

LEGAL

Law Enforcement Governance and Legislation

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



Freeland is leading a program called “ASEAN Legal Studies and Support Program to Fight Transnational Organized Wildlife Crime,” an innovative ASEAN-wide capacity building and research support initiative to promote strategic legal remedies in prosecuting transnational wildlife trafficking in Southeast Asia. The program is composed of legal analyses, toolkit development, trainings, in-country missions, and research support. Supported by the US Agency for International Development (USAID) and the US Fish and Wildlife Service (USFWS), the program is implemented by Freeland (lead implementer of Asia’s Regional Response to Endangered Species Trafficking – ARREST Program), the UN Office on Drugs and Crimes (UNODC), and the Asia Pacific Centre for Environmental Law, National University of Singapore (APCEL).

To galvanize support for governments and spearhead the implementation process of the program, a network of experts has been formed. The “Legal Support Task Force” is comprised of private, public, UN, ASEAN and US experts. The network is composed of legal focal points from all 10 Member States representing the ASEAN Wildlife Enforcement Network (ASEAN-WEN), in-house researchers from Freeland and UNODC, and experts from APCEL, the US Fish and Wildlife Service (US FWS) and the US Department of Justice (DOJ).



ASEAN-WEN Regional Stakeholders Law and Policy Workshops on Wildlife Crime

As a mechanism for consultations and network building, the program will hold a series of ASEAN-WEN Regional Stakeholder Law and Policy Workshops on Wildlife Crime.

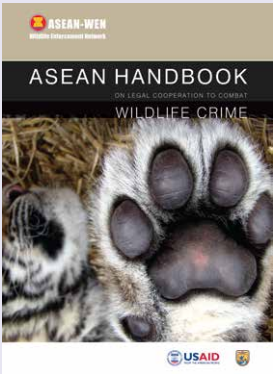
The first workshop was held in Singapore in December 2014 and was attended by law enforcement officials, parliamentarians, judges, prosecutors, and legal experts from all 10 ASEAN countries and the United States. It focused on mapping the legal resources available and strategizing on how best to combat transnational wildlife trafficking.

A second workshop was held in Jakarta in January 2016 to launch the ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime. The Jakarta workshop focused on toolkit implementation and a strategy dialogue with ASEAN-WEN agencies, prosecutors and investigators.



SOMTC (ASEAN Senior Officials Meeting on Transnational Crimes) Research Support to Upgrade Wildlife Trafficking as a Priority Area

The outputs from the workshop in Singapore and preliminary findings culminated into a working paper entitled "Legal Framework to address wildlife and timber trafficking in the ASEAN region" jointly prepared by Freeland and UNODC to guide ASEAN SOMTC (Senior Officials Meeting on Transnational Crime) Leaders Meeting in their plan to support wildlife and timber trafficking as a new focus area. In Oct 2015, The security ministers of ASEAN signed the "Kuala Lumpur Declaration in Combating Transnational Crime", reinforcing the region's commitment to combat cross-border crime including the trafficking of timber and wildlife.



Throwing the Handbook at Wildlife Traffickers

One of the aims of the program was to create a law enforcement handbook to provide criminal justice and law enforcement officials from the ASEAN region with a strategic approach to deploying an arsenal of 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 provides 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. A first of its kind for wildlife trafficking enforcement, the handbook complements existing ASEAN/ UN tools on combating transnational organized crimes, in particular the ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases, and the Wildlife and Forest Crime Analytic Toolkit, both published by UNODC. The ASEAN Handbook on Legal Cooperation to Combat Wildlife Crime was launched in January 2016 at the Jakarta workshop.

Excerpt from foreword by Dr. Ir. Siti Nurbaya Bakar, M.Sc, Minister of Environment and Forestry, Republic of Indonesia: "This new and innovative tool, maps national legislations, enforcement and prosecutorial tools to combat wildlife crime. Nothing this comprehensive has been developed in the past, and with ASEAN enhancing its regional cooperation and national enforcement efforts, this handbook will be considered as a game changer in combating wildlife crime."



Policy and Legislative Reforms to Combat Wildlife Crime in the ASEAN Region: Enhancing the Policy Environment for Effective Wildlife Law Enforcement

Strengthening relevant laws and their enforcement remains the biggest challenge on the horizon. This is a leading strategy to create effective deterrents for illegal wildlife trade and dismantle the criminal syndicates behind it. Legislators and policy-makers are vital in the fight against wildlife crime, through strengthened national laws or development of a region-wide policy and regulation.

The Freeland /ARREST Program was recognized at a historic ASEAN parliamentary summit in 2012, which, for the first time ever, unanimously adopted a General Assembly resolution recognizing wildlife crime as an important issue: Res33GA/2012/Org07 "Strengthening Law Enforcement and Regional Cooperation to Combat Wildlife Crime and on Partnership Development with ASEAN-WEN/ ARREST Program/ Freeland."

The ASEAN Inter-Parliamentary Assembly (AIPA) is ASEAN's network of parliamentary leaders and parliamentary institutions. In December 2012, the AIPA Secretariat signed an agreement of cooperation with Freeland to support its efforts and those of its national parliaments.

In September 2015, at the 36th General Assembly, AIPA approved a resolution to combat wildlife crime, making wildlife crime a permanent item on the AIPA Caucus Agenda.

In December 2015, parliamentarians and parliament officials from ASEAN member states came together for a 3-day 'Ranger Interaction, Field Mission and Networking Dialogue' to observed rangers in the field during PROTECT training, giving them a real insight in to their day-to-day lives including the potential challenges, dangers, and inconveniences they encounter. The unique itinerary of this event, organized by Freeland, was designed to help the lawmakers create and adjust relevant wildlife legislation.

Freeland's successful partnership with AIPA was reaffirmed and renewed in December 2015 for another three years.

Moving forward, the program supports national legislative consultations in selected ASEAN Member States, working on strengthening policy responses to support wildlife enforcement and consumption reduction. Other novel approaches, such as parliamentary-ranger/ investigators field interactions are being developed to raise awareness of the plight of wildlife enforcers, and the natural heritage which they protect.

"I am encouraged to know that a new legal capacity building project to support Southeast Asia's efforts is being developed to combat transnational and organized wildlife crime. It is laudable that a series of workshops will be organized to serve as a discussion platform for the development of a law enforcement handbook to guide our enforcement officers in investigating and prosecuting wildlife crimes. Singapore is privileged to host the inaugural workshop, which will focus on mapping available legal resources to enhance the approach to combat wildlife crime."

Honorable Desmond Lee, Singapore Minister of State for National Development, ASEAN-WEN Regional Stakeholders Law and Policy Workshops on Wildlife Crime, 8-10 Dec 2014, National University of Singapore (NUS).



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