

FACILITATION COMMITTEE
46th session
Agenda item 15

FAL 46/15
4 February 2022
Original: ENGLISH
Pre-session public release:

**DEVELOPMENT OF GUIDELINES FOR THE PREVENTION AND SUPPRESSION
OF THE SMUGGLING OF WILDLIFE
ON SHIPS ENGAGED IN INTERNATIONAL MARITIME TRAFFIC**

**Draft guidelines for the prevention and suppression of the smuggling of wildlife on
ships engaged in international maritime traffic**

**Submitted by Brazil, Colombia, Germany, Kenya, Tanzania, ISCOS, ICS, WWF, IFAW
and INTERPORTPOLICE**

SUMMARY

Executive summary: This document provides draft guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic and an accompanying resolution, for consideration for adoption by the Committee

Strategic direction, if applicable: 5

Output: 5.14

Action to be taken: Paragraph 18

Related documents: FAL 40/17/3, FAL 40/17/4 and FAL 44/18/1

Background

1 The Committee, at its fortieth session (FAL 40), noted and appreciated the Secretariat's report under document FAL 40/17/3 informing that the Secretary-General had signed the Declaration of the United for Wildlife International Taskforce on the transportation of illegal wildlife products. The Committee further noted under document FAL 40/17/4 that CLIA had participated in the work of the Taskforce and also encouraged Member States and international organizations to consider how they might also contribute to this matter if they were willing and in a position to do so.

2 Kenya, during FAL 44, presented document FAL 44/18/1 proposing a new output in the work programme on "developing guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic".

3 The Committee considered the document and noted that the guidelines should be developed taking into account the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Committee further noted that MSC should be kept informed about the progress of the work on this output, as appropriate.

4 The Committee agreed to include in its 2020-2021 biennial agenda and the provisional agenda for FAL 45 an output on "Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic", with a target completion year of 2023.

5 The Council, at its 125th session, endorsed the decision to include a new output on "Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic" in its biennial agenda for 2020-2021.

Development of the Guidelines

6 A Working Group led by Kenya, and including UNDP, WWF, EIA, TRAFFIC and United for Wildlife Transport Taskforce, over a series of virtual meetings, developed and reviewed the thematic areas of the guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic, using various resources including publications, journals, comparable national best practices and relevant international instruments including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

7 Following development of the first draft of the guidelines, the Working Group shared a draft version of the guidelines with Member States of the FAL Committee, soliciting comments on the draft for improvement and review, following which some proposals were received and incorporated in the guidelines.

8 The Working Group, noting the role private stakeholders play in the international maritime trade supply chain and noting the proposed recommendations made in the guidelines in respect of the private stakeholders, further submitted the guidelines for comments from key private sector organizations, where some responses were received and incorporated in the guidelines.

9 The guidelines were also submitted for inputs and review to inter-governmental organizations and non-governmental organizations.

10 Responses were received from, inter alia, CITES Secretariat, shipping lines, terminal operators, port facility operators, professional organizations (DCSA, FIATA, TRACIT, WSC), OECD and UNODC among others.

11 Following a review of the first draft of the guidelines, taking into account proposals for reviews received from various stakeholders both from the public and private sector, the Working Group organized a virtual global stakeholders' workshop on the second draft of the guidelines, which was held on 29 November 2021, where further comments and/or responses were received.

12 The global stakeholders workshop was held by virtual platform and entailed participation of governments, academia, professional organizations, private companies, non-government organizations, inter-governmental organizations and independent activists (117 participants in total, from 56 countries and territories covering all global regions).

13 A further review of the second draft of the guidelines was undertaken to incorporate recommendations made during the virtual global stakeholders' workshop.

14 The guidelines have undergone progressive review entailing participation of both the public and private sector and will serve as an additional tool to prevent and combat wildlife trafficking, and other forms of illicit activities, by enhancing awareness of the measures and procedures seeking the involvement of maritime transport operators, shippers and others from the private sector and competent government agencies in international shipping.

Proposal

15 Recognizing that the Committee will continue to consider important issues that may impact upon these guidelines, for example the development of amendments to the recommendations on the establishment of national facilitation committees (FAL.5/Circ.2) and guidance to address maritime corruption, the co-sponsors propose that the guidelines be adopted with a provision for a periodic review to reflect emerging issues and changes in policy.

16 The co-sponsors support the adoption of Recommended Practice 1.9, as approved by FAL 45, as it takes into account the combat of illicit activities.

17 In respect of RP 7.11 approved by FAL 45, the co-sponsors propose the following revised text, to include reference to combat of illicit activities, highlighted in grey:

7.11 Recommended Practice. Each Contracting Government should consider establishing, in close cooperation with the maritime industry, a national maritime transport facilitation programme based on the facilitation requirements of this annex and ensure that the objective of its facilitation programme should be to adopt all practical measures to facilitate the movement of ships, cargo, crews, passengers, mail and stores, by removing unnecessary obstacles and delays taking into account the need to combat illicit activities.

Action requested of the Committee

18 The Committee is requested to:

- .1 adopt the guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic, as set out in the annex;
- .2 adopt Recommended Practice 1.9, as approved by FAL 45, to extend to the combat of illicit activities including, but not limited to, drug smuggling and illegal wildlife trade; and
- .3 consider the revised text of Recommended Practice 7.11 referred to in paragraph 17, with the view to including the combat of illicit activities as part of the national maritime transport facilitation programme.

ANNEX

**Draft Resolution FAL.[x(46)]
adopted on [xx May 2022]**

**GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF THE SMUGGLING OF
WILDLIFE ON SHIPS ENGAGED IN INTERNATIONAL MARITIME TRAFFIC**

THE FACILITATION COMMITTEE,

RECOGNIZING the growing demand for wildlife and the illegal trade in wild animals and plants as a vast business that encompasses multiple industries,

COGNIZANT of the acute global crisis in illegal wildlife trade and its connection with transnational organized crime, and the work undertaken by States and international organizations to tackle illegal wildlife trade which has now gained unequivocal international acceptance,

RECOGNIZING the close connection between international terrorism and transnational organized crime, illicit drugs, money laundering and illegal arms trafficking and the need to enhance coordination of efforts on national, sub-regional, regional and international levels to strengthen a global response to serious threats to international security,

RECALLING the United Nations General Assembly Resolution 69/314 encouraging Member States to adopt effective measures to prevent and counter the serious problem of crimes that have an impact on the environment, such as the illicit trafficking of wildlife and wildlife products, and the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which emphasises the principle of cooperation as a prerequisite for achieving common objectives, and the International Ship and Port Facility Security (ISPS) Code which calls on cooperation between ships operating in international maritime transport and port facilities to detect and deter acts which pose a threat to maritime security,

NOTING that the Jeddah Amendment to the Djibouti Code of Conduct 2017 calls on signatory States to cooperate to the fullest possible extent to repress transnational organized crime in the maritime domain, including illegal trade in wildlife,

NOTING ALSO the relevance of CITES which is aimed at ensuring that international trade in specimens of wild animals and plants does not threaten the survival of endangered species,

APPRECIATING that the Guidelines are an additional tool aimed to encourage collaboration and coordination at national level and between competent authorities and the industry,

RECOGNIZING that the Guidelines complement international instruments and recommendations issued by various international bodies such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat, World Customs Organization (WCO), United Nations, International Tropical Timber Organization among others to strike a balance between facilitation of international trade and management of security to prevent and suppress smuggling of wildlife on board ships,

- .1 ADOPTS the Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international traffic, set out in the annex to the present resolution;

- .2 URGES Member Governments to implement the Guidelines with immediate effect;
- .3 INVITES Member Governments and non-governmental organizations in consultative status with IMO to circulate the Guidelines as widely as possible in order to ensure their widespread promulgation and implementation and to bring them in particular to the attention of shipping lines, maritime transport operators, seafarers, shippers and other stakeholders; and
- .4 ALSO INVITES, where appropriate, Member Governments to consider amending their national legislation to give full and complete effect to the Guidelines.

