Seizures of Inconvenience?

Policy, discretion and accidental discoveries in enforcement of illegal wildlife trade at the Norwegian border

10th Annual WCO Picard Conference
Baku, Azerbaijan
8-10 September 2015
CONTENTS

Brief account of the data collection

CITES and the theoretical framework

Present key findings
DATA COLLECTION

Interviews and observation of customs inspectors and supervisors within the Border Control Section of the Norwegian Customs Enforcement Department over 5 months in 2013.

A strategic selection of 5 entry/exit points within 3 different regions.

7 interviews in groups of 2-4 respondents, with 8-16 hours of observation at each location.
IN THIS STUDY

Enforcement of illegal wildlife trade is treated not as a conservation issue but as a transnational crime issue. The target of study is enforcement of transnational crime, not the illegal trade in itself or its underlying causes and consequences. The purpose is not to criticize the existing legal framework or question the appropriateness of law enforcement measures.

Rather, the purpose is to examine the implementation of CITES indirectly by exploring what directs enforcement at the ground level.
CITES

Convention on International Trade in Endangered Species of wild flora and fauna (CITES) is a legally binding agreement between 181 member states worldwide. The purpose is to ensure that international trade in wild animals and plants does not threaten their survival.

Norwegian authorities ratified CITES in 1976 and it is sanctioned through a separate administrative decision in Norwegian legislation.

The Norwegian Environment Agency (Miljødirektoratet) is the national administrative authority of the Convention and it is the responsibility of the Norwegian Customs to ensure that trade with CITES listed species have the necessary licenses at the time of import and export. If not, the “goods” are seized and the case is reported to the police.
THEORETICAL FRAMEWORK

Customs inspectors at the ground level are strongly influenced by the official priorities and distribution of resources administered at policy level (Hörnqvist 2006).

Hörnqvist (2006) makes a distinction between formal and informal risk assessments. While informal risk assessment is when the demeanor of the passenger and the individual inspectors’ intuition and experience guide the consideration, formal risk assessment is done according to fixed risk profiles based on information available prior to the person or item arriving at the border.

Policy implementation largely relies on the people who actually implement it, as advocated in the theory of Street-Level Bureaucracy (Lipsky 2010).
To what extent are organizational strategies and policy beside professional discretion responsible for shaping the customs inspectors’ risk assessment and selection at the border?

What level of attention is given to CITES in these processes?
INFORMAL VS FORMAL RISK ASSESSMENT

“You can pick goods for control on several different grounds; country of origin, the type of declared content, the receiver of the goods, an incomplete labelling or the combination of such things. Or, simply the gut feeling you get when you read the manifests. Something appearing unusual…”

Through their first-line position, the Border Control Section shall base their control on “risk assessments, intelligence and focused target selection…” (The Norwegian Directorate of Customs and Excise 2010). The last decade has seen a gradual change from the traditional, informal risk assessment made by the individual inspector to an increasingly formal selection based on impersonal indicators (Hörnqvist 2006).
The inspectors refer to both formal and informal risk assessment when explaining their choices and actions.

I will argue that the divide between these two in the actual employment by the inspector, whether selecting from passenger or cargo manifests, or physically from the arrival hall or postal area is less distinctive, and perhaps rather a combination.

One would think that over time, the information acquired through personal experience and that acquired from formal risk profiles will blend and continue to evolve, leaving a less clear image of what comes from where.
A blend of different and intersecting kinds of risk knowledge shape the discretion of Canadian border officers, ranging from risk analysis based on expert intelligence and statistics to second-hand social psychology, individual experience, gossip, instinct and intuition (Pratt 2010).

Pickering and Ham (2013) discovered that the decision making of Australian immigration officers rely on various intersections of intelligence-led profiling and everyday stereotyping.

Risk assessment at the border can thus be called “hybrid” in the sense that inspectors blend expert and everyday knowledge to create new assemblages of risk information (Valverde et al. 2005).
A QUESTION OF WHAT COUNTS?

“We are directed towards narcotics, that is task number one. Then comes weapons, CITES, steroids… all this have equal status”

“CITES don’t measure up in competition with other products that are quantified.”
ACCIDENTAL DISCOVERIES?

“Because we do controls, the consequence is that we also come across CITES. As a byproduct”

“We have far too few seizures to be able to identify any trends within this field. The seizures we’ve had have been mostly by chance. (…)"
STICKING TO WHAT GIVES RESULTS?

Street-level bureaucracy involves finding ways of bridging the gap between the expectations of the job and what the workers are able to accomplish. One such way is through *creaming*; giving priority to the cases that is most likely to lead to a positive result (Lipsky 2010).

It is both likely and reasonable that inspectors give precedence to seizures of contraband where the rules are unambiguous, routines are well-established and prioritization is little questioned. All seizures count, but some seem to count more than others. Little produces more praise and recognition by colleagues, management and the media as large narcotics seizures.
Customs are very result-oriented and we want feedback fast. It is much easier to detect and catch the things we can identify as illegal immediately. We are not measured on the number of illegal wildlife products we intercept (...). This keeps you from giving as much effort into checking the product as it will be on the expense of the other things we are supposed to be doing.
CONCLUSION

Results indicate that detection of wildlife is not a priority when inspectors are making risk assessments of potential control objects. A key explaining factor is organizational strategies and efficiency demands through performance measures are directing attention to other flows of illegal goods probably at the expense of this field.

The considerable level of professional discretion granted each inspector does not promote the enforcement of CITES. The inspectors see the cases as complicated, time-consuming and unrewarding in terms of sentencing.
REFERENCES

THANK YOU!