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CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA



Seventieth meeting of the Standing Committee Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

REPORT AND AGENDA OF THE MEETING OF REPRESENTATIVES OF PARTIES CONCERNED WITH THE DEVELOPMENT AND IMPLEMENTATION OF NATIONAL IVORY ACTION PLANS

This document is submitted by the Secretariat in relation to agenda item 27.4 on the *National ivory action plans process*. It presents the detailed report prepared by the Secretariat, on the meeting of representatives of Parties concerned with the development and implementation of National Ivory Action Plans (NIAPs). The meeting was convened in accordance with the provisions of Decision 17.80, paragraph a), in Maputo, Mozambique, from 1-4 May 2018. For information purposes, the agenda of the meeting is also included.

Meeting of representatives of Parties concerned with the development and implementation of National Ivory Action Plans (NIAPs)

Maputo, Mozambique, 1-4 May 2018

 At its 17th meeting (CoP17, Johannesburg, 2016), the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) adopted Decision 17.80 on the National ivory action plans process, as follows:

17.80 Directed to the Secretariat

The Secretariat shall, subject to external funding:

- a) convene a meeting from representatives of Parties concerned with the development and implementation of National Ivory Action Plans, in cooperation with partner organizations in the International Consortium on Combating Wildlife Crime (ICCWC) and, as appropriate, other Parties, experts and donors, to:
 - i) review the development and implementation of National Ivory Action Plans and, inter alia, exchange experiences and best practices;
 - ii) identify opportunities including opportunities that promote long-term collaboration among enforcement authorities, for cross-border collaboration and regional cooperation, joint actions, and resource mobilisation; and
 - iii) discuss shared challenges and technical assistance needs;
- b) report on the implementation of the present decision to the Standing Committee at its 69th and 70th meeting with recommendations, as appropriate.
- 2. The Conference of the Parties, at CoP17, also adopted Decisions 17.72, 17.81 and 17.82 on the *National ivory action plans process*, as follows:

17.72 Directed to Parties

All Parties are invited to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.

17.81 Directed to the Secretariat

The Secretariat shall liaise with ICCWC and its members to seek their cooperation for the development of the NIAPs and the monitoring of their implementation.

17.82 Directed to the Secretariat

The Secretariat shall approach Parties, governmental, intergovernmental and non-governmental organizations and other sources to provide financial and/or technical assistance for the development and effective implementation of the NIAPs process.

3. Pursuant to Decision 17.80, the Secretariat convened a meeting of representatives of Parties involved in the development and implementation of National Ivory Action Plans (NIAPs) in Maputo, Mozambique, from 1 to 4 May 2018. The meeting was convened in close cooperation with the Ministry of Land, Environment and Rural Development of Mozambique, and the Secretariat's partners in the International Consortium on Combatting Wildlife Crime (ICCWC). The Secretariat and its partners in ICCWC would like to thank the Government of the United Kingdom of Great Britain and Northern Ireland for its generous funding support to ICCWC for the implementation of the ICCWC Strategic Programme 2016-2020, which enabled the convening of this meeting.

