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**World crime trends and responses: integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: work of the United Nations Office on Drugs and Crime in facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime**

### **Report of the meeting of the Open-ended Expert Group on International Cooperation in Preventing and Combating Illicit International Trafficking in Forest Products, including Timber, Wildlife and Other Forest Biological Resources, held in Jakarta from 26 to 28 March 2008\***

#### *Summary*

The report of the meeting of the Open-ended Expert Group on International Cooperation in Preventing and Combating Illicit International Trafficking in Forest Products, including Timber, Wildlife and Other Forest Biological Resources has been prepared pursuant to resolution 16/1 of the Commission on Crime Prevention and Criminal Justice. It provides an account of the discussions of the Expert Group on the economic, social and environmental impact of the crimes under consideration, as well as on the appropriate legal and law enforcement responses to curb such crimes. It also reflects the views of the experts on ways and means of fostering international cooperation to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, through the use, where applicable, of the United Nations Convention against Transnational Organized Crime

\* The submission of the present document was delayed due to the meeting of the Expert Group having been held in late March 2008.



and the United Nations Convention against Corruption, and of enhancing the institutional capacity of law enforcement and forestry authorities to enforce the rule of law in the forest sector. The report contains the conclusions of the Expert Group for further consideration by the Commission.

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## I. Introduction

1. In its resolution 16/1, entitled “International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources”, the Commission on Crime Prevention and Criminal Justice noted that forest products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws were the object of illicit international trafficking, and expressed its concern that such activities had an adverse environmental, social and economic impact in many countries. The Commission further noted that such illicit international trafficking was often perpetrated by individuals and groups, including organized criminal groups that might operate transnationally and that might also be engaged in other illicit activities and was therefore convinced that international cooperation and mutual legal assistance could help prevent, combat and eradicate such trafficking.

2. In the same resolution, the Commission strongly encouraged Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, harvested in contravention of national laws. Member States were also strongly encouraged to cooperate at the bilateral, regional and international levels to prevent, combat and eradicate such trafficking through the use, where appropriate, of international legal instruments such as the United Nations Convention against Transnational Organized Crime (the “Organized Crime Convention”)<sup>1</sup> and the United Nations Convention against Corruption (General Assembly resolution 58/4, annex). For that purpose, Member States were encouraged to provide information to the United Nations Office on Drugs and Crime (UNODC) regarding their use of those instruments for fostering international cooperation in that field and to share information with interested Member States with a view to identifying the areas and scope of such cooperation.

3. The Commission also urged UNODC, subject to extrabudgetary resources, to invite interested Member States to an open-ended meeting of an expert group:

(a) To exchange information, including law enforcement information, on individuals and groups, including organized criminal groups, and their activities involving illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, as well as on domestic regulations and forest law enforcement;

(b) To identify ways of improving national capabilities to prevent and combat such trafficking;

(c) To identify the needs of Member States for international cooperation and/or technical assistance in order to enhance national capabilities to prevent and combat such trafficking.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

4. Pursuant to resolution 16/1 of the Commission on Crime Prevention and Criminal Justice and subsequent to voluntary contributions made for that purpose, the meeting of the Open-ended Expert Group on International Cooperation in Preventing and Combating Illicit International Trafficking in Forest Products, including Timber, Wildlife and Other Forest Biological Resources was held in Jakarta from 26 to 28 March 2008. The meeting was jointly organized by UNODC and the Government of Indonesia.

5. The Expert Group reflected a broad range of expertise from different sectors, such as forest management, law enforcement and forest law enforcement and governance.

6. The report of the Expert Group provides an account of the discussions of the experts on the economic, social and environmental impact of the crimes under consideration, as well as on the appropriate legal and law enforcement responses to curb such crimes. It also reflects the views of the experts on ways and means of fostering international cooperation to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, through the use, where applicable, of the Organized Crime Convention and the United Nations Convention against Corruption, and of enhancing the institutional capacity of law enforcement and forestry authorities to enforce the rule of law in the forest sector.

