

Wildlife Crime Checklist

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The United Nations Office on Drugs and Crime ("UNODC") published the *Wildlife and Forest Crime Analytic Toolkit* in 2012. The *Toolkit* is "intended to serve as an initial entry point for national governments, international actors, practitioners and scholars to better understand the complexity of the issue, and to serve as a framework around which a prevention and response strategy can be developed. The *Toolkit* provides an inventory of measures that can assist in the analysis of the nature and extent of wildlife and forest offenses and in deterring and combating these offences." *Toolkit* at 1.

This document, the "Wildlife Crime Checklist," distills the first four parts of the *Toolkit* into a quick reference guide focused on wildlife crime. It is designed to help introduce the user to the wealth of information in the *Toolkit* and to help facilitate its use in addressing wildlife crime through the analysis of administrative, preventative, and criminal justice responses to wildlife crime and related offenses in a given country. The Wildlife Crime Checklist, in conjunction with the *Toolkit*, may be used to: conduct inventories of existing laws and regulations; determine what local, regional, and international resources exist to address wildlife crime; understand where there are opportunities to improve a particular country or agency's legal landscape; and to create standard operating procedures or reference guides for a particular agency, office, or department.

The numbers in the first column correspond to the Tools in the *Toolkit*, which can be downloaded at:
https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf.

Wildlife Crime Checklist

Part I: Legislation

Tool	Topic Overview	Questions
<i>International Law</i>		
1	<p>CITES</p> <ul style="list-style-type: none"> • Convention on International Trade in Endangered Species of Wild Fauna and Flora • Control and reporting mechanisms for listed species • Appendix I, II, and III 	<ul style="list-style-type: none"> • Is the country a Party to CITES? • In which domestic law(s) has CITES been implemented? • Is there a single national endangered species statute/law, or are there multiple legislative instruments? • Do these laws empower the government to regulate international and domestic trade, possession, and transport in animal and plant species?
2	<p>CITES reservations</p> <ul style="list-style-type: none"> • Countries act as non-Parties for specific species 	<ul style="list-style-type: none"> • Has the country entered reservations for specific CITES-listed species? Which species? • Is there any trade in these species? If so, has the trade been linked to criminal groups?
3	<p>UN Convention against Transnational Organized Crime</p> <ul style="list-style-type: none"> • Encourages Parties to adopt measures against transnational organized crime • Applies to participation in an organized criminal group, money laundering, corruption, and obstruction of justice 	<ul style="list-style-type: none"> • Is the country a Party to the UN Convention against Transnational Organized Crime? • In which domestic law(s) has the Convention been implemented?
4	<p>United Nations Convention against Corruption</p> <ul style="list-style-type: none"> • Promotes and strengthens measures to prevent and combat corruption effectively, facilitates international cooperation and technical assistance • Sets out range of preventative anti-corruption matters, including criminalization and law enforcement, international cooperation, asset recovery, technical assistance, information exchange 	<ul style="list-style-type: none"> • Is the country a Party to the UN Convention against Corruption? • In which domestic law or laws has the UN Convention against Corruption been implemented?
5	<p>Convention on Biological Diversity</p> <ul style="list-style-type: none"> • Balance development with biodiversity protection 	<ul style="list-style-type: none"> • Is the country a Party to the Convention on Biological Diversity? • Does the country have domestic laws on the sustainable development and use of natural resources that seek to balance environmental protection with economic development?

	<ul style="list-style-type: none"> • Calls upon State Parties to rehabilitate and restore degraded ecosystems, protect threatened species through laws and regulations, establish special protection areas, and conduct environmental impact assessments of development projects 	<ul style="list-style-type: none"> • How do these laws ensure the enforcement of their provisions? Do they create offenses relating to wildlife crime?
<i>Domestic Law</i>		
6	<p>Convention Concerning the Protection of the World Cultural and Natural Heritage</p> <ul style="list-style-type: none"> • Protect designated cultural and natural sites from destruction, encroachment, and exploitation 	<ul style="list-style-type: none"> • Is the country a Party to the Convention Concerning the Protection of the World Cultural and Natural Heritage? • Are any natural sites in the country listed under the Convention as world heritage of "outstanding universal value"? • Does the country have domestic laws to protect natural heritage sites? Do they contain criminal offenses relating to illegal trade in natural heritage?
7	<p>Bilateral agreements</p> <ul style="list-style-type: none"> • Focus on transnational wildlife offenses • Mutual administrative or judicial assistance agreements, memorandums of understanding (MOUs) 	<ul style="list-style-type: none"> • Has the country entered into any bilateral agreements with other countries that, directly or indirectly, relate to wildlife crime or illegal trade in wild fauna and flora? • Is the country engaged in Voluntary Participation Agreement ("VPA") negotiations, free trade agreements or other bilateral agreements to curtail illegal timber trade? • What mechanisms does the agreement contain? Does it include criminal offenses, measures for Customs and law enforcement cooperation, information exchange, etc.? How is the agreement enforced?
8	<p>Domestic wildlife laws</p> <ul style="list-style-type: none"> • Simplicity and efficiency • Transparency: broad dissemination, understandable language • Ownership over wildlife (state, private property rights, rights of indigenous people or native title) • Designation of government agencies to oversee and regulate wildlife sector, administrative processes, etc. • Game reserves and hunting areas • License systems for leisure and commercial hunting • Transport and import/export rules • Offenses for violations of domestic wildlife 	<ul style="list-style-type: none"> • Which domestic laws regulate the wildlife sector? When were these laws enacted? When were they last updated? • Do domestic laws regulate ownership and property rights over wildlife? • Do domestic laws regulate the management and administration of the wildlife sector? Which agency is charged with wildlife administration? Which government department does the agency belong to, and to whom does it report? • Are subsistence, leisure, or commercial hunting permissible under domestic law? What are the requirements to hunt legally? • Do domestic laws designate game reserves or other areas in which no hunting is permitted? Do they designate areas in which subsistence, leisure or commercial hunting is permissible? • Do domestic laws set out a system for hunting concessions? Who issues hunting concessions? How can they be obtained, renewed, suspended and cancelled? • Do domestic laws set out rules for the transportation and import/export of wildlife, including live animals, dead animals, trophies, animal parts and products made from wildlife?

	laws and enforcement measures	<ul style="list-style-type: none"> • Do domestic wildlife laws set out specific offenses and enforcement measures? • Do domestic wildlife laws set out specific responsibilities of each agency or authority and mechanisms of coordination and cooperation?
10	<p>Domestic CITES implementation</p> <ul style="list-style-type: none"> • Further elaboration and implementation of legislation at the national level • CITES Secretariat developed template for model law on international law and issued legislation checklist for domestic CITES laws 	<ul style="list-style-type: none"> • Do the relevant laws set out: <ul style="list-style-type: none"> ○ General rules to regulate international and domestic trade in endangered species ○ Role of management and scientific authorities ○ Role and powers of enforcement agents ○ Permit requirements, including: (a) form and validity of permits and certificates; (b) revocation, modification, and suspension of permits; and (c) exceptions to permit requirements ○ Prohibitions and offenses relating to illegal trade in endangered species ○ Powers for confiscation ○ General powers for government to make regulations as necessary • Do the relevant domestic laws apply to all animal and plant species listed in CITES Appendices I, II, and III? Do these laws apply to non-CITES species? Are these listed in a separate schedule? • Do the laws use the Convention definitions of "specimen", "introduction from sea" and other relevant terms? • When were these laws last updated? Are schedules and appendices updated if/when listings in the CITES Appendices change?
11	<p>CITES Management Authority</p> <ul style="list-style-type: none"> • CITES signatories must designate one or more Management Authorities to issue permits/certificates, as well as a Scientific Authority to be consulted in certain cases before permits/certificates are issued 	<ul style="list-style-type: none"> • If the country is a Party to CITES, has it designated a Management Authority? What is the name of the Authority? Is it created by statute? • Has the country designated a Scientific Authority? • What is the mandate of the Management Authority? Is it the body designated to grant, cancel and retain the permits and certificates required under CITES? • Is the Management Authority authorized to proceed with any required investigation and detain specimens where there are reasonable doubts on their identification, pending the results of other investigations? • Can the Management Authority refuse to accept permits from exporting countries when it has reasonable grounds to do so (<i>e.g.</i>, if it appears that substantial irregularities have occurred)? • Where is the Management Authority located? How is it equipped and funded? How is it staffed?
12	<p>Cooperation between Management Authority and Customs</p> <ul style="list-style-type: none"> • MOU between Customs and CITES 	<ul style="list-style-type: none"> • How does the Management Authority cooperate with Customs? Has an MOU or other agreement been set up to facilitate their cooperation? What does it state? • How does the Management Authority collaborate with other law enforcement agencies

	Management Authority can facilitate cooperation	<p>and government agencies?</p> <ul style="list-style-type: none"> Is the Management Authority mandated to provide other law enforcement agencies with assistance in terms of the identification, handling and disposal of detained or confiscated specimens?
13	Species protection outside CITES <ul style="list-style-type: none"> CITES applies only to listed species 	<ul style="list-style-type: none"> Do domestic laws relating to species protection apply to the trade in endangered species with States not a Party to CITES? Do domestic laws apply to species not listed in the CITES Appendices?
14	Criminal law: Proof of subjective fault elements <ul style="list-style-type: none"> <i>Mens rea</i> or “guilty mind” typically required before conviction Some jurisdictions allow inference of knowledge, intent or other subjective mental element from other (circumstantial) evidence Vs. strict liability – conduct criminalized regardless of intent or at least without need to prove subjective elements If strict liability not acceptable under criminal law, administrative offenses may complement criminal offenses 	<ul style="list-style-type: none"> Does the national criminal law permit the use of objective factual circumstances to prove subjective fault elements such as intention and knowledge? Is it permissible to infer the subjective fault elements of the relevant wildlife offenses from objective factual circumstances? Does the criminal law presume that every offense requires the proof of fault elements (such as intention, knowledge or recklessness)? Does the criminal law permit criminal liability to arise without the proof of a fault element? Is the concept of strict liability available? In what circumstances can liability without fault arise? What fault elements are required for wildlife offenses? Can liability for wildlife offenses arise without the proof of fault?
15	Extensions to criminal liability <ul style="list-style-type: none"> Inchoate offenses: attempt, conspiracy, incitement Secondary liability: parties to principal offense but not criminally responsible as principal offenders 	<ul style="list-style-type: none"> Are attempts, conspiracy and incitement to wildlife crime criminalized? What are the requirements to establish liability for these inchoate offenses? Does liability for wildlife offenses extend to persons aiding, abetting, counseling or facilitating the offense, as well as to other accomplices? What are the requirements to hold persons criminally liable as participants or accessories?
16	Liability of legal persons <ul style="list-style-type: none"> Criminal liability for corporations Civil/administrative liability to prevent/deter acts committed by/through legal persons 	<ul style="list-style-type: none"> Can legal persons be held criminally responsible for wildlife offenses? Does the prosecution of the corporate prejudice the prosecution of individuals? What types of sanctions can be imposed on corporations? If corporate criminal liability does not exist, is it possible to impose civil or administrative sanctions on corporations?
<i>Wildlife Offenses</i>		
18	Illegal hunting (poaching) <ul style="list-style-type: none"> Unlawful taking of wild animals 	<ul style="list-style-type: none"> Are the following activities criminalized pursuant to domestic law? <ul style="list-style-type: none"> Killing or capturing protected animal species

	<ul style="list-style-type: none"> • <i>E.g.</i>, take protected species, hunt in a protected area or outside a designated area, use wrong methods of hunting, exceed quotas, lack valid license 	<ul style="list-style-type: none"> ○ Killing or capturing wild animals without valid authorization (including no permit, expired permits, forged permits) ○ Killing or capturing wild animals in protected areas (including game reserves and national parks) ○ Killing or capturing wild animals outside licensed boundaries ○ Killing or capturing wild animals above licensed quotas ○ Killing or capturing young animals; the destruction of or damage to nests, dens and eggs; and the removal of eggs ○ Hunting outside of season or at other unauthorized times ○ Obtaining a hunting license illegally ○ Use of unauthorized hunting devices or hunting methods (including traps and explosives) ○ Interference with other people's hunting or trapping ○ Underreporting and misreporting hunting activities or quotas • Pursuant to which legislation are these activities criminalized? Are these criminal offenses or administrative offenses? • What types of offenses are included? • Does liability for the offenses cover intentionally, knowingly, or negligently (without due care) engaging in the prohibited conduct? Can the offenses be committed without proof of fault (strict liability)? • Do the offenses criminalize incidental illegal logging and harvesting (when the result is incidental to some other activity)? • What are the penalties for these offenses?
19	<p>Illegal processing of animal material</p> <ul style="list-style-type: none"> • <i>E.g.</i>, milling, slaughtering, manufacturing, processing without valid license 	<ul style="list-style-type: none"> • Are the following activities criminalized pursuant to domestic law? <ul style="list-style-type: none"> ○ Processing illegally obtained or protected plant or animal material ○ Processing without documentation verifying the legal origin of the material ○ Manufacturing of prohibited goods made from wild fauna or flora ○ Operating processing facilities for animal material without a license • Pursuant to which legislation are these activities criminalized? Are these criminal offenses or administrative offenses? • What types of offenses are included? • Does liability for the offenses cover intentionally, knowingly or negligently (without due care) engaging in the prohibited conduct? Can the offenses be committed without proof of fault (strict liability)? • What are the penalties for these offenses?
20	Trafficking, illegal trade, sale and supply	<ul style="list-style-type: none"> • Are the following activities criminalized pursuant to domestic law?