- 4. The meeting brought together over 60 representatives from 24 countries across Africa, Asia, Europe and North America, and from intergovernmental and non-governmental organizations. NIAP Parties present at the meeting were: Angola, Cambodia, Cameroon, China, including Hong Kong Special Administrative Region of China, Democratic Republic of the Congo, Egypt, Ethiopia, Gabon, Kenya, Malawi, Malaysia, Mozambique, Nigeria, the Philippines, Qatar, Thailand, Togo, Uganda, the United Republic of Tanzania, and Viet Nam. The only two Parties currently subject to the NIAP process that did not attend the meeting, were the Congo and the Lao People's Democratic Republic.
- The first day of the meeting was reserved for representatives from each NIAP-Party to deliver a
 presentation on the development and implementation of the NIAP in their country. Presentations included
 information that facilitated the exchange of experiences, including on lessons learnt, best practices and
 challenges.
- 6. The second day consisted of presentations by governmental agencies, ICCWC partner organizations, donors, non-governmental organizations and others (European Union, United Kingdom of Great Britain and Northern Ireland, CITES Secretariat, INTERPOL, United Nations Office on Drugs and Crime, World Bank, World Customs Organization, French Development Agency, German Agency for International Cooperation (GIZ), International Fund for Animal Welfare, TRAFFIC, Wildlife Conservation Society) on available tools, services, mechanisms and technical support that could be mobilized to facilitate NIAP implementation. Funding support opportunities and access to such support were also discussed, as well as private sector and civil society engagement in support of NIAP implementation and combating illegal trade in ivory.
- 7. On the third day, meeting participants divided into three working groups. Taking into consideration the presentations made and information provided on the first two days, these working groups discussed the following themes:
 - Opportunities for promoting and further strengthening cross-border collaboration, regional and international cooperation and joint activities;
 - Experiences and best practices in the development and implementation of NIAPs; and
 - > Technical and financial assistance needs and resource mobilization.
- 8. Each working group subsequently provided feedback in plenary on its deliberations, conclusions and findings. Meeting participants further discussed and considered the working group outcomes during an interactive plenary session, and concluded and agreed a number of recommended actions. These are presented in paragraph 11.
- 9. On the fourth day of the meeting, INTERPOL facilitated a Regional Investigative and Analytical Case Management (RIACM) meeting. The RIACM provided a platform for representatives to share information and intelligence with regard to *modus operandi*, smuggling routes, and other information, relevant to targeting criminal networks involved in elephant poaching and ivory trafficking.
- 10. By bringing together representatives from NIAP-Parties, governmental, intergovernmental and non-governmental organizations and agencies, donor agencies, ICCWC partners and civil society, the meeting also supported the implementation of Decisions 17.72, 17.81 and 17.82. NIAPs provide a framework for these agencies, organizations and the donor community to direct their financial, technical and in-kind support to concrete activities designed to address elephant poaching and ivory trafficking, as identified and agreed by the NIAP-Party concerned. The meeting provided an opportunity for NIAP-Parties to learn more about resources and assistance that could be mobilized in support of NIAP implementation, and to identify opportunities to mobilize such resources or support.

¹ICCWC comprises the CITES Secretariat, INTERPOL, the United Nations Office on Drugs and Crime (UNODC), the World Bank and the World Customs Organization (WCO).

11. As indicated in paragraph 8, meeting participants agreed a number of recommended actions, as follows:

1. Legislation and regulations

- a) National legislation and regulations should address wildlife crime as a serious crime and make provision for strong deterrent penalties. This is important for all Parties, and in particular relevant for NIAP- Parties.
- b) National legislation and regulations should be reviewed regularly, to ensure that it effectively responds to the nature of the threat posed by wildlife crime.
- c) NIAP Parties should be encouraged to, where not yet done, review and update legislation and regulations in accordance with paragraph 13 e), f) and g) of Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement.²
- d) It is essential that national legislation enable the use of Mutual Legal Assistance treaties in support of investigations into wildlife crime, including to address ivory trafficking.
- e) Good legislation is essential, but it can only have the desired impact if effectively implemented. It is essential that all national agencies responsible for wildlife law enforcement be familiar with legislative provisions and actively pursue their application.
- f) Legislation should, as far as reasonably possible, be harmonized at regional level, taking into consideration paragraph 13 e), f) and g) and h) of Resolution Conf. 11.3 (Rev. CoP17) on *Compliance* and enforcement.
- g) Sentencing guidelines for wildlife crimes can be a valuable tool in supporting Parties to combat wildlife crime and bringing the criminals involved to justice. Such guidelines must however be developed in a manner that will facilitate easy use by authorities. Sentencing guidelines developed by the United Nations Office on Drugs and Crime (UNODC) for a number of Parties have been successfully launched, and NIAP-Parties should be encouraged to reach out to UNODC for support in developing such guidelines.
- h) To facilitate the effective implementation of legislation and regulations, penalties that could be imposed must be proportionate to the seriousness of the crime. This was exemplified by the experience shared by a NIAP-Party whose legislation included life imprisonment as a penalty for illegal ivory possession or trade in ivory. The courts had great difficulty in applying this legislation in some cases, since some offences were one-off offences involving for example a single ivory tusk or only a few pieces of worked ivory. To resolve this matter, that Party made legislative and regulatory amendments to introduce categorization of offences and penalties, thus ensuring that the penalties would be proportionate to the crime committed. Through categorization, penalties could escalate in accordance with the seriousness of the crime.
- i) As recommended in Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*, paragraph 13 h), offenders involved in ivory trafficking, in particular those identified as members of organized crime groups, should, whenever possible, be prosecuted under a combination of relevant legislation (anti-money laundering, anti-corruption, etc.) carrying appropriate penalties, and acting as effective deterrents.

