

ENVIRONMENTAL CRIME

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Monitor



EUCPN
EUROPEAN CRIME PREVENTION NETWORK

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Environmental crime is a new EU priority amongst the ten priorities of the EU Policy Cycle in the fight against organised and serious international crime between 2018 and 2021. The objective of this monitor is to identify opportunities for action in the prevention of wildlife trafficking.

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ABSTRACT

Environmental crime, and thus wildlife trafficking, is a new EU priority amongst the ten priorities of the EU Policy Cycle. There are indicators that organised crime groups are involved. Illegal wildlife trafficking negatively impacts economic and social development, governance and biodiversity. The EU is considered the top global importer in terms of value of wildlife, ranging from live reptiles and birds to caviar and reptile skins. Additionally, the major ports and airports of the EU are important transit points for trafficking activities. The objective of this monitor is to identify opportunities for action in the prevention of wildlife trafficking. These opportunities can be largely divided in four categories. First of all, there are promising existing tools that are worth promoting because they have proven their potential in the prevention and fight against wildlife trafficking. Secondly, the EC in its progress report and the experts have identified certain key actors that are interesting target groups for awareness campaigns. A third category of opportunities for action are awareness raising campaigns concerning 'booming' species that are currently being illegally trafficked in the EU. Finally, there is room for raising awareness with regard to the importance of document fraud and corruption in the criminal chain of illegal wildlife trafficking.

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PREFACE

The goal of this EUCPN monitor is to identify opportunities for actions in the prevention of illegal wildlife trafficking. Information was assembled through a brief literature review and by calling upon the advice of experts during the expert meeting “EnviCrime: Current and future efforts against wildlife crime” on 25 April 2019 in Brussels organised by the EUCPN. We want to thank the participants for their contributions: Dr. Maciej Duda (University of Warmia and Mazury in Olstzstyn), Mrs. Elke Malfait (CITES Belgium), Mrs. Manuela Matzinger (UNODC), Dr. Joanna Narodowska (University of Warmia and Mazury in Olstzstyn), Mr. John M. Sellar (Global Initiative Against Transnational Organized Crime) and Mr. Edward van Asch Caballero (CITES).



D1 FOCUS ON WILDLIFE TRAFFICKING

1.1. Defining the scope

Environmental crime is a new EU priority amongst the ten priorities of the EU Policy Cycle¹ in the fight against organised and serious international crime between 2018 and 2021. The aim of this new EU priority is described as “to disrupt organised crime groups (OCGs) involved in environmental crime, more particularly wildlife and illicit waste trafficking”.² The scope of this monitor is more specifically wildlife trafficking and leaves out illicit waste trafficking.

This crime is referred to with several terms: illicit or illegal trade, wildlife crime or trafficking. Which term is to be preferred is subject to many debates.³ Additionally, different terminology is used in different countries.⁴ In this monitor we use the term ‘wildlife trafficking’. Nevertheless, this should not undermine the seriousness and organised crime aspect of the problem: wildlife trafficking exceeds the mere non-compliance with trade regulations by traders.



Map of routes of wildlife trafficking with the EU region as final destination.
Source: European Commission (DG ENV), The EU Action Plan against wildlife trafficking, November 2016.⁹



Map of routes of wildlife trafficking with the EU region as transit point.
 Source: European Commission (DG ENV), The EU Action Plan against wildlife trafficking, November 2016.⁸

Even though one of the complexities of wildlife trafficking is the global character, we will mainly focus on the EU region as a key player. The EU is considered the top global importer in terms of value of wildlife, ranging from live reptiles and birds to caviar and reptile skins.⁵ The EU is for example an origin region for glass eels, a transit region for ivory and a destination region for live pets and trading birds and reptiles.⁶ Additionally, the major ports and airports of the EU are important transit points for trafficking activities, in particular between Africa and Asia.⁷

The objective of this monitor is to identify opportunities for action in the prevention of wildlife trafficking.

1.2. Raising the profile

In its communication the European Commission (EC) states that “The world is currently facing a significant surge in illegal cross-border trade in wild fauna and flora (wildlife trafficking). It has become one of the most profitable criminal activities globally. Wildlife trafficking is not a new phenomenon, but its scale, nature and impacts have changed considerably over the last years.”¹⁰ Although the recent years have shown increasing efforts in the fight against and prevention of wildlife trafficking, the profile still needs to be raised as the problem remains underestimated at multiple levels. Today, wildlife trafficking with an estimated value of around 7-23 billion US dollars annually is one of the largest transnational organised crime activities alongside drug trafficking, fire arms trafficking and trafficking in human beings.¹¹

Even though it is less evident to prove as in the case of drug trafficking, there are indicators for the **involvement of OCGs** in wildlife trafficking. Indicators for this statement are the organised structure to poaching, corruption of judicial processes, use of ‘mules’ and couriers, sophisticated forgery and counterfeiting of documents and the payment of financial penalties.¹²

Underestimation and lack of awareness is reflected in low chances of detection.