	<ul style="list-style-type: none"> • Commercial activities, transportation • Restrictions on trade 	<ul style="list-style-type: none"> ○ Selling wild fauna or flora that has been illegally logged, harvested or otherwise obtained illegally ○ Transport, sale and offering for sale of any specimen of CITES-listed species that has been imported, introduced from the sea or taken from the wild without the required permits ○ Trade and transport of unlawfully imported specimens ○ Trade in defiance of trade restrictions or national control measures • Pursuant to which legislation are these activities criminalized? Are these criminal offenses or administrative offenses? • What types of offenses are included? • Does liability for the offenses cover intentionally, knowingly or negligently (without due care) engaging in the prohibited conduct? Can the offenses be committed without proof of fault (strict liability)? • What are the penalties for these offenses?
21	<p>Import and export offenses</p> <ul style="list-style-type: none"> • Export: <i>e.g.</i>, transportation without authorization, export illegally obtained materials, misclassification, fraudulent documents, excessive exports, without proper permits • Import: <i>e.g.</i>, protected species, defy import ban, fail to declare, documentation requirements, false declaration, exceed limit 	<ul style="list-style-type: none"> • Are the following activities criminalized pursuant to domestic law? <ul style="list-style-type: none"> ○ Export and import of protected species (protected under domestic law or in the CITES Appendices) ○ Export and import of wild fauna and flora without valid permits (no permit, invalid permits, forged permits) ○ Export and import of wild fauna and flora above set quotas or above documented quotas ○ Export and import of wild fauna and flora in contravention of national bans ○ Other export and import of wild fauna and flora not in consistency with valid permits • Pursuant to which legislation are these activities criminalized? Are these criminal offenses or administrative offenses? • What types of offenses are included? • Does liability for the offenses cover intentionally, knowingly or negligently (without due care) engaging in the prohibited conduct? Can the offenses be committed without proof of fault (strict liability)? • What are the penalties for these offenses?
22	<p>Offenses relating to possession</p> <ul style="list-style-type: none"> • Address demand and consumption • CITES is among the few provisions that require State Parties to penalize possession of any listed species 	<ul style="list-style-type: none"> • Are the following activities criminalized pursuant to domestic law? <ul style="list-style-type: none"> ○ Possession and purchasing of any specimens of CITES-listed species that have been imported, introduced from the sea, or taken from the wild without the required permits ○ Possession and purchasing of unlawfully imported specimens

		<ul style="list-style-type: none"> ○ Obtaining, consuming, and using illegally sourced/imported wild fauna and flora ● Pursuant to which legislation are these activities criminalized? Are these criminal offenses or administrative offenses? ● What types of offenses are included? ● Does liability for the offenses cover intentionally, knowingly or negligently (without due care) engaging in the prohibited conduct? Can the offenses be committed without proof of fault (strict liability)? ● What are the penalties for these offenses?
23	<p>Penalties for wildlife offenses</p> <ul style="list-style-type: none"> ● Differences among countries can create challenges in multilateral efforts to combat wildlife crime ● CITES does not prescribe specific penalties – determined by Parties ● Deterrence factor significantly lessened if courts cannot or do not impose realistic fines or other forms of punishment ● Low/inadequate penalties also may restrict use of investigative techniques that may only apply to serious crimes ● Higher fines only effective deterrent where overall governance of wildlife sectors is improved ● Should be fair and commensurate with harm, severe enough to deter, and socially acceptable 	<ul style="list-style-type: none"> ● What types of sanctions are provided for wildlife offenses in the statute (such as fines or imprisonment)? ● Does the legislation set out maximum terms of imprisonment or maximum fines? ● Does the severity of the penalty adequately reflect the severity of the harm caused by the perpetrator and his/her guilty mind? ● How do these penalties and their severity compare to those for other types of criminal offenses? ● Is there any forfeiture statute or provisions on general or special forfeiture? ● Is there an appropriate recurrent process to review the compliance of concession and other utilization agreements with national legislation?
<i>Related Offenses</i>		
24	<p>Document fraud and related offenses</p> <ul style="list-style-type: none"> ● Disguise authenticity, legality, quantity, volume, origin, and destination ● Occurs at source points, transit points, and destination points ● False information/misrepresentations made to government officials, with intent to omit or mislead ● Can involve corruption 	<ul style="list-style-type: none"> ● Are the following activities criminalized pursuant to domestic law? <ul style="list-style-type: none"> ○ Forging of government-issued documents, security stamps and markings ○ Theft of bank documents ○ Providing false information, including making false statements and misrepresentations, to government officials ○ Violation of the conditions attached to permits and licenses related to wildlife ○ Unauthorized removal, defacement, erasure and alteration of stamps and marks ○ Falsification of records and failure to keep records ○ Omission of material facts

		<ul style="list-style-type: none"> ○ Carrying out fraud to deprive citizens or the government of the honest and faithful services of its employees ● Pursuant to which legislation are these activities criminalized? Are these general fraud offenses, identity-related offenses, or offenses specific to wildlife crime? Are these criminal offenses or administrative offenses? ● Does liability for the offenses cover intentionally, knowingly, or negligently (without due care) engaging in the prohibited conduct? What are the applicable evidentiary standards for the prosecution of such offenses? ● Does liability for the offenses extend to participation in, attempts to, conspiring to, aiding, abetting, facilitating and counseling the commission of these offenses? ● What are the penalties for these offenses? Do such offenses include criminal or administrative sanctions or both? ● Are there sufficient data, statistics, or other information to effectively and conclusively prove a case of fraud or identity-related crime?
25	<p>Money-laundering offenses</p> <ul style="list-style-type: none"> ● Few countries have wildlife offenses predicate offenses for money-laundering ● International frameworks can be used to criminalize and investigate laundering of wildlife crime proceeds (i.e. Convention against Transnational Organized Crime, UN Convention against Corruption) 	<ul style="list-style-type: none"> ● Does domestic law criminalize the conversion, transfer or concealment of property, or the disguise of its true nature, source, location, disposition, movement or ownership, knowing that such property is the proceeds of crime? ● Does domestic law criminalize the acquisition, possession or use of property, knowing that such property is the proceeds of crime? ● Do these offenses apply to the proceeds derived from all serious crimes? Are relevant wildlife offenses predicate crimes to which money-laundering provisions apply? If so, do predicate offenses include offenses committed both within and outside the national territory? If committed outside the national territory, does the double criminality requirement apply? ● Are there specific money-laundering offenses relating to wildlife crime? Where are the offenses defined (such as the penal code or specific criminal laws)? What are their constituent elements, both objective and subjective (<i>mens rea</i>)? ● Does liability for the offenses cover intentionally, knowingly or negligently (without due care) engaging in the prohibited conduct? Can the offenses be prosecuted without proof of fault? ● Does liability for the offenses extend to participating in, attempting to commit, conspiring to commit, aiding, abetting, facilitating, and counseling the commission of these offenses? ● What are the penalties for these offenses? ● Are the money-laundering provisions applicable to the persons who committed the predicate offense (self-laundering) or are predicate offenses and money-laundering

		punished separately?
26	<p>FATF 40 Recommendations</p> <ul style="list-style-type: none"> • Financial Action Task Force ("FATF") • Intergovernmental body created in 1989 to address money-laundering and enhance multilateral judicial assistance in that field • Financial Intelligence Units ("FIUs") in participating countries • FATF offers 40 recommendations to combat money laundering and terrorist financing 	<ul style="list-style-type: none"> • Is the country a member of FATF? • Is the country a member of another regional anti-money-laundering group? • Has the country undergone a mutual evaluation by its peers (in the context of FATF or an FATF-style regional body)? If so, when was the assessment carried out and what was its outcome? What deficiencies were identified and what steps have been taken to remedy these deficiencies?
27	<p>Reporting of suspicious transactions</p> <ul style="list-style-type: none"> • Reporting requirements imposed on financial institutions help detect laundering of proceeds of crime 	<ul style="list-style-type: none"> • What customer due diligence measures do reporting institutes employ to establish customer and beneficial owner identities? • What reporting entities are covered in the country? • Are reporting entities, including banks, required to report suspicious transactions? Such an obligation applies to, inter alia, the following: <ul style="list-style-type: none"> ○ Proceeds of all offenses that are required to be included as predicate offenses under Recommendation 1 of the FATF 40 Recommendations ○ Funds suspected to be linked or related to terrorism purposes ○ All suspicious transactions, including attempted transactions, regardless of whether the transaction involves tax matters • Has the country established an FIU? • Does the FIU have, on a timely basis, access to financial, administrative and law enforcement information to achieve its objectives in assessing the suspicious transaction? • Are the reporting entities required to report any suspicious transactions to the FIU? • Does the FIU provide them with adequate guidance or instructions on reporting a suspicious transaction? (See FATF Recommendations 13, 14 and 26.) • Are enhanced customer due diligence measures in place for dealings with potentially exposed parties ("PEPs")? If so, are domestic or international PEPs covered? • Does the country have policies and procedures in place to address the risks associated with non-face-to-face business relationships or transactions? • Are measures in place to detect the physical cross-border transportation of currency and bearer negotiable instruments, including a declaration system or other disclosure obligation?
28	Corruption and bribery offenses	<ul style="list-style-type: none"> • Are the following activities criminalized pursuant to domestic law? If so, under which

	<ul style="list-style-type: none"> • May occur prior to operation (granting permits, certificates, quotas, licenses), during operation (control of activity), and after operation (granting permits and licenses for export or commercialization of products) • Risk of being caught is often low • While most countries have laws criminalizing corruption and bribery, often are not an adequate deterrent because: (a) rarely enforced; (b) prosecutions are often not successful – difficult to gather adequate evidence, etc.; (c) penalties are low • UN Convention against Corruption defines bribery of national public officials as: (a) promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official or another person/entity, in order that official will act or refrain from acting in the exercise of his/her official duties; (b) solicitation or acceptance by public official, directly or indirectly, of an undue advantage, for that official or another person/entity, in order that the official act/refrain from acting in exercise of his/her official duties • Convention requires State Parties to adopt legislation and measures to establish as criminal offenses activities related to corruption; also requires adoption of measures necessary to establish liability of legal persons for participation in offenses established in accordance with Convention • See also UNODC’s Anti-Corruption Toolkit (2004) 	<p>laws are these activities criminalized (penal code, specific laws or other)? What types of offenses are included, both objective and subjective (<i>mens rea</i>)?</p> <ul style="list-style-type: none"> ○ Active and passive bribery, complicity in bribery offenses and other forms of corruption ○ Embezzlement, misappropriation or other diversion of property by a public official ○ Bribery of foreign public officials and officials in public international organizations ○ Trading in influence ○ Abuse of functions ○ Illicit enrichment ○ Bribery in the private sector ○ Obstruction of justice <ul style="list-style-type: none"> • Are there special offenses pursuant to wildlife sector laws to criminalize the following? • Payment of bribes to government officials and politicians for preferential treatment (for example, to receive a timber concession, hunting permit or processing license; or to avoid reporting restrictions, overlook petty infringements, ignore illegal logging, harvesting and poaching activities) <ul style="list-style-type: none"> ○ Payment of bribes to avoid prosecution or administrative intervention for non-compliance with wildlife laws and regulations ○ Financial extortion by wildlife officials ○ Favoritism (that is, favorable decisions by wildlife officials with the tacit understanding that the favor will be returned, financially or otherwise) ○ Cronyism (that is, favorable decisions by wildlife officials for friends and relatives) ○ Manipulating bidding processes or leaking bidding information to preferred contractors • Does liability for the offenses cover intentionally, knowingly or negligently (without due care) engaging in the prohibited conduct? Can the offenses be committed without proof of fault (strict liability)? • Does liability for the offenses extend to participation in, attempting to, conspiring to, aiding, abetting, facilitating and counseling the commission of these offenses? • What are the penalties for these offenses? • Is the liability of legal persons for the relevant offenses established domestically? What is the nature of such liability? • Has the country become a Party to the United Nations Convention against Corruption?
29	Tax evasion and non-payment of fees	<ul style="list-style-type: none"> • Are the following activities punishable pursuant to domestic law? Are they punishable

	<ul style="list-style-type: none"> • Failure to pay relevant duties, taxes, and fees deprives governments and local communities of important revenues and can undermine economic development • Unfair competition can pose challenges to compliant operators • Also often linked to money-laundering and corruption 	<p>as criminal or administrative offenses? Pursuant to which laws are these crimes punishable (penal code, specific criminal laws, administrative laws or regulations, or other)? What are the elements of these offenses?</p> <ul style="list-style-type: none"> ○ Declaring animal and plant material or products below market prices or value ○ Overvaluing services received from related companies to reduce declared profits and corporate income taxes ○ Avoiding royalties and duties by underreporting or undervaluing animal and plant material or products ○ Non-payment of license fees, royalties, taxes and other government charges relating to activities in the wildlife sectors ○ Concealing of profits and manipulating revenue flows for services to avoid duties and taxes <ul style="list-style-type: none"> • What are the penalties for these offenses?
30	<p>Participation in criminal organizations</p> <ul style="list-style-type: none"> • Many forms of wildlife crime are directly or indirectly associated with organized crime, often operating across borders • UN Convention against Transnational Organized Crime sets out separate offense for participating in organized criminal group 	<ul style="list-style-type: none"> • Does the country criminalize participation in a criminal organization or other organized criminal group? If so, under which legislation can this offense be found? What are its elements? • Does this offense extend to all serious offenses? Are wildlife offenses considered serious offenses pursuant to domestic law? • Does this offense extend to those who lead, direct, finance or help in other capacities criminal organizations? • Does liability for this offense extend to attempting to, aiding, abetting, facilitating and counseling the commission of this offense? • What are the penalties for this offense?
<i>Regional and Specialized Initiatives</i>		
32	<p>Regional wildlife enforcement networks</p> <ul style="list-style-type: none"> • Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora: encourage and facilitate wildlife law enforcement in Africa. Six signatory parties (as of 2012), primarily in East Africa 	<ul style="list-style-type: none"> • Does the country participate in any of the regional wildlife enforcement networks? • Have the declarations and best practice guidelines developed by regional wildlife enforcement networks been integrated into domestic policies, laws, regulations, administrative procedures and so forth?