2. National level enforcement action and inter-agency collaboration

a) Parties significantly affected by illegal trade in wildlife, including elephant poaching and illegal trade in ivory, should consider establishing specialized wildlife law enforcement units, including dedicated

² https://www.cites.org/sites/default/files/document/E-Res-11-03-R17A.pdf

wildlife crime investigators and prosecutors, taking into consideration the *Guidance for specialized* wildlife law enforcement units in Annex 3 to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and* enforcement.

- b) NIAP-Parties should make every effort to further enhance communication among national agencies responsible for wildlife law enforcement, including by formalizing collaboration between customs, police and CITES Management Authorities, and with a particular focus on the provisions of paragraph 9 b) of Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement.
- c) The collection of samples from seizures for forensic analyses should be institutionalized as part of the evidence gathering process towards prosecution and successful conviction, by putting in place a national protocol that will facilitate the collection of samples in accordance with recognized procedures and relevant legislation regulating the exchange of such specimens. This should be done with a particular focus on paragraphs 22 and 24 of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*³ and paragraphs 1 f) and 1 g) in Resolution Conf. 9.14 (Rev. CoP17) on *Conservation of and trade in African and Asian rhinoceroses*.^{4 5}
- d) The development of an ivory fingerprinting kit⁶ presents excellent opportunities to further expand the use of fingerprinting to address illegal trade in ivory. NIAP-Parties are encouraged to use these fingerprinting kits and, where electronic fingerprint databases do not yet exist, pursue the establishment of such databases, which should ideally be compatible with INTERPOL standards⁷ to enable efficient information exchange and analysis, at the international level.
- e) Parties should seek to develop Standard Operating Procedures (SOPs) for the management of wildlife crime scenes, including crime scenes involving ivory seizures, in order to facilitate the preservation, collection and best handling of evidence.
- f) Parties affected by ivory trafficking should make every effort to enhance the capacity of agencies responsible for wildlife law enforcement to identify specimens of elephant ivory, including worked ivory, through training and the implementation of paragraph 13 q) of Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement.
- g) NIAP-Parties should endeavor to establish and formalize collaboration with private sector partners and civil society organizations, including through the implementation of paragraph 9 a) of Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*.
- h) All Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, should take urgent measures to fully implement paragraphs 3, 4 and 5 of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*, and report on this implementation to the Secretariat, pursuant to paragraph 8 of Resolution Conf. 10.10 (Rev. CoP17).
- i) When legal domestic markets for ivory are closed, alternative livelihoods should be considered for those directly affected by the closure of such markets.
- j) The provisions of paragraph 6 of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens* must be strictly implemented by all Parties in whose jurisdiction there is a legal domestic market for ivory.

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³ https://cites.org/sites/default/files/document/E-Res-10-10-R17.pdf

⁴ https://cites.org/sites/default/files/document/E-Res-09-14-R17.pdf

⁵ A reference to the resolution on rhinoceroses is included because two NIAP Parties have been requested to develop and implement a National Ivory and Rhinoceros Action Plan (NIRAP).