The exploitation of the world's wildlife is a serious and growing problem that negatively **impacts** economic and social development and governance.¹³ Furthermore, this has severe consequences for the environment by impacting biodiversity.¹⁴ The CITES secretary general addressed the INTERPOL

General Assembly in 2010 with the following message: “[...] *Their fate lies very much in the hands of you, the commissioners and policy makers of the world’s police agencies. Every time a protected species is poached, every time a skin is smuggled across a border, every time a body part or product enters an illicit market, the conservation community has failed, and we are one step closer to the extinction of that animal in the wild.*”¹⁵ Furthermore, national and global security is being threatened because profits of wildlife trafficking are in some cases used for terrorism and guerrilla insurgency.¹⁶

Underestimation and lack of awareness is reflected in **low chances of detection**. Overall, criminologists estimate that the dark number for wildlife crime is around 90%, meaning only 10% is uncovered.¹⁷ The EC reports that within the EU there are some 2 500 seizures of illegally traded animal or plant specimens per year.¹⁸ Nevertheless, according to the Academy of European Law (ERA) this figure of 2 500 seizures might just as well only represent the tip of the iceberg.¹⁹

Unfortunately, in spite of its impact, wildlife trafficking is rarely viewed as the general occurring crime it is by politicians, civil servants, and law enforcement policy- and decision-makers. The response to illegal trafficking has not received the necessary level of organisation until now.²⁰

Most governments consider it a ‘mere’ environmental issue, giving it a **low priority** on the law enforcement agenda with the consequence that investigations are generally scarce.²¹ Additionally, many effective investigation techniques that are employed in the fight against trafficking in drugs or human beings, are not employed in the fight against wildlife trafficking.²² The lack of criminal investigation, enforcement efforts or attention from the international community has paved the way for an increasing interest from OCGs in wildlife trafficking as a source of financing.²³

A sense of impunity is very attractive for OCGs. When a wildlife criminal is caught, prosecuted and convicted, despite the complexities that come with this, he faces in general very **low sanctions**. An important issue with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is that the Convention makes MS penalise contraventions of its provisions, however MS do not need to criminalise those violations. There are several countries which do not have any criminal penalties, and if they do, they are of

Raising the profile of wildlife trafficking

Nature, scale and impact of wildlife trafficking have changed significantly

- > Strong indicators for the involvement of OCGs
- > One of the largest organised crime activities alongside trafficking in drugs, fire arms and human beings
- > Negatively impacts economic and social development, governance and biodiversity

a relatively low nature. Nevertheless, in terms of the UN Convention against Transnational Organized Crime, for a crime to be a serious crime the penalty is at least 4 years.²⁴

Wildlife trafficking is a complex problem. In itself, it is not perceived as negative in all contexts – although the risk of spreading diseases always remains. Whether possessing or trading in wildlife is illegal, strongly depends on the context of time, place, and way in which it was acquired. Consequently, there are legal markets for wildlife. Therefore, securing the supply chain is key for the protection of threatened species as document fraud is an important step in the modus operandi of wildlife trafficking. After all, a piece of paper can transform millions of dollars of illegal wildlife goods into legitimate merchandise. With the use of paperwork provided through fraud, forgery and corruption, the illegal goods can be introduced into legitimate commercial channels and find their way into mainstream retail outlets.²⁵

Traditionally, the wildlife trade took place on fairs, markets and in pet stores. Nowadays, several submarkets have shifted to online websites such as Allegro, eBay, Amazon or AliExpress. Additionally, trading activities have also started taking place on social media fora, chat rooms and thematic websites for specific animal or plant collectors. Online black markets operating on the dark web, such as the now shut down Silk Road, also play an important role in the illegal online trafficking of wildlife.²⁶

Moreover, the **internet** eases the work of wildlife criminals and **provides** them with **ample opportunities** throughout the different stages of trafficking. First of all, the internet provides services such as e-mail, Skype and instant messaging on fora for communication among traders and between them and potential customers. Second, the internet is an open source of useful information on very practical aspects such as how to feed parrots. The internet also provides solutions to problems such as translating advertisements in other languages, identifying the location of rare plants or tracking the shipment of illegal wildlife goods. Third, it serves as a platform that facilitates the internal organisation of networks. In some cases it reduces the number of organisational layers. For example a trader that directly comes in contact with the final buyer, skipping the local retailer. Finally, the internet can be used to reassure buyers about the reliability of the trade and the validity of product sold.²⁷

02 ACTORS AND THEIR EFFORTS

There are several organisations active in the broad domain of wildlife protection or conservation and in the fight against illegal wildlife trafficking. The United Nations Food and Agricultural Organisation (FAO) deals with illegal fishing activities, the International Tropical Timber Regulation (ITTO) with illegal logging of tropical trees. Non-governmental organisations such as the International Union for the Conservation of Nature (IUCN), or TRAFFIC, play a very important supportive role in combating wildlife trafficking, but are not, by their very nature, and their financial and human resources, able to assume a leading role in this battle.²⁸ Some of the largest international wildlife NGOs are the African Conservation Foundation²⁹, African Wildlife Foundation³⁰, Conservation International³¹, Jane Goodall Institute³², Royal Society for the Protection of Birds³³, Wildlife Conservation Society³⁴ and the best known World Wildlife Fund.³⁵

Relevant for the global and the European context, some of the institutions and organisations with the largest clout are CITES, UNODC, INTERPOL, the overarching ICCWC and the European Union.