Part II: Enforcement

<i>Enforcement Agencies</i>		
1	<p>Law enforcement structures</p> <ul style="list-style-type: none"> • "Macro-structures" – who has authority to enforce the relevant laws 	<ul style="list-style-type: none"> • How is law enforcement structured nationally? • Which agencies have responsibility for national, state/provincial, and local policing? • Are there any inter-agency task forces or other agencies that work on environmental or related offenses? • Which government ministries are involved in law enforcement?
2	<p>Enforcement mandates</p> <ul style="list-style-type: none"> • Agencies responsible for investigation and enforcement – could be general police force, agriculture or treasury departments, customs, coast guards, environmental agencies, or (ideally) specialized, multi-agency wildlife enforcement units 	<ul style="list-style-type: none"> • Which organizations, agencies, or bodies are involved in investigating wildlife offenses? Is the jurisdiction of each agency clear or is there disjuncture? • What are the duties and responsibilities of each agency? Are the duties of the relevant agencies clearly defined and understood by their staff and the agencies with which they interact? Do these agencies have adequate authority or discretion to properly undertake their functions? • Are the agencies part of one government ministry or several? Which ministries are involved? • How are the agencies financed? Are the budgets they receive sufficient to carry out their functions? • Who has control over these agencies? Who examines their function? • If specialized agencies or departments exist, are they made up of individuals from a number of different agencies? • Are there agencies dedicated exclusively to wildlife crime, including the enforcement of CITES, or do they also have responsibilities for other types of crime (for example, illegal drugs, organized crime or money-laundering), or non-tariff commodities? • Are there any unofficial or private groups or organizations involved in delivering a policing role in the wildlife sector? If so, what do they do? How are they perceived by official policing agencies? To whom are they accountable?
3	<p>Legislation for enforcement mandates</p> <ul style="list-style-type: none"> • Cooperation between state/provincial/local investigators and federal law enforcement officers 	<ul style="list-style-type: none"> • Is there legislation assigning the responsibilities of policing wildlife and related crimes to specific agencies? • Does the legislation assign and distinguish between the roles of different agencies in delivering policing?
4	<p>Management of investigations</p> <ul style="list-style-type: none"> • Could be prosecutors, investigating judges, police officers, other enforcement agencies 	<ul style="list-style-type: none"> • Who is responsible for managing a criminal investigation involving wildlife offenses: a prosecutor, investigating judge, police officer, wildlife agency, or a border control or Customs agency? • Who is responsible for managing investigations involving Customs, import/export and border control offenses?

		<ul style="list-style-type: none"> • Who is responsible for managing investigations of CITES offenses? • Is the responsibility for managing an investigation unambiguous so as to ensure a coordinated investigation and avoid the loss of evidence? • Are the results of investigations, prosecutions and court decisions shared among the relevant enforcement agencies, in particular the agencies that handed over the case in question?
5	<p>CITES Management Authority</p> <ul style="list-style-type: none"> • CITES requires each Party to designate domestic agency mandated with management of CITES • Directory of agencies is available to Secretariat and other Parties 	<ul style="list-style-type: none"> • Which national agency is the designated CITES Management Authority (if the country is a Party to CITES)? • Does the CITES Management Authority have enforcement functions? If not, which agency is charged with enforcing CITES obligations? • How does the CITES Management Authority operate with other enforcement agencies and ministries?
6	<p>Community policing</p> <ul style="list-style-type: none"> • <i>E.g.</i>, local rangers, guards, other officers to patrol and ensure compliance • Decentralized decision-making 	<ul style="list-style-type: none"> • Is there a community policing strategy related to wildlife offenses? If so, what is included in it? Are local priorities and performance measures set? • Are there formally defined mechanisms in place by which the public, or their representatives, are consulted on local policing issues? How often does this happen and under what circumstances? Who is involved? What are the outcomes of such consultations? • How is community policing perceived by other criminal justice agencies and the public?
7	<p>Partnerships</p> <ul style="list-style-type: none"> • Investigation often involves variety of government departments, private industry, and civil society organizations • May be formalized in MOUs or committees, or may be ad hoc and informal 	<ul style="list-style-type: none"> • What partnerships to prevent and suppress wildlife offenses currently exist (a) among law enforcement agencies and (b) between enforcement agencies and other public service departments? • Are there mechanisms in place to enable and facilitate cooperation among wildlife administration, law enforcement officers, prosecutors' offices and judicial entities? • Are there partnerships with other formal groupings in the public, private or nongovernmental sector? • How do these partnerships work in practice? Are there written protocols, MOUs, committees and so forth? Does collaboration operate without undue delay? • Are there concerns that the relevant units or individuals are getting too close to certain industries or interest groups? Is there any suggestion that such partnerships create unequal service delivery, that is, are there fears of favoritism? • Are resources shared in partnership arrangements? Are joint operations undertaken? • Are there public-private partnerships that provide financial, logistical or other support for the suppression of wildlife offenses? • Are there legal provisions permitting cross-deputation?

		<ul style="list-style-type: none"> • Can joint task forces be convened? • Does the military play any role in law enforcement in the wildlife sector?
<i>Human Resources</i>		
8	<p>Staffing levels</p> <ul style="list-style-type: none"> • Adequate training and staffing are essential 	<ul style="list-style-type: none"> • How many individuals work in the units charged with enforcing wildlife laws? Are staff drawn from multiple agencies or are they recruited independently? • Are agencies sufficiently staffed? Do staff receive appropriated training? • Do the police units tasked with enforcing wildlife laws have a full complement of staff? If not, what reason is given for this? • Within the relevant units, what proportion of enforcement officers is in supervisory or management ranks? What is the ratio of officers with less than two years of service to those with two or more years of service? How long on average do officers stay in the relevant units? • Within the relevant units, what proportion of staff is full-time/part-time, administrative/investigative? • Are enforcement officers deployed strategically in important locations such as game reserves, national parks, ports, border crossings and so forth? Is there an appropriate balance between staff working in the field and those working in central offices? • Is there a tenure system in which staff are moved to different departments or agencies after a set period of time? • Is there provision for drawing upon other agencies to supplement staff needs for operational requirements or during times of shortages? • Are there funds to travel, hire experts and purchase equipment (such as vehicles, radios and electronic surveillance equipment)?
9	<p>Salaries and benefits</p> <ul style="list-style-type: none"> • Salaries must be commensurate with workload and responsibilities • Important for motivation and avoiding corruption • Lack of parity with counterparts in Customs and police agencies makes it difficult to obtain support and restricts ability to engage in multi-agency operations 	<ul style="list-style-type: none"> • What is the salary structure for law enforcement officers and other staff? What is the average salary, including overtime, for each level? How does this compare to the national average wage? How does it compare to those of other official enforcement agencies? • Are salary levels adequate or do enforcement officers engage in additional employment or private enterprise to supplement their income? • Are salary levels commensurate with the responsibilities and risks involved? • Do wildlife and police officers and other staff receive their pay? Do they receive it on time? • What is the expected workload for wildlife and police officers and unsworn staff in the relevant units? • Do reward schemes for seizures and arrests exist? How do they operate?

10	<p>Recruitment</p> <ul style="list-style-type: none"> • Fair and transparent • Clear selection criteria 	<ul style="list-style-type: none"> • What are the selection processes and recruitment procedures for joining the units and agencies tasked with enforcing wildlife laws, rules and regulations? How are staff selected? • What levels of qualification, skills and professional experience are required to join these units? What are the basic educational requirements for recruitment (such as the level of literacy and numeracy)? • Is there a vetting procedure for applicants? Is recruitment based on objective assessment and interviews? Does the selection process appear fair and objective? • Do staff complete a probationary period before being confirmed as officers?
11	<p>Training: delivery</p> <ul style="list-style-type: none"> • Staff at all levels must be adequately trained and skilled to meet challenges and hazards of combating wildlife offenses • CITES Secretariat created computer-based training course for enforcement officers and information module for prosecutors and the judiciary (2008); available in multiple languages • Existing training programs must be reviewed and updated regularly • Primary law enforcement agencies should have basic awareness of applicable national legislation, CITES, and role they may play in enforcement and implementation • Inclusion of money-laundering and financial crime modules help increase awareness and understanding of links 	<ul style="list-style-type: none"> • What basic training is given to persons joining the relevant wildlife enforcement units? • What is the annual capacity for the training of recruits and for specialized training? • How often do officers receive refresher training? What specialized training courses are available? How are training needs assessed? • How is the training delivered (for example, classroom, self-study or computer-based)? • Who delivers the training? What measures are taken to assess the qualifications of trainers? • Who develops the syllabuses for the training? Do partner agencies contribute to syllabus development? • When were training programs last updated? • Does the training involve participants from multiple agencies (domestic and foreign)? How is new staff introduced to counterparts in partner agencies? • Is there any assistance from international or regional organizations? • Is there a measure of accreditation applied to ensure the quality and standardization of training? • What other training opportunities are available (such as further study, professional development, secondments or attachments to central units or to other agencies)? • What training on the relevant wildlife crime issues is available for Customs and police agencies? Is the subject of wildlife offenses included in the basic training of all Customs and police officers? • Is the subject of wildlife smuggling included in seaport and airport security staff training? • Is there a cross-agency training program?
12	<p>Training: content</p> <ul style="list-style-type: none"> • Need understanding of relevant investigative powers and procedures, as 	<ul style="list-style-type: none"> • Does the training of wildlife law enforcement officers cover the following issues? <ul style="list-style-type: none"> ○ Domestic wildlife laws, including procedures and offenses ○ Levels and characteristics of criminal activity in these sectors

	<p>well as technical knowledge of operation of these sectors, environmental issues, land and property rights, and commercial and trade issues</p> <ul style="list-style-type: none"> • Personnel at border control points must be familiar with import, export, and CITES requirements, species identification, customs and quarantine procedures, and relevant international obligations 	<ul style="list-style-type: none"> ○ Species protection and relevant environmental issues ○ Trade, correct documentation and Customs procedures ○ Information gathering and dissemination ○ Identification of commodities ○ Investigation techniques, procedures and the handling of seized wildlife ○ Availability and limitations of enforcement powers ○ Use of equipment, technology and forensic procedures ○ International cooperation ○ Partnership building and collaboration with domestic and international agencies ○ Prevention, education and awareness-raising • Does the training involve elements related to accountability, ethics, human rights, integrity and corruption? • Is the training supplemented by manuals summarizing these issues?
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Intelligence

13	<p>Intelligence gathering</p> <ul style="list-style-type: none"> • For maximum value, focus simultaneously on strategic, tactical, and operational levels • Information should be subjected to analysis and processing before disseminated or used • Once gathered, must be transmitted to those able to use it 	<ul style="list-style-type: none"> • Is there legislation or other (written) frameworks on the gathering, storage, analysis and dissemination of criminal information or intelligence for the purpose of enforcing wildlife laws? • What do existing laws and frameworks allow? What are the constraints and limitations? • Who gathers information? How is it gathered? • Who oversees how information and intelligence is gathered, managed and exchanged? • Where and how is intelligence and information stored? Are specific national or regional databases and analysis tools used? Is information recorded manually or electronically? • How is information recovered, analyzed and disseminated? • Are officers encouraged to collect information, write reports and file them in a central location? If not, why not? • Are agencies allowed or required to exchange information and intelligence with other countries?
14	<p>Covert investigation techniques</p> <ul style="list-style-type: none"> • <i>E.g.</i>, controlled delivery of prohibited material, use of false company identities, or use of technical, photographic, and video surveillance • UN Convention against Transnational Organized Crime and UN Convention against Corruption also encourage (to extent possible and permissible under 	<ul style="list-style-type: none"> • Do investigators use covert investigation techniques? If so, which ones? • Are investigators of wildlife offenses aware of the use of covert investigation techniques, including the following techniques? <ul style="list-style-type: none"> ○ Interception of telecommunications, e-mail traffic and post/mail ○ Listening devices, and tracking and positioning devices ○ Mobile surveillance teams, and photographic and video surveillance ○ False personal and company identities ○ Covert search of premises, letters, packages, containers and vehicles ○ Simulated or test-purchase of an item

	<p>domestic law) appropriate use of special investigative techniques (<i>e.g.</i>, electronic/other surveillance) and undercover operations to combat organized crime and corruption</p> <ul style="list-style-type: none"> • Surveillance of internet: online advertisements • Balance privacy vs. investigation of serious criminality • Judicial/independent oversight common and required under international human rights law 	<ul style="list-style-type: none"> ○ Internet surveillance ○ Simulation of a corruption offense or “integrity test” ○ Covert real time monitoring of financial transactions ○ Undercover infiltration of networks through operatives posing as criminals or buyer • Are investigators permitted to use such methods? • What are the preconditions for the use of covert investigation techniques? Does their use require authorization from a judicial or other independent source? What are the limits and conditions on orders for covert surveillance? • Do investigators run undercover “buying” operations in which they pose as criminals? If so, how and how often is this done? In which cases is this permitted? Is there a legal concept of entrapment? • Is there training in the use of undercover techniques? Are there guidelines for the use of undercover officers (for example, guidelines concerning the Federal Bureau of Investigation undercover committee)? If so, are these guidelines public?
15	<p>Controlled delivery</p> <ul style="list-style-type: none"> • Covert investigation technique used by law enforcement to track route of commodity to identify persons connected with criminal activities and gather evidence against them • Particular responsibilities are required of agencies that use this technique; may need to be authorized by senior officer, prosecutor, or judge 	<ul style="list-style-type: none"> • Is there a legal basis to conduct controlled delivery operations? If so, is this law specific to investigations of wildlife offenses? • Are investigators of wildlife offenses permitted to conduct controlled deliveries, based on national legislation? • Have investigators undertaken controlled deliveries? • In the absence of a legal basis, is it possible to conduct controlled delivery operations with the agreement of prosecution authorities? • Does the national legislation or regulations allow substituting the detected contraband before an actual controlled delivery is conducted? If so, can the records be accepted for the purpose of evidence in court? • Which agency should take the lead with regard to the controlled delivery? • What are the preconditions for the use of controlled delivery? Is authorization from a judicial or other independent source required? What are the limits and conditions for orders for a controlled delivery? • Have standard operation procedures been developed to support speedy and efficient controlled deliveries?.
16	<p>Informants</p> <ul style="list-style-type: none"> • Can be more resource- and cost-effective compared to other covert methods • CITES Secretariat encourages development of network of informants • Informants require careful management 	<ul style="list-style-type: none"> • To what extent are informants used by authorities in the investigation of wildlife offenses? • How are informants managed? In particular, what procedures are in place for contacting informants and recording information? • Are investigators trained in the management of informants?

