



Tiger skins for sale, Golden Triangle Special Economic Zone, LAO PDR  
(c) EIA/ENV

# THE ROLE OF CORRUPTION IN WILDLIFE AND FOREST CRIME

A briefing to the sixth session of the Conference of the States Parties to the United Nations Convention Against Corruption, November 2-6, 2015, St Petersburg

## INTRODUCTION

This briefing by the Environmental Investigation Agency (EIA) is intended appraise state parties to the United Nations Convention Against Corruption (UNCAC) of the connections between corruption and wildlife & forest Crime. Using case studies taken from EIA investigations, it details how corruption pervades the illegal wildlife trade, illegal logging and the trade in stolen timber. It calls for anti-corruption strategies to be deployed in combating these crimes.

Figures on the extent and value of the global illegal trade in fauna and flora remain imprecise. Estimates given for the trade in illegal wildlife alone range from \$7 billion<sup>12</sup> to \$17 billion<sup>3</sup>, with trade in illegal timber valued at \$30-\$100 billion annually<sup>4</sup>. Despite the imprecision, it is acknowledged that wildlife and forest crime is growing and it is commonly listed in the top five types of transnational organised crime<sup>5</sup>.

Corruption is commonly cited as a key component in the facilitation and indeed growth of wildlife and forest crimes<sup>6,7,8</sup>, especially the trade in high value<sup>9</sup> species, and is an essential component aiding many of the crimes required along the illicit trade routes for the trafficking of fauna and flora to reach end consumers<sup>10</sup>. Corruption is especially present within the illegal timber<sup>11,12</sup> and fishing industries<sup>13</sup> due to the inherently high value of not only individual species such as blue fin tuna or Siamese rosewood but also the international scale of consumption and the level of industry required to meet legal demand enabling the laundering of<sup>14</sup> illegal products on a vast and highly profitable scale.

As the text of the UNCAC foreword makes clear, "corruption is an insidious plague that has a wide range of corrosive effects on societies"<sup>15</sup>; one of the least discussed effects of corruption on societies results from its role in the illegal trade in fauna and flora. With the scale of criminality so large, over 30 per cent of the global timber trade and up to 22 per cent of total global fisheries production are deemed to be illegal<sup>16,17</sup>.

Fundamentally, corruption and the wildlife and forest crimes it enables undermine a nation's ability to attain key Sustainable Development Goals<sup>18,19</sup> relating to preservation of terrestrial and marine ecosystems.

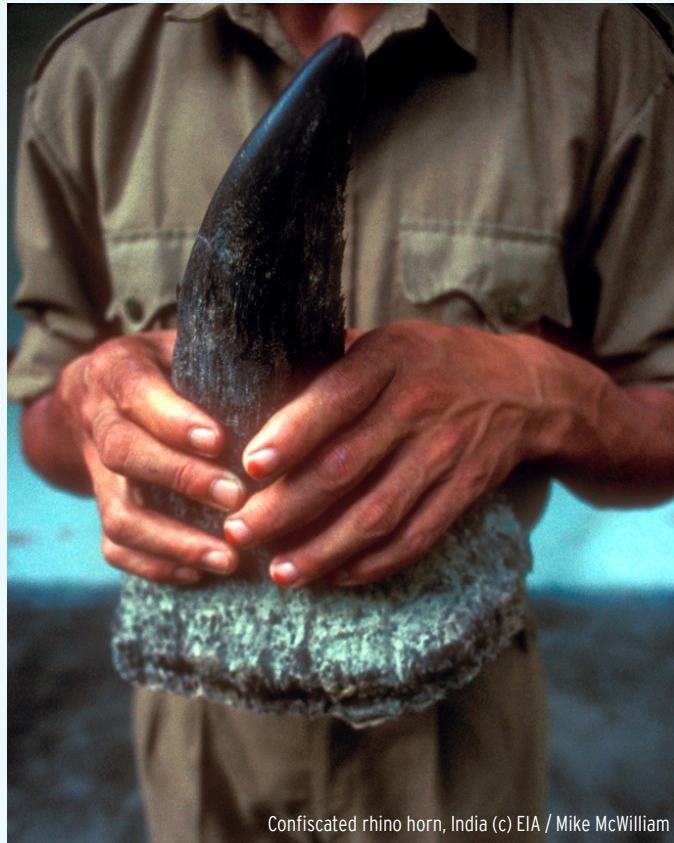
The importance of tackling corruption and illegal trade in fauna and flora has been recognised by the international community, with the adopted UN outcome document *Future We Want* from 2012<sup>20</sup> along with no fewer than seven other resolutions in the past decade from ECOSOC, General Assembly and UN Committee on Crime Prevention and Criminal Justice<sup>21</sup> all highlighting the need to address the issue of corruption in order to effectively curb the illicit global trade in wildlife and timber.