2.1. CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora

CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between governments. It aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival.³⁶

Despite it being self-evident today, in the 1960s the idea to regulate the trade of wildlife species was relatively new. Agreed upon in 1973, the Convention entered into force on 1 July 1975. It is an international agreement to which States and economic integration organisations, known as 'Parties', adhere to voluntarily. Non-compliance by a Party could end up with a recommendation by the CITES Committee to suspend trade in CITES-listed species.³⁷ Currently, there are 183 Parties representing all regions of the world. The European Union joined in 2015. Individual EU MS joined CITES earlier, from Sweden in 1974 to Ireland in 2002.³⁸

An important issue to take into consideration is that the Convention makes the Parties penalise infringements of its provisions, however they do not necessarily have any criminal penalties.³⁹ In other words, CITES is a trade agreement, not a vehicle of international criminal law.⁴⁰

Although CITES plays an important role in the fight against wildlife crime, CITES's mission is to regulate trade and not to fight crime.⁴¹ The Convention focuses on the international trade, not on the act of wildlife poaching itself or even on the trade within national borders.⁴²

Nevertheless, as the key criminal threat to wildlife is illegal trafficking, the work done by CITES does **interfere with the criminal chain** of illegal wildlife trafficking.⁴³ CITES strongly influences national legislation on wildlife crime and provides means for cooperation against trafficking. International trade in CITES-listed wildlife without the appropriate permits and certificates appears to be the most commonly detected transnational wildlife crime.⁴⁴ Without CITES there would be no benchmark to define what is regulated and thus what is potentially illegal in a given country in the world.

Additionally, in the past years there has been an expansion of the work that is being done under CITES on

many different fields. A first example are the efforts made with regard to cybercrime to strengthen the provisions of the Convention on the issue of combating wildlife crime linked to the internet. Secondly, because accurate data is very important, measures are being taken to increase the available data on the matter. Since October 2016 CITES Parties are required to submit reports on illegal wildlife trade to the CITES Secretariat for analysis. The data is then analysed and is useful to guide responses. For example, a regional threat assessment was done for West and Central Africa. This produced a number of targeted and evidence-based recommendations.⁴⁵

CITES appendices

Species can be listed in one of three CITES Appendices, according to their biological status and the impact that international trade may have upon this status.

- > **Appendix I** includes species threatened with extinction and for which trade must be subject to particularly strict regulation and only authorised in exceptional circumstances.
- > **Appendix II** species are not necessarily now threatened with extinction but may become so unless trade is strictly regulated. Appendix II further contains so-called look-alike species, which are controlled because of their similarity in appearance to the other regulated species, thereby facilitating a more effective control thereof.
- > **Appendix III** contains species that are subject to regulation within the jurisdiction of a Party and for which the cooperation of other Parties is needed to prevent or restrict their exploitation.

Source: http://ec.europa.eu/environment/cites/background_en.htm



2.2. UNODC UN Office on Drugs and Crime

The UNODC was established in 1997 and functions as a global leader in the fight against illicit drugs and international crime. For more than 10 years, the UNODC has also been actively tackling wildlife and forest crime. In 2014, UNODC formally launched the **Global Programme for Combating Wildlife and Forest Crime**. The programme works “from crime scene to court”, providing technical assistance and policy guidance on wildlife and forest crime prevention and criminal justice efforts at national, regional and global levels, enhancing capacity-building and wildlife law enforcement and related networks at regional and sub-regional levels. Working for and with the wildlife law enforcement community is important to the programme to ensure that wildlife crime, illegal logging, and related crimes are treated as serious transnational organized crimes. Next to this, the programme aims to strengthen the capacity of Member States to prevent, investigate, prosecute and convict crimes against protected species of wild flora and fauna.⁴⁶

Furthermore, UNODC contributes to the strengthening of the criminal justice chain. One of the main tools that UNODC has developed for investigators and prosecutors on wildlife crime are the **Rapid Reference Guides (RRG)**. The RRG are conceived as quick reference guides to assist these actors in creating a strong case file from the onset. To date, with the support of UNODC, Kenya, Tanzania, Botswana, Uganda, Mozambique and Namibia have developed RRGs.⁴⁷

Next, another way of assisting Member States, including the EU, is facilitating the sharing of information through informal platforms such as the **Wildlife Inter-Regional Enforcement (WIRE) Meetings**. WIRE is designed in response to the need for intensified cooperation in the investigation of transnational criminal networks. They are led by UNODC and offer specialised platforms for law enforcement, prosecution and judicial assistance in combating wildlife crimes. One of the goals is to provide opportunities for the exchange of intelligence.⁴⁸

Further, the UNODC recently launched the **Guide on Drafting Legislation to Combat Wildlife Crime**.