## **II. Organization of the meeting**

### **A. Opening of the meeting**

7. The meeting was opened on 26 March 2008 by H.M.S. Kaban, Minister for Forestry of Indonesia, who welcomed the experts and expressed his gratitude to those Member States whose contributions had made the convening of the meeting of the Expert Group possible. The Minister stressed the ecological, economic and social losses from forest crimes in his country and referred to the national legal framework in place to curb such crimes. He emphasized the need for enhanced coordination among competent agencies and law enforcement authorities, as well as the importance of improving the institutional and operational capacity to detect and suppress the related criminal activities. He also identified as a main challenge the lack of a common understanding and common approaches among countries in preventing and combating forest crimes and the resulting imposition of short penalties on the perpetrators of those crimes. He expressed the hope that the meeting of the Expert Group would facilitate the exchange of views on best practices to tackle related crimes at both the national and international levels.

### **B. Attendance**

8. The meeting was attended by experts from 16 Member States from all regions. The meeting was also attended by representatives of UNODC, its Regional Centre for East Asia and the Pacific and its project office in Jakarta, the United Nations Forum on Forests (UNFF), the World Bank, the Association of Southeast Asian Nations (ASEAN) Wildlife Law Enforcement Network, the Asia Forest Partnership,

the European Union initiative on Forest Law Enforcement, Governance and Trade, the Center for International Forestry Research, the Wildlife Conservation Society and Telapak. A list of participants is contained in the annex to the present report.

### **C. Election of the Chairman**

9. Salman al-Farisi (Indonesia), Director of the Directorate for Development, Economic and Environmental Affairs of the Department of Foreign Affairs of Indonesia, was elected Chairman of the meeting.

10. In his introductory remarks, the Chairman referred to his country's attempts to highlight the role of organized criminal groups in the smuggling of natural resources, including illegal logging and trafficking, and explained the background to the adoption of resolution 16/1 by the Commission on Crime Prevention and Criminal Justice. He made a brief presentation on the mandate of the Expert Group and invited the experts to exchange views on the issues identified in that resolution.

### **D. Adoption of the agenda**

11. At its first meeting, on 26 March 2008, the Expert Group adopted the following agenda:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Scope and scale of the problem.
4. Improving domestic capabilities to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources:
  - (a) Development or updating of national legislation;
  - (b) Strengthening of law enforcement responses;
  - (c) Preventive policies.
5. International cooperation to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources:
  - (a) Facilitation of cross-border operations, customs collaboration, the exchange of information, including law enforcement information, on activities involving illicit international trafficking in forest products, including timber, wildlife and other forest biological resources and on domestic regulations and forest law enforcement;
  - (b) Use of international legal instruments such as the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption.
6. Identification of needs for technical assistance.
7. Other matters.

8. Consideration of the report.
9. Closure of the meeting.

### **III. Deliberations**

12. The representative of the Secretariat made some introductory remarks, stating that although the topic before the Expert Group was complex and multifaceted, he was confident that concrete results could be achieved in all the areas identified by the Commission on Crime Prevention and Criminal Justice in its resolution 16/1.

#### **A. Scope and scale of the problem**

13. The Expert Group took note of the serious economic, social and environmental consequences of illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. Such illicit international trafficking exacerbated unsustainable forest practices, increased the cost of forest management and distorted the marketplace, subjecting forest enterprises to unfair competition, and had an adverse environmental impact on forest ecosystems and on the conservation of forest resources and biodiversity. The Expert Group emphasized the social consequences of forest crime for local communities and vulnerable groups of people that were heavily dependent upon forests for their livelihoods and security. However, the Expert Group pointed out that the challenges posed by such criminal activities were complex and might have different aspects in different regions of the world. The need was therefore stressed to conduct more research on how the problem might manifest itself in different national and regional contexts. The purpose of such research would be to promote a better understanding of the scope and scale of the problem as a prerequisite to identifying common approaches that would foster more coherent and consistent action at the national level and strengthen international cooperation.

