

PALF Annual Report 2011

Project for the Application of Law for Fauna

Projet d'appui à l'Application de la Loi sur la Faune sauvage

Republic of Congo has strong wildlife laws that can sentence a wildlife criminal to up to five years in prison for infractions such as trafficking ivory, leopard skins, bushmeat or live protected species.

Before PALF, unfortunately these laws had almost never been used to actually put criminals in jail, and more importantly, high level criminals always seemed to make their way out of detention via corruption or lack of capacity. Problems ranged (and still exist) across the entire legal process, from the arrest to the prosecution and beyond.

PALF runs **investigations**, assists in **operations**, does **legal follow-up** and subsequently has a **communication** department to spread the word.

In 2011, PALF ran investigations in **11** Departments in Congo (out of 12 total in the country).

15 dealers were arrested in the two biggest **cities**, Brazzaville and Pointe-Noire.

60 cases of **high-profile wildlife criminals** (arrested in 2011) were followed by the legal team.

36 **sentences** were handed down – 22 of which received prison terms.

17 major wildlife criminals got **prison terms of more than one year**.

2 of those 17 were sentenced to **4 years in prison**.

5 **international ivory dealers** did prison time.

10 wildlife criminals were transferred to higher security prison facilities

2 cases were filed up on with the National Commission for the Fight against Corruption, Embezzlement and Fraud.

335 media pieces concerning the application of wildlife law were produced in various branches of the Congolese media, including television, radio, newspaper and Internet.

THESE ARE THE HARD FIGURES. IF WILDLIFE TRAFFICKERS ARE GOING TO BE DISSUADED FROM THESE CRIMES AGAINST THE WORLD'S BIODIVERSITY, THEN THIS IS HOW PROGRESS NEEDS TO BE MEASURED.

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INVESTIGATIONS

PALF investigations took place in the majority of Departments around the Congo, mainly in larger cities, although occasionally in the towns and cities of smaller districts as well. PALF investigations also took place in peripheral areas outside national parks (Conkouati-Douli, Odzala-Kokoua, Nouabalé-Ndoki) as well.

- Brazzaville
- Pointe-Noire
- Nkola
- Dolisie
- Mossendjo
- Sibiti
- Zanaga
- Kinkala
- Makoua
- Etoumbi
- Mbomo
- Oloba
- Ouessou
- Pokola
- Kabo
- Bomassa



A number of investigators and informants were engaged in 2011. City-based investigations that led to operations often involved leopard skin traffic, a frighteningly prominent illegal trade still present across Africa and beyond. In smaller cities, a common theme was the ivory trade, often affiliated with the illegal arms trade.

One investigator was trained with LAGA in Cameroon. His investigations resulted in an operation in Cameroon and upon returning he effectuated multiple operations in Congo relatively swiftly!



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OPERATIONS

In 2011, operations were divided between Prison transfers on criminals whose cases PALF followed and arrests which PALF initiated.

PALF expanded its work to following other cases when immediately informed of arrests. PALF is still involved from the moment of the arrest in these cases, and thus does not limit itself to its own operations. Cases followed are restricted to very high-level “targets,” whose cases often involve networks of wildlife dealers that extend beyond those arrested.



LEGAL

PALF followed 60 cases across the country, fighting corruption constantly. Corruption was seen on many different levels:

- Congolese authorities providing support to poachers and wildlife traffickers
- Congolese authorities providing weapons to poachers, notably for ivory hunting
- Traffic of influence – using one’s power to influence a legal case
- Bribery which influences the outcome of a legal case



A case was filed with the National Commission for the Fight Against Corruption, Embezzlement and Fraud (CNLCCF). Another case from 2010 was followed as well. A joint mission between the CNLCCF and PALF took place in Ouessou, although results were extremely weak, demonstrating the importance of amelioration in the fight against corruption. The battle is uphill and the

CNLCCF needs a lot of support before it can effectively fight corruption.

One gendarme was removed from his post for disciplinary reasons on suspicion of corruption, specifically complicity with African grey parrot traffickers.

PALF participated in a number of conferences in 2011:

- 1st Meeting of the Technical Committee for the Gorilla Agreement – Kigali, Rwanda
- CITES Standing Committee 61 – Geneva, Switzerland

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- Numerous meetings in Brazzaville, relating to issues like TRIDOM and LATF, for example In meetings, PALF makes a point of bringing the topic of corruption up in order to make the subject more openly discussed so that conservation as a whole makes tackling this problem a priority.

MEDIA

In 2011, 335 pieces about the application of wildlife law came out in Congolese media. Many more came out in international media, notably for the arrest, and subsequently the prosecution, of a Chinese ivory trafficker.

To the right, an image displays an article in a major Congolese newspaper about the transfer of 7 wildlife criminals to Brazzaville prison in April 2011. The media campaign announces nation-wide that impunity is moving downhill and even in places where prisons are less secure and prison-escapes are more commonplace, a wildlife criminal can be transferred to a higher security prison. Such transfers were announced widely throughout the course of the year.

2011 saw a major increase in the use of the Internet in Congo. A twitter account was built as well: **@PALF_enforce**

Internet pieces came out in many languages, mostly French. The PALF website was regularly updated with information about recent arrests and reporting.