⁶ http://news.met.police.uk/news/met-forensics-specialist-awarded-for-ivory-fingerprinting-kit-268299

⁷ https://www.interpol.int/INTERPOL-expertise/Forensics/Fingerprints

- k) Theft of ivory from stockpiles continues to be a concern. The establishment of effective stockpile management systems, including electronic systems, to improve stockpile management and capture all data on ivory stockpiles in a secure national database, should be encouraged.
- All Parties should strictly implement paragraph 2 of Resolution Conf. 10.10 (Rev. CoP17) on Trade in elephant specimens, regarding marking of ivory, and Resolution Conf. 17.8 on Disposal of illegally traded and confiscated specimens of CITES-listed species.⁸ The marking of ivory in accordance with Resolution Conf. 10.10 (Rev. CoP17) should be complemented by also recording the origin or source of the ivory, and by taking photographs of the ivory.
- m) Costs associated with the inventory and storage of confiscated ivory poses a significant challenge to some Parties, and opportunities to provide support to such Parties should be actively explored.
- n) Agencies responsible for wildlife law enforcement should make every effort to establish the closest working relationship possible with prosecution authorities, including engaging prosecutors in the investigation and case management processes, where appropriate.
- o) Countries have different levels of capacity. To ensure that limited resources are deployed in the best manner possible, a thorough assessment of needs should be conducted before investing in remedial action. The ICCWC Wildlife and Forest Crime Analytic Toolkit and the ICCWC Indicator Framework for Wildlife and Forest Crime are important tools that could be mobilized in this regard. Parties are encouraged to make use of these tools, as recommended in paragraph 13 i) of Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement.
- p) NIAP-Parties are encouraged to engage with universities and academia to conduct analytical research on elephant poaching or illegal trade in ivory, as applicable to the Party, in support of the development of appropriate law enforcement and related responses.
- q) NIAP-Parties are encouraged to, where not yet in place, establish informer networks and implement informer incentive schemes, with a particular focus on addressing elephant poaching and illegal ivory trade, taking into consideration paragraph 13 b) of Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement.
- r) NIAP-Parties are encouraged to draw upon the media to showcase results of law enforcement work, including highlighting the conservation status of elephants and the impact of elephant poaching and illegal trade in ivory on the species.

3. International and regional enforcement collaboration

- a) There is a need to prioritize and increase the use of Mutual Legal Assistance treaties to combat illegal trade in ivory, including by mobilizing the tools available through the United Nations Convention against Corruption (UNCAC), the UN Convention against Transnational Organized Crime (UNTOC), and regional agreements.
- b) Some countries experience a lack of response when sending formal requests for Mutual Legal Assistance to other countries. There is a need to better understand the reasons for this lack of reply in some cases. UNODC is encouraged to examine such cases with the aim of identifying solutions that will facilitate prompt replies and effective use of this tool to address illegal trade in wildlife, including ivory trafficking.
- c) Parties affected by ivory trafficking should make every effort to draw upon existing platforms and organizations to leverage expert support from INTERPOL, the World Customs Organization, and other specialists, including members of civil society organizations and private sector partners. This could for example be done by actively implementing paragraph 9 i) of Resolution Conf. 11.3 (Rev. CoP17) on

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⁸ https://cites.org/sites/default/files/document/E-Res-17-08.pdf

Compliance and enforcement, and by using WCO's ENVIRONET,⁹ as well as CENcomm, where closed user groups can be created, and where specialists could be invited to participate in those groups for technical matters.¹⁰

- d) The sharing of information and intelligence between and among source, transit and destination countries is essential in the fight against ivory trafficking. The full and effective implementation of paragraph 13 j) of Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*, and paragraph 23 of Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*, should be actively pursued by all NIAP-Parties, including for the purpose of further strengthening country specific risk profiles and indicators to address ivory trafficking.
- e) Parties affected by ivory trafficking should where appropriate, create partnerships with civil society organizations, transport companies, air and sea carriers, and others such as the signatories to the United For Wildlife Transport Task Force Buckingham Palace Declaration, 11 to support the disruption of illegal trade in wildlife, including transport routes used for ivory trafficking, and to strengthen the implementation of the provisions of paragraph 13.l) in Resolution Conf. 11.3 (Rev. CoP17) on Compliance and enforcement.