14. One of the issues mentioned by the experts to clearly indicate the problem of divergent national approaches and attitudes in that field was the definition of legality and the conceptualization of legal and illegal acts in the forest sector, as what was deemed illegal in one country might be deemed legal in another. Sometimes differences also existed in the approaches taken by different authorities within the national context. It was also noted that, in order to harmonize the differing national approaches to the concept of legality in that field, more streamlined efforts would be required to agree upon a common working definition that would take into account national sensitivities and pave the way for pursuing a common understanding of the challenges at stake and fostering more enhanced cooperation at the international level. The Secretariat noted that the discussion on those issues bore some similarity to the exchange of views that had taken place during the negotiation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.<sup>2</sup> As a result of those discussions, the approach followed by the Protocol was

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<sup>2</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

to set out measures designed to regulate licit activities in order to better delineate and capture illicit ones. Such an approach might prove to be equally useful with regard to the illicit trade in forest products, including timber, wildlife and other forest biological resources.

15. The Expert Group recognized the inextricable links between the criminal activities under consideration and organized crime and corruption. The Expert Group assessed the problems arising from the involvement of organized crime in forest illegal practices, as well as the role of corruption in facilitating such practices, and stressed the need for national authorities to develop appropriate law enforcement and criminal justice responses, as well as to undertake policy action, including the minimizing of discretionary powers in decision-making processes, in order to tackle related challenges.

16. In assessing the relationship between illicit international trafficking in forest products, including timber, wildlife and other forest biological resources and money-laundering, the Expert Group stressed the importance of action and practices targeting the profits derived from such activities, in line with a “follow-the-money” approach. The Expert Group considered a series of specific measures targeting money-laundering that included, for example, the treatment of the crimes under discussion as predicate offences for money-laundering, the seizure and confiscation of proceeds of forest crimes and the establishment of requirements for banks and financial institutions to report on suspicious transactions and apply “know-your-customer” principles.

17. The Expert Group was aware that, in resolution 16/1 of the Commission on Crime Prevention and Criminal Justice, the perpetrators of illicit international trafficking in forest products, including timber, wildlife and other forest biological resources were categorized as “individuals and groups, including organized criminal groups that may operate transnationally and that may also be engaged in other illicit activities”. The Expert Group was of the view that the enforcement of existing or streamlined legislation and the elaboration of effective law enforcement responses would be appropriate for illegal forest activities committed by powerful and greedy offenders, attracted by the lucrative profits and the low risk of being caught or taking advantage of needy people who might also commit related crimes as a result of their need to make a living. The Expert Group was of the view that, in handling those needy people, consideration should be given to taking account of their particular circumstances without compromising the need to enforce the law.

## **B. Improving domestic capabilities to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources**

18. The experts provided information on the applicable laws and regulations in their respective countries to combat the crimes under discussion. It was noted that the mere existence of legislation was not a panacea and that long-term public reform was needed, including the monitoring and review of such legislation, to achieve consistent application and adaptation. Where reference was made to relevant criminal legislation at the domestic level, it was emphasized that the sanctions foreseen did not reflect the gravity of the crimes. The experts therefore stressed that

any action aimed at developing new or streamlining existing legal frameworks needed to be founded on the notion that the offences targeted were of a serious nature. That approach could produce substantial deterrent effects domestically and further promote international cooperation in criminal matters, including, for example, through the application of the Organized Crime Convention, where applicable. In relation to administrative sanctions foreseen for illegal forest activities at the domestic level, it was argued that the imposition of fines could be used to remedy the environmental damage caused by such activities.

19. The experts highlighted the importance of preventive policies as a substantial component of domestic action against forest crimes, including those under discussion. They underlined the need to promote awareness-raising initiatives and organize public information campaigns in order to sensitize the public and to obtain their acceptance of and support for law enforcement.