		<ul style="list-style-type: none"> • Is the identity of informants protected throughout the criminal justice system? If so, how? • What systems exist to manage the payment of informants? Are such payments subject to external auditing by another government agency? • What are the rules regarding payments to informants? For example: Who authorizes the payment? How is the amount determined (fee or percentage)? How are funds paid? Which audit procedures are used? Is there any relationship between informant payments and rewards to informants? • Do rules, procedures and supervisory guidelines establish a difference between the handling of witnesses and informants, and how to cooperate with them? • Are there standard operating procedures on the handling of informants?
17	<p>Patrols and checkpoints</p> <ul style="list-style-type: none"> • Risk management, systematic patrols with routes designed to optimize coverage of areas • Checkpoints along main roads, key entry points, etc. can assist in detecting and preventing wildlife crime 	<ul style="list-style-type: none"> • How are wildlife habitats patrolled? How frequently? • Who patrols these areas (game wardens, police or others)? • What system is used to determine patrol routes and the frequency of patrols? • Are there specific checkpoints along main trade routes, roads, rivers, ports, natural sites or others? • How are these checkpoints staffed and what inspections are carried out at these checkpoints?
18	<p>Proactive investigations</p> <ul style="list-style-type: none"> • Target prominent and emerging crime threats to reduce harm they cause • Used in response to intelligence regarding ongoing or planned criminal activity • Particularly useful against organized crime 	<ul style="list-style-type: none"> • Are wildlife offense investigators deployed (individually or in teams) to investigate pre-identified targets, individuals or groups rather than in response to crime reports? • Do investigators use analysis and profiling to build a case against a target? If so, how are targets chosen? • Is there a criminal intelligence cell or unit that collects, collates and analyses information related to wildlife offenses and criminals? • Is there a written requirement that all investigations and prosecutions be properly predicated on the law and lawfully obtained evidence?
<i>Enforcement Powers</i>		
19	<p>Sources of enforcement powers</p> <ul style="list-style-type: none"> • Usually set out in and limited by statute • Police powers and responsibilities act, code of criminal procedure, criminal code • Customs – management and control over movement of goods, means of transport, persons and their luggage across borders 	<ul style="list-style-type: none"> • Is there legislation that empowers an agency in the investigation of wildlife offenses? • Are the relevant enforcement powers set out in a wildlife statute or legislation, Customs law or other special legislation, or are they set out in general criminal procedure laws or police law? • What laws, rules or regulations exist to govern the powers and conduct of law enforcement officers? • When were the relevant laws last updated? • Who oversees the proper application of enforcement powers?

		<ul style="list-style-type: none"> • Are there differences in rules of evidence or procedures when the money-laundering law is used?
20	<p>Types of investigative powers</p> <ul style="list-style-type: none"> • Coercive powers to demand compliance, <i>e.g.</i>, search and seizure of property, arrest and questioning, cover operations 	<ul style="list-style-type: none"> • Are agencies involved in enforcing wildlife laws authorized to carry out the following activities? <ul style="list-style-type: none"> ○ Stop, question, inspect and conduct searches of goods, people, premises and conveyances ○ Gather information on people, places, means of transport and so forth if they are suspected of being involved in wildlife offenses ○ Make arrests ○ Seize property ○ Seize vessels, vehicles, aircraft and other means and equipment used to transport wildlife or plants ○ Investigate wildlife offenses ○ Carry firearms or other weapons • Are these powers sufficient to prevent or disrupt wildlife offenses? • Is it an offense to obstruct wildlife crime officers? • What is admissible as evidence, and what is the procedure for having evidence admitted (for example, photographs, summary documents, computer evidence, DNA evidence and charts)?
21	<p>Exercise of enforcement powers</p> <ul style="list-style-type: none"> • Discretion inherent in virtually all enforcement powers • Decision regarding whether to exercise a power, and the factors influencing discretion, are important issues in understanding how law enforcement affects people and communities 	<ul style="list-style-type: none"> • Does the law define the grounds and threshold for the application of coercive powers (for example, the concept of “reasonable grounds”, “reasonable belief”, or “probable cause”)? • Is the application of enforcement powers limited to the use of minimum or reasonable force (or similar) such that officers should apply only the level of force necessary to achieve their lawful purpose? • What enforcement actions require the issue of a warrant? Who issues these? • What other express and implied limitations for the use of enforcement powers exist? • What records are required to be made regarding the use of enforcement powers?
22	<p>Facilities and equipment</p> <ul style="list-style-type: none"> • May include basics (<i>e.g.</i>, offices, transportation, stationery, access to motor vehicles and handcuffs) to more sophisticated equipment (<i>e.g.</i>, computers, radios for communication, equipment for forensic procedures, laboratories, firearms) • Sufficient funding for day-to-day functions 	<ul style="list-style-type: none"> • What are the physical facilities of the relevant units? Where are they accommodated? Are the buildings structurally sound? • Is there a steady and reliable source of electricity? Is there a working backup generator? • Is the office equipment (furniture, stationery, photocopiers and so forth) adequate? • Does the public have access to these offices? • Is the supervisor or manager of the unit located in the facility or nearby? If prosecutors lead the investigation, where are they located? Do they have easy access to the investigators?

	and specialized operations	<ul style="list-style-type: none"> • What communication and word-processing technology is available (such as computers, the Internet, telephones, mobile telephones, walkie-talkies and fax machines)? • Can seized property and other assets be stored securely? • Other than Customs, the police or other enforcement agencies, who assists in handling and storing seized fauna and flora (alive or dead)? • Are front-line officers adequately funded, sufficiently equipped and trained in equipment use? • Do officers have access to personal protective equipment such as batons, handcuffs, Tasers, firearms or other weapons? Are they issued and stored in a secure manner? • Do investigators have access to vehicles, vessels and other means of transport? How many vehicles or vessels are available? Are they marked or unmarked? Are they armored? Is there sufficient fuel available? • Are there other non-operational demands placed upon these resources (such as shared vehicles)? • What maintenance and replacement provisions are in place for the equipment?
<i>Investigation Procedures and Techniques</i>		
23	<p>Reporting offenses</p> <ul style="list-style-type: none"> • Reward schemes or “whistle blower schemes” as incentive for individuals to furnish information • Watch groups – community works together to reduce crime and enhance community safety • CITES Secretariat developed preliminary report form for use in reporting incidents of wildlife crime, illegal trade, poaching of endangered species, or significant intelligence 	<ul style="list-style-type: none"> • How do wildlife offenses come to the attention of authorities? • Is contact information (such as telephone numbers, fax numbers and e-mail addresses) available to the public to enable them to report crime? • Which steps are taken when a wildlife offense is reported? Who records it? Are procedures in place for processing such reports? • How and where are reports recorded? Are they recorded on paper or electronically? How are reports stored and filed? • Is there a set format for recording initial crime reports? If so, does the format include information about the date, species involved, type of event or offense, and suspect? • How is immediate action identified and managed? Who has to be notified about the offense? • Is the person who reported the offense kept up to date regarding the progress of the investigation? • Is there a reward scheme for persons who report wildlife offenses? • Are there local “watch groups” comprised of individuals and businesses who collaborate to prevent, report and reduce wildlife offenses?
24	<p>Information and evidence gathering</p> <ul style="list-style-type: none"> • Evidence must be collected and recorded thoroughly and systematically 	<ul style="list-style-type: none"> • Are all the relevant wildlife crime enforcement officers (not only police and investigators) trained in the rules of evidence? Are they trained in what to look for and how to protect evidence?

	<ul style="list-style-type: none"> Rules of evidence may preclude some types of information from being considered by the trier of fact (i.e., prejudice to defendant outweighs usefulness, unreliable hearsay) 	<ul style="list-style-type: none"> For major cases, is an officer designated to ensure continuity and preserve the integrity of evidence and exhibits? Is progress in an investigation recorded electronically or on paper? Who maintains these records? Are they updated regularly?
25	<p>Wildlife crime scene work</p> <ul style="list-style-type: none"> Should have meticulous investigations, detailed records, and proper chain of custody maintained for each item of evidence 	<ul style="list-style-type: none"> Are there special laws or operating procedures for wildlife crime scene work? Are there specialist personnel for wildlife crime scene management? Are all staff aware of the importance of securing and preserving a crime scene in order to facilitate a thorough examination of it? Are the relevant staff properly trained in establishing a crime scene, forensic evidence gathering, record keeping, electronic data collection, the use of equipment, photography and so forth? Are the relevant staff aware of potential cross-contamination issues? Do they know how to bag, label and record evidence and exhibits?
26	<p>Identification of suspects</p> <ul style="list-style-type: none"> Aimed at identifying perpetrator of crime; case strengthened by strong information evidence 	<ul style="list-style-type: none"> Which laws and procedures are in place to enable and facilitate the identification of suspects? Are there special procedures for perpetrators of wildlife crime? Do investigators have the means to take fingerprints and DNA from suspects of crime for the purposes of identification? Do investigators have ledgers, files or databases containing photographs, fingerprints or other biometrical information of known criminals? How is this information stored and organized? Is it updated regularly? Do investigators have access to identification facilities and equipment, such as “identification suites” and cameras?
27	<p>Interviewing</p> <ul style="list-style-type: none"> CITES Secretariat, International Criminal Police Organization (“INTERPOL”) and World Customs Organization (“WCO”) have published an interview guide for wildlife crime investigators Two types of interviews: (1) victims and witnesses; (2) suspects Investigators must have clear understanding of the boundaries of permissible interviewing techniques 	<ul style="list-style-type: none"> Do investigators of wildlife crime receive training in interviewing techniques? If so, what does the training consist of? Are interviews of the persons affected, witnesses and suspects recorded? If so, where and how? What are the rules for the interviewing of witnesses? Does the interviewer inform the witnesses of their right to freedom from self-incrimination during the interview? Does a witness have the right to have a lawyer present during the interview? Who takes a witness’s statement? Do witnesses have the opportunity to read their statements and certify that each page is accurate? Are there guidelines or codes of practice for interviewing suspects? Do these guidelines reflect international standards? Are suspects entitled to refuse to answer questions? Is there protection from self-incrimination? Do suspects have the right to have a lawyer present during the interview?

		<p>Are suspects informed of that right?</p> <ul style="list-style-type: none"> • Are investigators aware of the risk of interviewing vulnerable persons? Are special provisions made for such persons? • Do investigators adhere to international (and national) standards, or is there evidence that inappropriate interviewing techniques or torture is used?
28	<p>Witness and victim protection</p> <ul style="list-style-type: none"> • Protect safety of victims, witnesses, and their families • Ensure protection of privacy of victims and witnesses 	<ul style="list-style-type: none"> • Is the intimidation of witnesses and victims criminalized? Do these offenses extend to the intimidation of witnesses and victims of wildlife offenses? • What measures are available to protect witnesses and victims of wildlife offenses (such as protective orders, no-contact orders, conditions of bail, escorts for victims and witnesses, and testimonial aid)? • What capacity is there to offer effective physical protection to victims and witnesses? • What kind of physical protection is available for a witness? For example, do witnesses stay at police stations, or are they offered protection or safe accommodation elsewhere? Is protection available for police officers, prosecutors and judges? • Does national law allow the use of alternative methods of providing evidence? • Does national law establish limitations on the disclosure of information concerning the identity or whereabouts of victims and witnesses, and in exceptional circumstances, protecting the anonymity of the person giving evidence?
29	<p>Forensics and crime scene investigation</p> <ul style="list-style-type: none"> • Assist in identification of origin of species and to link suspects or physical items to a crime • Several organizations, including world's leading wildlife forensic laboratory (operated by US Fish and Wildlife Service), have offered to provide forensic evidence science support • INTERPOL, through Environmental Crime Programme, can assist in providing access to international forensic capabilities 	<ul style="list-style-type: none"> • What is the situation in the country with respect to forensic examination? Are dedicated crime scene investigation services available? • Whom is called first when a potential offense is discovered? • Do investigators preserve crime scenes so that they remain suitable for forensic examination? • Are investigators trained in what to look for and are they aware of the potential of forensic examinations and evidence? Are investigators familiar with forensic evidence gathering procedures? • Are there facilities and personnel to collect and analyze DNA evidence? Do wildlife enforcement officers, Customs, and the police have access to DNA testing? • Are satellite images of illegal logging and land clearance activities available? If so, who uses them and how? • What other forensic support is available (for example, microscopy, ballistics, isotopic profiling, morphology, pathology and toxicology)? • Are forensic staff trained in the mechanisms of prosecutions and the presentation of evidence in court? • Which agency conducts analyses? Is there laboratory certification by appropriate