The impacts of the illegal trade in wildlife and timber are severe. Loss of biodiversity impacts vital ecosystems services<sup>22,23,24</sup> upon which many of the most marginalised communities in the world are reliant. It also affects the long-term productivity and stability<sup>25</sup> of ecosystems, terrestrial and marine, and their ability to sustain current demands made upon them and create and store essential natural resources for the future<sup>26,27</sup>. Loss of efficiency in an ecosystem not only reduces essential resources relied upon by those in immediate proximity, it also affects essential ecosystem services such as provision of water and clean air to a much wider demographic. Illegal logging and damage to ecosystems also exacerbate climate change, by denuding carbon sequestration capacity<sup>28</sup> and increasing the levels of carbon dioxide in the atmosphere.

The principles of UNCAC are cited in many resolutions as a useful tool to combat the illegal trade in fauna and flora with member states asked to prevent any form of corruption which may facilitate the trafficking of illicit wildlife, wildlife products and timber. Within the text of the treaty itself it is clear that the provisions<sup>29</sup> are in place to use this as a comprehensive tool to tackle certain aspects of the illegal trade in wildlife and timber. UNCAC raises the concern about the link between corruption and other forms of crime, particularly organised crime, of which illegal wildlife and timber crimes are just two varieties<sup>30</sup>.

Other relevant references within the UNCAC treaty applicable to combating illegal trade in fauna and flora include combating significant increases in unexplained assets of public officials, preventing national transfers of illicitly acquired assets, the seizure of assets gained through the proceeds of crime and the promotion and facilitation of international cooperation and technical support to fight against corruption. All of these measures are needed in the fight against wildlife and forest crime, yet their application remains insufficient.

Encouragingly, wildlife and forest crime has moved up the international agenda, with the recent General Assembly resolution on tackling illicit trafficking in wildlife<sup>31</sup>, the London Declaration<sup>32</sup> and Kasane Statement<sup>33</sup>, which commit the signatories to specific enforcement actions including tackling corruption. It is hoped that this impetus can effectively harness the commitments under UNCAC to tackle the pervasive corruption which is a feature in many forms of wildlife and forest crime.



Confiscated rhino horn, India (c) EIA / Mike McWilliam



Stuffed tigers for sale, Golden Triangle Special Economic Zone, Lao PDR (C) EIA/ENW

## FORMS OF CORRUPTION IN WILDLIFE & FOREST CRIME

Corruption occurs throughout the illegal wildlife and timber trafficking chain.

Specific examples include:

- falsification of required permits allowing the harvesting, exportation, importation and sale of timber and endangered species;
- use of highly prized wildlife and timber products, such as tiger bone wine, ivory or rosewood furniture, as gifts to government officials;
- bribery of border enforcement officials to wave through contraband shipments uninspected;
- tip-offs by government officials to known criminals ahead of planned inspections;

- theft from government stockpiles;
- deliberate mistakes in evidence-gathering and prosecution case preparation to allow suspects to avoid trial;
- corruption of the judicial process to avoid prosecution;
- fraudulent application of bail to enable criminals to abscond;
- use of diplomatic immunity to traffic illicit timber and wildlife products;
- acquisition of seized wildlife and timber products by enforcement agencies for their own benefit;
- direct involvement by government officers in the trade of illegal sourced wildlife and timber products.