20. In exploring ways of strengthening the effectiveness of law enforcement action as an appropriate response to illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, the Expert Group identified as a good practice the establishment of specialized enforcement units and stressed the need for the establishment of direct channels of communication for information-sharing and coordination at both the national and international levels. It was further acknowledged that efficient law enforcement responses largely depended on the availability and dissemination of accurate information, not only on forest resources, but also on the methods used in the commission of the offences under discussion, as well as on their perpetrators. An effective national practice of establishing a notification system to detect and arrest perpetrators of related crimes was brought to the attention of the Expert Group. Other experts supported the establishment of enhanced detection systems, which would be based on the experience gained from the use of similar systems to detect crimes such as drug trafficking.

21. The experts shed light on the problems and difficulties encountered in the fight against illicit international trafficking in forest products, including timber, wildlife and other forest biological resources arising from the multiplicity of authorities involved and the lack of coordination among them. They stressed that a holistic and multidisciplinary approach was essential to improving inter-agency collaboration at the governmental level and maximizing synergies and partnerships with other stakeholders that could have an active role in that field, including civil society and the private sector. The experts acknowledged the substantive contribution and expertise of non-governmental organizations and encouraged their active participation and involvement in ongoing and future efforts to delineate and implement appropriate policies and strategies against illicit forest activities. They also supported improving interaction between the public and the private sector and more constructive and effective involvement of the latter in ensuring forest law compliance, including through the development and adoption of codes of corporate conduct that would enhance transparency and accountability.

### **C. International cooperation to combat illicit international trafficking in forest products, including timber, wildlife and other forest biological resources**

22. The Expert Group was of the view that enhanced cooperation at the bilateral, regional and international levels was vital to address effectively the problems posed by the illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. The Expert Group took into account the increasing awareness and action observed over recent years at the international level, marked by initiatives designed to keep illegal forest products harvested in contravention of domestic laws out of the licit international trade and to strengthen forest law enforcement and governance. Some of the experts referred to specific agreements, initiatives or projects that had been concluded or undertaken at the bilateral and regional levels to foster cooperation and contribute to the improvement of institutional capacity to deal with the complex issues at stake. For example, reference was made, *inter alia*, to the activities of members of the Collaborative Partnership on Forests and to Forest Law Enforcement and Governance processes, the Ministerial Conference on the Protection of Forests in Europe, ASEAN, the Asia Forest Partnership, the Congo Basin Forest Partnership and the Amazon Cooperation Treaty Organization.

23. In addition, the Expert Group recognized the potential of fostering cooperation in criminal matters, especially where organized crime and corruption-related groups were engaged in illicit international trafficking in forest products, including timber, wildlife and other forest biological resources. The Expert Group examined the benefits of the use of international legal instruments such as the Organized Crime Convention and the United Nations Convention against Corruption. The Expert Group was of the view that mechanisms of cooperation such as extradition and mutual legal assistance, as well as law enforcement and cross-border cooperation, including the conducting of joint investigations, could be used efficiently in that context and the aforementioned instruments could be considered as an appropriate legal basis. In addition, it was reported that national legislation and the principle of reciprocity could also provide solid ground for cooperation, especially in mutual legal assistance cases, and an example of a relevant national practice was brought to the attention of the Expert Group.

