



EUROPEAN

POLICY BRIEF



ILLEGAL WILDLIFE TRADE: A CASE STUDY

Policy Implications for the EU

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OVERVIEW OF CASE STUDY

The Illegal Wildlife Trade (IWT), commonly positioned alongside drugs, arms and human trafficking, is one of the fastest growing illegal markets worldwide and is currently estimated to be worth up to \$20 billion annually. Growing awareness of the widespread impacts of the IWT has led to increased international attention in recent years, as evidenced by the role the EU, United Nations, INTERPOL and EUROPOL have played in bringing together global leaders and stakeholders to help eradicate this trade. **The IWT contributes to civil conflict, economic loss, poverty and climate change and negatively impacts on national security and stability, state authority, biodiversity and public health.** Links between the IWT and organised crime and the demise of iconic species have further stimulated interest and debate. This case study focused on the IWT in the UK, Norway, Columbia and Brazil, identified common and different features in these four locations, explored the motivations for, the nature of and responses to the trade, and subsequently considered the implications for the EU.

This case study finds that the global and clandestine character of the IWT, plus weak controls and enforcement, make it difficult to measure and evaluate. Central to this problem is the lack of priority given to the IWT and complacency among enforcement and government agencies. While each of the case study countries addresses the IWT through international conventions and regulations and domestic legislation, their responses are complex and diverse, with varied effectiveness. Variations in effectiveness are associated with levels of: awareness of the serious negative consequences of the IWT; political interest; criminal justice system support and resources and punishment. While existing international regulations are identified as robust enough, national wildlife legislation, enforcement and punishment by EU Member States (MS) limit the effectiveness of these regulations and place all MS at risk as criminals exploit the EU's open borders. There is insufficient deterrent effect as punishment is seldom certain and rarely severe; the potential for profit outweighs the risk in – the many – cases where offenders are unaware they are committing an offence, risk would not be a consideration. Evidence suggests an effective response to the IWT is identified as one that is intelligence led, systematic, integrated and synergistic; one which emphasizes cooperation between enforcement agencies and NGOs and is supported by a criminal justice system that prioritises the IWT.

A significant finding is the fundamental role played by 'key' individuals in the criminal justice system and NGOs. Specifically, these individuals lead in the prevention, intervention and suppression of the IWT, and in doing so, place the animal victims central to their responses limiting further victimization.

In addition to an extensive review of academic and official literature on the IWT, this multi-method qualitative approach involved a total of 41 interviews and seven observations with experts (i.e. NGOs, environmental authorities and law

enforcement agents), five interviews with offenders and documentary analysis of 856 penal cases, verdicts and confiscation reports. The data collected varied in each location.

POLICY IMPLICATIONS AND RECOMMENDATIONS FOR THE EU

The EU is one of the largest consumer markets for wildlife products. The EU legal trade, estimated to be worth \$100 billion in 2009, is regulated through the (EC) Wildlife Trade Regulations (338/97) and national laws. Although the EU is not itself a CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) party member, MS are required to implement these regulations, which exceed existing CITES requirements. Regardless, the EU remains a key market for the IWT, both in terms of being a major transit point and consumer. This lucrative market increasingly resembles that of other international serious crimes, with links established to EU organised crime groups.

The EU response to the IWT involves regulation, enforcement, prevention and co-operation both within and outside the EU. The EU, for example, provides funding for conservation €500 million over the past 30 years and supports and works alongside key international organisations, including chairing the EU Enforcement Group Meetings in cooperation with EUROPOL, Eurojust, Interpol, the World Customs Organisation, and the CITES Secretariat and part-funding the International Consortium on Combating Wildlife Crime (ICWC). The EU has a strong international and influential voice, as was evident at the recent EU expert conference aimed at strengthening local and international responses to the IWT. The development of EU-Twix, an enforcer's intranet, has provided a successful platform for MS co-operation and enforcement.

This case study concludes that the EU should encourage MS to review domestic legislation to ensure effectiveness, and should emphasise the importance of animal welfare in EU regulations through enhanced welfare standards (IATA LAR 2014/5) and a consistent response to the ethical treatment of confiscated animals. Concerning enforcement, prosecution and sanctions, the findings emphasise the need to enhance compliance across the EU to eradicate porous borders. Compliance can be enhanced through specialist training for all criminal justice agencies and by a commitment from all MS to use existing tools (e.g. EU-Twix, Anti-money laundering directive, specialist detection methods – including scent dogs and technology). The case study highlights the need for the EU to continue working with key international organisations and supporting (with financial aid, specialist training and education) source countries in their efforts to prevent the trade. For example, this could involve encouraging UN troops to support wildlife rangers in source countries where organised crime groups operate.

Accurate measures of the prevalence, nature and impact of the IWT are essential and could be facilitated by MS, should they be required to consistently measure the prevalence, nature, impact and outcomes of the IWT with particular focus on the internet trade, organised crime groups and prolific offenders, the sanctions used and the outcome for confiscated animals. All MS could also be encouraged to utilise the ICWC Wildlife and Forest Crime Analytic toolkit to identify strengths and weaknesses in their response and to ensure a consistent and joined-up approach to the IWT.

Finally, the case study strongly emphasises the need for strategies to impact on demand reduction; specifically for research-based approaches which reduce consumer demand for health and beauty products, luxury foods and pets, and enable the identification and response to emerging markets. Further, the study highlights the urgent need to improve communication between government agencies and expert NGOs within and between MS, to ensure changes to CITES and EU regulations are effectively disseminated to stakeholders to enable compliance.

ABOUT EFFACE CASE STUDIES ON ENVIRONMENTAL CRIME

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"European Union Action to Fight Environmental Crime" (EFFACE) is a 40-months research project involving eleven European research institutions and think tanks. EFFACE assesses the impacts of environmental crime as well as effective and feasible policy options for combating it from an interdisciplinary perspective, with a focus on the EU. Project results include several case studies on the causes, actors and victims of different types of environmental crime as well as policy options and recommendations. For more information on EFFACE, see <http://www.efface.eu> or contact: envcrime@ecologic.eu

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