The primary objective of this guide is to assist countries in protecting wildlife by criminalising serious wildlife offences and thereby enhancing countries’ prosecution and criminal justice capacities. The guide assists in reviewing and amending existing legislation and adopting new legislation against wildlife crime in line with the United Nations Convention against Transnational Organized Crime (Organized Crime Convention) and the United Nations Convention against Corruption.⁴⁹

Moreover, little is known about how the criminals extract profits from wildlife trafficking even though it is a lucrative activity. This is due to the scarce **financial investigations**. UNODC has a growing work stream with the dual aims of increasing the numbers of financial investigations being undertaken and building global knowledge as to how the financial aspects of criminal enterprises conducting wildlife trafficking work.⁵⁰

Lastly, UNODC plays an important role within the International Consortium on Combating Wildlife Crime (ICWC) by coordinating the implementation of **ICWC tools** such as the Wildlife and Forest Crime Analytic Toolkit and the ICWC Indicator Framework for Combating Wildlife and Forest Crime, which we will discuss further.



2.3. INTERPOL

INTERPOL or the International Criminal Police Organization is an intergovernmental organization that helps police in 194 member countries to work together by enabling them to share and access data on crimes and criminals and by offering a range of technical and operational support.⁵¹ INTERPOL has adopted wildlife trade as one of its priority topics, in view of the growing relevance of criminal activities, in particular of organised crime.⁵²

The INTERPOL **Wildlife Enforcement team** helps to disrupt and dismantle mobile OCGs involved in illegal wildlife trafficking by assisting member countries to enforce national and international laws and treaties effectively. The team engages with the entire wildlife sector and supply chain to identify modus operandi of wildlife criminals and issues INTERPOL notices to alert the member countries.⁵³

This international operation against the illegal trade in reptiles has led to more than 4 400 seizures worldwide and the identification of almost 200 suspects through coordinated information sharing.

Next to this, the team has coordinated **several operations** that have successfully brought wildlife criminals to justice, dismantled the networks behind the crime and led to the seizure of tonnes of illicit products.⁵⁴ For example, during April and May 2019 INTERPOL and Europol jointly coordinated Operation Blizzard. This international operation against the illegal trade in reptiles has led to more than 4 400 seizures worldwide and the identification of almost 200 suspects through coordinated information sharing. The seizures included live animals such as crocodiles, turtles, snakes, lizards and birds such as parrots, owls and falcons. Also products derived from reptiles were confiscated such as handbags, wallets and medicines.⁵⁵



2.4. ICCWC International Consortium on Combating Wildlife Crime

The International Consortium on Combating Wildlife Crime (ICCWC) is the first initiative where five agencies cooperate together towards a common goal of delivering multi-agency support to affected countries. Representatives from five institutions decided to form ICCWC to jointly move forward in a coordinated manner.⁵⁶ These five institutions are **CITES, UNODC, INTERPOL**, which we discussed earlier, the **World Bank Group** and the **World Customs Organization**. The World Bank Group describes itself as a unique global partnership of five institutions working for sustainable solutions that reduce poverty and build shared prosperity in developing countries. As one of the world's largest sources of funding and economic knowledge the World Bank Group also promotes sustainable development. Since 1947 the Bank provided approximately 46 billion dollars to 12 000 projects in 189 Member Countries.⁵⁷ The World Customs Organization (WCO) represents 183 customs administrations across the globe that collectively process approximately 98% of world trade. The mission is to enhance effectiveness and efficiency of these customs administrations.⁵⁸

ICCWC brings together the expertise of each agency in a formidable manner.⁵⁹ The **mission** of ICCWC is to strengthen criminal justice systems and provide coordinated support at national, regional and international level to combat wildlife and forest crime.⁶⁰ The ICCWC approach has three main layers. Firstly, an analysis, to assess what the problem is; an assessment of the situation in the country through, for example the implementation of the Toolkit or Indicator Framework. Its results provide a solid evidence-base to identify technical assistance needs and deliver targeted support based on the needs identified. The analysis also helps guide the investment in a country. The third layer is the operational support on cross-cutting issues between countries. The history of successful operations has shown that cooperation between countries can lead to better results. Seizures are only the tip of the iceberg, it is important

to **follow-up further down the chain**: there must be prosecutions, convictions and deterrent penalties.⁶¹

Under the umbrella of ICCWC a number of tools were created in the fight against wildlife crime. A first is the **Wildlife and Forest Crime Analytic Toolkit**. The toolkit provides a framework to conduct a national analysis to review the effectiveness of a country's criminal justice and preventative responses to wildlife and forest crime. It guides a comprehensive, multi-agency analysis, looking at the entire spectrum of responses: legislation, law

Additionally, there is the **Indicator Framework for Combating Wildlife and Forest Crime**, developed to work alongside the ICCWC Toolkit.

enforcement, prosecutorial and judicial responses. The Toolkit analysis has proven to be an excellent resource to identify systemic issues and provide evidence-based recommendations to respond to the national challenges in addressing wildlife crime.⁶² The Toolkit is available for all governments interested in undertaking a national analysis with regard to wildlife and forest crime in their country.⁶³