24. Reference was made to the work of UNFF on matters related to forest law enforcement and governance. The problem of the illicit international trafficking in forest products had been on the agenda of UNFF since the mid-1990s (under the Intergovernmental Panel on Forests, the predecessor of UNFF) and had been gaining importance and urgency in various international forums over recent years. UNFF was established by the Economic and Social Council in its resolution 2000/35 and undertakes action to facilitate efforts against forest-related illegal practices. Building upon the mandate of the Forum at its sixth session, the General Assembly adopted a non-legally binding instrument on all types of forests (Assembly resolution 62/98) and entrusted UNFF with the task of reviewing the effectiveness of that instrument within the context of its multi-year programme of work (2007-2015). It was further reported that, in line with its purpose of strengthening the political commitment to sustainable forest management, the non-legally binding instrument set out national policies and measures, including the

review and, where necessary, improvement of forest-related legislation and the enhancement of forest law enforcement in order to combat and eradicate illegal practices in the forest sector. The instrument further defined measures designed to enhance bilateral, regional and international cooperation to combat effectively illicit international trafficking in forest products, including timber, wildlife and other forest biological resources and to promote forest law enforcement and governance, preventive policies and institutional capacity-building for the same purpose.

25. The Expert Group stressed the need to promote collaboration among competent international forums and organizations in order to avoid duplication and fragmentation of efforts in that field.

#### **D. Identifying needs for technical assistance**

26. The experts accorded priority to the need to identify the requirements of Member States for building institutional and operational capacity to ensure compliance with the law in the forest sector and effective forest law enforcement. Training for forestry officers, as well as law enforcement and criminal justice personnel, including legal and on-site training, was considered to be crucial for upgrading the necessary skills and capacities to deal with related problems. The Expert Group also considered training as a factor conducive to improving inter-agency cooperation. It was argued that effective collaboration with law enforcement officers could best be served if forestry officers were to be trained in functions that facilitated the prompt prosecution of perpetrators. It was noted that the training of judicial officers and prosecutors was also essential, as it could facilitate their cooperation with the public forest administration.

27. The representative of the UNODC Regional Centre for East Asia and the Pacific informed the Expert Group of a recent initiative launched by the Centre to establish a programme of work with a view to supporting forest law enforcement and sustainable and equitable forest governance and trade in the lower Mekong subregion. He stressed that the main components of the programme were focused on the promotion of stakeholder involvement in policymaking and forest management, as well as on the development of strategies to counter trafficking in illegal forest products. He also emphasized the objective of the programme, which was to tackle certain deficiencies in and setbacks encountered by forest governance policies, pertaining to lack of awareness, knowledge, capacity and mechanisms in the countries concerned. He further pointed out that the action envisaged under the programme included the establishment of a regional system for data collection, research and analysis, the introduction of vigorous counter-trafficking approaches, the enhancement of inter-agency cooperation and training and the compilation and review of relevant laws and treaties.

### **IV. Conclusions**

28. The Expert Group concluded that:

(a) There was an urgent need to expand knowledge of the scope and scale of the problems created by illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, including the severe

economic, environmental and social impact of such crime. For that purpose, wide-ranging research should be undertaken and data and information should be collected, analysed and exchanged;

(b) It was of the utmost importance to gain a common understanding of such problems as a prerequisite to more coherent and consistent action at the national level and to enhance international cooperation at the bilateral, regional and interregional levels. It was of equal importance to ensure that countries had common perceptions of the definition of legality and the conceptualization of legal and illegal acts in the forest sector;

(c) The rationalization and streamlining of applicable laws and regulations at the national level, including the imposition of appropriate and dissuasive sanctions, was an essential precondition for effective forest law enforcement and governance;

(d) Forest law enforcement responses could best be enhanced through the development of improved detection methods, the establishment of specialized enforcement units at the domestic level, the availability of direct channels of communication and the creation of networks for information-sharing among them;

(e) Efficient preventive policies in the field of forest crime should include the organization of educational campaigns and the development of public information material to raise awareness among the public and ensure their support for forest law enforcement action;

(f) The implementation of national strategies and policies requires holistic and comprehensive multisectoral approaches that would foster inter-agency coordination at the governmental level and further promote synergies and partnerships with other stakeholders involved in that field, such as civil society, including non-governmental organizations and the private sector;

