Tackling the trafficking of illegal wildlife products

How can maritime transport contribute?

by Chris Trelawny*

Can the current range of regulations, procedures, guidance and initiatives developed and implemented by IMO for enhancing maritime security and facilitating international maritime traffic also be applied to preventing the trafficking of illegal wildlife products – and if so, how?

IMO has been engaged in maritime security-related activities for longer than one might think. In 1983, in response to the unacceptable level of piracy and armed robbery against ships in the Gulf of Guinea, IMO began to collect data and report on piracy incidents, going on to develop a comprehensive range of guidance on all aspects of the suppression of piracy and armed robbery against ships.

Following the 1985 hijacking of the **Achille Lauro**, IMO's Maritime Safety Committee developed detailed and practical technical measures to ensure the security of passengers and crews aboard ships.

Later, the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and its associated protocol were developed, primarily aimed at protecting ships and fixed platforms on the continental shelf.

IMO also addressed other crimes having a negative impact on shipping's efficiency.

Guidelines were developed to assist in resolving stowaway cases and on preventing and suppressing drug smuggling. Many aspects of this guidance, including crew awareness and sensitization, could also be relevant to the suppression of the illegal wildlife trade.

The devastating terrorist acts of 11 September 2001 in the United States raised the spectre of terrorist organizations using ships as weapons per se, or as a means of transporting weapons of mass destruction, especially via cargo. IMO began to consider the issue of cargo security and, in particular, the security aspects of the carriage of closed cargo transport units and of freight containers transported by ships.

*Special Advisor to the IMO Secretary-General on Maritime Security and Facilitation

International Labour Organization (ILO) has led to IMO's maritime security system being extended into the wider port area through, in particular, the development of the ILO/IMO Code of practice on security in ports.

Cooperation with the World Customs Organization (WCO) to enhance the security of international movements of containers led to the WCO "Framework of Standards to secure and facilitate global trade" (the SAFE Framework), along with the associated "Seal of integrity programme for secure container shipments", being adopted by the WCO Council in June 2005.

Smarter approach

The SAFE Framework is designed to enhance security and customs authorities' risk-assessment capabilities and adopt a "smarter" approach to targeting containers for inspection. Primarily based on assessment of documentation and confirmation of the integrity of supply-chain security, this does not have an appreciable effect on how containers are physically handled; but it is intended to enhance the speed with which they are cleared for shipment, thus giving economic advantage to those participating in the process.

Undoubtedly, customs can and should play a central role in the security and facilitation of global trade. However, a holistic approach is required to optimize supply-chain security while ensuring continued improvements in trade facilitation. Customs should be encouraged to develop cooperative arrangements with other government agencies to both ensure maritime security and counter illegal trafficking.

The trafficking of illicit drugs arguably kills more people and has a far more detrimental effect on society over time than terrorist attacks. The smuggling and diversion of weapons in contravention of national laws and internationally agreed arms embargoes; the illegal migration and trafficking of men, women and children; and the smuggling of nuclear

materials are all challenges that need to be addressed.

Factor into this the urgent need to address the issue of the trafficking of illegal wildlife products, the wider issues of environmental and cultural concerns, and the need to deprive terrorist organizations and organized criminal gangs of funding, and it becomes clear that not only cooperative arrangements with other government agencies, but also cooperative arrangements with all stakeholders in a coordinated approach to cargo control, are of paramount importance.
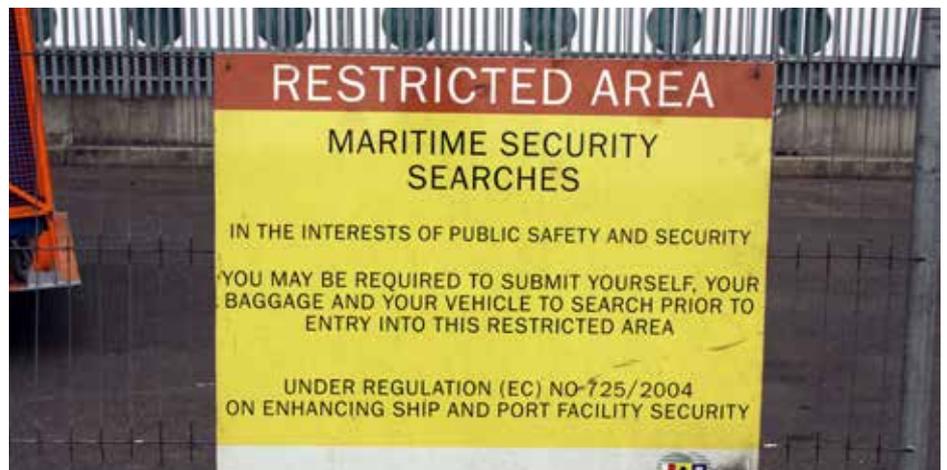
In the maritime context, the most credible solution would be a partnership between governments, all of the control authorities and security agencies with an interest in maritime cargo, the consignors, companies and cargo-handling agents, following agreed and standardized procedures.

The logical place to apply security is at source, i.e. where the containers are stuffed. Once the contents have been established as being correct, non-threatening and legal (for example in the case of illegal wildlife products "tusk free"), procedural security measures such as the use of seals, control of access, correct documentation and verifiable handling procedures can be applied. This removes the need for further screening or searching at the port, except for random sampling for verification of compliance and to counter corruption.

The governmental buy-in to this would take the form of national legislation empowering control authorities to delegate some of their functions to the consignors and/or cargo handling agents, through the application of agreed cargo security plans. This would have to be matched with appropriate powers for the control authorities to oversee compliance with the agreed plans by the "approved operators". Such approvals could be specific to particular controls, for example security, dangerous goods, narcotics or illegal wildlife products.