ANNEX

**Guidelines for the prevention and suppression of the smuggling of wildlife on
ships engaged in international maritime traffic**

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Preamble

The International Maritime Organization (IMO) has developed these *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic*.

The Guidelines are intended to complement international instruments and recommendations issued by various bodies – for example, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat, the World Customs Organization, the United Nations and the International Tropical Timber Organization in order to assist those engaged in the facilitation of international maritime traffic to prevent and suppress smuggling of wildlife on ships.

Despite numerous efforts by IMO and related organizations – for example, through development of international instruments to assist in the regulation of the shipping industry at the national, regional and international levels, there is a significant abuse of legitimate international shipping services by criminal groups illegally smuggling wildlife through maritime trade. These Guidelines provide basic procedures related to the detection, investigation and prosecution of illegal wildlife smuggling activities in maritime transport and make prevention the principal means of ensuring that smuggling of wildlife does not damage the world's economy and well-being.

The Guidelines serve as an additional tool to prevent and combat smuggling of wildlife by enhancing awareness and involvement of shipowners, shipping lines, maritime transport operators, shippers, seafarers, passengers, competent government agencies and others closely involved in the operation of ships. They provide information on the nature and context of maritime smuggling of wildlife, and on the prevention, detection and cooperative suppression of wildlife trafficking. They may also be used to complement guidance on preventing and combating other forms of transnational organized crime in the maritime domain and other illicit activities.

These Guidelines aim to encourage collaboration and coordination at international, regional, and national levels, port levels, and between competent government agencies, maritime transport operators, shippers, seafarers and other stakeholders in the prevention and suppression of wildlife trafficking.

IMO recognizes the relevance of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which accords varying degrees of protection to over 38,000 species of animals and plants.¹ The aim of CITES is to ensure that international trade in specimens of wild animals and plants does not threaten the survival of species. IMO is also cognisant of the acute global biodiversity crisis provoked by the illegal wildlife trade and its connection with transnational organized crime. IMO recognizes the work undertaken by Member States, and regional and international organizations to tackle illegal wildlife trade; this work has now gained unequivocal international acceptance.

These Guidelines will assist:

- maritime administrations to coordinate activities related to the prevention and suppression of smuggling of wildlife on board ships between the public and private sectors;

¹ <https://cites.org/eng/disc/species.php>

- competent government agencies to execute their mandate in terms of prevention, detection, interception and investigation of smuggling of wildlife cases; these agencies include revenue/customs officers, port policing authorities, CITES management authorities and scientific authorities (wildlife, fisheries, forestry), law enforcement officers (coastguard service, national intelligence, criminal investigations) and immigration officers;
- shipowners and shipping lines to consider adopting or improving procedures aimed at enhancing due diligence over shipping operations, and at preventing smuggling of wildlife on board ships; such procedures may vary from one ship to another, depending on the type of ship, their cargo and the routes they serve; and
- seafarers, shippers and other maritime transport operators to gain more knowledge on wildlife trafficking as a criminal offence that may lead to prosecution, to enhance information-sharing and to encourage them to report suspicious activities.

Several high-level international statements have been adopted in recent years by the United Nations² that identify wildlife trafficking as a global concern and encourage Member States to integrate appropriate measures to address illegal wildlife trade. United Nations conventions have set principles to govern international action on issues of global concern.

The United Nations Convention on the Law of the Sea (UNCLOS) is fundamentally important to the application of these Guidelines, with its emphasis on the principle of cooperation as a prerequisite for achieving common objectives on the basis of shared responsibility. Action against smuggling of wildlife is ultimately a joint responsibility, requiring an integrated and balanced approach involving all parties in the maritime supply chain.

The United Nations Convention against Transnational Organized Crime (UNTOC) notes the need to adopt measures to fight organized crime that transcend single jurisdictions. These measures include the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of competent government agencies to fight similar crimes.

The United Nations Convention against Corruption (UNCAC) provides measures to be adopted by Member States, directed at both the public and private sectors, towards eradicating different forms of corruption, which is also consistent with these Guidelines.

² UNGA Resolution 69/314 (2015): <https://undocs.org/A/RES/69/314>
UNGA Resolution 70/301 (2016): <https://undocs.org/A/70/301>
UNGA Resolution 71/326 (2017): <https://undocs.org/A/RES/71/326>
UNGA Resolution 73/343 (2019): <https://undocs.org/A/RES/73/343>
UNGA Resolution 75/311 (2021): <https://undocs.org/en/A/RES/75/311>

United Nations General Assembly Resolution A/RES/69/314 on tackling illicit trafficking in wildlife encourages Member States to "adopt effective measures to prevent and counter the serious problem of crimes that have an impact on the environment, such as illicit trafficking in wildlife and wildlife products". The resolution urges Member States to treat wildlife trafficking involving organized criminal groups as a serious crime and implement anti-money laundering measures, establish national-level inter-agency wildlife crime task forces, strengthen judicial processes and law enforcement efforts, prevent and counter corruption, and reduce the demand for threatened wildlife.

These Guidelines take cognisance of the global efforts under the Buckingham Palace Declaration of the United for Wildlife Transport Taskforce,³ which recognizes the devastating impact of illegal trade in wildlife and establishes commitments that apply to the transport industry to counter illegal wildlife trade.

The Guidelines take into account the contribution of IMO through the International Ship and Port Facility Security Code. This provides a comprehensive mandatory security regime for international shipping to which contracting governments to the International Convention for the Safety of Life at Sea (SOLAS), port authorities and shipping companies must adhere. In doing so, it strengthens the security system in ports to detect and prevent criminal activities, including those related to wildlife trafficking.

The Guidelines echo the spirit and incorporate aspects of the World Customs Organization SAFE Framework of Standards to Secure and Facilitate Global Trade. The SAFE Framework is an international instrument that establishes modern supply chain security standards and management of goods moving across borders, while recognising the significance of a closer partnership between customs and businesses. The SAFE Framework balances facilitation and control, while promoting the security of the global trade supply chain.

In addition, the Guidelines are in line with the Jeddah Amendment to the Djibouti Code of Conduct (DCOC), which calls on signatory States to cooperate to the fullest possible extent to repress transnational organized crime in the maritime domain. This includes arms trafficking, trafficking in narcotics and psychotropic substances, illegal trade in wildlife, and other criminal activities.

Familiarity with the content of the international instruments mentioned above is advisable because they complement each other. The relevant provisions of these international instruments should be incorporated into national and local policies, programmes and plans, supported by relevant enabling legislation.

CITES Member Parties have designated management, scientific and enforcement authorities, as well as proper procedures, for effective implementation of the CITES licensing system. IMO Member States are therefore encouraged to the greatest extent possible to examine, enact, amend or adapt existing legislation, to enhance protection of wildlife and the protection status of national endangered species, and combat illegal wildlife trade. Companies are also encouraged to examine and strengthen existing infrastructure and operational frameworks to prevent illegal wildlife trade in maritime transport.

