, combatting solicitation, mutual legal assistance, foreign bribery, cooperation on persons sought for corruption and asset recovery, organizing against corruption, the liability of legal persons and whistleblower protection,¹⁸ these

¹² Compare e.g. the Report of the UN Secretary General “Tackling illicit trafficking in wildlife”, 2016, UN Doc. A/70/951, para. 33: “Although several Member States indicated that existing corruption laws apply to all forms of corruption, including corruption linked to illicit trafficking in wildlife, many pointed out that corruption laws are not always applied to illicit trafficking of wildlife cases. Conscious of this shortcoming, some Member States highlighted the need to identify specific links between corruption and illicit trafficking in wildlife.”

¹³ E.g. London 2014, Kasane 2015, Hanoi 2016; see also Wilton Park OECD conference (2015): www.wiltonpark.org.uk/wp-content/uploads/WP1423-report.pdf.

¹⁴ Such as the 17th Meeting of the Conference of the Parties to CITES, a global convention with 183 State Parties, which adopted a resolution on corruption and illegal wildlife trade that urges Parties to adopt anti-corruption measures in this regard (<https://cites.org/sites/default/files/document/E-Res-17-06.pdf>).

¹⁵ United Nations A/RES/69/314 (2015), op. 10; re-affirmed in the follow-up Resolution A/RES/70/301 (2016).

¹⁶ UNEA Resolution 1/3, para. 2 (g). Plea reiterated in UNEA Resolution 2/14 of 27 May 2016 on “Illegal trade in wildlife and wildlife products”, para. 2 (b).

¹⁷ CITES Resolution Conf. 17.6 on “Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention”.

¹⁸ Nine Key Principles on Asset Recovery (2011), G20 Common Principles for Action Denial of Safe Haven (2012), G20 High Level Principles on Asset Disclosure by Public Officials (2012), G20 Guiding Principles to Combat Solicitation (2013), G20 High Level Principles on Mutual Legal Assistance (2013), G20 Guiding

High Level Principles provide a reference to countries wishing to strengthen their efforts to combat corruption related to illegal trade in wildlife and wildlife products.

Acknowledging the diversity of legal systems among G20 countries, the Principles are broadly framed and flexible so that countries can apply them within their domestic legal systems. They are intended as guidance to enhance and complement existing anti-corruption commitments and not weaken or replace them.

1. Strengthening frameworks to combat corruption linked to illegal trade in wildlife and wildlife products

- a) *Enhancing and strengthening legislative frameworks*: Reviewing and, where necessary, amending existing legislation and regulations to ensure that every State, consistent with its treaty obligations, including, provisions of the United Nations Convention Against Corruption, as applicable, can prosecute corruption linked to illegal trade in wildlife and wildlife products and seize and recover assets related thereto.
- b) *Wildlife enforcement networks*: Promoting the incorporation of anti-corruption measures in work plans of national, regional and sub-regional wildlife enforcement networks¹⁹ and platforms for cross-border information exchange.²⁰ Promoting peer learning and exchange of good practices in those networks. The International Consortium on Combating Wildlife Crime (ICWC) should continue to support national wildlife law enforcement authorities and sub-regional and regional networks in the identification, prevention and combat of corrupt practices related to wildlife trafficking.
- c) *Technical assistance and capacity-building*: Including measures to prevent and combat corruption as well as measures to assess and mitigate corruption risks linked to illegal trade in wildlife and wildlife products in technical assistance and capacity-building programs related to wildlife.

Principles on Enforcement of Foreign Bribery Offence (2013), G20 High-Level Principles on Beneficial Ownership Transparency (2014), G20 High Level Principles on Cooperation on Persons Sought for Corruption and Asset Recovery (2016), G20 High Level Principles on Organizing against Corruption (2017) and G20 High Level Principles on the Liability of Legal Persons for Corruption Offences (2017); cf. also OECD Study on Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislation (2011).

¹⁹ e.g. the Association of Southeast Asian Nations Wildlife Enforcement Network (ASEAN WEN), the North American Wildlife Enforcement Group (NAWEG), the European Union Enforcement Group, the European Environmental Crime Network (ENVICRIMENET), the South America Wildlife Enforcement Network.

²⁰ Such as the EUROPOL Information Exchange System (SIENA), World Customs Organizations's Environet or TWIX (Trade in Wildlife Information eXchange; e.g. EU TWIX, Africa-TWIX, or the proposed SADC TWIX).

- d) *CITES permit system*: Supporting measures aimed at making the CITES permit system more resilient against corruption, e.g. through ensuring robust findings, introducing and/or implementing electronic systems for managing permits²¹, increasing the traceability of wildlife products, sharing permit data and reporting on trade using international standards, increasing international cooperation and efforts to address corruption as well as through the promotion of capacity building for CITES authorities and authorities responsible for administration, regulation and enforcement of the Convention.
- e) *Encouraging a multi-sectorial dialogue*: Encouraging close cross-departmental cooperation at national level between wildlife management authorities and anti-corruption authorities, such as anti-corruption commissions, law enforcement agencies, financial intelligence units, and judicial authorities, including sharing of information relevant to corruption related to illegal trade in wildlife and wildlife products. Enhancing the capacity for joint action and, where appropriate, creating multi-agency taskforces.