Additionally, there is the **Indicator Framework for Combating Wildlife and Forest Crime**, developed to work alongside the ICCWC Toolkit. While the ICCWC Toolkit provides the means for a comprehensive analysis, the ICCWC Indicator Framework allows for a more rapid assessment of a national law enforcement response to wildlife crime. Providing a standardized framework, it allows to monitor any changes in national law enforcement capacity and its effectiveness over time. It is in the form of a self-assessment framework, which is best completed through a collaborative process involving all relevant national law enforcement agencies.⁶⁴



2.5. European Union

The EU faces a number of challenges which are facilitated by its open borders, which makes it easy to trade wildlife. The EU is often seen as a third party to wildlife crime, however it is actually a key player.⁶⁵ The EU is one of the most important consumer markets of wild animals and plants. Consequently, the EU has a special responsibility for ensuring that the trade is sustainable.⁶⁶

The EU has been taking this responsibility by implementing the Convention since **1984** in the form of the **EU Wildlife Trade Regulations**.⁶⁷ The framework regulation⁶⁸ and the implementation regulation⁶⁹ constitute the legal framework for all EU governments. These are directly applicable in the MS. Nevertheless, MS do have to convert the necessary enforcement provisions into national legislation and supplement it with national laws for matters that remain under the sovereignty of each MS such as penalties. The Regulations go beyond the requirements of CITES in some respects. For example, import permits are required for a larger list of species than imposed by CITES.⁷⁰

Even though the EU has been implementing the Convention since 1984, the EU only became a **Party to CITES in 2015**. The reason for this postponement is purely of technical nature. Up until 2013 only States could be Party to the Convention and the EU as a regional economic integration organisation could not. In itself, the manner of working remain largely the same. Before the accession of the EU to the Convention, the EU MS already spoke as one voice at CITES meetings. Positions are continued to be decided mutually, now through Council Conclusions.⁷¹

Following the rationale that the efforts focussing on implementing the Convention, advocating for strict global rules, supporting conservation efforts and engaging in multilateral initiatives are indispensable, however not enough, the EU comes forward with the **EU Action Plan against Wildlife Trafficking 2016-2020**^{72,73} Moreover, it forms a part of the EU's response to the United Nations 2030 Agenda for Sustainable Development and one of its goals to end poaching and trafficking of protected species and address both demand and supply

of illegal wildlife products.⁷⁴ In 2016 the EC adopted a Communication, the EU MS adopted Council conclusions and the European Parliament adopted a resolution on the EU Action Plan. The Plan sets out a comprehensive blueprint composed of 32 actions structured around three priorities: more effective **prevention**, better **enforcement** and enhanced **cooperation**.⁷⁵

In **2018** the EC presented a **progress report**⁷⁶ on the implementation of the EU Action Plan. Concerning the first priority of prevention, the EU and MS have supported governments and civil society in Asia to curb the demand of rhinoceros, elephant and pangolins. Additionally, MS carried out information campaigns, in some cases focussing on specific sectors. Next to

EU Action Plan against Wildlife Trafficking 2016-2020

Priority 1: Preventing wildlife trafficking and addressing its root causes

- > 1.1. Reduce the demand for and supply of illegal wildlife products
- > 1.2. Ensure that rural communities in source countries are engaged in and benefit from wildlife conservation
- > 1.3. Increase business sector engagement in efforts to combat wildlife trafficking and encourage sustainable sourcing of wildlife products
- > 1.4. Tackle corruption associated with wildlife trafficking

Priority 2: Implementing and enforcing existing rules and combating organised wildlife crime more effectively

- > 2.1. Ensure more even implementation of EU rules on the wildlife trade and develop a more strategic approach to checks and the enforcement of rules against wildlife trafficking at EU level
- > 2.2. Increase capacity to combat wildlife trafficking of all parts of the enforcement chain and the judiciary
- > 2.3. Fight organised wildlife crime more effectively
- > 2.4. Improve international cooperation on enforcement against wildlife trafficking

Priority 3: Strengthening the global partnership of source, consumer and transit countries against wildlife trafficking

- > 3.1. Provide increased, more effective and more strategically focused support to developing countries
- > 3.2. Strengthen and coordinate better action against wildlife trafficking and its root causes with relevant source, transit and market countries
- > 3.3. Address security dimension of wildlife trafficking
- > 3.4. Strengthen multilateral efforts to combat wildlife trafficking

Source: COM(2016) 87 final COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EU Action Plan against Wildlife Trafficking

this, workshops with several business sectors were organised at EU level. Furthermore, the EU and its MS have been active in stopping the export of raw ivory. Also, the EU has played a proactive role in extending the scope of CITES to new species. The EC does however acknowledge that more needs to be done in some fields. First, there should be more emphasis on the online trade and courier companies. Second, the EC will build on cooperation with ornamental fish and exotic pet trade associations.⁷⁷