³ <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/enforcement-and-compliance/activities-and-programmes/environmental-crime/united-for-wildlife/ufw-transport-taskforce-buckingham-palace-declaration.pdf?la=en>

Invaluable information may also be obtained from practices in various jurisdictions, as well as publications and materials from TRAFFIC, the United Nations Development Programme, United for Wildlife, the World Wide Fund for Nature and industry, among others, in the development of these Guidelines. A list of examples of relevant guidance is attached in annex 4.

Abbreviations

CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora

FATF Financial Action Task Force

IMO International Maritime Organization

UNODC United Nations Organization on Drugs and Crime

WCO World Customs Organization

Definitions

Bill of lading: A document that evidences a contract of carriage by sea and the taking over or loading of goods by the carrier, and by which the carrier undertakes to deliver the goods against surrender of the document. A provision in the document that the goods are to be delivered to the order of a named person, or to order or bearer, constitutes such an undertaking.

Competent government agencies: In these Guidelines, include port authorities/regulators, maritime administrations, customs/revenue officers, CITES Management Authorities and Scientific Authorities (fisheries, wildlife, forestry), national and financial intelligence services, veterinary services, national museums, coastguard services, criminal investigation services, attorney-general/prosecution services and the judiciary.

Consignee: A person entitled to take delivery of goods under a contract of carriage, a transport document or an electronic transport record.

Controlled delivery:⁴ A special investigative technique that allows illicit or suspect consignments to pass out of, through or into the territory of one or more States, with the knowledge and under the supervision of their competent government agencies, with a view to the investigation of an offence and the identification of people involved in the commission of the offence.

Maritime transport operators: In these Guidelines, include shipowners, shipping lines, ship agents, port facility operators, terminal operators, freight forwarders, clearing and forwarding agents, cargo consolidators, container freight stations, empty depots, and so on. The term "company" and "maritime transport operator" may be used interchangeably.

Red flags: In these Guidelines, these are indicators and warning signals, which may be explicit or implicit, suggesting that something is "not quite right" and may require further investigation.

Shipment: The act of transporting cargo under the terms of a single bill of lading.

Shipper: A legal entity or person named on the bill of lading, sea waybill or equivalent multimodal transport document (e.g. "through" bill of lading) as shipper and/or with whom (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company.

Smuggling of wildlife: In these Guidelines, "smuggling" means the illegal transportation or trafficking of wildlife in the form of export, re-export, trans-shipment and import in contravention of national and international laws. In these Guidelines, "smuggling of wildlife" is synonymous with the terms "trafficking in wildlife", "wildlife trafficking" and "illegal wildlife trade".

Wildlife: In these Guidelines, refers to all species of wild animals and plants, whether alive or dead, and parts and derivatives of those species, whose international trade is regulated under CITES, as well as those protected under international law, and those whose exports are restricted under national legislation.

Wildlife trade: In these Guidelines, refers to commerce in wildlife.

⁴ <https://www.unodc.org/e4j/en/organized-crime/module-8/key-issues/special-investigative-techniques/controlled-deliveries.html>

1 Introduction to illegal wildlife trade in international maritime transport

Trade in wild animals and plants is a vast business that encompasses multiple industries, from food, furniture and fashion to health care, pets and zoos. The majority of the trade is legal and is governed by national and international instruments. At the international level, the main treaty governing wildlife trade is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, also known as the Washington Convention; see annex 1).

The growing demand for wildlife, especially species used in traditional medicine, high-end furniture and decorative items, and as exotic pets, is fuelling a parallel illegal market that is valued at more than US\$200 billion per year.⁵ Wildlife trafficking is considered the fourth largest illegal trade, after trafficking in counterfeit products, drugs and humans. The illegal trade in wildlife is a logistics- and transport-intensive activity. Although high-value illegal wildlife is often transported by air, by overall volume, maritime shipping seems to be the preferred method of transport, since it provides cost-effective opportunities for perpetrators to smuggle large volumes of wildlife undetected. Ninety per cent of the global trade is seaborne, where less than 2% of containers undergo inspection;⁶ considering these volumes, controls may very much rely on intelligence, among other national or regional measures.

The majority of perpetrators take advantage of the substantial legitimate wildlife trade to commingle licit and illicit commodities. There is evidence of convergence between wildlife trafficking and other forms of serious crime, including money laundering, financial crime and corruption. Perpetrators use approaches for wildlife trafficking similar to those deployed for illicit drug trafficking through international shipping.

Although most of the volume of smuggled wildlife may be found in cargo, there may be instances of smuggling of wildlife by passengers on their person or in luggage. These guidelines therefore also provide recommendations for passengers on cruise ships.

1.1 Wildlife species subject to trafficking

Over 38,000 wildlife species⁷ are listed in appendices I, II and III of CITES as either at current risk of extinction from international trade, potentially threatened in the future if trade is not controlled, or protected in one country and therefore requires controlled trade (see annex 1). Wildlife that is illegally traded using maritime transport channels typically includes non-perishable products of commonly traded species, such as timber, elephant ivory, pangolin scales, dried animal products such as shark fins, sea cucumbers, seahorses, seashells, big cat bones and claws, giant clams and rhinoceros' horns, as well as dried plants such as aloe, American ginseng and other plant-derived medicines. These are often transported in raw form, but may have been processed before being shipped. Live animals such as reptiles, birds and mammals are also known to be transported internationally across short distances via ferries and bulk cargo vessels.

Some wildlife is completely banned from international commercial trade (under CITES or specific national laws). The only way for perpetrators to smuggle them is to hide and misdeclare them as licit commodities. Regarding wildlife that can be legally traded, the illegality arises from the lack of provision of proper and necessary permits or requirements that will demonstrate compliance with CITES and relevant national regulations.

⁵ <https://gfintegrity.org/report/transnational-crime-and-the-developing-world/>

⁶ <https://www.unodc.org/ropan/en/BorderControl/container-control/ccp.html>

⁷ <https://cites.org/eng/disc/species.php>

1.2 Methods used by traffickers to conceal illegal wildlife on a ship

Any country can be a source, transit or destination point for illegal wildlife trade. Although wildlife trafficking routes evolve over time to avoid detection and interception by law enforcement agencies, a better understanding of trafficking patterns, routes and methods through use of up-to-date information on illegal wildlife trade is essential to build effective intelligence, to target enforcement efforts in high-risk areas and to assist stakeholders to better mitigate risks associated with illegal wildlife trade.

Ships can be misused and exploited for trafficking in wildlife. Some common methods used by traffickers include the following:

1.2.1 Container cargo

Misdeclaration

The commodities are declared as another legal product to conceal illegal wildlife. Legal products that have low value or that benefit from reduced taxation are commonly used to conceal illegal trade in wildlife. These are either:

- hidden among other legitimate products;
- hidden in secret built-in compartments inside the container; or
- mixed with look-alike species – this happens when species of the same group are granted licences or permits with different protection levels and trade requirements. Wildlife for which trade is either completely banned or that would require special permits is smuggled with similar species that can be more easily traded, making their correct identification very challenging for law enforcement.