(g) International cooperation in criminal matters was essential and should be pursued vigorously in the fight against illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, illegal trade in forest products, money-laundering and corruption. The use of the Organized Crime Convention and the United Nations Convention against Corruption should be promoted, bearing also in mind other instruments such as the Convention on Biological Diversity,<sup>3</sup> the Convention on International Trade in Endangered Species of Wild Fauna and Flora<sup>4</sup> or the non-legally binding instrument on all types of forests, as appropriate. Where those conventions or instrument may not apply because of the nature of the offences involved, reliance on the United Nations Model Treaty on Extradition (General Assembly resolution 45/116, annex) and the United Nations Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117, annex) could produce the desired results;

(h) Cooperation at all levels, with emphasis on regional cooperation, should be strengthened. Further coordination and collaboration between international organizations with competence in that field should be pursued, especially through the undertaking of joint activities and increased collaborative arrangements and action in the delivery of technical assistance;

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<sup>3</sup> United Nations, *Treaty Series*, vol. 1760, No. 30619.

<sup>4</sup> United Nations, *Treaty Series*, vol. 993, No. 14537.

(i) Technical assistance activities, including training programmes and the development of training curricula and manuals to effectively counter the range of activities related to illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, should be undertaken to upgrade the skills and capacities of competent officials and institutions to deal with the related challenges;

(j) Illicit international trafficking in timber and forest and biological resources was an issue that affected most countries with a high rate of forest cover and was linked to the misappropriation of genetic resources, or biopiracy, and illicit trafficking of those resources.

## **V. Adoption of the report**

29. At its fifth meeting, on 28 March 2008, the Expert Group adopted its report.

## Annex

### List of participants

#### States Members of the United Nations

Argentina	Josefina Bunge
Australia	James Hoare, Tiffany McDonald, Reena Balding, Bob Randall
Brazil	Renato B. A. Leonardi, Fernanda Rocha Pacheco Santos
Costa Rica	Gilbert Calderón Alvarado
Indonesia	Darori, Rezlan Ishar Djenie, Desra Percaya, Salman al-Farisi, Yuyu Rahayu, Kadim Martana, Awriya Ibrahim, Tonny Soehartono, Anwar, Adi Susmianto, Bambang Edi Purwanto, Tri Tharyat, Puspa Dewi Liman, Andhika Chrisnayudhanto, Novrizal, Agus Setyarso, Lusman Pasaribu, Siswoyo, Darius, Agus Wahyudi, Rudijanta Tjahja Nugraha, Lana Sari, Suryo Atmono, Sumarto, Prabianto Wibowo, Kris Erlangga, Wilhelmus, Ben Saroy, Priyo Hutomo, R. Robianto Koestomo, Budi Kristiar, Sri Noto W, Wahyudi W, Fransisca, Dadang Sutrasno, Ani Mardiasuti, Tri Priyo, Andi Amir, Nurlela, Musyafi, Soma Baskoro, I Ketut Sudiharta, Said Imran, Henry Sulaiman
Iran (Islamic Republic of)	Shaban Asadi
Japan	Daiji Kawaguchi
Papua New Guinea	Ishmel Libitino
Peru	Carlos Castillo, Pablo Cisneros
Republic of Korea	YongKwan Kim
Solomon Islands	David Sadler, Sarah Vonita Wickham
South Africa	Lineo Motsepe, Xolisa Sivuyile Sonjani
Spain	José Antonio Ramos García, José Manuel Vivas Prada, Juan Antonio Abad Nielfa, Rebeca Delgado Gonzalez, Jorge Andino
Switzerland	Roman Busch
Ukraine	Liubov Poliakova
United States of America	Robert Barlow, Suzanne Billharz, Jamartin Sihite, David Brooks, Mary Gorjance

**United Nations entities**

United Nations Office on Drugs and Crime, United Nations Forum on Forests, World Bank

**International Organizations**

Association of Southeast Asian Nations Wildlife Enforcement Network; Asia Forest Partnership; Forest Law Enforcement, Governance and Trade; Center for International Forestry Research; Wildlife Conservation Society; Telapak

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