



*ASEAN Legal Studies and Support Program to
Fight Transnational Organized Wildlife Crime*

ASEAN-WEN REGIONAL STAKEHOLDERS LAW AND POLICY WORKSHOP ON WILDLIFE CRIME

December 8-10, 2014

*Asia-Pacific Centre for Environmental Law (APCEL),
Executive Seminar Room, Level 3, Blk B Faculty of Law,
National University of Singapore (NUS)*

Background Rationale

Wildlife crime, including illegal wildlife trafficking by well-organized criminal syndicates, has threatened the world's diverse wildlife into extinction. Efforts to stop wildlife crime across Asia have increased in recent years through, for example, the establishment of various wildlife law enforcement cooperating platforms and wildlife law enforcement networks. These efforts, however, are still hampered by a number of factors, which include corruption, inadequate laws, insufficient legal deterrents and low awareness or sensitivity to wildlife crime among judicial and prosecutorial officers.

Through a project entitled "*ASEAN Legal Studies and Support Program to Fight Transnational Organized Wildlife Crime*" (the "Project"), which is supported by USAID and the US Fish and Wildlife Service (USFWS), and implemented by Freeland (implementer of the ARREST (Asia's Regional Response to Endangered Species Trafficking) Program), the UN Office on Drugs and Crimes (UNODC) and the Asia-Pacific Center for Environmental Law (APCEL), National University of Singapore, a new legal capacity building project to support Southeast Asia's efforts under ASEAN-WEN is to be developed to combat transnational and organized crime.

This project will support the ASEAN Member States (AMS) in responding to ASEAN-WEN's Terms of Reference (TOR), Objective 1 of the ASEAN Regional Action Plan (RAP) on Trade in CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), 2011-2015 (led by the Government of Indonesia per RAP), and other associated ASEAN commitments in developing tools and enhancing policy responses to combat wildlife crime in the region.

As part of the initiatives to implement the Project, in collaboration with FREELAND and APCEL, ASEAN-WEN will be organizing **ASEAN-WEN Regional Stakeholders Law and Policy Workshops on Wildlife Crime** (the "Workshops"). The project team has taken in consideration AMS' concerns and suggestions. The Project has been discussed extensively during the 7th (Singapore), 8th (Thailand) and 9th (Vietnam) Annual Meetings of ASEAN-WEN.

The Workshops will serve as a platform and guide for the development of a law enforcement manual/handbook (the "Handbook") to provide criminal justice and law enforcement officials from the ASEAN region with a strategic approach to an array of key national hard and soft laws and other associated tools for the

prosecution of wildlife crimes. These include international cooperation, mutual legal assistance, anti-money laundering statutes and extradition. The Handbook aims to provide guidance on how these national and regional tools might be relevant to the investigation and prosecution of wildlife crime cases and in processing or considering requests for assistance across ASEAN borders. With the East Asia Summit Foreign Ministers endorsement of wildlife crime being under the Non-traditional Security and Non-proliferation purview of the ASEAN East Asia Summit¹ in August 2014, followed by the East-Asia Summit this November 2014 in Myanmar, where the Heads of States and Governments of ASEAN, China, US, India, Korea, Japan, Russia and Australia issued a declaration on combatting wildlife trafficking, including stronger prosecutions, more investigations, legislation reforms and sustainability of ASEAN-WEN, the final output for the Project is expected to complement existing tools on combating transnational and organized crimes, in particular the ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases² and Wildlife and Forest Crime Analytic Toolkit published by United Nations Office on Drugs and Crime (UNODC)³.