4. Outreach, public awareness and education

- a) Continuous efforts to raise awareness about the devastating economic, social and environmental impacts of wildlife crime at the highest political levels are needed. Political support is essential in addressing wildlife crime and facilitates the implementation of Resolutions, Decisions and recommendations adopted by CITES governing bodies. The effective overall implementation of these Resolutions, Decisions and recommendations will have a direct impact on successfully tackling wildlife crime, including illegal trade in ivory.
- b) Parties subject to the NIAP process should actively engage in public awareness campaigns, drawing attention to existing or new regulations concerning the sale, purchase and possession of ivory, and implementing Resolution Conf. 17.4 on *Demand reduction strategies to combat illegal trade in CITES-listed species*.
- c) Youth engagement and raising awareness among the youth about the serious nature of wildlife crime, including the poaching of elephants and illegal trade in ivory, is in particular important for NIAP-Parties, including by pursuing the implementation of Resolution Conf. 17.5 on *Youth engagement*.¹³

5. Resource mobilization

- a) NIAP-Parties should make every effort to mainstream NIAP implementation in national budgeting processes.
- b) NIAP-Parties should actively raise awareness among decision and policy makers for budget allocation, to ensure that they are aware of and understand the serious threat posed by elephant poaching and illegal trade in ivory, and the importance of NIAP implementation.
- c) NIAP-Parties should make deliberate efforts to identify priority NIAP actions that could benefit from donor and development community support, and take steps to proactively communicate and present these needs to potential donors and the development community.

⁹ https://www.cites.org/sites/default/files/notif/E-Notif-2015-039.pdf

¹⁰ See for example the following URL: https://www.cites.org/sites/default/files/notif/E-Notif-2018-046.pdf

¹¹ https://www.cites.org/eng/news/pr/transport_sector_steps_up_to_fight_illicit_wildlife_trafficking_14032016

¹² https://cites.org/sites/default/files/document/E-Res-17-04.pdf

¹³ https://cites.org/sites/default/files/document/E-Res-17-05.pdf

- d) Donors and the development community are encouraged to, for Parties subject to the NIAP process, align the mobilization of resources with the priorities identified in NIAPs and Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*.
- e) Donor agencies and the development community should communicate in a timely manner to eligible Parties, information about funding opportunities that may arise, providing detailed information about the amount of funding available, funding priorities and the activities that could be addressed through it, and what is required from any eligible Party to enable it to access the funding.
- f) Where funding or technical support is offered, it often comes from different entities and sources, and donor agencies and development partners are encouraged to engage and collaborate closely with the government of the Party concerned to identify, plan and agree priorities. If not, it often leads to duplication and could place a burden on limited national resources, with different donor agencies and development partners offering the same type of support to the same authorities multiple times and often in different ways. The government of the Party concerned has an important role in coordinating and managing support to avoid duplication.
- g) African elephant range States that are subject to the NIAP process are encouraged to, as much as possible align, their NIAPs to the implementation of the African Elephant Action Plan.¹⁴

6. NIAP process-related matters

- a) Consideration must be given to how the NIAP process can be further refined to enable NIAP-Parties to, when appropriate, revise their NIAPs to incorporate new actions as may be needed to respond to any new or emerging elephant poaching or ivory trafficking trends.
- b) The process of including new Parties in the NIAP process, and for Parties to exit the NIAP process should be further clarified, for simplification's and transparency's sakes.

¹⁴ https://www.cites.org/sites/default/files/common/cop/15/inf/E15i-68.pdf







CITES National Ivory Action Plan Meeting Maputo, Mozambique

1 - 4 May 2018

DAY ONE

(All sessions on day one will be open sessions)

08:00-09:30	Registration				
09:30-10:30	Welcome & overview				
	Welcome remarks General Director, National Administration for Conservation Agency (ANAC)	Mr. Mateus Mutemba			
	National Ivory Action Plan (NIAP) process – setting the scene	CITES			
	Meeting objectives and participant introductions	CITES			
Plenary Session 1: Country presentations					
10:30-17:30	Country Presentations (10 minutes per country)	ALL PARTIES			
Incl lunch & coffee breaks	Representatives from each country will be requested to deliver a ten-minute presentation on the status of development and implementation of NIAPs in their country. Representatives should, as appropriate, include information that will facilitate the exchange of experiences, including on best practices and challenges.				