With regard to the second priority of enforcement, a far-reaching accomplishment is the inclusion of Environmental Crime as a priority in the EU Policy Cycle on organised crime for 2018-2021. Consequently, within EMPACT⁷⁸ several activities will be developed in order to achieve the objectives as set out in EU Policy Cycle. Next to this, strategic enforcement priorities were set at EU level and implemented nationally and through cross-border joint actions of which the earlier mentioned Operation Blizzard is an example of. Furthermore, a number of training courses were carried out at national and EU level jointly with different agencies. Also within this priority, the EC identifies some focal points that require additional attention. First, despite the reported cases of successful prosecution, efforts should be made to increase the judiciary's awareness of wildlife trafficking. Second, more investigations should be made into money laundering and into the online trade dimension. Third, although many MS have established inter-agency cooperation, the EC advises MS to increase the exchange of information amongst them or through Europol.⁷⁹

Concerning the third priority of cooperation, the EU and its MS have upheld their status as the biggest aid provider. Additionally, long-term partnerships were formed with third countries recognising the link between wildlife trafficking and destabilising activities of armed groups. A significant boost was given to this area in the form of 340 million EUR additional funds in Africa, Asia and the Pacific, South America and the Caribbean. Next to this, individual MS have provided financial support through their national development cooperation policies. Next to progress on a financial level, the EU also actively engaged in bilateral dialogues. Policy instruments and diplomatic networks are used in fight against wildlife trafficking. The proactive role of the EU in the context of CITES must also be mentioned under this heading. Action points on the to-do list for this priority are related to putting illegal wildlife trafficking on the agenda of other relevant international bodies.⁸⁰

In conclusion, the EC states that the one of the first positive effects was raising the profile of illegal trafficking in wildlife as a priority issue amongst a wide range of policymakers, law enforcement agencies and stakeholders.⁸¹ Although certainly a promising momentum is created, further awareness needs to be raised and actions need to be undertaken. This is especially true at national and local levels of governance in order to profoundly prevent and fight against the illegal wildlife trafficking.

03 OPPORTUNITIES FOR ACTION

During the expert meeting “EnviCrime: Current and future efforts against wildlife crime”, the participants provided us with ideas for opportunities for action based on their extensive expertise in the field of wildlife trafficking. In what follows, we provide a non-exhaustive overview of possible opportunities for action in the prevention of and fight against wildlife trafficking anno 2019 in the EU. Other European, international, national and local organisations are equally encouraged to become inspired by this overview and take action, whether or not in cooperation each other.

The opportunities can be largely divided in four categories. First of all, there are promising existing tools that are worth promoting because they have proven their potential in the prevention and fight against wildlife trafficking. These tools are EU-TWIX, ICCWC Toolkit, ICWCC Indicator Framework and the Rapid Reference Guides for Investigators and Prosecutors. Secondly, the EC in its progress report and the experts have identified certain key actors that are interesting target groups for awareness campaigns. These target groups are online trade and offline courier companies, specific buyers of endangered species and the veterinarian community. A third category of opportunities for action are awareness raising campaigns concerning ‘booming’ species that are currently being illegally trafficked in the EU such as glass eels, caviar, pangolins, parrots and reptiles. Finally, there is room for raising awareness with regard to the importance of document fraud and corruption in the criminal chain of illegal wildlife trafficking.

3.1. Promoting existing tools

a. Promoting use of the existing supporting tool EU-TWIX for LEA

A first opportunity for action is the promotion of EU-TWIX amongst LEA. It is a successful tool to facilitate information exchange on illegal wildlife trafficking in Europe. The tool is described as follows: *“The EU-TWIX database has been developed to assist national law enforcement agencies, including CITES Management Authorities and prosecutors, in their task of detecting, analysing and monitoring illegal activities related to trade in fauna and flora covered by the EU Wildlife Trade Regulations. The main section of the database is designed to become a unique source of centralised data on seizures and offences reported by all 28 EU Member States. Additionally, it has a section with information on technical, scientific, economic and other fields to help with the identification, valuation, disposal, etc. of seized or confiscated specimens. The purposes of EU-TWIX are to assist with strategic analyses and with carrying out field investigations”*.⁸²

The tool is worth promoting because it facilitates information exchange and international cooperation. Additionally, thanks to its large database on seizure records, it allows to monitor national and EU level trends in the illegal wildlife trade.⁸³ Therefore, it is interesting to encourage LEA to share information with EU-TWIX and to use the available intelligence for investigative and other operational purposes. For example in Belgium, the police officers emphasizes the value of the seized specimens when writing the police report that is to be send to the prosecution office. This information is extracted from the EU-TWIX database.⁸⁴

b. Promoting the implementation of the ICCWC Toolkit and ICCWC Indicator Framework for policymakers

The ICCWC Toolkit and ICCWC Indicator Framework were discussed before (2.4. ICCWC). Both tools are worth promoting amongst policymakers. Overall, it is important to assess the impact of a country’s criminal justice and preventative measure to address wildlife crime. Additionally, the Toolkit analysis allows policymakers to identify systemic issues and provides them with evidence-based recommendations. The Indicator Framework provides for a national self-assessment and gives policymakers a quick way to monitor changes

in the country’s capacity to address wildlife trafficking over time. Both tools are unique in their kind, available to all countries and are applicable to all contexts, not only developing countries. To date, 25 countries have requested the implementation of the Toolkit and are at different stages of implementation.⁸⁵

Promoting the tools amongst EU MS is interesting for several reasons. First, they allow for a comprehensive analysis of the countries preventive and criminal justice responses to wildlife crime, identifying strengths and weaknesses and provide an evidence base to identify areas for future support. Secondly, an increased implementation of both tools in the EU sends the important message to other countries and regions in the world that the EU MS also make use of the tools and do reflect on their own actions with regard to addressing wildlife trafficking. Finally, the implementation of the tools in the EU might be an interesting learning experience for CITES and ICCWC.⁸⁶

c. Develop Rapid Reference Guides for investigators and prosecutors.