		<p>experts? Are there outside reviews and audits of scientific work in order to ensure proper techniques?</p> <ul style="list-style-type: none"> • Are there national databases for forensic data from wildlife offenses?
30	<p>Financial investigation</p> <ul style="list-style-type: none"> • Wildlife offenses are driven by financial gain • Initial investment to commit offense, ongoing management of proceeds, laundering and movement of profits • Lifestyle pursuits (travel, luxury items, leisure activities) require means and methods of purchase • Financial regulations, including enforcement measures, can be used to deter and detect forms of money laundering 	<ul style="list-style-type: none"> • Does the jurisdiction have a Financial Intelligence Unit (FIU)? What are its resources? How does it operate? To which agencies does it disseminate information? • Have measures been implemented to establish a regime for banks and financial institutions to deter and detect money-laundering? • Are there special anti-money-laundering provisions in relation to wildlife offenses? • Are wildlife offense investigators authorized, trained and equipped to conduct financial investigations? Do they cooperate with FIUs? • Have measures (such as a compulsory declaration of cash or other bearer negotiable instruments exceeding a threshold amount) been implemented to ensure that the authorities dedicated to combating money-laundering have the ability to cooperate and exchange information at both the national and international levels? Is the FIU a member of the Egmont Group of Financial Intelligence Units? • Have other measures been implemented to detect and monitor cross-border cash flows?
<i>Border Control and Customs</i>		
31	<p>Border control and Customs</p> <ul style="list-style-type: none"> • Customs authorities and border control agencies should be equipped and trained to detect and disrupt cross-border trafficking of wild fauna and flora • Also must have access to practical assistance of experts from CITES Management Authorities • Border control agencies should operate on a targeted risk management basis by acting on information or suspicions that suggest illegal commodities are being shipped 	<ul style="list-style-type: none"> • Are importers and exporters required to declare animals and plants intended for import and export? Are importers and exporters required to present CITES documents? Do Customs authorities have to be notified in advance regarding, for example, cargo information? • What specialized staff, technical equipment, detector dogs and facilities are available at land border crossings, seaports and airports? • Are all Customs units (such as goods classification, duty collection, passenger control and cargo control) tasked with the responsibility of enforcing the relevant wildlife regulations? • Are there formalized cooperation agreements between Customs and wildlife agencies? What is the daily working relationship between them? • Are Customs officers and other border officers trained in CITES requirements, the identification of specimen and so forth? • What percentage of shipments is inspected prior to export or import? • Are shipments and passengers in transit also targeted and inspected? • Are the existence and validity of documents for all imports and exports checked? Is their authenticity always verified? Are documents cross-checked against the actual contents of shipments?

		<ul style="list-style-type: none"> • Have measures been implemented to prevent commercial carriers (airlines, shipping lines, trucking companies) from being used for trafficking purposes? • Have measures been implemented to establish that cargo is properly documented, including sanctions for non-compliance with such obligations? • Is a risk assessment technique applied to target high-risk wildlife shipments? Are risk indicators related to wildlife developed and integrated into risk assessment systems?
32	<p>Cooperation between Customs and CITES Management Authority</p> <ul style="list-style-type: none"> • National MOUs between Customs and CITES Management Authority give Customs an appropriate framework for obtaining information and technical assistance from Management Authority to target high risk consignments and travellers 	<ul style="list-style-type: none"> • What cooperation, if any, exists between Customs and the CITES Management Authority? • Has a national MOU between Customs and the CITES Management Authority been established? If so, what is stated in it? • Does the MOU reflect the Guidelines on Co-operation between Customs Administrations and CITES Management Authorities Managing the Trade in Animals and Plants (CITES)?
33	<p>ENVIRONET</p> <ul style="list-style-type: none"> • Global real-time communication tool for use in fight against cross-border environment-related offenses • Enables cooperation between law enforcement authorities and international organizations, regional networks 	<ul style="list-style-type: none"> • Do Customs and other law enforcement agencies have access to ENVIRONET? • Do Customs and other law enforcement agencies share information such as new trends and routings, and concealment methods via ENVIRONET? • What have the outcomes and experiences been?
34	<p>WCO Customs Enforcement Network (“CEN”)</p> <ul style="list-style-type: none"> • Global network for gathering Customs-related data and information 	<ul style="list-style-type: none"> • Do Customs agencies report seizures to CEN and make use of information exchanged via CEN? • Has a national contact point been nominated to liaise between the national Customs administration and the relevant regional intelligence liaison office? • How and by whom is CEN used? What have the outcomes and experiences been?
<i>International Cooperation in Criminal Matters</i>		
35	<p>Frameworks for international cooperation</p> <ul style="list-style-type: none"> • Requires domestic or international frameworks that provide a legal basis for seeking assistance from another country and articulate the ways in which assistance may be sought 	<ul style="list-style-type: none"> • Is there legislation concerning the investigation of crimes with international components? If so, does this legislation cover wildlife offenses? • Is the country a party to bilateral or multilateral treaties that make it possible to seek enforcement cooperation or take enforcement requests from another country? • Is the country a party to any international agreement concerning international police cooperation (for example, a bilateral agreement based on the Model (Bilateral) Police Co-operation Agreement of INTERPOL)? • With which countries are there no formal (or informal) avenues for international cooperation?

36	<p>INTERPOL</p> <ul style="list-style-type: none"> • Environmental Crime Programme is designed to assist Member States in enforcement of national and international environmental laws and treaties • Helps Member States enhance and develop deterrence, apprehension, investigation and prosecution of environmental criminals • Helps coordinate actions of multiple countries in cases with international implications 	<ul style="list-style-type: none"> • Is the country a member of INTERPOL? Has it established a national central bureau? • Does the country participate in the Wildlife Crime Working Group and Environmental Crime Programme? Do representatives from the relevant wildlife and law enforcement agencies attend the Working Group meetings? • Are the country's agencies responsive to requests made through INTERPOL?
37	<p>Ecomessage</p> <ul style="list-style-type: none"> • Standard format for reporting cases related to illegal trade in endangered species, other infractions of CITES, and other forms of environmental crime • Developed by INTERPOL Wildlife Crime Working Group • Tool to assist investigators in collecting information, create uniform reporting methods, and facilitate contact in other countries 	<ul style="list-style-type: none"> • Does the country's INTERPOL national central bureau use Ecomessage to share information on wildlife offenses? If not, why not? • Are the relevant staff adequately trained in using Ecomessage? • What are the country's experiences in using Ecomessage? What obstacles have been encountered? • Does the country use an alternative method of exchanging information on wildlife offenses?
38	<p>Procedures for international cooperation</p> <ul style="list-style-type: none"> • Requires consistent and clear operational and administrative system to issue and receive requests for cooperation to and from foreign jurisdictions • Agencies should have mechanisms to prepare and manage cases involving international cooperation 	<ul style="list-style-type: none"> • Does the country have a central authority for international cooperation? Has another agency been delegated this responsibility? • Are there special arrangements for wildlife departments and their enforcement units to liaise directly with their foreign counterparts? • Do the central authority and other agencies involved in international cooperation have sufficient resources to achieve their mandates (skilled and trained staff, communication equipment, ongoing training and so forth)? Are they able to collaborate and exchange information with other central authorities abroad? • Within the relevant agencies, who manages wildlife cases that involve an international criminal dimension? • Are investigators aware of how to request assistance from law enforcement and judicial authorities in other countries?
39	<p>Law enforcement cooperation</p> <ul style="list-style-type: none"> • Can be enhanced through development of 	<ul style="list-style-type: none"> • Does the country have the capacity to establish joint investigation teams with other countries? Is this possible in the field of wildlife crime? If not, what are the obstacles?

	<p>more effective systems of information sharing at the bilateral, regional and international levels</p> <ul style="list-style-type: none"> • Joint investigative teams – cross-jurisdictional 	<ul style="list-style-type: none"> • Does the country have arrangements with other countries for the exchange of police liaison officers? • Is the country involved in arrangements with other countries for the exchange of information and intelligence? If so, which ones? • Have law enforcement agencies been involved in international joint investigation teams? If so, what was the experience? • Has the country entered into bilateral or multilateral agreements on law enforcement cooperation? • Has the country participated in regional or international joint operations? If so, what were the results? • Does the country have law enforcement liaison officers in other countries? • Are there foreign police liaison officers in the country? If so, from what country or countries? How do they work with the national police? What is their view on the quality of the existing law enforcement cooperation with the country? • Do the national police cooperate (formally and informally) with police agencies in other countries in the collection, exchange and analysis of criminal intelligence information? • Do specialized wildlife law enforcement units cooperate effectively at the bilateral, regional and international levels?
<i>Technical Assistance and Aid</i>		
40	<p>International and regional assistance</p> <ul style="list-style-type: none"> • International and regional organizations, along with individual donor countries, offer avenues through which countries can request assistance, training and aid 	<ul style="list-style-type: none"> • What type and level of technical assistance and aid is available from international and regional organizations to enhance the enforcement of wildlife offenses? • How can this assistance and aid be requested? Have requests been made in the past? Were they successful? If not, why not? • Are there (or have there been) initiatives funded by international or regional organizations aimed at developing aspects of policing and law enforcement in the wildlife sectors? What are the objectives of these projects? Are they being achieved? • Do (or did) these initiatives offer training? If so, are trainers being trained to deliver cascade training programs or to train individuals? • Do (or did) these initiatives provide equipment? If so, was the need for this equipment identified through an independent evaluation or was it determined by a government list? • What difficulties have international and regional agencies typically encountered in trying to offer technical assistance? Are some kinds of assistance more problematic than others?
41	<p>Bilateral and multilateral donors</p> <ul style="list-style-type: none"> • Support schemes to enhance enforcement 	<ul style="list-style-type: none"> • What type and level of technical assistance and aid are available from other countries (and their agencies) to enhance the enforcement of wildlife laws and regulations?

	<p>efforts</p> <ul style="list-style-type: none"> • Offer expertise, equipment, grants, financial aid, or other forms of assistance to support national authorities 	<ul style="list-style-type: none"> • How can this assistance and aid be requested? Have requests been made in the past? Were they successful? If not, why not? • Are there (or have there been) initiatives funded by bilateral or multilateral donors aimed at developing aspects of policing and law enforcement in the wildlife sectors? What are the objectives of these projects? Are they being (or have they been) achieved? • Do (or did) these initiatives offer training? If so, are they training trainers to deliver cascade training programs or are they training individuals? • Do (or did) these initiatives provide equipment? If so, was the need for this equipment identified through an independent evaluation or was it determined by a government list? • What difficulties have agencies typically encountered in trying to offer technical assistance? Are some kinds of assistance more problematic than others?
42	<p>Donor coordination</p> <ul style="list-style-type: none"> • Avoid donor dependence and long-term reliance on external contributions • Fluctuations in foreign aid can jeopardize domestic efforts • There can be duplication of efforts if technical assistance and aid is not properly coordinated and administered 	<ul style="list-style-type: none"> • How are the implementation, delivery and receipt of technical assistance and aid coordinated by the receiving country? • Is there evidence of duplication? • Are multiple donors providing the same or similar assistance, aid or equipment? • Are there plans for the maintenance and replacement of equipment? Are there examples of the same or similar equipment being provided, and then not being used or being misappropriated? • Are mechanisms in place to ensure the sustainability of any sponsored activity? • In terms of any technical assistance and aid received, were there any post-implementation reviews that helped to identify good practices that could be replicated elsewhere? Are the results of such initiatives collated and coordinated to inform future planning?
<i>Accountability and Integrity</i>		
43	<p>Accountability and integrity</p> <ul style="list-style-type: none"> • Accountability: management or business for performance and productivity, perhaps against government or community-set targets and objectives • Must be accountable for way in which exercise powers 	<ul style="list-style-type: none"> • Does the law establish mechanisms for the monitoring and oversight of the conduct and performance of wildlife law enforcement officers? If so, what are these mechanisms? • Are there clear codes of conduct for wildlife law enforcement units? If so, what is their content? Have there been cases of violation of their principles? How have these cases been handled? • Are officers expected and entitled to report colleagues for failures to maintain integrity and professional standards? Are officers who make such reports protected from victimization or harassment by the law and with practical support? • Are there avenues for civilians to lodge complaints against the police and those involved in wildlife offenses? Is there independent oversight of the complaints system? • How are wildlife law enforcement officers viewed by other agencies and by the general

		public? Are they trusted and well respected? If not, why not?
44	<p>Corruption and bribery</p> <ul style="list-style-type: none"> • Corruption facilitates illegal trafficking of wildlife across borders 	<ul style="list-style-type: none"> • Are there any allegations that officials involved in wildlife law enforcement take or solicit bribes to ignore the relevant offenses? • Are officials from wildlife agencies adequately paid? • Do the relevant wildlife laws contain specific provisions regarding corruption and bribery? If so, what are they and how are they enforced? • Is there a national strategy or plan to combat corruption in the wildlife sectors? If so, what is included in it? When was it written? Is there a comprehensive integrity or anti-corruption action plan for the police force and Customs? If so, what is included in it? Who is responsible for its implementation? What evidence is there of its being implemented, both nationally and locally? • Are there allegations that enforcement officers receive unofficial payments or gratuities from business people in the community? If so, what reasons are given for this? What are the implied consequences if payments are not made? • Are wildlife, Customs, and police officers permitted to accept personal gifts, benefits or rewards? If so, on what basis is this allowed? Who authorizes the receipt of gifts? Is there a record of gifts received? What happens to gifts that have been received? Are the families of police staff permitted to accept gifts, benefits or rewards related to the work of that staff member? If not, how is this prevented?