DAY TWO

(All sessions on day two will be open sessions)

08:30-09:00	Registration				
09:00-09:30	Official opening session				
	Opening remarks (donor) HE High Commissioner, British High Commission, Maputo	Ms. Joanna Kuenssberg			
	Opening remarks Chief of Enforcement Support, CITES Secretariat	Mr. Ben Janse van Rensburg			
	Welcome remarks (host country) HE Minister of Land, Environment and Rural Development, Mozambique	Minister Celso Ismael Correia			

















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Plenary Session 2: Available support					
09:30-09:40	International Consortium on Combatting Wildlife Crime	CITES			
09:40-10:10	The Global Wildlife Programme and the ICCWC Anti-Money Laundering Programme	World Bank			
10:10-10:40	Project Wisdom and INTERPOL support available to NIAP countries	INTERPOL			
10:40-11:00	Coffee Break				
11:00-11:30	Operationalizing risk management and exchange of information	WCO			
11:30-12:00	NIAP Parties and the EU Action Plan against Wildlife Trafficking	European Union			
12:00-12:30	French Development Agency (AFD) support to combat illegal trade in ivory	AFD			
12:30-13:00	Opportunities to tackle illegal trade in ivory through UK initiatives	United Kingdom			
13:00-14:00	Lunch Break				
14:00-14:30	Strengthening national responses, crime scene investigation, prosecution and UNODC use of forensic technology				
14:30-15:00	Opportunities to support NIAP implementation through the GIZ Project "Combating Poaching and the Illegal Trade in Ivory and Rhino-horn"	GIZ			
15:00-15:30	ETIS findings and support available through TRAFFIC	TRAFFIC			
15:30-16:00	Coffee Break				
16:00-16:30	Fingerprinting to tackle ivory trafficking	IFAW			
16:30-17:00	Case studiesNGO assistance to government partners in combatting ivory trafficking				
17:00-17:30	The role of MIKE in supporting NIAP Parties	MIKE Programme			

DAY THREE

(All sessions on day three will be open sessions)

















08:30-09:00 Registration

Plenary Session 3

09:00-09:30 Overview of Days 1 and 2 and Working Group objectives CITES

Working group discussions

09:30-12:00 Meeting divides into three (3) working groups (WG).

ALL PARTIES

WG 1: Opportunities for promoting and further strengthening cross-border collaboration, regional and international cooperation and joint activities

WG 2: Experiences and best practices in the development and implementation of

NIAPs

WG 3: Technical and financial assistance needs and resource mobilisation

Plenary Session 4: Working Group reporting to plenary and discussion

12:00-13:00 A nominated representative from each working group to provide a summary of

ALL PARTIES

the group discussions and conclusions to plenary

13:00-14:00 Lunch Break

Plenary session 5: Way Forward

14:00-17:00 Interactive session to develop recommendations for consideration by the CITES A

ALL PARTIES

Standing Committee

Coffee Break 15:30-16:00

17:00-17:30 Summary of meeting and endorsement of recommendations

CITES

DAY FOUR

(All sessions on day four will be closed sessions)

08:30-09:00 Registration

INTERPOL Regional Investigative and Analytical Case Management (RIACM) meeting (Facilitated by INTERPOL)

















09:00-17:30

The meeting will provide an operational platform for representatives from law enforcement authorities to share operational information and intelligence with regard to significant cases, known suspects or companies involved in poaching of elephants and illegal ivory trade, *modus operandi*, smuggling routes, and any other information deemed to be relevant, to support the development of operational plans to target these networks.

ALL PARTIES