The Rapid Reference Guides (RRGs) are designed as quick reference guides for prosecutors and investigators. The Guides lay out what is required to build an evidential case against those accused of wildlife crime; it also sets out the ancillary powers available to the court and provides sample charges to assist investigators and prosecutors correctly draft the appropriate charge. Each tool is tailored to the specific needs of the country. Its aim is to improve the quality of investigation and prosecution of wildlife and related offences. They provide a consistent and methodological approach in both stages of investigation and prosecution, and foster co-operation and coordination between all stakeholders, to ensure that cases are well investigated and prosecuted, along with robust recovery of proceeds of crime. To date, with the support of UNODC, Kenya, Tanzania, Botswana, Uganda, Mozambique and Namibia have developed Rapid Reference Guides.⁸⁷

According to the progress report by the EC, there is need for increasing the judiciary’s awareness of wildlife trafficking in the EU despite reported successful cases of prosecution.⁸⁸ Next to this, in practice it shows that the prosecution often lacks know-how with regard to how to conduct cases, assemble evidence, correctly labelling the type of species, etc.⁸⁹ The promotion of this tool will support investigators and prosecutors by helping to create strong case files.

3.2. Awareness raising amongst key actors

a. Awareness raising campaign targeted at online trade and offline courier companies

One of the objectives of the EU Action Plan against Wildlife Trafficking is to increase the engagement with the business sector by raising awareness of business sectors trading in wildlife products and by supporting private sector initiatives to curb the wildlife trafficking.⁹⁰ At EU level, outreach to the business sector has been done in several forms such as a conference with a specific focus on the transport and exotic pet sector or technical sessions of the EU Enforcement Group⁹¹ being attended to by air transport organisations and courier companies.⁹²

Raising awareness amongst online trade and offline courier companies is a promising action because as trade in wildlife species traditionally took place on fairs, markets and in pet stores, nowadays, several submarkets have shifted to online websites, such as Allegro, eBay, Amazon or AliExpress, to social media or online black markets operating on the dark web.⁹³ Additionally, one of the important continued trends in illegal wildlife trafficking in 2017 includes the shipment of specimens, derivatives and products of illegal wildlife through the postal system. This illegal merchandise is consequently detected in mail centres.⁹⁴

b. Awareness raising campaign in collaboration with online trade and offline courier companies

Due to their unique position between trafficker and consumer, the online trade companies have the potential of functioning as a platform to carry out an awareness raising message.

c. Awareness raising campaign targeted at buyers of endangered species

Research from the Olsztyn School of Ecocriminology has shown that following groups are the main buyers of endangered animal species. These form interesting target groups for an awareness raising campaign.

- Laboratories (monkeys, frogs and medical leeches)
- Zoological gardens (birds of prey and tigers)
- Restaurant owners (shark fin and bush meat)

- Producers of natural medicines (rhinoceros horn and ivory)
- Private collectors (snakes, parrots, spiders, turtles and tropical fishes)⁹⁵

d. Awareness raising campaign targeted at the veterinarian community concerning exotic pets

Another interesting sector to engage with is the veterinarian community. This group of professionals are at the position of coming in contact with illegally traded wildlife, especially exotic pets during consultation sessions. One action could be to call upon this community to increase their knowledge on illegal exotic pets in their region and to report when necessary to the authorities. Another action could be disseminating posters or leaflets in veterinarian practices targeted at the owners of exotic pets. This track is narrow, although relevant.⁹⁶

CITES Belgium has experience with similar preventive activities where leaflets were disseminated in veterinarian practices and where every new CITES listing was pro-actively communicated to the veterinarian community. An important lesson learned here is to focus on those species which cannot be legal within the EU, because from an enforcement point of view the period of limitation might complicate the identification of illegally versus legally obtained species.⁹⁷

3.3. Awareness raising concerning 'booming' species in the EU

a. Awareness raising campaign targeted at LEA concerning 'booming' species in the EU: parrots

One of the important continued trends in illegal wildlife trafficking in 2017 in the EU includes the illegal import and internal seizures of live birds, particularly parrots.⁹⁸ The EU is the main destination region for New world and Afro-tropical parrots. The international trade in live birds has been dominated by parrots since 2006. The primary use for these animals is in the pet trade. Most live animals are smuggled for their appearances and are to become showpieces, whether it is in a personal collection as a pet or in a public collection such as a zoo. The high pre-export mortality rate of approximately 50% is an additional threatening factor for the parrot. Competition between

trappers has led to a downward spiral with regard to the age of nestlings being taken. As a consequence, far less individual parrots make it to the illegal market than the number trapped in the wild.⁹⁹

b. Awareness raising campaign targeted at LEA concerning 'booming' species in the EU: reptiles