Use of forged or altered permits and other documents to fraudulently legitimise the trade in species that require specific permits

The permits and certificates required in the trade of CITES specimens include the export permit, import permit, re-export certificate, pre-convention certificate, certificate of origin, certificate of captive bred animals, certificate of artificially propagated plants, and introduction from the sea certificate. Fraudulent activities may include:

- intentional declaration of false information on documents – parties tendering goods may intentionally misdeclare by providing false information (regarding species, quantity, source, value); this can reduce the chance of the shipment attracting attention, reduce the amount of tax paid, or falsely bring the shipment into compliance with export quotas;
- documents modified after issue – information is altered to allow trade that has not been authorised;
- counterfeit documents – fake permits, sometimes of very high quality, are used fraudulently to trade specimens;
- reusing or photocopying documents – the same permit is used multiple times or duplicated;
- expired documents – permits are used beyond the date of expiry;

- stolen documents – stolen permits can be used to trade CITES-listed wildlife; or permits may be falsely declared as lost, damaged or stolen, and the replacements also used to trade wildlife; and
- concealed information – perpetrators will try to conceal the true shipper, consignee, ownership and business activities related to the shipment in the bill of lading by using shell companies and providing incomplete or fraudulent shipment documentation.

1.2.2 Passenger cruise ship

Wildlife may be hidden in passengers' luggage or on their person.

1.2.3 Ferry

Wildlife may be hidden in passengers' luggage, on their person or inside vehicles.

1.2.4 Roll-on/roll-off ("ro-ro") vessels

Wildlife may be hidden inside vehicles or concealed within compartments of a vehicle.

1.2.5 Bulk cargo

Wildlife may be hidden among other legitimate products.

1.2.6 Crew members

Crew members may conceal illegal wildlife as part of their personal property or on their person (see annex 2 for smuggling examples).

2 Measures to prevent, detect and report wildlife trafficking on ships

Both public and private actors can contribute to combating illegal wildlife trade on ships engaged in international maritime traffic. This section describes actions and measures that can be put in place by competent government agencies and by companies to prevent, detect and collaborate in the suppression of wildlife trafficking.

2.1 Action by officers of competent government agencies

Officers of competent government agencies have certain duties to fulfil with respect to all vessels arriving from and departing for foreign countries.

Some government agencies of coastal States have been empowered by their national laws to board ships of foreign flag States within their ports, or transiting or remaining in the coastal State's territorial sea, and to inspect and examine any part of the ship for suspected illegal wildlife. Government agencies may also be empowered to exercise, in the contiguous zone, the control necessary to prevent infringement of coastal States' customs and fiscal laws and regulations within its territory or territorial sea. Such procedures vary according to respective national legislation. Some government agencies of coastal States may also be empowered by their national laws to board and search suspect ships located seaward of the territorial sea or contiguous zone, if permission is granted by the flag State (in the case of foreign flag ships).

2.1.1 Assessment of vulnerability to wildlife trafficking

Relevant competent government agencies are encouraged to adopt the following measures:

- Establish a risk profiling system that will identify shipments that are high risk and are likely to contain illegal consignments as early as possible in the supply chain, at or before the port of departure. This system uses a variety of risk indicators that identify suspicious containers, cargo or passengers. The criteria may include commodity code, country of origin, destination of consignment, licensing indicator, value, trader, level of compliance, purpose of the stay in the customs territory, financial consequences, financial situation of the trader, ports implicated in illegal trade in wildlife, and suspicious companies or ships that have been complicit in illegal trade in wildlife.
- Ascertain the authenticity or legitimacy of documentation submitted. This can be a verification process, to identify whether submitted documents are genuine or forged; whether the documents contain particulars or details commonly found in shipments related to smuggling of wildlife; inconsistencies in the full cargo manifest and other trade documentation; inconsistencies in weight, density or appearance of the shipment that do not match documentation; inconsistencies in CITES permits or certificates; inconsistencies between the source and destination, and the common trade routes of the shipment or ship; and missing documentation.
- Where possible, ascertain whether there are discrepancies between the declared gross mass and the actual gross mass of the packed container, taking into account the mandatory verification of the gross mass of packed containers.
- For an effective risk assessment mechanism, regularly update the database based on recent seizures and trends, among other related data.
- Where the vessel contains a shipment of wildlife and the species can be identified, ascertain from the CITES appendices whether the species is subjected to trade restrictions, whether it can be traded and whether the appropriate documentation has been provided.
- Request the ship's plan and ask whether there have been any recent structural adjustments or restructuring. If in doubt, schedule a physical inspection.

2.1.2 Security at the port

Competent government agencies are encouraged to:

- Enhance the national legal framework and adopt measures to promote transparency and deter the misuse of free trade zones located within port limits for illegal wildlife trade.
- Review port facility security plans and consider ways in which they can be adjusted to enhance the prevention and suppression of the smuggling of wildlife, whilst not compromising their primary purpose as set out in the International Ship and Port Facility Security Code.

- Establish a system under which the review or update of ship security plans for ships operating within the port limits is implemented in accordance with the International Ship and Port Facility Security Code.

2.1.3 Use of electronic and automated systems

The use of secure electronic systems for transmission of documents and/or advance clearance processes improves transparency of operations and facilitates expeditious detection of irregularities. Competent government agencies are therefore encouraged to adopt the following measures:

- Establish a secure, standardised electronic customs clearance system that facilitates expedited customs processes and clearance, and ensures interoperability. These systems permit tracking of shipments in real time and detect anomalies and potential fraud.
- Establish a secure maritime single-window system that integrates with other port operation systems, including those related to CITES controls, to facilitate electronic submission of documents for port users through a single entry point, for expedited clearance of ships, crew, passengers and cargo.
- Establish an electronic system for issuing CITES permits (for CITES Member Parties), to deter use of forged documentation. In addition, consider its integration with other port operation systems.

2.1.4 Wildlife crime intelligence

Wildlife crime intelligence entails the collection, collation and analysis of information that can be used to create tactical, operational and strategic intelligence assessments to combat crimes such as smuggling of wildlife. Various measures can be used to facilitate the establishment of a database for useful intelligence in accordance with national legislation. Competent government agencies are encouraged to consider the following:

- Establish a specialised joint port intelligence unit comprising customs officers and law enforcement officers from various related agencies to collect and analyse intelligence.
- Establish a database and regularly update entries on previous seizures and risk indicators.⁸
- Establish a network for information-sharing between competent government agencies, maritime transport operators, shippers, seafarers and other stakeholders to encourage reporting of wildlife trafficking cases.
- Establish a mechanism for receipt of intelligence to facilitate verification of the intelligence and interception of the illegal wildlife trade, including a system allowing anonymous submission of reports of suspicious activities.
- Establish and update a database of suspicious ship activities, which may include:⁹

⁸ Refer to annex 3 for list of indicators.

⁹ Refer to annex 3 for other indicators.

- suspicious ship movement patterns (e.g. unexpected and unexplained diversions, prolonged delays in arrival);
 - a ship's automatic identification system transponder being turned off, resulting in the temporary disappearance of a ship; and
 - vessels being non-responsive to call-ups.
- Scrutinize documentation submitted from high-risk areas, whether or not wildlife is declared.

2.1.5 Inspections of vessels

Where vessels have been identified as suspicious, competent government agencies empowered to undertake vessel inspection are encouraged to undertake measures including the following:

- Coordinate the national joint port control unit to undertake the inspection.
- Implement standard operating procedures to facilitate efficiency in inspections, and ensure that the appropriate procedures and processes are followed.
- Escort the vessel to a secure location at the port.
- Cordon off the area.
- Guard the vessel.
- Establish a controlled access system for the vessel.
- Undertake an inventory on board the vessel.
- Where wildlife is found, liaise with the relevant national agency to establish and verify that it is being exported and imported with the requisite permit or certificate.

Competent government agencies of coastal States involved in customs administration should encourage the implementation of transit measures without compromising their supply chain security measures. Competent agencies are therefore encouraged to establish cooperation agreements to facilitate inspections of suspect vessels in transit; alternatively, they can undertake the controlled delivery technique (see "Definitions").