# WILDLIFE & FOREST CRIME CORRUPTION: EIA CASE STUDIES

## Asian big cats

In 2005, the CITES Secretariat provided indicators of organised crime in relation to wildlife crime, including corruption of judicial process and enforcement personnel, sophisticated smuggling techniques and routes, use of 'mules' or couriers, and inviolability of those involved<sup>34</sup>.

The transnational illegal trade in wild Asian big cats has several of these features: in 2005, a skin trader in Lhasa, Tibet Autonomous Region (TAR), China explained how he had paid "taxes" including bribes on skins sourced from India. In 2003, a routine inspection of a vehicle travelling through Tibet resulted in a record seizure of Asian big cat skins (including 31 tiger skins and 581 leopard skins) from couriers in possession of sequentially numbered bank notes. The couriers were convicted but the wider network or the controlling criminals were not apprehended<sup>35</sup>; traders in western China later stated the consignment had been destined for several "big bosses".

Asian big cats continue to be poached and trafficked across the Himalayas for the black market in skins and bone, as evidenced in early 2013 when road checks near the Nepalese border seized five tiger skins and a large amount of tiger bones concealed in bags of rice in a van heading to China. Subsequent analysis reported that one skin matched that of a tigress from Pench Tiger Reserve in India<sup>36</sup>. Meanwhile, weak enforcement and localised corruption enables criminals to continue operating in persistent skin markets in China.

During the period 2005-12, a close-knit network of four persistent traders in the town of Linxia, Gansu Province of

China offered to undercover NGO investigators three tiger skins, 10 snow leopard skins and 105 leopard skins, along with leopard bone and other wildlife parts<sup>37</sup>. These traders operated as part of a trans-Himalayan network of traders sourcing skins and parts from India, often storing skins away from shop premises to reduce risk of detection. During these snapshot investigations, just one of the traders has been documented selling 16 Asian big cat skins, claws and bones at the equivalent of US\$83,000<sup>38</sup>. As a persistent offender, he has described receiving tip-offs about planned inspections from a friend in the forestry bureau and advised that following confiscations by the authorities, traders can "pay a bit of fine and retrieve the items back".

To disrupt such a network and identify the proceeds of crime along with international linkages, agencies could undertake covert and financial investigations and then share findings with colleagues in wildlife source and transit countries.

On the domestic level, specialist techniques and agencies should be applied to investigating wildlife criminals and networks, from forensics to anti-corruption and financial crime specialists. In India, the Prevention of Money Laundering Act (PMLA) was applied against individuals previously convicted under the Wildlife Protection Act who are family members of notorious, and since deceased, big cat trader Shabbir Hassan Qureshi<sup>39</sup>. Currently in Thailand, the expertise of the Anti-Money Laundering Office (AMLO) is investigating a network associated with the trafficking of tigers, rosewood and pangolins<sup>40</sup>; assets were seized following the arrest of a rosewood trader, whose sister is alleged to be one of South-East Asia's biggest tiger traders and has previously been reported as being protected through connections to a police officer.<sup>41</sup>



Captive bred tiger skin being prepared as a rug for domestic trade, China (c) EIA



## Elephant ivory

Elephants are suffering a poaching crisis with as many as 50,000 killed annually in Africa<sup>42</sup> while Asian elephants remain threatened by poaching along with habitat loss. At least 21 tonnes of elephant ivory has been intercepted by enforcement agencies worldwide during 2015 and the number of seizures considered large scale (over 500kg) has already reached 2014 levels<sup>43</sup>.