The first Workshop will be held in Singapore from 8-10 December 2014, and will be hosted by the Asia-Pacific Center for Environmental Law (APCEL), National University of Singapore (the "Singapore Workshop"). The Singapore Workshop will focus on mapping the legal resources available and strategizing on how best to utilize such legal resources to enhance the approach to combating wildlife crime. As part of the preparation for the Singapore Workshop, the joint project team has created a Pre-workshop Survey Questionnaire to assist the AMS responding to ASEAN-WEN's Terms of Reference (TOR)ⁱ, **Objective 1 of the ASEAN Regional Action Plan (RAP) on Trade in CITES Wild Fauna and Flora, 2011-2015**ⁱⁱ (led by the Government of Indonesia per RAP), and other associated ASEAN commitmentsⁱⁱⁱ in developing tools and enhancing policy responses to combat wildlife crime in the region. A consolidated output of this questionnaire will be presented at the Singapore Workshop.

Outputs of the Workshop and preliminary findings will be endorsed by ASEAN for the SOMTC (Senior Officials Meeting on Transnational Crime) Leaders Meeting in March 2015 to guide their plans to support environmental crime/wildlife crime as a new focus area in their home states.

A second and final Workshop will be held in Jakarta, Indonesia, in August or September 2015, to be hosted by the Government of Indonesia as lead country for Objective 1 of the ASEAN Regional Action Plan on Trade in CITES Wild Fauna and Flora, 2011-2015.

Meeting Venue

The Meeting will be held at the Faculty of Law, National University of Singapore (NUS), Bukit Timah campus, 469 Bukit Timah Road, Singapore 259976.

¹ "Chairman's Statement of 4th East Asia Summit (EAS) Foreign Ministers' Meeting" on 10 August 2014 in Nay Pyi Taw, Myanmar yielded an endorsement to the Leader of the EAS Meeting this coming November 2014, under its "Non-traditional Security and Non-proliferation" sub-statement (25) considering new and emerging threats to regional security, under which the Ministers agreed to further enhance cooperation on non-traditional security issues; and, (26) recalling the EAS participating countries' commitments under CITES (Convention on International Trade of Endangered Species of Wild Flora and Fauna), and the Leaders' pledge at the 8th EAS to further enhance cooperation in non-traditional security issues, the Ministers commended the work of Senior Officials on an *EAS Declaration on Combating Wildlife Trafficking to be adopted by the Leaders at the 9th EAS*.

² http://www.unodc.org/documents/human-trafficking/ASEAN_Handbook_on_International_Legal_Cooperation_in_TIP_Cases.pdf; The project team intends to use the materials in this document as an important reference to guide and facilitate the breakout sessions for the Singapore Workshop as well as for the design and drafting of the proposed Handbook.

³ http://www.unodc.org/documents/Wildlife/Toolkit_e.pdf; The project team intends to use the materials in this document as an important reference to guide and facilitate the breakout sessions for the Singapore Workshop as well as for the design and drafting of the proposed Handbook.

AGENDA AND PROGRAM

(07-12-2014) (Sunday)		
09:00-18:00	Arrival of Participants and Registration	ARREST/APCEL Secretariat
14:00-16:00	Lead Facilitators lunch meeting <ul style="list-style-type: none"> • ASEAN-WEN Chairman • AIPA Secretary General • APCEL Officials • ARREST COP/ Freeland Director • UNODC • US DOJ • US Presidential Advisory Committee on Wildlife Trafficking • Supreme Court of Thailand • Secretariat 	To be hosted by Prof Lye Lin Heng/ Prof Koh Kheng-Lian, APCEL Venue: Royal Room 2, Level 3, Hotel Royal Newton

Time	Subject	Speaker
Day One (8-12-2014) (Monday) Sessions are closed unless otherwise specified as "open"		
09:00-10:00	Opening Ceremony (Open session) Welcome Remarks <ul style="list-style-type: none"> • Associate Professor Lye Lin-Heng, Director, Asia-Pacific Center for Environmental Law (APCEL) • Mr. Do Quang Tung, Chairman of the ASEAN Wildlife Enforcement Network (ASEAN-WEN) • Professor Simon Chesterman, Dean, Faculty of Law, National University of Singapore (NUS) • Associate Professor Ho Peng Kee, Former Senior Minister of State for Law and Home Affairs, and Member of Parliament, Singapore (Law Faculty, NUS) • Mr. Blair Hall, Deputy Chief of Mission, US Embassy, Singapore • Ambassador Professor Tommy Koh (NUS APCEL /CIL) and Ambassador-at-Large, Ministry of Foreign Affairs, Singapore (message) Keynote Speech <ul style="list-style-type: none"> • The Honorable Mr. Desmond Lee, Minister of State, Ministry of National Development (MND), Singapore 	<u>Moderator:</u> Mr. Sulma Warne - Deputy Chief of Party, ARREST Program Deputy Director, Freeland Foundation