Radio pieces often addressed the population that does not speak French, broadcasting in Lingala and Kituba on a regular basis.

MANAGEMENT

A number of new legal experts were tried out in 2011 and only a few stayed on as PALF attempts to restrict the team to excellent legal experts with high morality and motivation. The Assistant Coordinator's contract was not renewed.



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The team did its first retreat to Lesio-Louna Reserve in 2011, which was an amazing experience for the whole team to be together in a beautiful protected area. Discussions were held about the application of wildlife law and investigations and the whole weekend proved to be a great team-building event.

From time to time, coordinators of homologous projects were able to meet during 2011. The PALF Coordinator was able to meet with homologous coordinators from Cameroon (LAGA), Gabon (AALF), and Central African Republic (RALF) in Brazzaville when their presence in Brazzaville coincided with the PALF Coordinator being in Brazzaville as well. One regional meeting was also held in Libreville as well. This contributed to sharing of strategies and information about regional illegal wildlife traffic.



Strategy moving forward

One big game changer would be the opening of the Ouesso Prison. This is a work in progress. But once open, it will be much easier to follow the practices of corrupt officials attempting to illegally free criminals. Ouesso is still filled with corruption, not just for wildlife cases, but with a whole variety.



Rule of Law has not penetrated northern Congo nearly as much as it has in Brazzaville or Pointe-Noire (where things aren't perfect either as it is).

But deeper investigations are needed to get to the bottom of arms traffickers and ivory dealers. The brain behind the operation is often the most difficult to catch. Rarely do big players in the ivory trafficking networks get their hands dirty. Often, beyond that, they have connections to authorities, which makes legal action very difficult.

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Until the culture of impunity can be drastically reduced, we are facing a very difficult challenge. The easy cases to deal with and get prosecutions for are really not the problem. Corrupt authorities and international ivory traffickers are the problem. In 2011, five international ivory dealers got solid prison sentences, but they are surprisingly numerous. Some networks, organized from Cameroon for instance, may have quite a number of relatively significant players on the ground in Congo organizing even greater numbers of poachers. One strategy that worked in 2011 that we would like to see pursued to a greater degree by the Congolese government is higher-level interrogations intent on discovering the big players behind the poachers.



Of course the other side of the problem is the arms. Congo makes far more seizures of AK-47s than its sister nation Gabon for example, and whatever the historical or geopolitical reasons behind this, it is a very serious problem. Sometimes the arms are connected to the traffickers; sometimes the connection is less obvious. Implication of authorities in the movement of Kalashnikovs and munitions is a recurring theme, which brings us back to the question of the culture of impunity.

The CNLCCF is a very interesting organ to work with. A French acronym (Commission Nationale de Lutte contre la Corruption, la Concussion et la Fraude), it translates to the National Commission for the Fight Against Corruption, Embezzlement and Fraud. It is backed by national legislation

which strongly supports (on paper) its power to go after corruption cases in court. Of course the same is true for wildlife law, and the existence of PALF is a representation of government will to make this law a reality. But our work is difficult and thinking about all the challenges we face with PALF, we can only imagine that the same (or far worse) is true for the CNLCCF. In 2011, Congo ranked 154 out of 183 countries measured by Transparency International's Corruption Perceptions Index, scoring 2.2 out of 10. The challenge that we experience through PALF is a microcosm of the greater fight against corruption and the CNLCCF, like PALF, has a lot of room to improve for the sake of the Rule of Law in Republic of Congo.

For leopard skin traffic, there seems to be a supply-driven market, which ensures the continuity of this illegal trade. The market has to be fought on all levels. This might be an application for which sniffer dogs could be extremely useful, as the trade is particularly hard to control given the ease with which a skin can be rolled up in a bag and brought by road or plane or any other means of transport.



Bushmeat is likely most easily controlled where a bottleneck exists: the transporters. There is a serious problem with government will on this note and politicians tolerate unsustainable and illegal bushmeat

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trade to a frightening extent. The forest appears to be able to sustain a certain degree of hunting quite well, but large scale commercial poaching for the markets of bigger cities is emptying parts of the Congo's forests. PALF aims to support operations on the roads and work with other conservation partners and police forces to make arrests, especially on those traffickers who feel invulnerable to the consequences of the law either via political connections or bribery habits. Major concerns include great ape populations and mandrill populations. Sea turtles are also still consumed as meat. Investigations



lead us to believe that the occasional cetacean is sold for meat as well. Many marine species were placed under integral protection under new laws that came out in April 2011, but a lot of this meat (and subsequent sale of shells for example) may well be the product of careless fishing practices. Fisheries laws are still in the early stages in Congo and are drastically in need of amelioration. Shark finning laws do not yet exist.

Whether it be shark finning or ivory trade, a major upward trend in illegal wildlife traffic is linked to Asian demand. We are trying to work

more and more with partners in Asia as such. Meetings in 2011 included Asia-based NGOs and Asian CITES representatives and in 2012 will expand to other areas such as the Chinese embassy in Congo.

The road is long, but we act believing that strong prison sentences for people who weren't expecting to do jail time are the dissuading factor needed to reduce illegal wildlife trade. We will continue to measure ourselves by how much prison time traffickers do and what kinds of traffickers do jail time.