2.1.6 Inspection of passengers, baggage and cargo

Competent government agencies are encouraged to undertake inspections in accordance with established standard operating procedures. They are also encouraged to consider the following measures:

- Adopt or establish non-intrusive inspection equipment such as scanners, X-ray machines and radiation detectors that permit inspection of containers, cargo and baggage.
- Use sniffer dogs for passenger baggage and cargo.

- Where possible, subject cargo in containers to the risk profiling system, followed by scanning of the container.
- Subject cargo in containers to physical inspection where a scanned image or sniffer dog has detected anomalies. Where possible, designate a special secure area for restricted container inspection.
- Use a biometrics identification system for passengers.
- For cargo declared to contain wildlife, verify the permits or certificates to ensure that the transported wildlife has been documented and is not concealed with other legitimate products.
- Government agencies in charge of veterinary and phytosanitary inspections, and other authorities carrying out specific checks on shipments, are encouraged to collaborate with law enforcement counterparts in cases of suspected illegal wildlife trade.
- Where possible, apply the controlled delivery technique (see "Definitions") to the recipient(s) of the illegal wildlife consignment.
- Obtain and record statements from crew, take photographic or video evidence, and secure and safeguard evidence and/or exhibits. Where live wildlife is found, employ measures to protect and preserve the wildlife, in consultation with national CITES authorities.

2.1.7 *Inter-agency, cross-sectoral and international collaboration*

The establishment of a joint port control unit or intelligence unit, comprising officers from various government agencies, enhances the capacity to prevent, detect, inspect, investigate, intercept and prosecute perpetrators of smuggling of wildlife, and other serious related crimes. These units provide a secure system of exchange of information and intelligence on suspicious consignments.

Where this has not been done, maritime administrations are encouraged to initiate the establishment of such a joint taskforce or unit of officers and, where possible, coordinate the activities.

Competent government agencies are therefore encouraged to enter into national inter-agency collaborative frameworks. The agencies may include:

- intelligence agency;
- customs/revenue authority;
- ports authority or regulator;
- maritime administration;
- CITES authorities (fisheries, wildlife and forestry agencies);
- veterinary service;
- criminal investigations unit;

- forensic laboratories;
- prosecution service/attorney-general's office;
- judiciary;
- financial intelligence unit; and
- national museum.

Competent government agencies are further encouraged to enter into arrangements with regional and international organizations or associations to support the enhancement of national legal and institutional frameworks; and facilitate information-sharing for prevention, detection, interception, investigation and prosecution of cases of smuggling of wildlife.

Some of these institutions provide intelligence that would facilitate implementation of the controlled delivery technique for investigation and identification of perpetrators. These regional and international organizations include:

- CITES;
- International Criminal Police Organization (INTERPOL);
- International Tropical Timber Organization;
- regional police chief associations;
- Financial Action Task Force (FATF); and
- World Customs Organization (WCO).

Competent government agencies are further encouraged to enter into regional and international initiatives aimed at sharing expertise, intelligence, updates on red flags or indicators, and best practices on illegal wildlife trade. These initiatives include the International Consortium on Combating Wildlife Crime, the United for Wildlife Transport Taskforce, United for Wildlife Financial Taskforce, the Lusaka Agreement Task Force, regional Trade in Wildlife Information Exchange platforms (e.g. EU-TWIX, AFRICA-TWIX, SADC-TWIX, EASTERN AFRICA-TWIX), and the United Nations Organization on Drugs and Crime (UNODC) Global Programme for Combating Wildlife and Forest Crime.

Competent government agencies are further encouraged to establish informal networks, regional maritime information centres and networks with military intelligence to enhance information exchange and sharing.

Competent government agencies are encouraged to consider, adopt and implement regional, international and intergovernmental programmes, including those developed to facilitate enhanced supply chain security and efficiency in international trade, those related to the suppression of illicit trade, and those related to global anti-money laundering and counter-terrorist financing. These include the WCO SAFE Framework of Standards to Secure and Facilitate Global Trade,¹⁰ the Organization for Economic Co-operation and Development *Recommendation of the Council on OECD legal instruments countering illicit trade*, FATF recommendations on global anti-money laundering and counter-terrorist financing standards, and the UNODC–WCO Container Control Programme.

2.1.8 Investigation and prosecution

Competent government agencies are encouraged to establish offences within their national laws to facilitate the investigation and prosecution of smuggling of wildlife. They are further encouraged to consider implementing the following measures:

- Classify or categorise animal and plant species as endangered or non-endangered.
- Establish the offence and provide for commensurate penalties under national laws; where possible, take into account regional consistency to facilitate cross-border initiatives.
- Provide for stringent penalties for endangered and critically endangered species.
- Promote cross-border investigations and prosecutions.
- Develop standard operating procedures (a rapid reference guide or manuals) to facilitate investigations and prosecutions, as well as evidence collection and preservation. These may include guidelines on recovery of exhibits.
- Empower law enforcement to obtain access to and freeze bank accounts during investigations.
- Where possible, establish laws that empower officers within national CITES authorities to conduct delegated prosecutions of illegal wildlife trade.
- Develop a case management system and a mode of sharing information with partner States. This will facilitate seizures that are across borders.
- Examine, amend or adapt existing national laws that provide penalties for ancillary and inchoate offences related to the smuggling of wildlife.

2.1.9 Additional measures related to investigation and prosecution

Competent government agencies are encouraged to consider, adopt and/or implement further measures related to the suppression of smuggling of wildlife, including the following:

¹⁰ Supplementary tools include *Authorized economic operator validator guide*; *Mutual recognition arrangement/agreement strategy guide*; *Advance cargo information (ACI) implementation guidelines*; *Integrated supply chain management guidelines* (updated); *Guidelines on trader identification number*; and *Handbook on data analysis* (see http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/frameworks-of-standards/safe_package.aspx).

- Identify the profit from illegal wildlife trade and pursue asset forfeiture to recover criminal proceeds and related assets.
- Conduct parallel financial investigations to trace perpetrators and identify linkages with other forms of illicit or illegal activities.
- Collect additional evidence to support identification of predicate wildlife offences.
- Enhance bilateral arrangements on mutual legal assistance and extradition to facilitate investigation and prosecution of perpetrators of illegal wildlife trade.
- Strengthen national financial investigation units through establishment of cooperation arrangements between central banks or bankers associations to aid in knowing their customers.
- Allocate resources towards surveillance, which can help identify other members of the criminal network.
- Establish a collaborative framework entailing both government agencies and companies providing maritime transport services to facilitate coordination and harmonisation of various intervention measures, as well as to provide a platform for information-sharing.

2.1.10 Prevention and deterrence of corruption

Competent government agencies are encouraged to examine, amend and implement existing national laws related to the fight against corruption. To this end, they are encouraged to adopt and implement the following measures:

- Establish a secure system for submission of reports for both the public and private sectors on corruption allegations, taking into account the need to maintain confidentiality and, where necessary, anonymity.
- Facilitate independent investigations and, where possible, afford opportunities for protection of witnesses.
- Implement national laws on treatment of corrupt officials, taking into account processes such as interdiction, agency inquiry, prosecution, surcharge, dismissal and imprisonment.