Time	Subject	Speaker
10:00-10:15	Photo session and Coffee/Tea Break	
	<p><i>Panel Session on Global and Regional Wildlife Crime Issues</i></p> <p><i>The panel will be moderated by the Secretary-General of the ASEAN Inter-Parliamentary Assembly (AIPA). The session will discuss global and regional trends in illegal wildlife trade and its linkages to national and regional security matters. This session will elaborate on the transnational nature of wildlife crime, challenges to enforcement, investigations and prosecutions of wildlife crime-related offences. The session will also discuss recommendations and best-practices of on the ground investigative cooperation and prosecution.</i></p>	<p><u>Moderator:</u></p> <p>Honorable P.O. Ram, Secretary-General of the ASEAN Inter-Parliamentary Assembly (AIPA)</p>
10:15-10:35	<p>Agenda- 1: Presentation on Transnational Organized Crime in East Asia and the Pacific (TOC): A Threat Assessment</p> <p><i>The session will be led by UNODC, lead author of “Transnational Organized Crime in East Asia and the Pacific: A Threat Assessment (TOCTA)”. The presentation will focus on the inter-section of two central areas of transnational organized crime: the theft and smuggling of a country’s natural resource assets, and environmental crime. The trafficking of environmental resources is a key challenge for some developing countries. Many emerging economies are based on exporting raw materials, but under-resourced governments may lack the capacity to regulate the exploitation of these assets. Rather than promoting economic progress, poorly managed natural wealth can become a cause of bad governance, corruption or even violent conflict. UNODC’s above-mentioned publication analyses a range of key transnational crime threats, including human trafficking, migrant smuggling, the illicit heroin and cocaine trades, cybercrime, maritime piracy and trafficking in environmental resources, firearms and counterfeit goods.</i></p>	<p><u>Presenter:</u></p> <p>Mr. Giovanni Broussard, United Nations Office on Drugs and Crime (UNODC)</p>
10:35-10:55	<p>Agenda-2: ASEAN-WEN Regional Coordination in Support of Global Wildlife Enforcement Operations (Special Investigation Group, Operation Cobra highlights)</p> <p><i>The presentation will be led by the Chairman of ASEAN-WEN, an integrated ASEAN network combating the illicit trade in endangered species through CITES, Customs and Police. Recognized world-wide, the ASEAN-Wildlife Enforcement Network (ASEAN-WEN) is the precedent-setting model for promoting cross-border collaboration to combat transnational organized crime involving the illegal wildlife trade, and has been replicated in South America, China, South Asia (South-Asia WEN), Western Asia and in Africa (e.g. the emerging “Horn of Africa”). WEN”.</i></p>	<p><u>Presenter:</u></p> <p>Mr. Do Quang Tung, ASEAN-WEN Chairman / Director of CITES MA Vietnam, Ministry of Agriculture and Rural Development, Vietnam</p>