Weak governance both facilitates the poaching of elephants and ivory trafficking<sup>44</sup>. Large-scale movement of contraband across territories and jurisdictions depends upon corruption; indeed, some ivory cases involve the conspiracy of officials from the agencies mandated to oversee cargo movement<sup>45</sup> and traders have described the amounts of money paid to officials to facilitate the passage of shipments<sup>46,47</sup>.

Wildlife criminals often regard corrupt payments as a business expense and often have large bribes ready as insurance against arrest<sup>48</sup>. Yet enforcement can take place precisely because officers refuse bribes and are subsequently able to charge suspects under anti-corruption legislation.

However, officers may become demotivated if criminals exploit weaknesses prevalent elsewhere in the criminal justice system. In 2010, a long-established ivory trader in Zambia described how he had previously been in custody

but had secured his release through payment of a bribe<sup>49</sup>.

In 2013, against the backdrop of increased poaching and high-volume ivory seizures, eight countries were identified within the CITES process as of “primary concern” and subsequently developed national action plans detailing measures to combat the illegal trade in ivory<sup>50</sup>. Yet despite the pervasive role of corruption in poaching and illegal trade, the majority of these plans do not include specific anti-corruption measures or propose synergies with existing anti-corruption campaigns<sup>51</sup>.

In other scenarios, anti-corruption and enforcement activities run concurrently in recognition of the need to fight both. The Africa-based EAGLE network calls corruption the “first obstacle to development” and reports the high prevalence of bribery attempts in field arrest operations and court cases within the legal system<sup>52</sup>. EAGLE has anti-corruption at the core of its activities and works with government agencies mandated to enforce against wildlife crime.

EIA field investigations into ivory smuggling have identified well-organised syndicates operating in East Africa, with close connections in the main ports in the region through which most illicit ivory flows. Testimony indicates that the relationships between the smugglers and port enforcement officials can take up to two years to coalesce as trust is built. Detecting and arresting the officials is an effective means of disrupting these syndicates.



Hongmu furniture showroom, China © EIA

## Forests

Illegal logging and illegal land conversion involve a host of crimes including abuse or illegal procurement of logging rights, tax avoidance and illegal transport, along with the corruption of officials. Meanwhile, civil society organisations and activists involved in monitoring or campaigning against such abuses may be subject to intimidation, violence<sup>53</sup> and murder<sup>54</sup>. The trend of fatal violence against environmental and land defenders has been referred to as “a dramatically worsening global situation”<sup>55</sup>.

Indonesia’s Corruption Eradication Commission (KPK) recently announced that during the past decade Indonesia lost US\$9 billion in revenues from illegal forest clearance and explicitly connected this to corruption<sup>56</sup>. In the late 1990s the country’s illegal logging rate reached 80 per cent, with transnational crime syndicates making vast profits from smuggling valuable timber from Indonesia. In 2005, President Susilo Bambang Yudhoyono launched an unprecedented enforcement operation, identifying hundreds of suspects, including military and police officials. While the operation reduced illegal logging, none of the named officials were prosecuted<sup>57</sup>.

A stark example of corruption was uncovered in 2010 through a paper trail involving an Indonesian company reported to police after allegations of clearing forest without necessary permits. Following the start of police investigations, the general manager of the company wrote to the company’s head office in Jakarta requesting Rp.400m (US\$45,000) “assistance funds” to “solve the problem” with local and provincial police - a transfer of

funds confirmed by bank documents<sup>58</sup>.

A recent case involving a police officer from Papua demonstrates the continued nexus of corruption and illegal logging. Over \$100 million had passed through the police officer’s bank account and he was arrested and charged with illegal logging, fuel smuggling and money laundering. In early 2014, he was found guilty of illegal logging and sentenced to two years’ imprisonment and a fine of \$4,000. He was however acquitted of money laundering and was never charged with corruption. Following an appeal filed by prosecutors, he was convicted of money laundering and jailed for eight years by the High Court of Jayapura, after which a decision by the Supreme Court led to a sentence of 15 years and he was ordered to pay Rp5bn in fines, equivalent to \$369,934<sup>59</sup>.