2.1.11 Education and training

Continuous training of competent government agencies involved in prevention, detection and prosecution of smuggling of wildlife should be encouraged and undertaken. Officers deployed to risk profiling systems will also be required to undergo regular training to keep abreast of updated risk indicators. Officers deployed to image analysis of containerised cargo should regularly be trained so that they remain up to date with, and can identify, different methods of concealing smuggled wildlife. Customs/revenue and law enforcement officers working within the port's limits should receive regular training on CITES regulations; methods of detection; identification; effective ways of searching containers, cargo and baggage; seizure of smuggled wildlife; and wildlife forensic sampling. Where possible, the use of dogs trained to detect wildlife in containers, cargo and baggage should be considered. Continuous training should be undertaken for law enforcement agencies based within the port limits on port security, ship

security and security of cargo. Law enforcement officers from competent government agencies should undergo regular training on new concealment methods.

Competent government agencies are encouraged to consider joint training or capacity-building forums for both the public and private sectors on prevention, identification and reporting of smuggling of wildlife cases. They are also encouraged to organize capacity-building forums for seafarers, maritime transport operators, shippers and other maritime transport stakeholders on aspects of wildlife trafficking and their role in the suppression of the illegal wildlife trade.

Regular training is encouraged for competent government agencies based within the port limits on corruption prevention measures and reporting.

Training on the principles of Know Your Customer will help competent government agencies verify the identity of customers linked to the illegal wildlife trade and other illicit activities.

2.1.12 Best practices in the sector

Competent government agencies are encouraged to create a mechanism or an enabling environment for sharing best practices on public–private cooperation and inter-agency cooperation, including use of the following tools:

- portal for information-sharing (see links provided in annex 4);
- hotlines for specific organizations; and
- media platforms that enhance multi-agency collaboration, showcasing best practice and results.

Competent government agencies are further encouraged to:

- enhance media coverage on seizures to relevant private sector stakeholders to raise awareness, using platforms such as website updates, journals, newsletters, publications and the national media; and
- establish a whistle-blower award system to raise awareness and support the use of available mechanisms on reporting.

Competent government agencies are further encouraged to establish a system to monitor compliance with requirements under the SOLAS for mandatory verification of the gross mass of packed containers.

2.2 Action by companies

Shipowners, shipping lines, shippers and other maritime transport operators providing services in maritime transport play an important role in preventing and detecting smuggling of wildlife. Adopting measures aimed at strengthening supply chain processes and compliance measures, as well as remaining vigilant, knowing what to look out for, improving risk analysis skills and acting as the "eyes and ears" for law enforcement, are practices that are encouraged. These roles should be supported by sharing of relevant information and intelligence by competent government agencies. When operating in or with countries with high levels of corruption, due diligence should be undertaken on customers and shipments.

Depending on the role played by companies, they are encouraged to adopt the following measures:

2.2.1 Security strengthening and risk reduction

- Implement supply chain security programmes such as the WCO Authorized Economic Operator (AEO) Programme and the Customs Trade Partnership Against Terrorism (CTPAT). Such programmes, which also address cyber security and control of physical access to vessels and facilities, help businesses reduce risk from exposure to illicit activities while benefiting from facilitated trade transactions.
- Implement due diligence and screening procedures on employees, passengers, business partners, shippers, consignees and shipments (including Know Your Customer and Know Your Supplier best practices). Implementation of Know your Customer best practices and a risk-based approach when bringing new customers and employees on board is particularly important for companies operating out of countries known to be of high risk for wildlife trafficking.
- Integrate specific red flag indicators for wildlife trafficking into the company's cargo risk assessment systems that may already be in place to detect other forms of contraband (see Annex 3). Trafficking trends, routes and concealment methods evolve with time; therefore, companies should keep informed and up to date. Companies should encourage their local enforcement agencies such as customs to share actionable information with parties in the supply chain (without compromising intelligence sources and methods).
- Prioritise the use of electronic and automated systems for business transactions (e.g. e-bill of lading) to improve traceability and transparency of operations. This will allow faster detection of irregularities, possible fraudulent attempts and corruption. It also supports integration with other systems aimed at improving system interoperability.
- Establish standard operating procedures to strengthen physical integrity of cargo, safety of company facilities, checking and verification of cargo documents, and responses to suspicious customer behaviour or potential illicit consignments.

2.2.2 Reporting

- Use national whistle-blowing systems and anonymous lines, when available, to report corrupt practices and illegalities, or support the development of a whistle-blowing policy for the maritime sector. With the assistance of the respective professional associations, develop an internal whistle-blowing policy and coordinate training on reporting measures.

2.2.3 Cooperation

- Cooperate with competent government agencies in identifying and disrupting trafficking flows. Support the work of the local competent government agencies with timely provision of documentation and access to ship manifests to enable effective cargo and passenger risk analysis and investigations. Facilitate access to ship manifests for enforcement officers to support the risk analysis or development of intelligence.
- Network with local, national, regional or international initiatives aimed at strengthening cooperation between the public and private sectors on information- or intelligence-sharing on wildlife trafficking and dissemination of best practices.

2.2.4 Training and awareness-raising

- Organize and undertake continuous capacity-building and training for employees and subcontracted companies on latest trends, concealment methods, trafficking routes, and related standard operating procedures on how to handle and report suspicious activities.
- Raise awareness of the risks associated with wildlife trafficking with business partners, customers and passengers. Incorporate actions against wildlife trafficking into corporate social responsibility and security practices, and adopt a zero-tolerance corporate policy for any act linked to wildlife trafficking and related corrupt behaviour; convey this directly to all employees, subcontractors, clients and passengers. Review terms of carriage policy on the transportation of smuggled wildlife.

2.2.5 Other

- Implement best practices and tools that have already been developed to support maritime stakeholders in addressing illegal trade in wildlife, timber and other contraband (see annex 4).
- Implement the SOLAS requirements on verified gross mass for all packed containers to which the International Convention for Safe Containers (CSC) applies.

Annex 1 Introduction to the CITES Convention and appendices

Adopted in 1973 and entered into force in 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a legally binding agreement between government signatories. As of December 2020, there were 183 Parties¹¹ to the Convention (182 and the European Union). The agreement aims to ensure that the international trade in wildlife does not threaten the existence of a species. CITES regulates the international trade in approximately 38,000 species of wild plants and animals. Trade in specimens of species listed under the three CITES appendices requires the issuance of official trade documentation in the form of a CITES permit or a certificate.

CITES appendices are as follows:

- Appendix I includes species that are at risk of extinction from international trade, such as all eight pangolin species and African elephant (except for elephant populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in appendix II).
- Appendix II includes species that may become threatened with extinction if trade is not controlled (e.g. lions; timber species such as *Gonystylus* spp., also known as ramin), as well as so-called "look-alike" species where trade regulation is necessary to ensure that trade in appendix I and appendix II species that are threatened is effective and enforceable.
- Appendix III includes species protected in at least one country, which has asked other CITES Member Parties for help in controlling the trade.

The full text of the Convention can be found on the Convention website (<https://cites.org/eng/disc/text.php>). The appendices can be consulted at <https://cites.org/eng/app/appendices.php>.

CITES annotations are notes attached to particular plant species in the appendices to indicate which parts or derivatives are included in, or exempt from, the CITES controls. This is usually indicated by a hashtag (#) and a number next to the species name in the appendices. In some cases, other notes are attached to the species, particularly in the case of animals, indicating which populations contain special conditions related to the inclusion of the species. Information about CITES-listed species and the listing date of each species under the Convention is available on the CITES Checklist (<https://checklist.cites.org/#/en>).