Photo: Lee Adamson

In direct response to the 9/11 attacks, IMO adopted amendments to the Safety of Life at Sea Convention (SOLAS), including a new chapter XI-2 on "Special measures to enhance maritime security" and the International Ship and Port Facility Security (ISPS) Code. The new regulatory regime, which entered into force on 1 July 2004, and is currently applicable to 162 States and 98.6% of world tonnage, supplemented the 1988 SUA Convention and its associated protocol.

Recognizing that SOLAS has limited jurisdiction on land, and as most of the security-sensitive parts of the container operation take place ashore, either in the port area or further inland, cooperation with the

RESTRICTED AREA

MARITIME SECURITY SEARCHES

IN THE INTERESTS OF PUBLIC SAFETY AND SECURITY

YOU MAY BE REQUIRED TO SUBMIT YOURSELF, YOUR BAGGAGE AND YOUR VEHICLE TO SEARCH PRIOR TO ENTRY INTO THIS RESTRICTED AREA

UNDER REGULATION (EC) NO 725/2004 ON ENHANCING SHIP AND PORT FACILITY SECURITY

The logical place to apply security measures to containers is where they are filled

The benefit to the industry of this approach could be that approved operators would be able to "fast track" their containers through export controls, thus gaining competitive advantage. It would reduce the number of times containers would be opened, thus enhancing their integrity. The threat of losing approved operator status, thus losing economic benefits of the fast track facility, should be incentive enough for shippers to maintain compliance. The benefits to the control authorities would be a ready-made risk-assessment process, allowing them to concentrate on the higher risk exporters who do not qualify for approved operator status, and an auditable trail for investigating irregularities.

One of the main challenges to international supply-chain security is reassuring the receiving country that the inbound containers do not pose a threat. In the context of ship and port facility security, the IMO security measures go a long way towards increasing countries' mutual confidence. There are clearly outlined procedures supported by provisions for control and compliance measures and the requirement for the communication of information.

Essentially, there are a limited number of key players in each process, and the focus is on the activities of the ship and port facility security officers and their respective security plans, the roles and contents of which are clearly stated in the ISPS Code and the supporting guidance. However, the situation with supply-chain security is complex, given the number and diversity of stakeholders involved in the process.

An internationally agreed system for supply-chain security such as the SAFE Framework, ideally harmonized with the regulated agent system, will go a long way towards building countries' confidence in each other's container security systems. If each country or region adopts its own distinct system, or applies standards in an inconsistent manner, it will be difficult for countries to rely on each other's measures; additional security controls would be required at the port of entry.

Not only would this increase costs and clearance times, it would also preclude other benefits of a secure supply chain. For example, using the WCO's "customs-to customs" model, importing countries could also "fast track" clearance of consignments received from other countries' "approved economic operators", subject to the operator having a clean record. Any irregularities found in the importing country during random inspection could be referred to the relevant control authorities in the originating country for consideration when renewing the "approved" status.

The International Organization for Standardization (ISO) has, during recent years, undertaken various security-related activities, including developing procedures for supply-chain security consistent with the ISPS Code, the SAFE Framework and similar initiatives.

ISO 28000:2007 and the related standards and publicly available specifications in the 28000 series were developed to codify security operations within the broader supply-chain management system and allow companies to demonstrate that they have identified critical aspects to the security of their supply chain and have policies, procedures and controls in place to manage security risks. Certification of compliance with ISO Standards would reinforce the credibility of individual links in the supply chain and add to the credibility of the system both across borders and between national agencies.

The implementation, by governments, of a system for maritime supply-chain security, based upon the SAFE Framework model, but having the flexibility to expand to incorporate other controls and the mandates of a range of government departments, could have significant benefits for enhancing safety and security, countering trafficking, including illegal wildlife products, while, at the same time, enhancing the facilitation of international trade. Procedural security measures, consistent with the approaches of IMO, WCO, ICAO and ISO, coupled with random searching and feedback of information, would enhance the effectiveness of such an approach, while at the same time building confidence in the integrity of the system. However, for such a system to work, it will require the commitment of all government agencies concerned with cross-border controls and security. As with all aspects of maritime security and transnational organized crime, a joined-up approach is essential.

Wildlife task force

"Within the last decade, the illegal wildlife trade has mutated from low-level, opportunistic crime to large-scale activity by international criminal networks. The trade is only exceeded in value by the illegal market for drugs, arms and trafficked human beings, and generates as much as $20 billion a year in illegal profits - profits which are used to fund organized criminal networks and non-state armed groups. I don't need to tell you that this holds alarming implications for our global security. And this trade is on the rise. In South Africa, the number of rhinos killed by poachers in 2007 was 13. In 2012, it was more than 600. In 2013, more than 20,000 elephants were killed on the African continent, with numbers poached now exceeding the rate of births. And there are now only 3,200 tigers left in the wild. I could go on. The cumulative effect of wildlife crime is shocking. The abundance of the world's species has decreased by almost a third over the last 100 years. This hugely impoverishes all of us. So I am very pleased to say that, under the auspices of United for Wildlife, a taskforce is to be formed, specifically designed to work with the transport industry – from airlines to shipping lines – to examine its role in the illegal wildlife trade and identify means by which the sector can break the chain between suppliers and consumers. Within a year, the taskforce will work with the transport industry to develop recommendations for how it can play its part in shutting down wildlife trafficking trade routes; with the sole intention that the implementation of these recommendations will lead to a tangible and significant reduction in the illegal wildlife trade".

HRH the Duke of Cambridge, in a speech on the illegal wildlife trade at the World Bank, Washington DC, USA, 2014.