Part III: Judiciary and Prosecution

<i>Judiciary</i>		
1	<p>Judiciary: legal frameworks</p> <ul style="list-style-type: none"> • Potential deterrence of prosecutions is close to non-existent if judicial system is weak and prone to corruption • Prevention and suppression of wildlife offenses: enforcement, supervisory 	<ul style="list-style-type: none"> • In which statutes are the functions and organization of the judiciary set out? What is written in these statutes? • Does the constitution set out the general structure of the court system? • What other government document or policy documents provide information on the organization of the judiciary?
2	<p>Criminal court system</p> <ul style="list-style-type: none"> • Principal focus of analysis: structure and operation • Identify and assess various levels of court system charged with hearing primary cases, appeals, and judicial reviews involving wildlife offenses 	<ul style="list-style-type: none"> • What levels of hierarchy does the criminal court system have? What powers does each level have? • How do appeal and review processes operate across the different levels of the court system? • Before which courts are cases involving wildlife offenses first heard? Which courts hear appeals? Are there at any level courts, judges and other judicial officers that focus solely on wildlife offenses? • Does the law make provisions for a jury system in criminal cases? Are charges involving wildlife offenses heard by a jury or a single judge? How does the system work in practice? • Are there specialized courts provided for by statute or via administrative arrangement that bear any relevance for wildlife offenses (such as anti-corruption courts)? • Is there a system of assessors who sit with a judge? If so, are they lay assessors? Do they sit in cases involving wildlife offenses?
3	<p>Independence of the judiciary</p> <ul style="list-style-type: none"> • Lack of separation of judiciary from executive and legislative branches is common problem; can lead to interference and corruption • Important to raise awareness among judiciary about wildlife offenses and promote participation in sentencing and deterrent responses 	<ul style="list-style-type: none"> • What is the relationship between the judiciary and the executive and legislative branches of government? Where are these relationships articulated? How clear are they? • Does the organization and structure of the judiciary ensure its independence? • Are court proceedings and the appointment of judges transparent? • How is the judiciary accountable to the public? • What interaction and communication, if any, occurs between wildlife law enforcement units and the judiciary?
4	<p>Judiciary: staff and salaries</p> <ul style="list-style-type: none"> • Salaries and other entitlements need to be reflective of responsibilities, qualifications, and experiences 	<ul style="list-style-type: none"> • How many judges are currently employed to hear criminal cases? Is the number sufficient to handle the caseload? • To which courts/judges are cases involving wildlife offenses referred? On what basis are they referred?

	<ul style="list-style-type: none"> • Adequate salaries, or failure to pay salaries regularly, may reduce staff motivation and increase risk of corruption 	<ul style="list-style-type: none"> • Do criminal courts have a full complement of staff? If not, what reason is given for this? • What types of support staff are involved in the preparation of criminal trials (administrative, paralegal or others)? How are they supervised and to whom do they report? • What is the salary structure for judges and support staff? What is the average salary, including overtime for each level? How does this compare with the national average salary? • Are salary levels commensurate with the responsibilities and risks involved? • Do judges and their staff receive their pay? If so, do they receive it on time?
5	<p>Recruitment and training of judges</p> <ul style="list-style-type: none"> • Important to hire qualified applicants through a transparent selection process, that view and compensate staff as professionals, and that develop and strengthen their skills and functions with continuing training can demand integrity and excellence from their staff • Inefficiency, poor service, and corruption are more likely to be issues challenging justice systems if staffing is not a priority • CITES Secretariat provides prosecutors and judiciary with a training module available as a CD-ROM 	<ul style="list-style-type: none"> • What are the selection processes and recruitment procedures for judges? What level of qualification is needed? How are judges selected for higher and specialized courts? • What foundation training is given to new judges and other employees? Is specialized training on wildlife offenses offered to new or existing staff members? How often do judges and other employees receive refresher training? What ongoing and specialized training courses are available? How are training needs assessed? How is training delivered? • Does training involve participants from other agencies? • Are there mechanisms in place to provide judges who come across cases of wildlife trafficking only occasionally with access to relevant expertise?
6	<p>Judiciary: facilities and equipment</p> <ul style="list-style-type: none"> • Basic facilities: office, stationery, etc. • Specialized equipment: computers and legal databases 	<ul style="list-style-type: none"> • What are the facilities of the judiciary? Where are courts located? What is the physical condition of the court buildings? • What security measures are in place in and around court buildings? • Is the office equipment (such as furniture, stationery and photocopiers) adequate? Are courtrooms adequately equipped and furnished? • What communication and word-processing technology is available (such as computers, the Internet, telephones, mobile telephones and fax machines)? • Can files, evidence and electronic information be stored securely? • Do judges and their staff have access to the relevant legislation, including criminal laws, and wildlife laws? • Where can judges access current legal material (such as statutes, case reports and other literature)? Are courthouses equipped with libraries? Do judges have access to the relevant electronic databases?

7	<p>Court records and court reporting</p> <ul style="list-style-type: none"> Recording, maintenance, and storing of information, including case files, court reports, etc. are essential to integrity and functioning of the judiciary 	<ul style="list-style-type: none"> Is there a court registry? Are staff trained in record keeping? How is the integrity of the staff responsible for the maintenance of court information ensured? Under the current law, which court records are open to the public and which records must be kept confidential? For how long are different types of court records kept? Are there clear rules about the keeping and disposal of records? Are records sometimes lost, damaged or stolen? How are files created, identified and kept up to date? Can files be tracked as they move about the court? Does the current law or court rules provide for the recording of court proceedings and the manner in which this is to be done? Are all court proceedings recorded? How are they recorded? How, where and for how long are court recordings kept? Are law reports compiled? If so, who is responsible for the compilation and how often are law reports issued? How are law reports disseminated?
8	<p>Accountability and integrity of the judiciary</p> <ul style="list-style-type: none"> Corruption in the judiciary is a serious impediment to the success of efforts to combat wildlife offenses Judicial integrity is compromised if judges and judicial officers collude with individuals or organizations involved in illegal activities, or if duties conflict with personal interests Important that members of judiciary be accountable for decisions and actions, and clear codes should be established to ensure integrity of the judiciary 	<ul style="list-style-type: none"> Does the current law establish mechanisms for the monitoring and oversight of the conduct and performance of judges and judicial officers? If so, what are those mechanisms? How is the performance of the judiciary evaluated? Are there clear codes of conduct and ethical guidelines for judges and judicial officers? If so, what is written in these codes and guidelines? How do they work? How are they enforced and implemented? Are there avenues for civilians to lodge complaints against judges? Is there independent oversight of the complaints system? How are allegations of misconduct handled? Who handles them? How is the judiciary viewed by other agencies and by the general public? Are judges trusted and well respected? If not, why not? Are there allegations that judges take or solicit bribes to ignore the relevant offenses? Is there a national strategy or plan to combat corruption in the judiciary? If so, what measures does this strategy contain?
<i>Prosecution</i>		
9	<p>Source of prosecution authority</p> <ul style="list-style-type: none"> National constitution often contains provisions delineating general organization of who is responsible for prosecution of criminal cases, in what branch of government authority resides, and general powers and obligations of prosecution authority 	<ul style="list-style-type: none"> In which statutes or laws are the functions and organization of the prosecution authority set out? Does the constitution set out the branch of government responsible for prosecutions? What are the (statutory) functions of the prosecution authority? How does it relate to other branches of government?

	<ul style="list-style-type: none"> • Laws and regulations usually contain additional details about functions and operations of the prosecution authority • Sometimes in general administration of justice acts, criminal codes or criminal procedure acts 	
10	<p>Prosecution: organization and delegation</p> <ul style="list-style-type: none"> • Some countries have specialized wildlife crime prosecution units; few have prosecutors that focus solely on these offenses • General procedures for prosecution of criminal offenses otherwise will apply 	<ul style="list-style-type: none"> • Where does the prosecution authority reside in the criminal justice system? Is it independent or part of the judiciary? Do the police or other enforcement agencies conduct prosecutions? • Is the prosecution authority vested in a prosecutor, an investigative judge or both? • How is the prosecution authority organized? Does the prosecution authority have specialized staff or units for prosecuting wildlife offenses? • Pursuant to the law and the procedures of the criminal justice system, how does a criminal case involving violations of wildlife laws proceed from the allegation or suspicion of an offense to advice to investigators, to formal charging, to adjudication and disposition?
11	<p>Partnerships between law enforcement and prosecution</p> <ul style="list-style-type: none"> • Some countries place prosecutors within wildlife law enforcement units • If not, efforts should be made to establish a close working relationship between enforcement and prosecution authorities 	<ul style="list-style-type: none"> • What working relationship exists between wildlife law enforcement units and prosecution authorities? How do these agencies communicate and exchange information? • Are one or more prosecutors placed in the wildlife law enforcement unit? If there are none, would such a placement be feasible?
12	<p>Role of the prosecutor</p> <ul style="list-style-type: none"> • Among other things, can assist in identifying priorities and targets for the unit 	<ul style="list-style-type: none"> • What is the role of the prosecutor in relation to wildlife offenses? What is the prosecutor's role at trial, at sentencing and on appeal? • Do prosecutors (of wildlife offenses) undertake or oversee investigations? • Does the prosecutor have the power to instigate a prosecution? If so, how is this done? If not, who instigates prosecutions? Are prosecutors legally bound by the result of a police (or other agency) investigation? • Do citizens (or other individuals) have the right to make private requests for a prosecution? • Does the prosecutor have discretion to pursue charges, decline to proceed, dismiss a charge or divert cases to alternatives to criminal prosecution and so forth? • Does the prosecutor have the legal authority to negotiate plea agreements?
13	<p>Operation and workload of prosecutors</p>	<ul style="list-style-type: none"> • In jurisdictions where the police file the original charging documents, how many

	<ul style="list-style-type: none"> • Lack of resources can result in long delays and sometimes cases falling apart (witnesses die, evidence disappear, etc.) • Important to obtain information on basic operation of prosecution authority and workload of prosecutors 	<p>criminal cases involving wildlife offenses are received annually by the prosecutor's office? In jurisdictions where the prosecutor is responsible for the filing of charges in court, how many such cases are filed annually? Where are these case filed?</p> <ul style="list-style-type: none"> • How many criminal cases involving wildlife offenses are resolved annually by the prosecutor's office? Are they resolved, for example, via trial or guilty pleas? • How many cases result in a conviction of guilt to at least one of the charges? How many cases are withdrawn or dismissed? How many cases are diverted? • Are cases involving wildlife offenses assigned to particular prosecutors? If so, what is their average annual caseload? How many pending cases are the prosecutors handling at any one time? • Is there a backlog of cases involving wildlife offenses? Is it possible to determine how long a case assigned to a prosecutor has been pending without examination?
14	<p>Prosecution: staff and salaries</p> <ul style="list-style-type: none"> • Salaries and other entitlement of prosecutors need to reflect responsibilities, education, and experience • Inadequate salaries may reduce motivation and increase risk of corruption 	<ul style="list-style-type: none"> • How many prosecutors are currently employed by the prosecution authority? Is the number sufficient to handle the caseload? • How many prosecutors and support staff are involved in prosecuting wildlife offenses? Is this their sole responsibility or do they also prosecute other types of offenses? • Do prosecution authorities and their specialized units have a full complement of staff? If not, what reason is given for this? • What types of support staff are involved in the prosecution of wildlife offenses (administrative, paralegal or other)? How are they supervised and to whom do they report? • What is the salary structure for prosecutors and support staff? What is the average salary, including overtime for each level? How does this compare with the national average salary? • Are salary levels commensurate with the responsibilities and risks involved? • Do prosecutors and their staff receive their pay? If so, do they receive it on time?
15	<p>Recruitment and training of prosecutors</p> <ul style="list-style-type: none"> • Must be fair and transparent to ensure professionalism and integrity, and to avoid nepotism and corruption • Must be adequately trained – understand relevant legal frameworks and case law, technical elements of wildlife law, as well as the function and operation of every aspect of the criminal justice system • CITES Secretariat provides prosecutors and 	<ul style="list-style-type: none"> • What are the selection processes and recruitment procedures for joining the prosecution authority? What level of qualification is needed? Are prosecutors required to hold law degrees? • Where specialized units are charged with prosecuting wildlife offenses, how are staff selected for these units? • What foundation training is given to persons joining the prosecution authority? Is specialized training in wildlife offenses offered to new or existing staff members? • How often do prosecutors receive refresher training? What ongoing and specialized training courses are available? How are training needs assessed? How is training delivered?

	the judiciary with a training module, which is available on CD-ROM	<ul style="list-style-type: none"> • Are there mechanisms in place to provide prosecutors who come across cases of wildlife trafficking only occasionally with access to relevant expertise? • Does training involve participants from multiple agencies (domestic and foreign), such as the police, judiciary or other?
16	<p>Prosecution: facilities and equipment</p> <ul style="list-style-type: none"> • Basic facilities – stationery, offices, etc. • More specialized equipment: computers, legal databases • Access to libraries, sufficient funding 	<ul style="list-style-type: none"> • What are the physical facilities of the prosecution authority? Where are they located? • Is the office equipment (such as furniture, stationery and photocopiers) adequate? • Do prosecutors have easy access to the investigation agencies and to the courts? • Which communication and word-processing technology is available (such as computers, the Internet, telephones, mobile telephones and fax machines)? • Can files, evidence and electronic information be stored securely? • Do prosecutors have access to the relevant legislation, including criminal laws, and wildlife laws? • Does the prosecution authority have a library, or can prosecutors access law libraries elsewhere nearby? Do prosecutors have access to the relevant electronic databases?
17	<p>Accountability and integrity of prosecutors</p> <ul style="list-style-type: none"> • May be vulnerable to corruption, may collude with persons or organizations involved in illegal activities • Important that they be accountable for decisions and actions – management/business for performance and productivity perhaps against government-set targets and objectives, way in which exercise powers and discretion 	<ul style="list-style-type: none"> • Does the law establish mechanisms for the monitoring and oversight of the conduct and performance of prosecutors? If so, what are these mechanisms? How is the performance of prosecutors evaluated? • Are there clear codes of conduct and ethical guidelines for prosecutors? If so, what do they say? How do they work? How are they enforced and implemented? • Do prosecutors receive training on codes of conduct and ethical guidelines? If so, when do they receive such training? Is this training required in order to obtain a degree or license to practice? Are prosecutors required to undergo periodic training on codes of conduct and ethics? • Are there avenues for civilians to lodge complaints against prosecutors? Is there independent oversight of the complaints system? How are allegations of misconduct handled? Who handles them? • How are prosecutors viewed by other agencies and by the general public? Are they trusted and well respected? If not, why not? • Are there allegations that prosecutors take or solicit bribes to ignore the relevant offenses?
<i>International Cooperation in Criminal Matters</i>		
18	<p>Extradition</p> <ul style="list-style-type: none"> • Process by which one state will surrender a person to another state for purpose of criminal prosecution or for enforcement of 	<ul style="list-style-type: none"> • Is there a national law governing extradition? If so, does it cover wildlife offenses? • What bilateral extradition treaties has the country entered into? Are there countries not included but with which a treaty would be important? • Do existing treaties cover offenses relating to wildlife crime, as well as offenses