Increased transparency and accountability and participation of civil society in monitoring are vital to ensuring oversight and reduction of opportunities for corruption. Initiatives such as the Forest Law Enforcement Governance of Trade (FLEGT), a mechanism between forest producer countries and the EU, provide the opportunity for all stakeholders to engage in decision-making processes towards an accepted legality standard for forest product; in Indonesia, civil society is the designated independent monitor of the timber legality system.

The ability of civil society and communities to access information and monitor local forests and other natural resources creates a chain of evidence which increases visibility of accountability against government or corporate actors seeking to access those resources. Furthermore, whistleblowing and protection schemes are significant tools to highlight environmental abuse and protect those who speak out against such activities.

## CORRUPTION DRIVES WILDLIFE CONSUMPTION

There are numerous examples of wildlife consumed for the purposes of corruption. Endangered Asian big cat skins or ivory are given as 'gifts' or non-financial bribes and, in some cases, government or military are the consumers.

In several cases in 2013-14, three separate corruption-related cases in China revealed bribes in the form of cash, tiger skin and rosewood furniture (Jiangxi Province)<sup>60</sup>, snow leopard skin and cash (Qinghai Province)<sup>61</sup>, and cash,

gold and ivory (Shanghai)<sup>62</sup>.

Successive NGO investigations have engaged illegal traders who state military are among the consumers of Asian big cat skins.<sup>63</sup> This is particularly problematic given the situation observed by the 1999 CITES Technical Mission in a number of tiger range states, that in practice military personnel are often regarded as the top level in the hierarchy of enforcement agencies.<sup>64</sup> It necessitates stringent action on the part of institutions to adopt a zero-tolerance approach to wildlife buying, gifting and consumption.

## RECOMMENDATIONS

As this briefing shows, corruption is a central feature in many forms of wildlife and forest crime. Internationally, the UN Convention Against Corruption provides one framework for countries to criminalise, prevent and cooperate on corruption, and there countries should engage technical assistance to combat and prevent corruption, including in regard to asset-recovery and financial investigations.

Furthermore, specialised multi-agency units for tackling wildlife and forest crime can be deployed and should include anti-corruption agencies.

### State parties to UNCAC should:

- Establish multi-agency task forces, including anti-corruption agencies, to curb wildlife and forest crime
- Analyse status of seizures and arrests, including outcomes of concluded wildlife and forest crime cases, in order to assess extent to which corruption has influenced the judicial processes at different stages
- Ensure relationship between corruption and organised wildlife and forest crime is reflected in national anti-corruption plans and incorporate a review of progress on combating corruption in wildlife and forest crime under the UNCAC national reviews
- Treat wildlife and forest crime as predicate offences for corruption and money laundering

- Utilise existing General Assembly, ECOSOC, CCPCJ resolutions on combating illicit trade in fauna and flora, highlighting the need to use the legal instruments of UNCAC to aid bilateral, regional and international cooperation to prevent, combat and eradicate illicit international trafficking in timber and wildlife
- Cooperate effectively with other states as outlined by the treaty and resolutions from the fifth COSP to aid investigation and prosecution of cross-border cases of wildlife crime involving corruption
- Adhere to the treaty and provide adequate resources and capacity to enable relevant enforcement agencies to investigate suspect financial flows associated with corruption in the illegal trade of wildlife and forest products
- Acknowledge that seizures of trafficked wildlife and timber products are illicitly obtained assets whose acquisition and transportation, being potentially facilitated by corruption, requires adequate and proportional investigation and the widest measure of cooperation to return such assets
- Use the International Consortium on Combating Wildlife Crime (ICWC) Wildlife and Forest Crime Analytic Toolkit to assess law enforcement and criminal justice response to corruption

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