Reptiles are a 'booming' species in the EU in two categories: reptile skins and live reptiles. Again, as was the case for parrots, the EU is a main destination region. The main market for most animal skins today is the fashion industry. This industry is by its nature subject to change and this volatility makes farming the animals for skins a risky endeavour from an economic perspective. The scale of the reptile skin industry is immense and growing. Species of python, caiman, rat snake and monitor lizard are not subject to a long history of sustainable breeding as is the case for many of traded reptile species. Nevertheless, these species make up over 90% of recorded reptile skin seizures.¹⁰⁰

In 2017, there was continued importance of the EU as a destination for illegal trade in live reptiles, particularly turtles and tortoises.¹⁰¹ These animals are mainly traded for three purposes: pet trade, human consumption and medicinal and cosmetic use.¹⁰²

c. Awareness raising campaign targeted at LEA concerning 'booming' species in the EU: glass eels

Seizures of glass eels around the world have skyrocketed from 1705kg in 2011 to 8 300 kg in 2018.¹⁰³ The total illicit flow in 2017-2018 is estimated at 100 000 kg.¹⁰⁴ It goes without saying that the population is under pressure. There is an enormous demand for the species in Asia because it is liked as a delicatessen. Moreover, the species cannot be bred in captivity which is an additional risk factor for extinction.¹⁰⁵

While progress is being made in enforcement of wildlife crime, new species are emerging as at risk on a regular basis. LEA need to be aware on what kind of species is currently 'booming' in the EU. Although the increased illegal traffick in glass eels poses a great problem, and this case is interesting to raise awareness because it brings the problem closer to home, it should be mentioned that the focus, efforts and corresponding results are currently great within the EU. For this reason it might be recommended to focus on other 'booming' species in the EU.

3.4. Awareness raising concerning document fraud and corruption

a. Awareness raising campaign concerning document fraud

Document fraud is one of the horizontal priorities in the EU Policy Cycle 2018-2020 and is highly relevant for illegal wildlife trafficking. It constitutes an important step in the crime chain. Document fraud is a part of the modus operandi in the following ways:

- selling different species than declared in transport documents
- selling more items than declared in transport documents
- changing the appearance of animal or plant for example by painting them
- falsifying documents stating the origin of transported item
- declaring a different origin of the species than in transport documents
- declaring the origin of animals or plants from own breeding
- claiming that transported species are only similar to protected species
- obtaining documents through fraudulent applications or through corruption
- forging or counterfeiting documents
- altering genuine documents¹⁰⁶

b. Awareness raising campaign concerning corruption

A high level of corruption is a steady part of any form of illicit trade and this is especially true for wildlife trafficking. The crime chain is long and full of actors who need to be bribed in order to get illegal merchandising across borders to the final destination and to launder the proceeds. It is acknowledged that corruption is an important driver for wildlife trafficking and that it seems to occur at every stage of the value chain. More precisely, corruption happens in source countries on the level of poaching, preparation and selling. In transit regions, the steps of concealment, cross border smuggling and fraudulent documentation need corrupted actors. Finally in destination countries, corruption plays an important role in documentation, storage, consumption and sales.¹⁰⁷

There is an increasing focus on combating corruption in combination with combating wildlife crime.¹⁰⁸ This is a good moment to continue to raise awareness concerning the role that corruption plays as a facilitator of wildlife trafficking. There is some specific action that could be taken to develop a series of 'red flags' that can be used to help identify high risk shipments where corruption might occur, as suggested by UNODC as part of the G20 anti-corruption working group.¹⁰⁹ It should be noted that UNODC is currently finalizing a Guide on addressing corruption linked to wildlife crime. This Guide will include sections on addressing corruption in licensing processes and corruption in isolated communities.

3.5. Overview of opportunities for action

- Promoting use of the existing supporting tool EU-TWIX for LEA
- Promoting the implementation of the ICCWC Toolkit and ICCWC Indicator Framework for policymakers
- Develop Rapid Reference Guides for prosecutors and investigators
- Awareness raising campaign targeted at online trade and offline courier companies
- Awareness raising campaign in collaboration with online trade and offline courier companies
- Awareness raising campaign targeted at buyers of endangered species
- Awareness raising campaign targeted at the veterinarian community concerning exotic pets
- Awareness raising campaign concerning 'booming' species in the EU: parrots
- Awareness raising campaign concerning 'booming' species in the EU: reptiles
- Awareness raising campaign concerning 'booming' species in the EU: glass eels
- Awareness raising campaign concerning document fraud
- Awareness raising campaign concerning corruption

ENDNOTES

- 1 The multi-annual EU Policy Cycle aims to tackle the most important threats posed by organised and serious international crime to the EU in a coherent and methodological manner through improving and strengthening co-operation between the relevant services of the Member States, EU institutions and EU agencies as well as third countries and organisations, including the private sector where relevant. For more information, see <https://www.europol.europa.eu/empact>.
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