	<p>a criminal sentence in relation to an extraditable offense</p>	<p>described in the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption (if the country is a State Party)?</p> <ul style="list-style-type: none"> • Does the country require a treaty, under domestic law, to extradite an individual? Is the lawful extradition of an individual to another country possible without a treaty? • What are the main requirements of the country for granting an extradition request? Is there a dual criminality requirement under domestic law and bilateral treaties? • Does the country recognize the legal value of arrest warrants of other countries? • According to national legislation, on what grounds can extradition be refused? Are there exceptions based on certain types of offenses or punishment, on the political nature of the offense or on the prohibition of extraditing nationals? • Who or what agency deals with extradition requests? How is this process coordinated? Have the relevant personnel been trained in the legal requirements of extradition? • What kind of response is the country currently receiving to its requests for extradition? • Is the country typically able to ensure that requests for extradition are executed within the deadlines specified by the requesting State?
19	<p>Mutual legal assistance</p> <ul style="list-style-type: none"> • Mechanism that allows one state to provide another state with assistance during an investigation or a prosecution • Subject to applicable treaties and domestic laws • May include compulsory or coercive measures • May be conducted on basis of multilateral or bilateral agreements, as well as national legislation • May be hindered by variance between cooperating countries 	<ul style="list-style-type: none"> • Are there national laws governing mutual legal assistance in criminal and administrative matters? If so, what are they? Do they cover relevant wildlife offenses? • What bilateral treaties or agreements on mutual legal assistance does the country have with other countries? Are there countries with which there are no treaties but with which a treaty would be important? • Do existing treaties cover offenses relating to wildlife crime, as well as offenses described in the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption (if the country is a State Party)? • Pursuant to domestic law, does the country require a treaty for mutual legal assistance in criminal matters? Is assistance possible without a treaty? • What are the country's main requirements for granting a request for assistance? Is there a dual criminality requirement under domestic law and bilateral treaties? • Pursuant to national legislation, on what grounds can mutual legal assistance be refused? • Who or what agency deals with mutual legal assistance requests? How is this process coordinated? Have the relevant personnel been trained in the necessary legal requirements? • What kind of response is the country currently receiving to its requests for mutual legal assistance? • Is the country usually able to ensure that requests for mutual legal assistance are executed within the deadlines specified by the requesting State?

20	<p>Letters rogatory</p> <ul style="list-style-type: none"> Request from a court of one country to the judiciary of a foreign country requesting an action or information May be used in countries where multilateral or bilateral treaties on assistance are not in force to effect service of process or to obtain evidence if permitted by laws of the foreign country 	<ul style="list-style-type: none"> Who deals with letters rogatory for international assistance? Who is responsible for receiving and issuing such requests for mutual legal assistance? On average, how long does it take for letters rogatory to be issued? Are letters rogatory used in relation to wildlife offenses? If so, how and in which cases? If not, why not?
21	<p>Patterns of international cooperation</p> <ul style="list-style-type: none"> May help identify strengths and weaknesses of existing international cooperation measures 	<ul style="list-style-type: none"> From which countries has international assistance most frequently been requested? How frequently, under which circumstances and for what offenses have agencies been involved in seeking cooperation from another country in cases involving wildlife offenses? What were the results of these requests? What delays and difficulties have agencies typically encountered in trying to seek the assistance of other countries?
22	<p>Confiscation of assets</p> <ul style="list-style-type: none"> Effective action against wildlife offenses must include measures to deprive perpetrators of the proceeds of crime, especially if specimens have high market value Ability of law enforcement agencies, and judicial and prosecutorial authorities to identify, investigate, sequester, and confiscate assets derived from wildlife offenses sends a message to criminals that this activity is not high profit 	<ul style="list-style-type: none"> What is the legal framework regarding criminal and non-criminal asset recovery, confiscation and forfeiture? Are there special provisions in relation to wildlife offenses? Do relevant forfeiture provisions authorize the confiscation of all illegally imported, exported, transported, sold, received, acquired or purchased wild fauna and flora? Is the seizure of specimens mandatory whenever there are reasonable grounds to believe a transaction is in violation of CITES? Do forfeiture laws also extend to the vessels, vehicles, aircraft and other equipment used to facilitate wildlife offenses? Are these frameworks adequate? Can the costs for the custody, transporting, disposing and maintaining of the seized items be recovered from the owner or transporter? What mechanisms exist to identify, trace, seize or freeze property and other assets, including bank, financial or commercial records, as well as the equipment and other instrumentalities used in, or destined to be used in, the commission of crimes? Are there any data on the confiscation of assets related to wildlife offenses? Are there any data on the value of assets seized or recovered? Where are seized items kept? Are they stored securely? Are there allegations that illegal assets re-enter the market? Who pays for the handling, storage and feeding of live wildlife? Is there a special

		<p>government budget for this purpose?</p> <ul style="list-style-type: none"> • How are seized assets disposed of, distributed or returned? • Which multilateral treaties to which the State jurisdiction is a party create asset confiscation and forfeiture obligations? • Has the country entered into bilateral treaties or other agreements in relation to asset sharing among countries involved in tracing, freezing and confiscating assets originating from wildlife offenses?.
23	<p>Transfer of criminal proceedings</p> <ul style="list-style-type: none"> • Option to transfer to another country can increase likelihood of success when, for example, another country may be in a better position to conduct them • Can help concentrate prosecution in one jurisdiction, increasing efficiency and likelihood of success of cases involving multiple jurisdictions 	<ul style="list-style-type: none"> • Is the country a party to any treaty (multilateral or bilateral) that enables the transfer of proceedings in criminal matters to and from another country? • Is the transfer of criminal proceedings to a foreign jurisdiction possible and permissible under domestic law? What restrictions does domestic law impose on such transfers? • Does the country receive and make requests for the transfer of criminal proceedings? If so, do any of these requests involve wildlife offenses? How are these requests processed? What difficulties have been encountered?
24	<p>Transfer of sentenced persons</p> <ul style="list-style-type: none"> • Allows for person convicted and sentenced in one state to serve sentence in another, usually by being a national of that state 	<ul style="list-style-type: none"> • Is the country a party to any treaty (multilateral or bilateral) that enables the transfer of sentenced persons to and from another country? • Is the transfer of sentenced persons to a foreign jurisdiction possible and permissible under domestic law? What restrictions does domestic law impose on such transfers? • Does the country receive and make requests for transfers of sentenced persons? If so, do any of these requests involve persons sentenced for wildlife offenses? How are these requests processed? What difficulties have been encountered?
<i>Sentencing and Sanctions</i>		
25	<p>Sentencing</p> <ul style="list-style-type: none"> • Courts should be guided by the gravity of the offense (harm caused) and culpability of the offender (mental state) • Other considerations include mitigating or aggravating circumstances 	<ul style="list-style-type: none"> • What sentences does the current law impose for wildlife offenses? What are the maximum terms of imprisonment and maximum fines for the relevant offenses? • Are there minimum penalties for wildlife offenses? • Who determines the sentence (for example, sentencing courts or individual judges)? • What are the principles of sentencing? Where are they articulated? • Is it possible to impose higher penalties for repeat offenders? • Are there formal or informal sentencing guidelines or criteria for wildlife offenses? • Do law enforcement units participate in sentencing hearings? Are victims heard?
26	<p>Sanctions</p> <ul style="list-style-type: none"> • Can include confiscation of property and assets, and payment of fines and damages 	<ul style="list-style-type: none"> • What types of sanctions are permissible under domestic law (such as imprisonment, fines, corporal or capital punishment or community service)? • What sanctions generally follow convictions for wildlife offenses?

	<ul style="list-style-type: none"> • Others include warnings, incarceration, territory bans, deprivation of civic rights, bans on continuing trade or occupation in the course of which offense was committed, license or permit revocations, restrictions on possessing wildlife or tools related to offense, publication, remediation, and restoration • Combination may often be appropriate • Administrative penalties – enforcement agencies, with possibility of judicial review • Civil and criminal penalties – judicial, law and practice of particular state 	<ul style="list-style-type: none"> • Which authorities have the legal power or discretion to impose sanctions? • Does the law permit sentencing courts to order territory bans, the revocation and suspension of licensing and trade permits, and to prohibit the offender from engaging in certain types of occupations or trades?
<i>Restitution, Compensation, and Restoration</i>		
27	<p>Restitution</p> <ul style="list-style-type: none"> • Includes return of property or payment for the harm/loss caused, reimbursement of expenses incurred, provision of service, and restoration of rights • Important where property rights of victims have been infringed or environmental degradation has caused damage to property or source of income • Often paid to State, not specific victim • Can be implemented as condition of probation, sanction, or additional penalty 	<ul style="list-style-type: none"> • Do current laws and regulations allow restitution to be ordered as part of a sentence? Does this extend to wildlife offenses? • Are victims able to commence civil suits against perpetrators? • Are victims aware or made aware of these laws and regulations? Can victims of wildlife offenses request restitution? • How are restitution orders enforced?
28	<p>Restoration and remedial measures</p> <ul style="list-style-type: none"> • May be used where harm caused by offense results in environmental damage to public or private lands • Considerations include severity of damage, risk posed by damage, pace of natural regeneration, feasibility of artificial restoration and regeneration 	<ul style="list-style-type: none"> • Can a court order restoration and remedial measures in response to wildlife offenses? • What restoration and remedial measures can be ordered? Do they include, for example, the time and costs for clean-ups, or the medical treatment of wildlife?

IV. Drivers and Prevention

<i>Context Analysis</i>		
1	<p>Actors in the supply chain</p> <ul style="list-style-type: none"> • Include subsistence users, commercial hunters, trophy hunters, middlemen, end-users • Important to identify actors and motivations 	<ul style="list-style-type: none"> • What persons or organizations are involved in wildlife hunting? • What role do farmers and herders play in the activities under review? • Are hunting harvesting groups or organizations present in the activities under review? • Do these actors work independently or do they have informal contracts with middlemen? • Are landowners affected by the activities under review? • Are commercial hunters and users involved? • Does the country have sufficient and appropriate legislation to prevent these activities? Are government-sanctioned organizations active in the area of interest? • Are the activities under review associated with conflicts? Are insurgent groups involved? • Does the police or the military play a role in the activities under review, either in enforcing or in acting against the rules?
2	<p>Local communities and indigenous groups</p> <ul style="list-style-type: none"> • In developing countries, likely that indigenous groups and poor communities depend upon wildlife for livelihood • These vulnerable groups are particularly impacted by wildlife crime • Role and involvement should be analyzed • Rather than criminalizing behavior, addressing poverty and understanding traditional habits may be more appropriate 	<ul style="list-style-type: none"> • Which local communities live in the area of interest? • Do indigenous groups live in the area of interest? • What is the socio-economic situation of these communities and groups? • What are the livelihoods and incomes of the local communities based on? • To what extent do the livelihoods depend on wildlife products? • What is the food security situation of these communities and groups? What are their coping strategies to overcome food shortages? • How do the communities and groups protect their wildlife resources? Are there any community control and prevention initiatives for wildlife hunting logging? • Does national legislation respect the local customs and (property) rights of local communities and indigenous groups? Do the communities and groups have access to wildlife? • Do local communities and indigenous groups participate in the decision-making and drafting legislation relevant to the wildlife on which their livelihoods rely? • Are social assessments of enforcement operations part of standard practice?
3	<p>Insurgent groups</p> <ul style="list-style-type: none"> • May target wildlife to raise funds for war activities 	<ul style="list-style-type: none"> • Are there any insurgent or rebel groups involved in illegal hunting? • To what extent are insurgents or rebel groups involved in trade in wildlife products? What are the destinations of the trading chains? • How are these groups equipped (such as guns and machinery)?

4	<p>Police and military</p> <ul style="list-style-type: none"> • May be involved in illegal activities that negatively affect wildlife resources or endanger protected species 	<ul style="list-style-type: none"> • Are the police and military involved in the activities under review? • What are their primary roles and responsibilities in the field of operation? • What control and monitoring mechanisms have been enforced by the police and military?
5	<p>Forest rangers and wardens</p> <ul style="list-style-type: none"> • May be active in enabling illegal taking, trading, or trafficking of wildlife 	<ul style="list-style-type: none"> • Are there volunteers, forest rangers or wardens in the areas under review? If so, what are their roles and responsibilities? • What control and monitoring measures have been enforced by forest rangers or wardens? • How do they contribute to the control and prevention of the activities under review?
6	<p>Commercial users</p> <ul style="list-style-type: none"> • Demand can be strong driver of illegal wildlife activities 	<ul style="list-style-type: none"> • Is there a high demand for wildlife products for commercial use? • What persons or commercial enterprises buy wildlife products from local villagers or local communities? • How do persons or commercial enterprises contact local villagers, local communities or indigenous groups? • How do the villagers sell wildlife products? How are wildlife products delivered? • Who are the end-users of the wildlife products from the area of interest? • What is the destination of the wildlife products from the area of interest? • Are wildlife products sold in local markets or served in restaurants? • To what extent are the wildlife products traded across national borders?
7	<p>Subsistence</p> <ul style="list-style-type: none"> • Lack of alternative sources of food and income, and more broadly, lack of rural and economic development: vulnerable groups rely on wildlife for existence; activities considered illegal are driven by basic needs or traditional ways of living 	<ul style="list-style-type: none"> • Are the wildlife products under review used by local (and poor) communities? • Are the wildlife products used for food, firewood, construction, tools or other? What are the main uses of these products? • Do livelihoods of local communities depend on wildlife products? • To what extent do livelihoods depend on the wildlife products under review? • Could sustainable substitutes be used instead of the wildlife products under review? What kinds of livestock and agriculture could be introduced to substitute the rare wildlife species products?
8	<p>Income generation</p> <ul style="list-style-type: none"> • Sometimes gains through illegal wildlife activities are a regular source of income; sometimes occasional sources or safety nets; sometimes very lucrative • Critical to analyze motivation and reason for activity under review 	<ul style="list-style-type: none"> • Do the incomes of users depend on wildlife products? • To what extent do incomes depend on wildlife products? • Are wildlife products used to supplement agricultural incomes of local farmers? • Do other (legal) streams of income exist? • Do wildlife products serve as a regular or occasional source of income? • Are the activities under review conducted to meet unforeseen or emergency needs for cash income?
9	<p>Commerce, trade, and markets</p>	<ul style="list-style-type: none"> • Are wildlife products sold in local markets?