Types of CITES documents

Each import, export, re-export and introduction from the sea of specimens of species covered by the Convention must be authorised by a CITES permit or certificate. Each CITES Party designates one or more CITES Management Authorities¹² to be in charge of administering the licensing system and one or more Scientific Authorities to advise the national CITES Management Authority or other authorities on the effects of trade on the status of the species.

¹¹ List of CITES Parties:
https://cites.org/eng/disc/parties/chronolo.php?order=field_country_official_name&sort=asc

¹² <https://cites.org/eng/parties/country-profiles/national-authorities>

Permits

According to the CITES definitions and Resolution Conf. 12.3 (Rev. CoP18),¹³ a permit is an official document issued by a CITES Management Authority to authorise the export of a specimen of a species included in appendix I or II, the export of a specimen of a species included in appendix III from the State that included the species therein, or the import of a specimen of a species included in appendix I. To be valid, a permit must conform to the requirements of the Convention and the resolutions of the Conference of the Parties. For example, an export permit may be issued only if the specimen was legally obtained; the trade will not be detrimental to the survival of the species; and, for Appendix I-listed species, an import permit has already been issued.

For specimens from species listed in appendix I, an import permit is issued by the Management Authority of the importing Party. This should be issued only if the specimen is not to be used for primarily commercial purposes; the import will be for purposes that are not detrimental to the survival of the species; and, in the case of a live animal, the proposed recipient is suitably equipped to house and care for the animal.

A CITES document is required each time a specimen of a CITES-listed species crosses an international border. Note that separate permits are not required for transit, if the specimens remain under the control of the customs authorities.¹⁴

Certificates

A certificate is also an official document issued by a Management Authority and used to authorise different types of trade in CITES specimens. The most important types of certificate are:

- re-export certificate;
- pre-convention certificate;
- certificate of origin;
- certificate of captive bred animals;
- certificate of artificially propagated plants; and
- introduction from the sea certificate.

More information on CITES permits and certificates can be found at https://cites.org/eng/prog/Permit_system.

Notifications

The CITES Secretariat issues notifications to the Parties that contain information and reports on the implementation of the Convention. Notifications are used to officially communicate information on lost or stolen permits or security stamps, details on Parties' stricter domestic measures, suspension of permits, and forthcoming meetings, among other matters.

CITES notifications are listed at <https://www.cites.org/eng/notif/index.php>.

¹³ <https://cites.org/sites/default/files/document/E-Res-12-03-R18.pdf>

¹⁴ A sample CITES permit template: <https://cites.org/sites/default/files/eng/res/12/E-Res-12-03R16-A2.pdf>

Annex 2 Examples of smuggling techniques

Example 1: Hundreds of pieces of ivory and pangolin scales hidden in logs inside three containers were detected by a mobile non-intrusive scanner. The logs were hollowed out, filled with the illegal contraband, sealed with wax and fitted with concealed lids. The cargo was declared as wood.

Example 2: The CITES Management Authority of country A confirmed that it had not issued any CITES export permits for Siamese rosewood (*Dalbergia cochinchinensis*) (CITES Appendix II) since its listing in 2013, and Notification No. 2017/023 states that any permits are therefore counterfeit. Country B, however, reported importing sawn *D. cochinchinensis* wood and timber from Country A each year between 2013 and 2015, all of which presumably took place using counterfeit permits.

Example 3: An ivory trafficking network operating out of Country C employed a series of specially modified containers with false compartments installed into the back to hide the contraband. At least three such modified containers were uncovered and linked to a used tyre business. Seized paperwork revealed that the three containers had travelled at least 12 times along the same Country C – Country D route on which the seizure was made.

Example 4: A large open-top fishing boat was used to smuggle 1.4 tonnes of African elephant ivory between Country E and Country F.

Example 5: Seven large open-top barter trade boats were intercepted, illegally carrying 3,000 exotic birds and 1,960 logs from Country G to Country H.

Example 6: A large open-top fishing boat was intercepted in country L waters carrying 10 tonnes of frozen, descaled pangolins smuggled from Country I; the destination is believed to have been Country M.

Example 7: 630 kg of pangolin scales and 2,660 kg of mercury were seized in a 40-foot container declared to contain plastic scrap.

Example 8: Ivory and pangolin scales were concealed in several drums of tar loaded in containers shipped from Region A to Region B. The nature of the shipment rendered any inspection very laborious.

Example of convergence: There is a high level of convergence between ivory and pangolin trafficking and the timber trade, with some individuals trading in both wildlife and timber products. Timber also serves as a method of concealment for ivory and pangolin trafficking, often packed into 20–40 ft containers together.

Example of concealment: Cashew nuts are commonly used as a "filler" or concealment method for ivory and pangolin scales sent by sea freight from Country N to other countries in Region A. Intelligence suggests that sacks of ivory and pangolin scales are loaded into shipping containers, tightly surrounded by cashew nut bags as further concealment.

Annex 3 Red flags indicating possible illegal trade

Many risk indicators for suspicious cargo are common to all forms of contraband, including trafficking of wildlife. Examples are given below. High levels of corruption in countries and at ports should be considered a major overarching red flag, since traffickers can exploit these weaknesses in international trade chains.

1 Shipment of commodities incongruous with the origin and/or destination country

The commodities being shipped may appear to be incompatible with a country's technical capabilities or natural resources, or the origin of the commodities – for example, timber shipped to a country that is already a major timber producer and exporter.

2 Weight and appearance discrepancy

Actual weights of the consignment may not correspond to those provided in the bill of lading or seem grossly at odds with a reasonable weight for the declared commodity. Similarly, if the appearance of the shipment does not match its documentation, this should be a concern.

3 Dubious or vague descriptions

Descriptions of commodities may be vague or misleading. Examples of vague descriptions for wildlife shipments include "fish", "shell", "horn" and "rosewood" (there are many species of rosewood, some of which can be traded legally, and others that are prohibited from international trade).

4 Value of cargo does not tally with description or size

The value of cargo can help triangulate evidence as to whether a proposed cargo to be loaded onto a vessel is the same as the one stated in the shipping documents.

5 Questionable paperwork

Questionable paperwork may include use of photocopies instead of original documents; spelling mistakes or inconsistencies, such as a permit number or date that does not match; an invoice issued with "#1"; expired documents; odd formatting or blurry text, which may occur when documents are altered; evidence that documents have been tampered with, but not officially countersigned; and poor-quality documents (e.g. with logos that have been cut and pasted).

6 Consignment split across multiple shipments

The splitting of consignments may occur for legitimate reasons and purposes. However, it can also be a tactic used by traffickers to spread the risk of loss in case of interception by law enforcement. It is also used to provide a benefit from smaller volumes, which can more easily be hidden within shipments of legitimate commodities. The illegal shipment is spread across multiple containers under one booking or across multiple bookings.

7 Shipping route is abnormal for the product and destination

The shipment may appear to make no commercial sense – for example, if the shipment is being sent via a long, slow route involving multiple stops when more direct routes exist, or the shipment is declared as a commercial product but has no clear market value in the country for which it is destined. Criminal networks also have been known to use multiple trans-shipment zones to obscure the origin of shipments and confuse surveillance.

8 Change of shipping route once the ship has left port

Change of destination or diversion of cargo is a legitimate procedure, but it could also be an indicator of illicit activities and an attempt to evade controls.