Time	Subject	Speaker
10:55-11:35	<p>Agenda-3: Successful Prosecutions and what tools are available: Case development, referral and prosecution</p> <p><i>Prosecutions stand a better chance of being successful if all case information is properly developed, stored and presented. This presentation illustrates the best practice procedures that should be used in developing a wildlife crime case and presenting it to court. The presentation will include examples of the tools used in the USA for successful prosecution of wildlife crime. Wildlife protection laws and other relevant legislation will be examined. Case studies are presented that illustrate the range of legislation that has been used in the USA to prosecute wildlife crimes. The US Department of Justice will present on these topics.</i></p>	<p><u>Presenter:</u></p> <p>US Department of Justice Mr. Patrick Duggan</p>
11:35-11:55	<p>Agenda-4: Judicial Perspectives on Wildlife Crime –</p> <p>As part of the law enforcement continuum, the judiciary is an integral part of any criminal system and is an important element of efforts to effectively prevent and suppress wildlife crime. This presentation seeks to share judicial perspectives on wildlife crime including the elements of successful enforcement processes and the role of the judiciary. Highlights on environmental initiatives and developments by regional judicial bodies shall be presented. The environmental division of the Supreme Court of Thailand shall present on these topics.</p>	<p><u>Presenter:</u></p> <p>Justice Suntariya Muanpawong, Supreme Court of Thailand</p>
11:55-12:30	Questions & Answers (Q&A)	
12:30-13:30	Lunch Break	
13:30-14:30	<p>Agenda-5: Presentations on consolidated results of Pre-workshop Survey Questionnaire and highlights / Q&A</p> <p>ARREST and APCEL as lead partners of the project will report on the consolidated findings and highlights of a legal survey which was conducted from September – November 2014. The survey aims to map existing national and regional legal tools for consolidation into a law enforcement manual/ handbook to provide criminal justice and law enforcement officials from the ASEAN region with an introduction to key wildlife and other associated national laws and procedures to prosecute wildlife crime. These include international cooperation, mutual legal assistance, anti-money laundering and extradition. The Handbook aims to provide guidance on how these national and regional tools might be relevant to the investigation and prosecution of wildlife crime cases and in the processing or considering requests for assistance across ASEAN borders.</p>	<p><u>Moderator:</u></p> <p>Brunei – Vice Chair of ASEAN-WEN Presenter: Ms. Sallie Yang APCEL/ARREST</p>

Time	Subject	Speaker
14:30-17:15	Agenda-6: Country Presentations Each AMS will be presenting their national perspective on the following: - Principal laws and regulations implementing CITES; - Non-CITES/wildlife specific laws that are relevant in the enforcement efforts; - Case studies and implementation highlights; and - Areas of concern and recommendations on focus area for legal support and training/seminar.	
14:30-14:45	Agenda 6.1: Presentation by Brunei Darussalam	<u>Moderator session 1:</u> Myanmar
14:45-15:00	Agenda 6.2: Presentation by Cambodia	
15:00-15:15	Agenda 6.3: Presentation by Indonesia	
15:15-15:30	Agenda 6.4: Presentation by Lao PDR	
15:30-15:45	Agenda 6.5: Presentation by Malaysia	
15:45-16:00	Coffee Break	
16:00-16:15	Agenda 6.6: Presentation by Myanmar	<u>Moderator session 2:</u> Lao PDR
16:15-16:30	Agenda 6.7: Presentation by the Philippines	
16:30-16:45	Agenda 6.8: Presentation by Singapore	
16:45-17:00	Agenda 6.9: Presentation by Thailand	
17:00-17:15	Agenda 6.10 Presentation by Vietnam	
17:15-17:30	Day One, Wrap-up	<u>Presenter:</u> Assoc Prof. Lye Lin-Heng
17:30 - late	Transfer to dinner venue	

Day Two (9-12-2014) (Tuesday) - Sessions are closed unless otherwise specified as "open"