2. Prevention

- a) *Raising awareness*: Raising awareness regarding the existence, causes and costs of corruption related to illegal trade in wildlife and wildlife products, and raising awareness and changing attitudes on the supply of and the demand for illegally traded wildlife and wildlife products.
- b) *Identifying corruption risks along the entire trade chain*: Undertaking institution- specific corruption risk assessments to identify corruption risks along the entire trade chain and taking action to address weaknesses.
- c) *Risk mitigation*: Building systems and institutional capacity to help understand and mitigate corruption risks related to illegal trade in wildlife and wildlife products in all areas of the public sector (agencies, workplaces, human resources etc.) and in particular in positions in trade hubs where networks of organized crime are most active.
- d) *Integrity and transparency policies*: Establishing and enforcing policies on integrity such as guidelines or codes of conduct for relevant public officials, as well as policies to improve monitoring systems and enhancing overall transparency in the wildlife sector.
- e) *Private sector*: Engaging the private sector to foster more integrated approaches across the public and private sectors and to encourage the adoption of adequate internal controls,

²¹ Such as the eCITES project implementation framework that provides a stepwise approach for management authorities to automate procedures and that creates transparency, streamlines procedures, creates accountability and allows use of modern management and control mechanisms, overall reducing opportunities for corruption.

upstream traceability systems in line with international standards, and ethics and compliance measures for businesses, including financial institutions, involved in legal trade.²²

- f) *Civil society*: Engaging with civil society organisations active in the fight against corruption related to wildlife and wildlife products.

3. Investigation, prosecution and sanctioning

- a) *Capacity building*: Strengthening the capacity of investigators and prosecutors for corruption offences related to illegal trade in wildlife and wildlife products, including through targeted awareness-raising measures and trainings²³;
- b) *Best practices*: Identifying best practices of previous cases including the use of investigative techniques and applying those best practices to the prosecution of corruption cases related to illegal trade in wildlife and wildlife products.
- c) *Investigation*: Ensuring that investigations and prosecutions of all wildlife crimes, particularly those identified as a result of seizures, extend, as appropriate, to potential corruption linked to the illegal trade in wildlife and wildlife products, including through the tracking of financial flows.
- d) *Multi-agency/Multi-jurisdictional investigations*: Facilitating multi-agency and multi-jurisdiction coordination in accordance with countries' legal systems, particularly after large wildlife seizures to determine whether corruption has occurred. Seeking to ensure that officials responsible for wildlife trade regulation and enforcement are responsive to requests for information in accordance with domestic laws and regulations.
- e) *Sanctions and Asset Recovery*: Fully applying anti-corruption provisions of national and international law to corruption related to illegal trade in wildlife and wildlife products and ensuring corrupt practices associated with illegal trade in wildlife and wildlife products on both the supply and demand side are punishable as criminal offences. Sanctioning persons, including legal persons²⁴, involved in corrupt practices related to illegal trade in wildlife and wildlife products with effective, proportionate and dissuasive sanctions and seizing and recovering assets.

²² Cf. 2015 G20 High Level Principles on Private Sector Transparency and Integrity.

²³ For instance by means of specific training courses, including those of international agencies such as CEPOL, INTERPOL, EUROPOL or AMERIPOL, ITTO, UNODC, OECD, World Bank, WCO and other providers, as well as mentoring and on-the-job-training approaches.

²⁴ In the event that, under a country's legal system, criminal responsibility is not applicable to legal persons, such responsibility may be civil or administrative, cf. G20 High Level Principles on the Liability of Legal Persons, Principle 1.

- f) *Witness protection*: Given the involvement of organized crime groups, putting in place mechanisms that allow for effective protection of witnesses from retaliation and intimidation by criminal groups when testifying in cases related to corruption and illegal trade in wildlife and wildlife products.
- g) *Whistleblower protection*: Putting in place mechanisms that allow for effective protection from retaliation of whistleblowers coming forward against corruption related to illegal trade in wildlife and wildlife products.

4. (Self-) Assessment of Progress

- h) *Further research to better understand how corruption facilitates and drives illegal trade in wildlife and wildlife products*: Developing and disseminating evidence and typologies on how corruption drives illegal trade in wildlife and wildlife products and identifying areas where opportunities may exist to address this corruption.
- i) *Data Collection*: Collecting, analysing and systematical using data on cases of corruption related to illegal trade in wildlife and wildlife products.
- a) *Evaluating the impacts and promoting peer learning*: Reviewing progress made across countries by leveraging the data collected on cases of corruption related to illegal trade in wildlife and wildlife products, conducting more regular mappings of relevant cases and making findings accessible to the public e.g. by platforms such as Wildlex²⁵ and UNODC's Sherlock portal²⁶ or in networks such as the OECD Task Force on Countering Illicit Trade as appropriate.

²⁵ www.wildlex.org.

²⁶ <https://www.unodc.org/cld/v3/sherloc/>.