9 Switch bill of lading

A switch bill of lading occurs when a freight or shipping agent files a new bill of lading for a shipment that is already en route. Used legitimately, the procedure typically aims to protect proprietary supply chain information. However, this practice is often abused by traffickers to obfuscate information about the port of loading (origin), port of discharge (destination) and routing of a shipment, to reduce the likelihood that illegal shipments will be flagged for inspection and hinder after-the-fact investigations if the contraband is seized. Switching bill of lading mid-shipment to support an illegal shipment requires traffickers to cooperate with a complicit freight or shipping agent. According to published reports, complicit freight agents are known to charge a fee based on the size of the illegal shipment they facilitate, with one reportedly charging \$45 per kilogram of smuggled pangolin scales and \$145 per kilogram of ivory.

10 Request for use of letter of indemnity without just cause

The use of a letter of indemnity can be legitimate if, for instance, the voyage is too short to issue a bill of lading. The letter of indemnity can request different receivers, consignees and bill of lading contents; as such, it presents a risk to shipowners. The issuing of a letter of indemnity could be used as a way to evade enforcement agencies by using different receivers at short notice and to change the port of discharge.

11 Use of free trade zones and free ports

The simplified import, export, transit and trans-shipment procedures and lax controls of free trade zones and free ports can mean that they are prime sites for the diversion of illicit shipments and commodities to sanctioned countries.

12 Failure to disclose true shipper or consignee information

Addresses may appear to be fictitious (e.g. incomplete or overly simplistic addresses); consignee names may be similar to those of large, well-known companies; or the consignee address may be incompatible with the businesses associated with the declared commodity.

13 First-time shipper and shipper's reluctance to offer information about their business and end use of a product

First-time shippers or new customers should be subject to robust screening to confirm that they are who and what they claim to be, to help identify shell companies created to obfuscate the actual ownership of the cargo.

14 Last-minute request for shipment clearance

Shipper requests for shipment clearance at the last minute might be an attempt to avoid customs controls due to the time factor.

15 Cash payments

Cash payments can be a preferred payment method for legitimate reasons, but they can also be a sign of an illegal transaction – for example, if there is a willingness to pay a large amount of money in cash when wire transfer or financing is commonly used.

Annex 4 Useful resources

CITES

- Checklist of CITES Species: <https://checklist.cites.org/>
- List of national CITES authorities: <https://cites.org/eng/cms/index.php/component/cp>
- Full list of CITES certificates:
<https://www.cites.org/sites/default/files/eng/prog/exemptions/SUMMARY-OF-USE-OF-PERMITS-CERTIFICATES-IN-CITES-2018.pdf>
- CITES notifications: <https://www.cites.org/eng/notif/index.php>

Wildlife trafficking and red flags

- *Red flag indicators for wildlife and timber trafficking in containerized sea cargo: a compendium and guidance for the maritime shipping sector* (TRAFFIC and WWF, 2021): <https://apps5.wwf.org.hk/red-flag-compendium/>
- United for Wildlife Taskforce Intelligence Bulletins – joint monthly advisories for both Buckingham Palace Declaration and Mansion House Declaration signatories on issues of high concern related to wildlife trafficking and the finance and transport sector (contact report@unitedforwildlife.org)
- Wildlife Trade Portal – an interactive tool that displays TRAFFIC's open-source wildlife seizure and incident data: <https://www.wildlifetradeportal.org/#/dashboard>
- Environmental Investigation Agency Global Environmental Crime Tracker: <https://eia-international.org/global-environmental-crime-tracker/>

Safety and Security framework

- WCO SAFE Framework of Standards to Secure and Facilitate Global Trade: <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe-framework-of-standards.pdf?la=en#:~:text=The%20SAFE%20Framework%2C%20based%20on,other%20Government%20Agencies%20co%2Doperation>
- WCO Harmonized System codes: <https://www.wcotradetools.org/en/harmonized-system>
- *Transit handbook: to establish effective transit schemes for LLDCs* (WCO, 2014): <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/transit/transit-handbook.pdf?db=web>
- *Transit guidelines: route for efficient transit regime* (WCO, 2017): <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/transit/transit-guidelines.pdf?la=fr>
- Code of practice on security in ports which compliments the provisions of the ISPS Code <https://wwwcdn.imo.org/localresources/en/OurWork/Security/Documents/ILOIMOCODEofPracticeEnglish.pdf>
- *International standards on combating money laundering and the financing of terrorism & proliferation*, FATF recommendations 2012, updated October 2021: [https://www.fatf-gafi.org/publications/fatfrecommendations/?hf=10&b=0&s=desc\(fatf_releasedate\)](https://www.fatf-gafi.org/publications/fatfrecommendations/?hf=10&b=0&s=desc(fatf_releasedate))
- ICCWC Toolkit: <https://cites.org/sites/default/files/eng/prog/iccwc/Toolkit%20implementation%20-%20step%20by%20step%20v3.pdf>
- PortMate (Port Monitoring and Anti-Trafficking Evaluation) Assessment Tool
- *Recommendation of the Council on countering illicit trade: enhancing transparency in free trade zones* (OECD, 2019): <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0454>

Capacity-building for government agencies and companies to prevent illegal wildlife trade and other illicit trade in transport supply chains

- Introductory digital course on CITES: <https://www.informe.org/en/introductory-course-convention-international-trade-endangered-species-wild-fauna-and-flora-cites>
- FIATA (International Federation of Freight Forwarders Associations) digital course on the prevention of wildlife trafficking for freight forwarders. The course is available in English, Spanish, French, Chinese, Arabic, Russian and Portuguese: <https://training.fiata.org/courses/course-v1:FIA+TRA001+2019/about>
- INTERPORTPOLICE: *programmes* <https://interportpolice.org/projects/>
- *Due diligence: increasing safety and security throughout the supply chain* (TT Club, 2020): <https://www.ttclub.com/-/media/files/tt-club/stop-loss/stop-loss-21---due-diligence.pdf>

Corruption and whistle-blowing

- Corruption Perceptions Index (Transparency International): <https://www.transparency.org/en/cpi/2019/results/tha>
- Targeting Natural Resource Corruption: <https://www.worldwildlife.org/pages/tnrc-about-the-project>
- *Scaling back corruption: a guide on addressing corruption for wildlife management Authorities* (UNODC, 2019): https://www.unodc.org/documents/corruption/Publications/2019/19-08373_Scaling_Back_Corruption_ebook.pdf
- *Rotten fish: a guide on addressing corruption in the fisheries sector* (UNODC, 2019): https://www.unodc.org/documents/Rotten_Fish.pdf
- Maritime Anti-Corruption Network: <https://macn.dk/>

International organizations – combating illegal wildlife trade

- INTERPOL – Environmental Crime: <https://www.interpol.int/en/Crimes/Environmental-crime>
- UNODC – World Wildlife Crime Reports:
 - 2016: https://www.unodc.org/documents/data-and-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf
 - 2020: https://www.unodc.org/documents/data-and-analysis/wildlife/2020/World_Wildlife_Report_2020_9July.pdf
- *Wildlife crime status update 2017* (UNODC, 2017): https://www.unodc.org/documents/data-and-analysis/wildlife/Research_brief_wildlife_su.pdf
- *Money laundering and the illegal wildlife trade* (FATF, 2020): <https://www.fatf-gafi.org/publications/methodsandtrends/documents/money-laundering-wildlife-trade.html>

Regional organizations – combating illegal wildlife trade

- Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora: <https://lusakaagreement.org/>
- East African Network for Environmental Compliance and Enforcement: <https://eanece.org/who-we-are/>

National initiatives

- United States Customs and Border Protection: Customs Trade Partnership Against Terrorism (CTPAT) – a voluntary public–private sector partnership programme with multi-layered cargo enforcement strategy: <https://www.cbp.gov/border-security/ports-entry/cargo-security/ctpat>