	<ul style="list-style-type: none"> Not always easy to identify clearly the line between illegally and legally supplied and traded products. Imbalance between limited legal supply and high consumer demand increases illegal markets 	<ul style="list-style-type: none"> Do domestic markets for wildlife products exist? Do international markets for wildlife products exist? Are wildlife products exported? Are the products traded and shipped in live, raw or semi-processed form? What forms are the final consumers receiving?
10	<p>Enjoyment, leisure, and tourism</p> <ul style="list-style-type: none"> Diverse uses on demand side: markets, restaurants (consumptive users) and tourists (non-consumptive) 	<ul style="list-style-type: none"> Which leisure activities involve wildlife products? Which rare wildlife products are collected to keep at home or sold as pets or ornaments? Is trophy hunting prevalent in the area of interest? What impact do tourist activities have on wildlife in the area under review?
11	<p>Culture and tradition</p> <ul style="list-style-type: none"> Cultural uses include medicinal and ceremonial uses May be based on beliefs in product's effects 	<ul style="list-style-type: none"> What kinds of wildlife are consumed as delicacies? Are wildlife products used for traditional ceremonies or medicine? Could sustainable substitutes be used instead of the wildlife products under review? Are certain beliefs and social or wealth status linked with wildlife products? Is the possession of wildlife products socially accepted, prized or stigmatized?
12	<p>Community land use conflict</p> <ul style="list-style-type: none"> Usually occurs as consequence of a population increase leading to competitive demands for the use of the land 	<ul style="list-style-type: none"> How do people obtain rights to use the community common land? How is the public land of the community distributed for use? Have there been any disputes or conflicts on land use in the community? How are such problems solved and agreements achieved?
13	<p>Land cover change</p> <ul style="list-style-type: none"> Human modification of earth's terrestrial surface 	<ul style="list-style-type: none"> Has the land cover changed over time? Is deforestation occurring in the area of interest? Is land under cultivation increasing? Has the use of agro-industrial crops (such as rubber, palm oil and timber plantations) changed over time? How do cross-border investment, transnational agribusiness and contract farming affect the local land use and forest cover?
14	<p>Herding and farming</p> <ul style="list-style-type: none"> Overgrazing by domestic livestock can lead to reduction/loss of predator's livestock; puts predators in danger (herders may kill to protect livestock) Inappropriate herding techniques and lack of precautions Crucial to identify contextual and contributory factors linked with illegal activities to address causes and prevent 	<ul style="list-style-type: none"> Are there conflicts between herders and wildlife? Are animals killed for livestock protection or retribution for depredation? Are animals killed to protect agriculture? Is adequate guarding material available and used (corrals, stables, shelters and so forth)? Is a loss of habitat or natural prey base through fragmentation or overgrazing prevalent? Is fire used to enlarge grazing areas?

	wildlife crime	
15	<p>Hunting and non-selective killing</p> <ul style="list-style-type: none"> • <i>E.g.</i>, traps, poisoned bait • Accidental killings affect endangered species 	<ul style="list-style-type: none"> • What are common hunting techniques in the area of interest? • Do the hunting techniques used in the area of interest cause accidental by-catch (for example, by hunting with nets, traps, poison or fire)? • Do hunting associations exist? • Is legal hunting organized (trophy hunting, hunters associations and so forth)? • Is access to and possession of guns regulated? • Does the problem of overhunting exist? If so, to what extent?
<i>Wildlife Management</i>		
16	<p>Wildlife management</p> <ul style="list-style-type: none"> • Illegal activities associated with wildlife crime are facilitated by disorganized and dysfunctional natural resource management, <i>e.g.</i>, absence of basic surveys and inventories, unsafe working conditions, lack of standardized business practices • Natural resource management mechanisms with clear objectives, socially accepted tenure arrangements, public participation, and benefit sharing can help prevent wildlife crime 	<ul style="list-style-type: none"> • Is wildlife management in compliance with all the relevant wildlife laws in a given country? • Does management respect tenure and use rights? • Does management respect indigenous people's rights? • Does management respect community relations? • Does management respect workers' rights? • Does management assess and mitigate environmental impacts? • Does management provide specific provisions for plantations? • Are management plans implemented? • Is effective monitoring and assessment conducted? • Has the country or region undergone a holistic natural resource governance assessment?
17	<p>Institutions and responsibility</p> <ul style="list-style-type: none"> • Wildlife resources have local value through consumptive use, but also provide income by attracting non-residents (<i>e.g.</i>, trophy hunters, tourists) • Local and global public goods and services provided (<i>e.g.</i>, biodiversity) • Different and opposing interests need to be managed by a higher institution 	<ul style="list-style-type: none"> • What institutions or agencies are responsible for wildlife management? • Does a wildlife or environment department or unit exist? • Do management mechanisms and structures cover the entire area of interest? • What is the management structure and its chain of command? What is the coordinating mechanism among these agencies? • Do local people and communities participate in these mechanisms and structures? • Do local communities have the authority to manage their natural resources? Are they empowered to protect their wildlife? • Do civil society organizations or non-governmental organizations participate in the management process?
18	<p>Wildlife management planning</p> <ul style="list-style-type: none"> • Inventory of resources and values; categories of land use and zoning • Well-defined and socially accepted 	<ul style="list-style-type: none"> • Do inventories and surveys of resources exist? If so, are they carried out on a regular basis? • Are boundaries marked clearly on maps and on the ground, using secure markers or easily identifiable features such as roads or streams?

	<p>arrangements on land tenure and ownership</p> <ul style="list-style-type: none"> • Determination and regulation of productivity and sustainable yield, quotas • Consultation with stakeholders • Clearly defined, sustainable objectives • Codes of practice that translate management objectives into site-specific operational plans and standards • Planning and regulation of access • Consultation with public and involving them as “watch dogs”; providing educational, awareness programs and incentives to change attitudes and behaviors 	<ul style="list-style-type: none"> • Do hunting and harvesting plans exist? If so, are they based on information from inventories and surveys carried out in the area of interest? • Are management objectives clearly defined? • Are the roles, rights and responsibilities of all parties clarified? Are key stakeholders, such as the local community and wildlife sectors, consulted? • Do codes of practice exist? If so, how do they translate management objectives into operational plans and standards? • Is access to sensitive areas regulated, monitored and controlled, for example, by the location of roads, gates and checkpoints? • Are key stakeholders involved and encouraged to serve as “watch dogs”? • Are programs and incentives available to educate and train stakeholders to raise awareness and change attitudes and behavior? • Do local communities have knowledge and understanding of the area’s zoning? Are they aware of the restrictions and regulations?
19	<p>Legal and policy frameworks</p> <ul style="list-style-type: none"> • Should clearly delineate terms of land tenures, ownership and use to remove ambiguity regarding legality of activities 	<ul style="list-style-type: none"> • Is the area of interest delineated in terms of land tenures, ownership and use? • Are land tenure and boundaries clearly defined and identified? • Does the legal framework specify the rights of key stakeholders, including local communities and indigenous groups? • Do codes of practice exist? • Is all legislation relevant to wildlife considered (for example, legislation relating to conservation, biodiversity and water management issues)?
20	<p>Natural resource inventory</p> <ul style="list-style-type: none"> • Proper inventory with range of endangered and protected species in a given country or region is crucial to drafting effective responses to wildlife crime • Inventory serves as baseline to identify occurring activities and measure impact and sustainability of interventions 	<ul style="list-style-type: none"> • What are the region’s wildlife resources? • What ecosystems are prevalent in the region (such as rainforest or desert)? • Do protected areas such as natural parks exist? • To what extent are these areas under a functioning resource management plan? • What key wildlife species exist in the area under review? • Are these areas zoned (for example, open for commercial logging, tourism, research or reserved for indigenous groups)? • What species are concerned by the activity under review? • Are the species concerned by the activity under review endangered? • Are the species concerned by the activity under review listed in CITES or other relevant lists for endangered species? • Does the country have a national or regional endangered species list?
21	<p>Protected areas</p> <ul style="list-style-type: none"> • Essential for biodiversity conservation 	<ul style="list-style-type: none"> • What are the potential threats to the protected area (such as commercial development, agriculture, mining, transportation, tourism, war, pollution, severe weather and specific

	<ul style="list-style-type: none"> Essential elements in many national and international conservation strategies 	<p>cultural threats)?</p> <ul style="list-style-type: none"> Does the protected area have a legal status or is it covered by a covenant? Do management plans, objectives and enforcement measures exist? Can staff enforce the rules for the protected area well? Does the protected area have the right size and shape to protect all species of concern? Does boundary demarcation exist? If so, what is it? Are visitor facilities available? If so, are they sufficient? Do commercial tourism operators respect and contribute to protection?
22	<p>Certification systems and schemes</p> <ul style="list-style-type: none"> Help identify, document, and prove sustainability of products (typically forest) Certification and accreditation must be in compliance with international frameworks and compatible with globally applicable principles that balance economic and ecological dimensions 	<ul style="list-style-type: none"> Do certification and accreditation systems exist? If so, are they in compliance with international frameworks for certification, accreditation and standard setting? Do all major stakeholder groups participate in governance and standard setting? Do certification systems cause unnecessary obstacles to trade? Are standards adapted to local conditions? Are they based on objective and measurable performance? Are procedures and decision-making processes transparent and reported to the public? Do complaint and appeal mechanisms exist?
23	<p>Land tenure and property rights</p> <ul style="list-style-type: none"> Management programs may not adequately reflect community access and use of resources, so groups have difficulties obtaining ownership and property rights 	<ul style="list-style-type: none"> Who owns the natural resources under review? Do national laws respect the property rights of local communities? How do people own land? How are people granted land ownership and entitlement? How are land inheritance and ownership transfer carried out?
24	<p>Access</p> <ul style="list-style-type: none"> Management programs should be designed to reflect livelihoods and rights of resource-dependent people, and therefore ensure access to and use of resources 	<ul style="list-style-type: none"> Who has access to natural resources such as wildlife, forests and land? How is access regulated? What are the national policies and legislation for the personal and commercial utilization of natural resources? To what extent does the government grant concessions to domestic and international companies for the commercial use of natural resources?
25	<p>Security</p> <ul style="list-style-type: none"> Natural resource management plans should include security measures to protect managing personnel from potential threats occurring as a result of their daily work 	<ul style="list-style-type: none"> What risks and threats do protecting and managing personnel receive as a result of their work? With which capacities, tools and equipment are personnel provided? With which safety and insurance services are personnel provided? What monetary and non-monetary rewards are offered to the personnel?
<i>Social Capacity-Building</i>		
26	<p>Poverty reduction</p> <ul style="list-style-type: none"> Interventions and long-term programs 	<ul style="list-style-type: none"> Do poverty reduction programs or rural development programs exist? Do these programs link poverty reduction with the sustainable use of natural resources

	<p>aimed at reducing poverty and promoting rural development can help address poverty-related drivers</p> <ul style="list-style-type: none"> • Must take into consideration laws and legislation that are biased against resource-dependent communities • Consider issues connected to land tenure arrangements, access rights, transparency, and stakeholder participation where decisions directly affect livelihoods 	<p>or wildlife products?</p>
27	<p>Participation of local communities</p> <ul style="list-style-type: none"> • Important to establish and maintain management of natural resources and protection of wildlife • Involvement includes raising awareness about extent and impact of illegal activities, research and analysis contributing to an understanding of scope and causes of wildlife crimes, and provision of potential solutions for wildlife crime 	<ul style="list-style-type: none"> • How do local communities explain their actions in connection with wildlife use? • How are local communities represented and organized? • Do local communities have equal property rights? • Are local communities involved in law-making processes? • Do local communities have their own resource planning, management and protection initiatives? • To what extent are local communities involved in monitoring and protecting their natural resources? • Are there community-based awareness-raising and prevention campaigns?
28	<p>Trade and legal markets</p> <ul style="list-style-type: none"> • Market-based intervention could be appropriate to address illegal activities • Address demand for and supply of wildlife products; target markets and price of wildlife products and substitutes 	<ul style="list-style-type: none"> • Do legal timber markets exist? • Where are the sources and destinations of the timber? • Is legal timber production controlled? • Does price policing create or promote illegal markets?
<i>Awareness-Raising</i>		
29	<p>Awareness-raising</p> <ul style="list-style-type: none"> • Difference between legal and illegal should be clear for stakeholders and for the judicial system • Need clear understanding of legislation's requirements, sanctions for non-compliance, and negative impacts of wildlife crime on nature and society 	<ul style="list-style-type: none"> • Are stakeholders aware of the extent, consequences and impact of the activity under review? • Do stakeholders have an understanding of existing legislation, remedies and sanctions? • What is the level of knowledge of the local authorities and the general public regarding legislation and prosecutions related to wildlife crime? • Are there regular situation updates and reports of the activities under review?