Time	Subject	Speaker
9:00-9:15	<p>Summary of Key issues and areas of concerns/grouping of topics and participants for breakout sessions</p>	<p><u>Instructions by:</u> Ms. Sallie Yang – ARREST Program, Freeland/APCEL</p>
	<p>Agenda-7: Breakout Sessions</p> <p>The breakout sessions provide a forum for participants to break into smaller groups to share ideas and solutions on:</p> <ol style="list-style-type: none"> 1. Key issues and areas of concern raised relating to the implementation and enforcement of CITES that countries have identified which may require support; and 2. Recommendations and ideas on focus areas for legal support. <p>At least one facilitator for each group. Detailed questions will be provided to the groups as a guide to the discussions.</p>	
9:15-11:15	<p>Breakout Session One (Open session)</p> <p><u>Theme: Cooperation and issues in implementation of wildlife laws</u></p> <p><i>This session will examine the issues in implementation of wildlife laws from the perspective of NGOs and opportunities for cooperation, and lead discussions on how inter-agency and international cooperation can work. This session is the only breakout session in which invited NGOs shall participate in one of the group discussions to provide the AMS delegates the opportunity to discuss with and take into consideration the perspective of non-governmental agencies. Plenary presentations of findings and Q&A: Each group shall present the results of the discussion. The facilitators to this session will sit as panelists for the Q&A</i></p>	<p><u>Instructions by:</u> Prof. Lye Lin-Heng</p>
11:15-11:30	Coffee Break	
11:30-12:15	Plenary Presentations of findings and Q&A	<p><u>Moderator:</u> ASEAN-WEN Chairman</p>
12:15-13:00	Lunch Break	

Time	Subject	Speaker
13:00-15:00	<p>Agenda-8: Breakout Session Two</p> <p>Theme: Regional standards for effective response to transnational wildlife crime</p> <p>The groups will explore ideas on regional standards to improve criminal legal systems, information sharing and enforcement operations. Best practices shall be identified. Reference will be made to the ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases and Wildlife and Forest Crime Analytic Toolkit published by United Nations Office on Drugs and Crime (UNODC). Plenary presentations of findings and Q&A: Each group shall present the results of the discussion. The facilitators to this session will be panelists for the Q&A.</p>	<p><u>Instructions by:</u></p> <p>Mr. Giovanni Broussard</p>
15:00-15:45	Plenary Presentation of findings and Q&A	
15:45-16:00	Coffee Break	
16:00-17:30	<p>Agenda-9: Breakout Session Three</p> <p><u>Theme: Combatting Transnational Wildlife Crime: the way forward and solutions</u></p> <p>This session shall consolidate the topics discussed in the first 2 sessions by examining the roles of various functions and organizations (NGOs, investigations, prosecution, judiciary and legislature) in bringing the fight against transnational wildlife crime to the next level, with proposed solutions to be pursued. Best practices shall be discussed. Plenary presentations of findings and Q&A: Each group shall present the results of the discussion. The facilitators to this session will be panelists for the Q&A.</p>	<p><u>Instructions by:</u></p> <p>Mr. P.O Ram</p>
17:30-18:15	Plenary Presentation of findings and Q&A	<p><u>Moderator:</u></p> <p>Brunei, Vice Chair</p>
18:15-18:30	Day Two wrap-up & Transfer to Dinner Venue	<p><u>Presenter:</u></p> <p>APCEL</p>

Day Three (10-12-2014) (Wednesday) Closed Sessions		
Time	Subject	Speaker
9:00-10:45	Agenda-10: Scenario Role Playing <i>Session Objective: A case study that illustrates the full development and execution of a wildlife crime/trafficking case, culminating in a successful prosecution. Analysis of real case studies by participants using resources provided. It will also give an indication of their understanding of the issues involved, and identify the strengths and weaknesses of the given case scenario.</i>	<u>Lead-Facilitators:</u> Mr. John Webb, US Presidential Advisory Committee on Wildlife Trafficking and Mr. P.O Ram, AIPA Secretary-General
10:45-11:00	Coffee Break	
11:00-12:00	Agenda-10.1: Presentation of Case Study Results by ASEAN Member States Representatives and Q&A	
12:00-12:30	Next Steps – Post December 2014	
12:30-12:45	Closing Remarks	APCEL /ASEAN-WEN
12:45-14:30	Farewell Lunch	Hosted by APCEL
14:30	Transfer to the Airport	Shuttle Bus transfer